

ACTS
AND
RESOLVES
PASSED BY THE
General Court of Massachusetts

IN THE YEAR

1973

TOGETHER WITH
RETURNS OF VOTES UPON QUESTIONS SUBMITTED TO
VOTERS
TABLES SHOWING CHANGES IN THE STATUTES, ETC.

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1973

ACTS AND RESOLVES

OF

MASSACHUSETTS

1973

 The General Court, which was chosen November 7, 1972, assembled on Wednesday, the third day of January, 1973, for its first annual session.

The oaths of office were taken and subscribed by His Excellency FRANCIS W. SARGENT and His Honor DONALD R. DWIGHT, on Thursday, the fourth day of January, in the presence of the two Houses assembled in convention.

ACTS.

Chap. 1. AN ACT RELATIVE TO THE EFFECTIVE DATES OF DIVISIONS OF CERTAIN CITIES AND TOWNS INTO PRECINCTS FOR STATE CENSUS AND LOCAL ELECTION PURPOSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide forthwith information needed for redistricting senatorial and representative districts, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

Notwithstanding the provisions of chapters forty-three A and fifty-four of the General Laws, any change made by any city or town in its wards and voting precincts after July thirty-first, nineteen hundred and seventy-one and prior to December thirty-first, nineteen hundred and seventy-two, such change being the basis upon which census figures are returned under oath to the office of the state secretary, shall, for the purpose of reporting, in the year nineteen hundred and seventy-two, the census of inhabitants required by Article XCII of the Amendments to the Constitution of the Commonwealth, take effect as of December thirty-first, nineteen hundred and seventy-one and for all other purposes shall take effect in towns as of January first, nineteen hundred and seventy-three, and in cities as provided in section four of said chapter fifty-four; provided, however, that any such change made by vote of the board of selectmen of any town between August fifteenth, nineteen hundred and seventy-two and December thirty-first, nineteen hundred and seventy-two, both dates inclusive, shall take effect as of January first, nineteen hundred and seventy-three for town election purposes unless said board of selectmen votes prior to February first, nineteen hundred and seventy-three to establish January first, nineteen hundred and seventy-four as the effective date of said change for town election purposes.

Approved January 23, 1973.

Chap. 2. AN ACT RECONSTITUTING THE OLD COLONY REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL DISTRICT, VALIDATING CERTAIN PROCEEDINGS OF THE DISTRICT AND THE MEMBER TOWNS AND AUTHORIZING THE DISTRICT TO BORROW MONEY FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The Old Colony Regional Vocational Technical High School Districting consisting of the towns of Acushnet, Carver, Mattapoisett and Rochester is hereby reconstituted a regional school district under chapter seventy-one of the General Laws and the regional school district agreement dated the twentieth day of January, nineteen hundred and seventy-two, as amended to provide for the withdrawal of the towns of Freetown and Lakeville.

SECTION 2. The vote passed by the regional district school committee on the twenty-seventh day of September, nineteen hundred and seventy-two, authorizing the borrowing of five million, two hundred thousand dollars and the votes of the towns of Acushnet, Carver, Mattapoisett and Rochester passed on the twenty-sixth day of October of said year approving the incurring of such indebtedness are hereby validated, ratified and confirmed in all respects, and the district may incur indebtedness in accordance with that vote and said chapter seventy-one of the General Laws.

SECTION 3. This act shall take effect upon its passage.

Approved February 8, 1973.

Chap. 3. AN ACT AUTHORIZING THE CITY OF NORTH ADAMS TO GRANT RETROACTIVE PAY RAISES TO MEMBERS OF ITS FIRE DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the city of North Adams is hereby authorized to pay, subject to the provisions of Public Law 91-379, as amended, and subsequent executive orders issued pursuant thereto, to present or former employees of the fire department of said city the salary provided in the "Fire Scale", voted by the city council of said city on August eighth, nineteen hundred and seventy-two, and approved by its mayor on August ninth, nineteen hundred and seventy-two, which payments shall be retroactive to January first, nineteen hundred and seventy-two.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1973.

Chap. 4. AN ACT AUTHORIZING THE TOWN OF WAREHAM TO APPROPRIATE AND PAY RETROACTIVE WAGE INCREASES AND FRINGE BENEFITS CONTAINED IN CERTAIN COLLECTIVE BARGAINING AGREEMENTS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law, the town of Wareham is hereby authorized to appropriate the sum of one thousand seven hundred forty-three dollars and two cents for

payment, subject to the provisions of Public Law 91-379, as amended, and subsequent executive orders issued pursuant thereto, of retroactive wage increases and fringe benefits contained in a certain collective bargaining contract with the American Federation of State, County and Municipal Employees, A.F.L.-C.I.O., Massachusetts State Council No. 41, Wareham Police, Local 1700-A, dated November twenty-third, nineteen hundred and seventy-one, representing the police department, and after such appropriation, the treasurer is hereby authorized to pay certain employees within said bargaining unit who were excluded under article seven of the January seventeenth, nineteen hundred and seventy-two special town meeting, the sum to which each is entitled under said contract, from January first to December thirty-first, nineteen hundred and seventy-one, inclusive, and including nineteen hundred and seventy longevity payments to those employees who qualify for such payments.

SECTION 2. Any action taken by the town of Wareham at the special town meeting held on June thirteenth, nineteen hundred and seventy-two, shall be as valid and effective as though section one of this act had been in full force and effect at the time of the posting of the warrant for said meeting.

SECTION 3. This act shall take effect upon its passage.

Approved February 8, 1973.

Chap. 5. AN ACT EXTENDING THE TIME WITHIN WHICH THE MAYOR OF THE CITY OF SPRINGFIELD SHALL SUBMIT HIS ANNUAL BUDGET FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, on or before March fifteenth, nineteen hundred and seventy-three, the mayor of the city of Springfield shall submit to the city council of said city the annual budget which shall be a statement of the amount recommended by him for the proposed expenditures of said city for the fiscal year ending June thirtieth, nineteen hundred and seventy-four.

SECTION 2. If, prior to March sixteenth, nineteen hundred and seventy-three, the mayor of the city of Springfield shall not have submitted to the city council of said city the annual budget for the fiscal year ending June thirtieth, nineteen hundred and seventy-four, said city council shall, within thirty days upon its own initiative, prepare said annual budget, and such preparation shall be subject to the same requirements as the mayor's annual budget, so far as apt.

SECTION 3. This act shall take effect upon its passage.

Approved February 8, 1973.

- Chap. 6.** AN ACT AUTHORIZING CITIES, TOWNS AND DISTRICTS TO CONTRACT FOR ELEVATOR MAINTENANCE SERVICES FOR PERIODS NOT EXCEEDING THREE YEARS.

Be it enacted, etc., as follows:

Section 4 of chapter 40 of the General Laws is hereby amended by inserting after the paragraph inserted by chapter 25 of the acts of 1972 the following paragraph: —

For elevator maintenance services for municipal buildings for periods not exceeding three years. *Approved February 8, 1973.*

- Chap. 7.** AN ACT DESIGNATING THE BRIDGE OVER THE MASSACHUSETTS TURNPIKE AT AUBURN STREET IN THE CITY OF NEWTON AS THE CORPORAL RICHARD ALAN LIKELY BRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The bridge over the Massachusetts Turnpike at Auburn Street in the Auburndale section of the city of Newton shall be designated and known as the Corporal Richard Alan Likely Bridge, in memory of Corporal Richard Alan Likely who was killed in action while a member of the armed forces of the United States during the Vietnam campaign. A suitable marker bearing said designation shall be attached thereto by the Massachusetts Turnpike Authority; provided, however, that the cost of said marker is paid for by any interested party other than said Authority.

SECTION 2. This act shall take effect upon its acceptance by the Massachusetts Turnpike Authority. *Approved February 8, 1973.*

- Chap. 8.** AN ACT REPEALING THE PROVISIONS OF THE CHARTER OF THE CITY OF MALDEN RELATIVE TO THE APPOINTMENT OF A BOARD OF PUBLIC WELFARE.

Be it enacted, etc., as follows:

Section eighteen of chapter one hundred and sixty-nine of the acts of eighteen hundred and eighty-one is hereby repealed.

Approved February 8, 1973.

- Chap. 9.** AN ACT PROVIDING TENURE OF OFFICE UNTIL AGE SIXTY-FIVE FOR CERTAIN MEMBERS OF THE POLICE AND FIRE DEPARTMENTS OF THE TOWN OF HARWICH.

Be it enacted, etc., as follows:

SECTION 1. The tenure of office of any present or future permanent member of the police or fire department of the town of Harwich, who has served in his respective office for a period of one

year and who has served as a member of the police or fire department in the town of Harwich for a period of five consecutive years, shall be unlimited until he attains age sixty-five, unless he is incapacitated by physical or mental disability from performing his duties, or unless he is removed for just cause by the selectmen in the following manner:

No member of the police or fire department shall be removed from office or lowered in rank, except for just cause and for reasons specifically given him in writing by the board of selectmen. Before any action affecting employment is taken said member of the police or fire department shall be given a full hearing before the board of selectmen, of which hearing he shall have at least five days' written notice, exclusive of Sundays and holidays, from said board, and he shall be allowed to answer charges preferred against him either personally or by counsel. He shall be notified in writing within three days after the hearing of the decision of said board, stating fully and specifically the reasons for removal or lowering in rank.

Within thirty days after the date of the decision of said board following a hearing set forth in the preceding paragraph, any member of the police or fire department who was removed or lowered in rank may bring a petition in the district court within the judicial district in which the town of Harwich is situated, praying that the action of said board in removing or lowering in rank, as the case may be, may be reviewed by the court, and, after such notice in writing to the board which has ordered such removal or lowering in rank, as the court deems necessary, it shall hear witnesses, review such action and determine whether or not upon all the evidence such action was justified. If the court finds such action was justified, the action of the board of selectmen shall be affirmed; otherwise, it shall be reversed and the petitioner shall be reinstated in his office without loss of compensation.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Harwich in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers at the annual town meeting to be held in the year nineteen hundred and seventy-three: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-three, entitled 'An Act providing tenure of office until age sixty-five for certain members of the police and fire department of the town of Harwich', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall take full effect, but not otherwise.

Approved February 8, 1973.

Chap. 10. AN ACT INCREASING THE NUMBER OF MEMBERS OF THE CAPE COD PLANNING AND ECONOMIC DEVELOPMENT COMMISSION TO PROVIDE FOR MINORITY REPRESENTATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 453 of the acts of 1965 is hereby amended

by striking out section 1 and inserting in place thereof the following section:

Section 1. For the purpose of improving, developing and protecting the resources of the county of Barnstable, the county commissioners of said county are hereby authorized to establish a commission, to be known as the Cape Cod planning and economic development commission consisting of the county commissioners of said county and one member, and an alternate to act only in the absence of such member, both to be appointed for a term of three years by the selectmen in each town in said county, and one additional member, and an alternate to act only in the absence of such member, such member and alternate to be representative of any ethnic or racial minority residing in the county of Barnstable, and both to be appointed for a term of three years by the county commissioners of said county. Said commission's functions shall include but not be limited to the conduct of research into industrial, business, economic, land and water use, conservation, and recreational conditions, shall seek to coordinate the activities of official and unofficial bodies organized for said purposes, and may prepare, print and distribute reports, books, maps, charts and pamphlets and take any other action which in its judgment will further the purposes for which it is created. Said commission may designate an agent or agents to act administratively for it, may rent office space, and may appoint such experts, clerks and employees as it may require. Members of said commission or its authorized agents may travel within the commonwealth for the purpose of carrying out the provisions of this act.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1973.

Chap. 11. AN ACT INCREASING THE AMOUNT OF MONEY THAT MAY BE EXPENDED BY THE COUNTY COMMISSIONERS OF FRANKLIN COUNTY FOR THE PURPOSE OF PROMOTING THE RECREATIONAL, AGRICULTURAL, AND INDUSTRIAL ADVANTAGES OF SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 660 of the acts of 1972 is hereby amended by inserting after the word "recreational", in line 2, the words: — , agricultural and industrial, — and by striking out, in line 6, the word "twice" and inserting in place thereof the word: — triple.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1973.

Chap. 12. AN ACT AUTHORIZING THE TOWN OF MIDDLEFIELD TO PLACE THE QUESTION OF LICENSING THE GAME OF BEANO ON THE OFFICIAL BALLOT TO BE USED IN SAID TOWN AT

THE ANNUAL TOWN MEETING TO BE HELD IN NINETEEN HUNDRED AND SEVENTY-THREE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provision of any law to the contrary, the town of Middlefield is hereby authorized to place the following question upon the official ballot to be used for the election of town officers at its annual town meeting to be held in the year nineteen hundred and seventy three: —

"Shall licenses be granted in this town for the operation, holding or conducting of a game commonly called beano?"

YES.	
NO.	

If a majority of the votes cast in answer to said question is in the affirmative, such town shall be taken to have authorized the operation, holding or conducting of a game commonly called beano in accordance with the provisions of sections fifty-two and fifty-three of chapter one hundred and forty-seven of the General Laws, for the period ending December thirty-first, nineteen hundred and seventy-five.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1973.

Chap. 13. AN ACT VALIDATING THE ACTION OF THE TOWN OF LUDLOW IN GRANTING RETROACTIVE SALARY INCREASES TO CERTAIN EMPLOYEES OF THE SCHOOL DEPARTMENT OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the town of Ludlow may, subject to the provisions of Public Law 91-379, as amended, and subsequent executive orders issued pursuant thereto, appropriate money for the payment of and pay salary increases to administrators, secretaries, teachers, and nurses of the school department of said town. The salary increases for said administrators and secretaries may be retroactive to July first, nineteen hundred and seventy-two and the salary increases of teachers and nurses may be retroactive to September first, nineteen hundred and seventy-two.

SECTION 2. The action taken by the town of Ludlow in Articles 25 and 26 of the warrant for the special town meeting of said town held on the twenty-fifth of September, nineteen hundred and seventy-two is hereby validated and confirmed to the same extent as though section one of this act had been in full force and effect at the time of the posting of the warrant for said meeting.

SECTION 3. This act shall take effect upon its passage.

Approved February 13, 1973.

Chap. 14. AN ACT CHANGING THE NAME OF THE FIRST BRISTOL SENATORIAL DISTRICT TO THE FIRST BRISTOL AND PLYMOUTH SENATORIAL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 57 of the General Laws is hereby amended by striking out the paragraph headed *First*, as most recently amended by section 1 of chapter 3 of the acts of 1972, and inserting in place thereof the following paragraph: —

First. — Consisting of the Cape, Plymouth and Islands, the first Bristol and Plymouth, the second and third Bristol and the Norfolk and Plymouth senatorial districts.

SECTION 2. Section 3 of said chapter 57 is hereby amended by striking out the paragraph headed *First Bristol*, as most recently amended by section 1 of chapter 498 of the acts of 1970, and inserting in place thereof the following paragraph: —

First Bristol and Plymouth. — Consisting of the cities of Attleboro and Taunton and the towns of Dighton, Raynham, Rehoboth, Seekonk and Swansea, all in the county of Bristol; and the towns of Bridgewater, Lakeville and Middleborough, all in the county of Plymouth.

Approved February 13, 1973.

Chap. 15. AN ACT INCREASING THE AMOUNT THAT THE COUNTY COMMISSIONERS OF PLYMOUTH COUNTY MAY EXPEND FOR THE PURPOSE OF PROMOTING AND ADVERTISING THE RECREATIONAL, INDUSTRIAL, AGRICULTURAL AND HISTORICAL ADVANTAGES OF SAID COUNTY.

Be it enacted, etc., as follows:

Section 1 of chapter 169 of the acts of 1956, as most recently amended by section 1 of chapter 12 of the acts of 1972, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — The county commissioners of Plymouth County may, for the purpose of promoting and advertising the recreational, industrial, agricultural and historical advantages of said county, expend such sums, not exceeding, in the aggregate, fifty thousand dollars in any one year, as may be appropriated therefor; provided, that such expenditures from money so appropriated shall not at any time be more than triple the sum which shall have been contributed by public subscription or by donation deposited with the county treasurer for the purposes aforesaid.

Approved February 13, 1973.

Chap. 16. AN ACT CHANGING THE NAME OF THE NORFOLK, BRISTOL AND PLYMOUTH SENATORIAL DISTRICT TO THE BRISTOL, NORFOLK AND PLYMOUTH SENATORIAL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 57 of the General Laws is hereby amended by striking out the paragraph headed "*Second*", as most recently amended by section 1 of chapter 42 of the acts of 1971, and inserting in place thereof the following paragraph: —

Second. — Consisting of the Bristol, Norfolk and Plymouth, the eighth Middlesex, the Middlesex and Norfolk, the Plymouth and the fifth Suffolk senatorial districts.

SECTION 2. Section 3 of said chapter 57 is hereby amended by striking out the paragraph headed "*Norfolk, Bristol and Plymouth*", as most recently amended by section 2 of said chapter 42, and by inserting after the paragraph headed "*Third Bristol*" the following paragraph: —

Bristol, Norfolk and Plymouth. — Consisting of the towns of Easton, Mansfield, North Attleborough and Norton, all in the county of Bristol; the towns of Foxborough, Norwood, Plainville and Walpole, all in the county of Norfolk; and the towns of East Bridgewater, Halifax, West Bridgewater and Whitman, all in the county of Plymouth.

Approved February 13, 1973.

Chap. 17. AN ACT CHANGING THE DATE FOR THE ANNUAL REPORT OF THE COMMISSIONER OF BANKS RELATIVE TO CREDIT UNIONS AND EXTENDING THE TIME WITHIN WHICH CREDIT UNIONS SHALL MAKE THEIR ANNUAL REPORTS TO THE COMMISSIONER OF BANKS.

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 167 of the General Laws is hereby amended by striking out the third sentence, as amended by section 1 of chapter 94 of the acts of 1970, and inserting in place thereof the following sentence: — Annually, on or before the first day of August, he shall make a similar report containing a statement of the condition, as of the regular meeting day for the receipt of moneys in the preceding April of each co-operative bank and savings and loan association, and on or before the first day of April a similar report upon the condition, as of the last day of December next preceding, of each credit union, and on or before the first day of February a statement of the condition, as of the last business day of October next preceding of each savings bank and institution for savings under his supervision, with such other information relative to the affairs of such banks, associations and credit unions as he may deem to be in the public interest.

SECTION 2. Section 27 of chapter 171 of the General Laws is hereby amended by striking out the word "October", inserted by section 2 of said chapter 94, and inserting in place thereof the word: — December.

Approved February 13, 1973.

Chap. 18. AN ACT FURTHER REGULATING LOANS MADE BY CREDIT UNIONS TO CERTAIN LIMITED MEMBERSHIP GROUPS.

Be it enacted, etc., as follows:

Chapter 171 of the General Laws is hereby amended by striking out section 5, as most recently amended by chapter 251 of the acts of 1965, and inserting in place thereof the following section: —

SECTION 5. Any fraternal organization, voluntary association, partnership or corporation, having a usual place of business within the Commonwealth and composed principally of individual members or stockholders who are themselves eligible to membership in a credit union or the Central Credit Union Fund, Inc., established by chapter two hundred and sixteen of the acts of nineteen hundred and thirty-two, may become a member of a credit union, and a credit union may make loans to such members in accordance with section twenty-four; and a credit union may receive from any such member money in payment for shares or on deposit to such an amount that the total of such payments by all members of the class described in this section shall not exceed at any time twenty-five per cent of the assets of the credit union. The total liabilities of more than one such member, the majority interest of which is owned or controlled, directly or indirectly, by the same person or persons, fraternal organizations, voluntary associations, partnerships or corporations, for money borrowed pursuant to the provisions of subdivision B of section twenty-four, including in the liabilities of a partnership or company not incorporated the liabilities of the several members thereof, shall not at any one time exceed the total liability of a shareholder or depositor as authorized by said subdivision B. In computing such total liabilities there shall be included the direct liability as endorser, guarantor or surety on the obligations of others held by the credit union.

Approved February 13, 1973.

Chap. 19. AN ACT PROVIDING THAT THE LAW REGULATING INTEREST ON CERTAIN HOME MORTGAGES SHALL APPLY TO DWELLING HOUSES HAVING AN ASSESSED VALUE OF NOT MORE THAN FORTY THOUSAND DOLLARS.

Be it enacted, etc., as follows:

The first sentence of section 90A of chapter 140 of the General Laws, as most recently amended by chapter 286 of the acts of 1962, is hereby further amended by striking out, in line 4, the word "twenty-five" and inserting in place thereof the word: — forty.

Approved February 13, 1973.

Chap. 20. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE LAW RELATIVE TO INSURANCE PREMIUM FINANCE AGENCIES SUBJECT TO THE SUPERVISION OF THE COMMISSIONER OF BANKS.

Be it enacted, etc., as follows:

SECTION 1. The definition of "Person" in section 1 of chapter 255C of the General Laws, as appearing in section 1 of chapter 727 of the acts of 1964, is hereby amended by striking out, in lines 3 and 4, the words "a bank, trust company or national bank or".

SECTION 2. The first sentence of section 2 of said chapter 255C, as so appearing, is hereby amended by inserting after the word "union", in line 1, the words: — , a bank as defined in section one of chapter one hundred and sixty-seven, a national banking association, or a federal savings and loan association.

Approved February 13, 1973.

Chap. 21. AN ACT MAKING CERTAIN CHANGES IN THE LAW RELATIVE TO THE PROTECTION OF CONSUMERS AGAINST CARELESS AND ERRONEOUS BILLINGS SUBJECT TO THE SUPERVISION OF THE COMMISSIONER OF BANKS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 93C of the General Laws, as appearing in section 1 of chapter 860 of the acts of 1971, is hereby amended by inserting the following definitions: —

"Period", a day, week, month or other subdivision of a year.

"Periodic billing statement", any statement, notice or reminder of payment due on any transaction which is mailed or delivered periodically to the customer in advance of the due date of the payment.

"Statement of account", a periodic billing statement other than a delinquency notice, payment coupon book or payment passbook, or a statement, billing or advice relating exclusively to amounts to be paid by the customer as escrow amounts for payment of taxes, or insurance, water, sewer, or land rents.

SECTION 2. Section 3 of said chapter 93C, as so appearing, is hereby amended by striking out, in line 13, the semicolon and inserting in place thereof a comma.

SECTION 3. Section 5 of said chapter 93C, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — No notice shall be required on any account on which no statement is transmitted during the quarterly interval unless there is an unsettled complaint as defined by the provisions of this chapter.

SECTION 4. Section 6 of said chapter 93C, as so appearing, is hereby amended by inserting after the first sentence the following sentence: — The commissioner may from time to time establish such rules and regulations as are necessary to carry out the provisions of this chapter.

Approved February 13, 1973.

- Chap. 22.** AN ACT DESIGNATING THE BRIDGE BEING CONSTRUCTED OVER THE MERRIMACK RIVER ON UNITED STATES HIGHWAY ROUTE 1 IN THE CITY OF NEWBURYPORT AS THE ANDREW J. GILLIS MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge being constructed on United States Highway Route 1 over the Merrimack River in the City of Newburyport shall, upon its completion, be designated and known as the Andrew J. Gillis Memorial Bridge, in memory of Andrew J. Gillis, a former mayor of said city. A suitable marker bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department and as authorized by the federal highway administrator. *Approved February 13, 1973.*

- Chap. 23.** AN ACT FURTHER REGULATING THE MEMBERSHIP OF THE CENTRAL MASSACHUSETTS REGIONAL PLANNING DISTRICT COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 578 of the acts of 1972 is hereby amended by inserting after the word "any", in line 9, the word — one.

SECTION 2. Section 3 of said chapter 578 is hereby amended by inserting after the word "Holden", in line 3, the word: — , Oxford.

SECTION 3. Section 5 of said chapter 578 is hereby amended by inserting after the word "represents", in line 6, the words: — , may or may not be a member of the planning board.

Approved February 13, 1973.

- Chap. 24.** AN ACT DESIGNATING THE BRIDGE AT THE INTERSECTION OF STATE HIGHWAY ROUTE 3 AND UNITED STATES HIGHWAY ROUTE 44 IN THE TOWN OF PLYMOUTH AS THE PLYMOUTH MEMORIAL POST 1822 V.F.W. BRIDGE.

Be it enacted, etc., as follows:

The bridge at the intersection of state highway Route 3 and United States highway Route 44 in the Town of Plymouth shall be designated and known as the Plymouth Memorial Post 1822 V.F.W. Bridge. A suitable marker bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department and as authorized by the federal highway administration. *Approved February 13, 1973.*

- Chap. 25.** AN ACT FURTHER REGULATING INVESTMENTS BY CREDIT UNIONS.

Be it enacted, etc., as follows:

Section 21 of chapter 171 of the General Laws is hereby amended by striking out the first sentence, as amended by chapter 205 of the acts of 1972, and inserting in place thereof the following sentence: — The capital, deposits, and surplus of a credit union shall be invested in loans to members, with approval of the credit committee, as provided in section twenty-two, and also when so required herein, of the board of directors; and any capital, deposits, or surplus funds in excess of the amount for which loans shall be approved by the credit committee and the board of directors may be deposited in savings banks or trust companies incorporated in the commonwealth, or in banking companies so incorporated and which members of the Federal Deposit Insurance Corporation, or in national banks located in the commonwealth, or invested in any bonds, notes, certificates of deposit, bankers' acceptances, bank stocks, or bank holding company stocks, or insurance stocks, which are at the time of their purchase legal investments for savings banks in the commonwealth, or in bonds of governments of countries friendly to the United States, as defined by the United States Department of State, or, to the extent authorized by section three of chapter two hundred and sixteen of the acts of nineteen hundred and thirty-two, in the shares of the Central Credit Union Fund, Inc., or in paid-up shares and accounts of and in co-operative banks incorporated in the commonwealth, or in the shares of savings and loan associations incorporated in the commonwealth, or in the shares of federal savings and loan associations having a usual place of business within the commonwealth to an amount not in excess of the insurance provided by the Federal Savings and Loan Insurance Corporation for a depositor in any one of such associations, but not more than ten per cent of the assets of a credit union shall be invested in bank stocks, or bank holding company stocks or insurance stocks or in all three of such types of stock; provided, that not more than fifteen thousand dollars or one per cent of the assets of a credit union, whichever is greater, shall be invested in the stock of any one bank, bank holding company or insurance company.

Approved February 13, 1973.

Chap. 26. AN ACT FURTHER REGULATING CONSOLIDATION OF CREDIT UNIONS.

Be it enacted, etc., as follows:

Section 30 of chapter 171 of the General Laws is hereby amended by striking out the first and second paragraphs, as appearing in chapter 90 of the acts of 1946, and inserting in place thereof the following two paragraphs: —

Any two or more credit unions may consolidate into a single corporation on such terms as shall have been agreed upon by a vote of two thirds of the board of directors of each corporation, and as shall have been approved in writing by the commissioner; provided, that such action is approved at a special meeting of the

members of each corporation called for that purpose, by a vote of at least two thirds of those members present, qualified to vote, and voting; and provided further, that such consolidation has been approved in writing by the board of directors of the Massachusetts Credit Union Share Insurance Corporation, if one or more of said credit unions is a member of said corporation. Notice of such meeting, setting forth the terms of consolidation agreed upon, shall be sent by the clerk of each credit union to each member thereof by postpaid mail at least ten days before the date of the meeting, and, if the commissioner so orders, shall also be advertised in such manner as the commissioner may direct in one or more newspapers published in each town in which any of said credit union does business or in another town in the same county. A certificate subscribed by the presidents and clerks of all such credit unions, setting forth that each of such credit unions has complied with all of the requirements of this section, shall be submitted to the commissioner; and, if the commissioner and the board of directors of the Massachusetts Credit Union Share Insurance Corporation approve such consolidation, they shall endorse their approval upon such said certificate, whereupon such consolidation shall become effective. A new name, or the name of any of the consolidating credit unions, may be adopted as the name of the continuing credit union at the meetings herein provided for, and, upon approval of the consolidation it shall become the name of the continuing credit union without further action under the laws of the commonwealth respecting change or adoption of a new name on the part of the continuing credit union.

If none of the credit unions to be consolidated is a member of the Massachusetts Credit Union Share Insurance Corporation, the commissioner shall, and if one or more of said credit unions is a member of the Massachusetts Credit Union Share Insurance Corporation, then the commissioner and the board of directors of the Massachusetts Credit Union Share Insurance Corporation shall determine the value of shares, and deposits, if any, in each consolidated credit union; and the guaranty fund, reserve fund, and undivided earnings, if any, of each of such credit unions shall be disposed of as he or they may direct.

Approved February 13, 1973.

Chap. 27. AN ACT INCREASING THE AMOUNT OF MONEY THAT MAY BE EXPENDED BY THE COUNTY COMMISSIONERS OF HAMPSHIRE COUNTY FOR THE PURPOSE OF PROMOTING THE RECREATIONAL, AGRICULTURAL AND INDUSTRIAL ADVANTAGES OF SAID COUNTY.

Be it enacted, etc., as follows:

Section 1 of chapter 588 of the acts of 1967, as amended by chapter 54 of the acts of 1970, is hereby further amended by striking out the first sentence and inserting in place thereof the following

sentence: — The county commissioners of Hampshire county may, for the purpose of advertising the recreational, industrial and agricultural advantages of said county, expend such sums, not exceeding, in the aggregate, twenty-five thousand dollars in any one year, as may be appropriated therefor; provided, that such expenditures from money so appropriated shall not at any time be more than triple the sum which shall have been contributed by public subscription or by donation deposited with the county treasurer for purposes aforesaid. *Approved February 13, 1973.*

Chap. 28. AN ACT AUTHORIZING THE CITY OF WORCESTER TO APPROPRIATE AND PAY A CERTAIN SUM OF MONEY TO ALBERT J. BOUFFARD.

Be it enacted, etc., as follows:

For the purpose of correcting an error in the computation of the salary of Albert J. Bouffard, the city of Worcester is hereby authorized to appropriate, and after such appropriation the treasurer of said city is hereby authorized to pay to said Albert J. Bouffard, the sum of four hundred and seventy-five dollars for services rendered by him as a teacher in the public school system of said city during the period from nineteen hundred and sixty-eight to nineteen hundred and seventy-one. *Approved February 13, 1973.*

Chap. 29. AN ACT DESIGNATING THE DEPARTMENT OF NATURAL RESOURCES ICE SKATING RINK IN THE CITY OF TAUNTON AS THE TAUNTON MEMORIAL RINK.

Be it enacted, etc., as follows:

The department of natural resources skating rink in the city of Taunton shall be designated and known as the Taunton Memorial Rink. A suitable marker bearing said designation shall be attached thereto by said department. *Approved February 13, 1973.*

Chap. 30. AN ACT REMOVING THE LIMIT OF THE AMOUNT OF MONEY WHICH MAY BE EXPENDED FOR PLANNING BY THE COUNTY COMMISSIONERS OF FRANKLIN COUNTY.

Be it enacted, etc., as follows:

Section 1 of chapter 425 of the acts of 1963 is hereby amended by striking out the first sentence, as amended by chapter 2 of the acts of 1971, and inserting in place thereof the following sentence: — The county commissioners of the county of Franklin may, for the purpose of protecting the interests of said county and to provide for land use planning and the economic development thereof, expend such sums as may be appropriated therefor.

Approved February 13, 1973.

Chap. 31. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC UTILITIES TO ISSUE CERTAIN LICENCES UPON APPROVAL OF THE MAYOR OF BOSTON.

Be it enacted, etc., as follows:

Notwithstanding any provision of chapter one hundred and fifty-nine A of the General Laws or any other general or special law to the contrary, the department of public utilities may, with the approval of the mayor of the city of Boston, issue licenses for the operation of a bus service between the termini of Park Square and Haymarket Square in the city of Boston and the termini of the city of Peabody and the towns of Amesbury and Lynnfield.

Approved February 15, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE

BOSTON, February 15, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 31 of the Acts of 1973, entitled "AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC UTILITIES TO ISSUE CERTAIN LICENSES UPON APPROVAL OF THE MAYOR OF BOSTON," and the enactment of which received my approval on February 15, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

In order that certain bus service which is being provided under a non-renewable temporary license obtained from the Department of Public Utilities will continue to be available to residents of Essex County.

Sincerely,

FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, February 16, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at ten o'clock and twenty minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter thirty-one of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

- Chap. 32.** AN ACT DESIGNATING THE BRIDGE OVER INTERSTATE HIGHWAY ROUTE 95 AT TONER BOULEVARD IN NORTH ATTLEBOROUGH AS THE FIRST LIEUTENANT ROBERT J. GILLESPIE, JR. MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge over interstate highway Route 95 at Toner Boulevard in the town of North Attleborough shall be designated and known as the First Lieutenant Robert J. Gillespie, Jr. Memorial Bridge, in memory of Robert J. Gillespie, Jr., who was killed in action while a member of the armed forces of the United States in the Vietnam campaign. A suitable marker bearing such designation shall be attached thereto by the department of public works in compliance with standards of said department and as authorized by the federal highway administration.

Approved February 22, 1973.

- Chap. 33.** AN ACT DESIGNATING THAT PORTION OF STATE HIGHWAY ROUTE 52, LOCATED IN THE CITY OF WORCESTER, AS THE ANDREW B. HOLMSTROM HIGHWAY.

Be it enacted, etc., as follows:

That portion of proposed state highway route 52, to be located in the city of Worcester shall, upon its completion, be designated and known as the Andrew B. Holmstrom highway, in memory of Andrew B. Holmstrom, a former mayor of said city. Suitable markers bearing said designation shall be erected thereon by the department of public works in compliance with the standards of said department.

Approved February 22, 1973.

- Chap. 34.** AN ACT DESIGNATING THE BRIDGE ON INTERSTATE HIGHWAY ROUTE 195 OVER ALDEN ROAD IN THE TOWN OF FAIRHAVEN AS THE JAMES R. SOUZA BRIDGE.

Be it enacted, etc., as follows:

The bridge on interstate highway route 195 over Alden Road in the town of Fairhaven shall be designated and known as the James R. Souza bridge, in memory of James R. Souza, a correctional officer who was killed in the line of duty at Massachusetts Correctional Institution, Norfolk. A suitable marker bearing said designation shall be attached thereto by the department of public works in compliance with the standards of said department and as authorized by the federal highway administration.

Approved February 20, 1973.

- Chap. 35.** AN ACT DESIGNATING THE BRIDGE AT ADAMS STREET OVER INTERSTATE HIGHWAY ROUTE 195 IN THE TOWN OF FAIRHAVEN AS THE MICHAEL J. O'LEARY BRIDGE.

Be it enacted, etc., as follows:

The bridge at Adams Street over interstate highway route 195 in the town of Fairhaven shall be designated and known as the Michael J. O'Leary bridge, in memory of Michael J. O'Leary, who held the office of town clerk and treasurer from nineteen hundred and fifty until his death in nineteen hundred and sixty-two. A suitable marker bearing said designation shall be attached thereto by the department of public works in compliance with the standards of said department and as authorized by the federal highway administration.

Approved February 20, 1973.

Chap. 36. AN ACT DESIGNATING THE BRIDGE AT MAIN STREET OVER INTERSTATE HIGHWAY ROUTE 195 IN THE TOWN OF FAIRHAVEN AS THE MICHAEL REGAN BRIDGE.

Be it enacted, etc., as follows:

The bridge at Main Street over interstate highway route 195 in the town of Fairhaven shall be designated and known as the Michael Regan bridge in memory of Michael Regan who unselfishly gave of his time to the youth of the town. A suitable marker bearing said designation shall be attached thereto by the department of public works in compliance with the standards of said department and as authorized by the federal highway administration.

Approved February 20, 1973.

Chap. 37. AN ACT AUTHORIZING THE CITY OF LYNN TO PAY CERTAIN SALARY INCREASES TO EMPLOYEES OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the treasurer of the city of Lynn shall pay to the employees of said city the respective amounts of salaries, wages, compensation or other benefits which may be due to such employees, pursuant to collective bargaining agreements applicable to such employees and to which said city is a party, for services rendered during the period beginning January first, nineteen hundred and seventy-two and ending December thirty-first of the same year, which amounts were not paid within the year nineteen hundred and seventy-two as a result of the provisions of Public Law 91-379, as amended, and subsequent executive orders and regulations issued pursuant thereto.

SECTION 2. Notwithstanding any provision of law to the contrary, payments made pursuant to section one of this act shall be made from the surplus revenue account of the city of Lynn and said payments shall be shown on a special payroll.

If the balance in the surplus account of said city at the close of the nineteen hundred and seventy-two financial year is not sufficient for the purposes of this section any additional amount

required therefor shall be paid by the treasurer of said city, and such additional amount shall be reported by the auditor to the assessors who shall include the amount so reported in the aggregate appropriations assessed in the determination of the next tax rate.

SECTION 3. This act shall take effect upon its passage.

Approved February 26, 1973.

Chap. 38. AN ACT RELATIVE TO THE EFFECTIVE DATES OF NEW DIVISIONS OF CITIES INTO WARDS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate forthwith the use of any newly created ward lines in the current year, including the preparation of the voting lists and the street listings during the early months of the current year, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 54 of the General Laws is hereby amended by striking out section 4, as most recently amended by section 6 of chapter 820 of the acts of 1971, and inserting in place thereof the following section: —

SECTION 4. All elections and primaries held in any city after it has been redivided into wards and prior to any antecedent primary of the first biennial state election at which representatives are to be elected from new representative districts established under the provisions of the constitution shall be held in the cities as redivided; provided, that the city council of a city may for the purpose of any municipal election and its antecedent primary or preliminary election, if any, held prior to said antecedent primary at the state election, order that wards as existing previous to such redivision shall continue and for all such purposes the election officers shall be appointed and hold office and voting lists shall be prepared and all other things required by law shall be done as if there had been no such redivision. In the establishment of wards into voting precincts under this chapter, no voting precinct shall be so formed that it will be partly in one congressional district and partly in another congressional district.

Approved February 26, 1973.

Chap. 39. AN ACT ELIMINATING THE REQUIREMENT THAT THE TOWN CLERK OF THE TOWN OF FAIRHAVEN GIVE CERTAIN NOTICES BY MAIL OF ADJOURNED REPRESENTATIVE TOWN MEETINGS.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 3 of chapter 285

of the acts of 1930 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — Notice of every adjourned representative town meeting shall be posted by the town clerk in at least one public place in each precinct.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1973.

Chap. 40. AN ACT RELATIVE TO THE AMOUNT OF RESIDENTIAL DEVELOPMENT LOANS MADE BY SAVINGS BANKS.

Be it enacted, etc., as follows:

Paragraph 7 of section 35 of chapter 168 of the General Laws is hereby amended by striking out the second sentence, as appearing in section 4 of chapter 218 of the acts of 1966, and inserting in place thereof the following sentence: — Such mortgage loan shall not exceed seventy-five per cent of the aggregate estimated completed value of the parcels of land and structures thereon securing the mortgage, or forty thousand dollars with respect to each such parcel and structures thereon, whichever amount is the lesser.

Approved February 26, 1973.

Chap. 41. AN ACT RELATIVE TO INVESTMENT BY SAVINGS BANKS IN CERTAIN PREFERRED AND COMMON STOCKS.

Be it enacted, etc., as follows:

Paragraph 1A of section 49 of chapter 168 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 4 of chapter 218 of the acts of 1969, and inserting in place thereof the following sentence: — Preferred and common stocks of any company described in section forty-five or section forty-six, an obligation of which can qualify for investment under said sections; provided, that in at least four of the five years immediately preceding the date of investment such company shall have earned and paid dividends on each class of outstanding stock and the after tax net operating income, as hereinafter defined, of such company shall have been not less than twice the sum of the amount necessary to pay the interest for the same periods, excluding interest charged to fixed assets during construction thereof, if any, on all of its outstanding indebtedness and of the amount required to pay dividends on all of its preferred stock, if any.

Approved February 26, 1973.

Chap. 42. AN ACT INCREASING THE MAXIMUM TERM OF CERTAIN LOANS MADE BY SAVINGS BANKS.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of paragraph 3 of section 35 of chapter 168 of the General Laws, as amended by section 2 of chapter 50 of the acts of 1962, is hereby further amended by striking out, in line 2, the word "twenty-five" and inserting in place thereof the word: — thirty.

SECTION 2. Paragraph 4 of said section 35 of said chapter 168, as most recently amended by section 2 of chapter 352 of the acts of 1971, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — A mortgage loan not exceeding eighty per cent of the value of the real estate, or, in the case of a mortgage loan on a leasehold interest created pursuant to section twenty-two E of chapter forty, or chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two, as amended, seventy per cent of the value of such leasehold interest, payable not more than thirty years from the date of the note.

SECTION 3. The first paragraph of paragraph 6 of section 38 of said chapter 168, as amended by section 5 of chapter 218 of the acts of 1966, is hereby further amended by striking out the fifth sentence and inserting in place thereof the following sentence: — Any loan made under this paragraph shall be payable at or prior to the expiration of the lease or of the last expiring of the leases securing the same but not exceeding thirty years from the date of the note secured thereby, and the leased real estate shall be subject to revaluation or inspection as provided by paragraph 6 of section thirty-six.

Approved February 26, 1973.

Chap. 43. AN ACT MAKING CORRECTIVE CHANGES IN THE LAW REGULATING THE POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 128 of the General Laws is hereby amended by striking out the definition of "Trustees", as appearing in chapter 28 of the acts of 1967, and inserting in place thereof the following definition: —

"Trustees", the trustees for county cooperative extension service.

SECTION 2. Section 2B of said chapter 128, inserted by section 2 of chapter 717 of the acts of 1972, is hereby amended by striking out, in lines 3 and 5, the word "director" and inserting in place thereof, in each instance, the word: — commissioner.

SECTION 3. Said chapter 128 is hereby further amended by striking out section 7, as amended by chapter 398 of the acts of 1961, and inserting in place thereof the following section: —

Section 7. The commissioner shall cause to be printed on durable material, suitable to be affixed to trees or otherwise to be posted in the open air, copies of such extracts from section thirty-six of chapter one hundred and thirty-one and sections one hundred and five, one hundred and thirteen, one hundred and fifteen, one

hundred and seventeen, one hundred and twenty-two and one hundred and thirty-one of chapter two hundred and sixty-six as in his opinion will tend to prevent depredations on farm and forest lands, and shall furnish a reasonable number of such copies to any owner or tenant of land, upon application, at a price not less than the cost thereof.

SECTION 4. Section 8A of said chapter 128, as amended by chapter 366 of the acts of 1946, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence: — Section forty-three of chapter one hundred and thirty-one shall not apply to the destruction of rodents under this section.

SECTION 5. Said chapter 128 is hereby further amended by striking out section 10, as amended by section 10 of chapter 340 of the acts of 1934, and inserting in place thereof the following section: —

Section 10. Each person conducting a demonstration sheep farm shall maintain under the supervision of and in accordance with such rules and regulations as may be prescribed by the commissioner, a flock of not less than twenty sheep and under his direction may from time to time purchase and sell such sheep as may be considered essential to the proper development of the industry in the locality of such farm, the sheep so purchased or sold to be passed upon by the division of animal health as to their condition and freedom from disease.

SECTION 6. Section 51 of said chapter 128, as appearing in section 3 of chapter 365 of the acts of 1972, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

The following words as used in section fifty-two to section sixty-three, inclusive, unless a different meaning is required by the context, or is specifically described, shall have the following meanings: —

SECTION 7. Said section 51 of said chapter 128, as so appearing, is hereby further amended by inserting after the definition "Official sample", the following definition: —

"Per cent or percentage", the per cent by weight.

SECTION 8. Said chapter 128 is hereby further amended by inserting after section 62, as so appearing, the following section: —

Section 63. The commissioner may prescribe and enforce such rules and regulations relative to the sale of commercial feed as he deems necessary to enforce sections fifty-two to sixty-two, inclusive.

Approved February 26, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, February 26, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: — I, Francis W. Sargent, pursuant to the

provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 43 of the Acts of 1973, entitled "AN ACT MAKING CORRECTIVE CHANGES IN THE LAW REGULATING THE POWERS AND DUTIES OF THE DEPARTMENT OF AGRICULTURE" and the enactment of which received my approval on February 26, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

In order that the Commissioner may promptly begin the process of making rules and regulations governing: 1) The issuance and revocation of licenses to persons engaged in the business of operating a riding school or a stable where horses are kept for hire; 2) The maintenance of the premises, buildings and conveyance used for such purposes; 3) The health of the horses or other equine animals; and 4) The method and time of inspection and checking of said animals.

Sincerely,

FRANCIS W. SARGENT,
Governor of the Commonwealth

OFFICE OF THE SECRETARY, BOSTON, February 27, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by his Excellency the Governor of the Commonwealth of Massachusetts at ten o'clock and twenty-five minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter forty-three of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 44. AN ACT RELATIVE TO CERTAIN DEFINITIONS PERTAINING TO COMMERCIAL FEED.

Be it enacted, etc., as follows:

Section 1 of chapter 94 of the General Laws is hereby amended by striking out the paragraphs defining "Cattle feed", "Crude protein", and "Feeding stuff", as appearing in the Tercentenary Edition.

Approved February 26, 1973.

- Chap. 45.** AN ACT RELATIVE TO THE DISPOSITION OF THE FINE FOR REFUSING TO AID A FOREST WARDEN IN EXTINGUISHING OR PREVENTING A FOREST FIRE.

Be it enacted, etc., as follows:

Section 11 of chapter 48 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 4 and 5, the words “, to be equally divided between the complainant and the town.”

Approved February 26, 1973.

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- Chap. 46.** AN ACT RELATIVE TO THE USE OF METAL-STUDDED SNOW TIRES ON PUBLIC WAYS.

Be it enacted, etc., as follows:

Section 16 of chapter 90 of the General Laws is hereby amended by striking out the second paragraph, added by chapter 412 of the acts of 1971, and inserting in place thereof the following paragraph: —

No person shall operate a motor vehicle equipped with metal-studded snow tires upon a public way between May the first and November the first; provided, however, the registrar may authorize the use of such tires before November the first, if weather conditions require the use thereof. Whoever violates the provisions of this paragraph shall be punished by a fine of not more than fifty dollars.

Approved February 26, 1973.

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- Chap. 47.** AN ACT AUTHORIZING CITIES, TOWNS OR DISTRICTS TO PAY SALARY INCREASES RETROACTIVELY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to authorize cities, towns and districts which vote salary increases to their employees to make such increases retroactive, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

Chapter 44 of the General Laws is hereby amended by adding after section 67, added by section 5 of chapter 807 of the acts of 1972, the following section: —

Section 68. Whenever a city, town or district votes to grant a salary increase to all or any of its employees, such increase may be retroactive to a date not earlier than the beginning of the fiscal year prior to the date of such vote. *Approved February 26, 1973.*

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- Chap. 48.** AN ACT RELATIVE TO THE LAW AUTHORIZING SAVINGS BANKS TO INVEST IN MORTGAGE LOANS OF NINETY-FIVE PER CENT OF VALUE OF CERTAIN REAL ESTATE.

Be it enacted, etc., as follows:

Paragraph 3 of section 34 of chapter 168 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 455 of the acts of 1971, and inserting in place thereof the following sentence: — Not more than seventy-five per cent of the total deposits of such corporation shall be invested in mortgages of real estate; provided, than in addition to such seventy-five per cent an amount equivalent to fifteen per cent of the total deposits of such corporation may be invested in insured or guaranteed mortgages, or both, referred to in paragraph 6B and 11 of section thirty-five, section fifty-one of chapter one hundred and sixty-seven, and chapter forty-six of the acts of nineteen hundred and forty-five, as amended, and in regulations thereunder.

Approved February 26, 1973.

Chap. 49. AN ACT FURTHER REGULATING THE PERIOD OF IMPOUNDMENT OF CERTAIN ANIMALS.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (b) of section 3 of chapter 49A of the General Laws, as appearing in section 1 of chapter 298 of the acts of 1957, is hereby amended by striking out, in line 2, the word "ten" and inserting in place thereof the word: — five.

SECTION 2. The first sentence of section 151A of chapter 140 of the General Laws, as amended by section 3 of said chapter 298, is hereby further amended by striking out, in lines 11 and 15, the word "ten" and inserting in place thereof, in each instance, the word: — five.

SECTION 3. Section 153 of said chapter 140, as most recently amended by section 5 of said chapter 298, is hereby further amended by striking out, in line 14, the word "ten" and inserting in place thereof the word: — five. *Approved February 26, 1973.*

Chap. 50. AN ACT REDUCING THE NUMBER OF TOWN MEETING MEMBERS OF THE TOWN OF DANVERS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 294 of the acts of 1930 is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences: — The town of Danvers shall be divided into precincts containing as nearly as may be an equal number of inhabitants, so that each precinct will elect an equal number of representative town meeting members. Said precincts shall be established in conformity with section six to section nine A, inclusive, of chapter fifty-four of the General Laws.

SECTION 2. Section 2 of said chapter 294 is hereby amended by striking out the first sentence, as amended by section 1 of chapter 65 of the acts of 1963, and inserting in place thereof the following

two sentences: — Other than the officers designated in section three as town meeting members at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will admit of a representation thereof in the approximate proportions which the number of inhabitants therein bears to the total number of inhabitants in the town, and which will cause the total town meeting membership to be as nearly ninety-six as may be. The number of elected town meeting members to which each precinct is entitled for the ensuing year shall be determined by the town clerk between January fifteenth and January twentieth of each year and shall be proportioned to the number of inhabitants on January fifteenth of that year.

SECTION 3. Said chapter 294 is hereby further amended by striking out section 12, as amended by section 2 of chapter 293 of the acts of 1956, and inserting in place thereof the following section: —

Section 12. The town of Danvers shall hold its annual town meeting and election as set by town by law in accordance with section nine of chapter thirty-nine of the General Laws. The polls for the election of officers shall open not later than ten o'clock in the forenoon and shall be closed at eight o'clock in the evening. The town of Danvers shall hold its annual meeting for the transaction of municipal business in pursuance of the warrant for the annual town meeting in accordance with said by law. If the said business of the annual town meeting is not completed on the first evening, the said meeting may be adjourned to a time and place certain to as many evenings as the meeting votes, to be necessary to complete the said business.

SECTION 4. Sections one and two of this act shall take effect upon its passage and section three shall take effect on January first, nineteen hundred and seventy-four.

Approved February 28, 1973.

Chap. 51. AN ACT ESTABLISHING THE OLD COLONY WATER POLLUTION CONTROL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The towns of Abington, Bridgewater, East Bridgewater, Easton, Hanson, Pembroke, West Bridgewater and Whitman by vote in a town meeting and all of the sewer districts representing a portion of any of the above towns by vote of the district meeting, may subject to conditions hereinafter enumerated, create a water pollution abatement district which shall be a body corporate and be known as the Old Colony Water Pollution Control District, hereinafter called the district. There shall be no limit of time upon the date of acceptance of the provisions of this act.

After the initial organization of the board as set out in section two, additional eligible members shall require a majority vote of the board in order to become participating members.

SECTION 2. The district shall be under the management and control of a board which is hereby created and shall be known as the Old Colony Water Pollution Control Board, hereinafter called the board.

The board shall consist of one resident from and representing each town and each sewer district comprising a part of a town or towns that has voted to accept the provisions of this act and is a member of the district; provided, however, that whenever a town has a population exceeding twenty thousand persons resident within the town, one additional resident of that town shall become a member of the board, or if it exceeds fifty thousand, two additional residents shall become members of the board. Official actions shall require a positive vote of at least a majority of the board.

The representative to the board from a town shall be appointed by the board of sewer commissioners if any; otherwise, by the selectmen of the town. The representative to the board from a sewer district representing a portion of a town or towns shall be named by the sewer commissioners from that district. Members appointed to the board must be residents of the area which they represent and may be municipal employees. Members from the towns and sewer districts may be members of the local boards of sewer commissioners.

Members of the board shall be appointed by the appointing authorities for terms of three years. Each member shall serve until the qualification of a successor. Board members may be reappointed.

SECTION 3. The board shall appoint and determine the compensation of an engineer director who shall administer the affairs and direct the engineering work of the district as approved by the board. The board shall set forth the powers and duties of the engineer director in its by-laws. The engineer director may, upon approval of the board, enter into contracts for professional or construction services to be provided to the district by private contractors. The engineer director shall be skilled in sanitary engineering practice and a registered professional engineer under the provisions of chapter one hundred and twelve of the General Laws, provided, however, a person eligible for registration under the provisions of chapter one hundred and twelve may be appointed acting engineer director and may serve in that capacity for a period of up to one year.

SECTION 4. The district shall have a seal consisting of a circular die bearing the words "Commonwealth of Massachusetts, Old Colony Water Pollution Control District 1973", which seal may be used whenever deemed advisable by the board on papers and documents issued or executed by the board or by any officer or employee designated by the board.

SECTION 5. The board shall prepare and adopt by-laws describing and stipulating its organization and operations. The board members shall annually in the month of April, select a chairman, a vice chairman and a secretary from among the membership who

shall act as an executive committee. Members of the board may receive compensation from the district, which shall not exceed five hundred dollars per year for a board member or one thousand dollars per year for the chairman, vice chairman and secretary. Board members may be reimbursed for actual expenses incurred in performance of their duties on approval of the board.

The board may appoint and may at its pleasure remove a treasurer and a clerk, who shall not be members of the board. Both offices, if the board deems it advisable, may be held by the same person. The treasurer shall give to the board a bond payable to the district with a surety company authorized to transact business within the Commonwealth and satisfactory to the board as surety in such sums as the board may prescribe and conditioned on the faithful performance of his duties. The duties of the treasurer and clerk shall be those usually appertaining to said offices, respectively, and in addition such as may from time to time be prescribed by the board. The compensation of the treasurer and of the clerk shall be determined by the board. The board may retain legal counsel for any and all appropriate purposes.

The engineer director, with the approval of the board, shall from time to time appoint or employ such other engineers and such experts, agents, officers, clerks and other employees as he deems necessary and shall determine their duties. The salaries or compensation of all persons appointed or employed under authority of this section shall be determined by the board and together with other expenses shall be paid by the district and shall be considered a part of the expenses of maintenance of the district.

The board shall establish an office in which its business may be conducted and at which maps, plans, documents, records and other papers relating to its business, land and other works and property in its charge shall be kept.

It shall at all times keep full and accurate accounts of its receipts, expenditures, disbursements, assets and liabilities, which shall be open at all times to inspection by the towns or the sewer districts who are members of the district or by any officer or duly appointed agent of the Commonwealth.

The board shall make a report each year of its activities for the preceding year and shall, prior to August first, submit a copy to the state auditor and to the participating towns and districts. The report shall also be submitted to the department of public health and the division of water pollution control of the department of natural resources and the Old Colony Planning Council.

SECTION 6. The board, acting for and on behalf of said district, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any lands, property, water rights, rights-of-way or easements, public or private, in said district, necessary for accomplishing any purpose mentioned in this act, and may construct such main drains and sewers under or over any bridge, railroad, railway, boulevard or other public way, or within the location of any railroad, and may

enter upon and dig up any private land, public way, or railroad location, for the purpose of laying such drains and sewers and of maintaining and repairing the same, and may do any other thing proper or necessary for the purposes of this act; provided, that they shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drain or sewer within the location of any railroad corporation except at such time and in such manner as they may agree with such corporation, or, in case of failure to agree, as may be approved by the department of public utilities.

The board, acting for the district, shall purchase, construct, maintain and operate such trunk sewers, pumping stations, intercepting sewers, connections, sewage treatment works, laboratories and other works as may be required for collecting, treating and disposing of sewage and other waterborne wastes to be discharged from the sewerage systems of the towns or districts. For such purposes, the board may make such contracts or make other arrangement as it may deem necessary. No project shall be constructed until plans have been approved by the department of public health and the division of water pollution control of the department of natural resources. Any construction, reconstruction, or extension of trunk sewers, pumping stations, intercepting sewers, connections, sewage treatment works, laboratories and other works shall be referred to the Old Colony Planning Council for an advisory opinion as to the proposed works relationship to regional and inter-community considerations and to its coordination with existing local and regional proposals.

At the time when the regional water pollution control facilities are placed in operation, the board shall determine the remaining useful value of the existing municipal water pollution control facilities of the town of Bridgewater. Such value shall be the original cost contributed by said town of facilities less accrued depreciation on that contribution. A straight line basis shall be used in determining depreciation. A useful life of forty years and fifteen years shall be used respectively on structures and equipment.

The board may vote to acquire such facilities at a price to be agreed upon by the board and the town of Bridgewater, provided that the price shall not exceed the value of the facilities as determined by the board. The purchase price may be paid in installments, and in any event shall be treated as a maintenance and operation cost of the district.

No land may be purchased or otherwise acquired as a site for the treatment and disposal of sewage or wastewater without the approval of the department of public health and said division of water pollution control in accordance with the provisions of section six of chapter eighty-three of the General Laws.

The board may sell by negotiation to the participating members of the district or at public auction any property, including land, acquired by it hereunder and which in its opinion is no longer needed in the performance of the powers and duties conferred and

imposed on it by this act; and may from time to time lease any property which in its opinion is not then needed by it for the purposes of this act. The board may enter upon any lands or waters for the purposes of making surveys, test pits and borings, and may take by eminent domain under said chapter seventy-nine, as amended, or acquire by purchase or otherwise, the right to temporarily occupy any lands necessary for the carrying out of the said purposes.

SECTION 7. The board shall prevent the discharge into the sewers of substances which may damage or impair the sewerage collection and sewage treatment system or interfere with its maintenance or operation. The board shall have the right to enter any premises from which any sewer or drain is connected with any part of the sewerage system under its control or with any tributary sewerage or with the systems of any member town or sewer district, to determine the condition of said sewer, drain, sewage pumping station, trunk or treatment works; to determine the amount and character of sewage, drainage, or other wastes flowing therefrom; and to determine whether such sewage, drainage or other wastes do, or are likely to, damage or impair the sewerage system or the system of any member town or sewer district or interfere with its maintenance and operation. The board shall, for the proper and reasonable operation of its work, make regulations as to the quantity and character of any sewage, drainage, or other wastes discharged into any sewer under its control or any sewer tributary thereto but such regulations shall not be less than those established by the division of water pollution control of the department of natural resources. The board may require industrial pretreatment of wastes discharged into its system or into any system tributary to it if the board determines such wastes may interfere or damage the sewerage collection and treatment system or interfere with its maintenance or operation.

SECTION 8. No lands, rights-of-way, or other easements, property, structures, or rights acquired by the district, as herein provided, and located in any town included in the district shall be assessed or taxed by the municipality if yielding no rent, but the district shall annually on July first pay to the town an amount equal to the tax it would receive upon the averages of the assessed value, which shall not include buildings or structures, for the three years last preceding the acquisition thereof, the value for each year being reduced by all abatements thereon. In the event there is a general revaluation of the assessed valuation of real property in any town of the district, the assessed valuations for the three year period as determined above shall be increased or decreased in the same proportion that the aggregate value of all assessed real property in the town is increased or decreased.

SECTION 9. The district by vote of the board is authorized to issue, from time to time, general obligation serial bonds or notes of the district to pay for the costs of capital outlays in connection with the collecting, treating and disposing of sewage and other

waterborne wastes to be discharged from the sewage systems of its members including the construction, acquisition and major rehabilitation of trunk sewers, pumping stations, intercepting sewers, connectors, sewage treatment works, laboratories and such other works as may be required and including land damages and costs of demolition of existing structures on land so acquired.

Bonds of the district shall be issued in such amount or amounts as the district acting by and through the board may determine and the district may refund any such bonds or notes. Such serial bonds or notes may be callable with or without premium and shall contain such terms and conditions, bear such rate or rates of interest, be sold in such manner, at public or private sale, and mature at such times and in such amounts as the board shall determine, provided that each issue of such bonds or notes shall be payable in annual installments, the first of which shall be payable not later than two years after its date and the last of which shall be payable not later than thirty years from said date.

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

For the purpose of paying expenses of operation, including, without limitation, any principal or interest due or about to become due on any bond or note issued by the district for which funds are not available, the board, in the name of the district, is authorized to issue, from time to time, general obligation temporary notes of the district in anticipation of assessments levied against the members of said district in the year in which such notes are issued.

Temporary notes in anticipation of assessments shall be payable not more than one year from their date and shall not exceed in principal amount at any one time outstanding the amount of the assessment in anticipation of which they are issued.

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

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

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

SECTION 10. The cost of original construction of the sewage treatment plant, outfall, laboratories and associated facilities, including principal payments and interest on the bonds and notes issued for construction thereof, less any state or federal grant, shall be apportioned among the participating member towns and sewer districts in the ratio of their allocated capacity to the total capacity of the district as calculated by formulae and standards established by the board.

The cost of original construction of trunk sewers, pumping stations, intercepting sewers, connections and other works as may be required for the collecting of sewage, including principal payments and interest on the bonds and notes issued for construction thereof, less any state and federal grants, shall be apportioned among the participating member towns and sewer districts in the ratio of availability of the particular facility to each member, as determined by the ratio of the allocated flow capacity of each to the entire connected capacity of the facility, as calculated by formulae and standards established by the board. These costs, cost allocations and allocated capacities shall be prepared by the board and shall be reviewed and updated if and when a town or district exceeds its allocated capacity. Upon acceptance of the provisions of this act by an eligible town or sewer district not previously a member, or upon the alteration of the flow capacity of any member's connection into the facility, the costs of construction shall be recalculated taking into account any new construction, and proper adjustments shall be made to the account of each member.

The cost of the maintenance and operation of the district and its works, exclusive of principal payments and interest on bonds issued for construction purposes shall, until such time as the sewage treatment works shall have been in regular operation for a period of three fiscal years, be apportioned among the member towns and sewer districts representing a portion of any of the towns in the ratio of their particular populations to the total population of the district, according to the latest state or federal census; provided, however, that the population of the town of Abington used for the purpose of this cost allocation shall exclude that portion of the total population of the town living tributary to Beaver brook that will be served by the city of Brockton sewage treatment system.

After the treatment works shall have been in regular operation for a period of three fiscal years, the board shall apportion costs of maintenance and operation to the member towns, and sewer districts on the basis of the measured flow of the previous year entering the district's collection system from each member's system. Upon acceptance of this act by an eligible town or sewer district not previously a member, and until said town or sewer district shall have discharged into the district's collection system for a period of three fiscal years, the allocation of its maintenance and operation

costs shall be calculated on the basis of population in the manner described in this section, the remaining cost then being allocated to the remaining members on the basis of measured flow in the manner also described in this section. Cost calculations for periods of less than a full year shall be prorated in accordance with the number of calendar days for which they are applicable.

SECTION 11. The board shall annually determine the amounts required for the payment of principal and interest on such bonds and notes issued or to be renewed by the district which will be due during the fiscal year and shall apportion the amounts so determined among the several members of the district in accordance with the provisions of this act, shall also annually determine the amounts necessary to be raised to maintain and operate the district during the said year including capital outlay items the cost of which is not to be funded and for all other matters for which the district is required to raise money and shall apportion among the several members of the district the amounts so determined in accordance with the provisions of this act. Each amount so apportioned for each member shall, prior to June thirtieth in each year, be certified by the board to the assessors of each town or sewer district who are members of such district. The assessors of each town or other district shall without further vote include each amount so certified in those amounts to be annually raised by taxes under section twenty-three of chapter fifty-nine of the General Laws. The respective town or sewer district treasurer shall pay the amount so certified to the treasurer of the district on or before January first of the then taxable year.

A town or sewer district who has been assessed may raise all or a portion of the amounts certified annually by the district to the assessors of each town or sewer district as provided in this act, through equitable and proportional charges against inhabitants, corporations and other users of the service rendered by the district in each such town or sewer district. For the purpose of establishing an equitable and proportional schedule of reasonable charges, the property benefited by the services of the district may be classified, taking into consideration the character and volume of the sewage or industrial or other wastes and the nature of the use made of the sewage system, including the facilities. The charges may include standby charges to property not connected but for which the district's facilities have been made available. The failure of such user charges to raise the amounts required by the district in any year shall not relieve any town or sewer district from its obligation to provide the amounts assessed by the district hereunder.

In the event that within ninety days of the receipt by the board of assessors of each town or sewer district of any assessment as determined and apportioned above, the appropriate legislative body of any town or sewer district, by resolution, may question any fact used in the formulae for determination of the total amount to be apportioned or the apportionment thereof to the towns or sewer districts and request a review thereof by the board.

The board shall forthwith cause a review of such apportionment and shall publish its findings no later than thirty calendar days from the receipt of such request.

The board or the aggrieved town or sewer district may, by resolution adopted no later than ninety calendar days from the receipt of such findings, submit the questions raised to a fact finding arbitration of three persons, not residents of the district, one to be appointed by the aggrieved member, one to be appointed by the board and one to be appointed by the state auditor. The three persons, so appointed, shall consider all pertinent data, make such audits, examinations, inquiries and surveys as they deem necessary, and shall submit a finding, which shall be binding on all parties. The cost of such arbitration, if any, shall be paid by the district as an expense of the then current year and assessed to the district and the aggrieved member in proportion to be determined by the finding. If such finding shall result in an adjustment of the apportionment of the assessment to the town or sewer district, such adjustment shall be made by the board in the next annual apportionment to be certified to the respective board of assessors.

Nothing in the procedure for arbitration authorized in this section shall relieve any treasurer of the towns or sewer districts from making timely payments to the treasurer of the district of the full amounts assessed.

SECTION 12. To meet the cost of construction, maintenance and operation of the works authorized by this act, the district may file application for, or accept and use, any federal or state funds or any federal or state assistance, or both, provided therefor, under any federal or state law or accept and use any funds from other sources.

SECTION 13. At any time not less than eight years after the acceptance of this act by a town or sewer district, said town or sewer district may, after approval by two thirds of the qualified voters present and voting at any annual or special town or district meeting, notify the board of its desire to withdraw from the district. Such withdrawal shall become effective in not less than two years after receipt of such notice by the board, and only after approval by a majority of the board. In the event of such withdrawals, the withdrawing town or sewer district shall:

1. Continue to pay annually to the district its share of the debt outstanding at the time of withdrawal, at the rate prevailing at the time of withdrawal, until its share of such debt shall be paid in full,

2. be allowed to purchase from the district such facilities as it may desire and which the board by majority vote may agree to sell,

3. be reimbursed by the district for its share of such facilities as will remain under the jurisdiction of the district. Such reimbursement may be made in equal installments, with interest at three per cent, annually over the remaining life of the bonded debt outstanding at time of withdrawal.

Value of any facilities involved in such purchase or reimbursement shall be determined in accordance with chapter seventy-nine of the General Laws.

SECTION 14. Upon the establishment of the district all employees of the participating towns, and districts who consent and whose employment is directly related to projects to be taken over by the district shall be transferred to the district and shall continue to perform the same duties at a salary not less than theretofore and every employee so transferred who immediately prior to such transfer was subject to section nine A of chapter thirty or to chapter thirty-one of the General Laws under a permanent appointment and who has served a probationary period shall continue to serve subject to the provisions of said section nine A of chapter thirty or to sections forty-three and forty-five of said chapter thirty-one as the case may be; whether or not thereafter reclassified, and shall retain all rights to holidays, sick leave, and vacations in effect on the effective date of this act; provided, that any person transferred who was not subject to said section nine A or said chapter thirty-one and persons appointed after the effective date of this act shall not be subject to said section nine A of chapter thirty or to any provisions of said chapter thirty-one.

Every employee who upon being employed by the district and who is covered by the group insurance provided by chapter thirty-two B of the General Laws shall continue in uninterrupted coverage and all other employees of the district are hereby likewise made eligible for said group insurance to the same extent as if they were employees of the Commonwealth; provided, that the share of the premium and administrative cost of such insurance shall, with respect to the employees of the district, be borne by said district. The district shall forward its contribution, together with all amounts withheld from the salaries or wages of its employees as provided in paragraph (a) of section eight of chapter thirty-two A of the General Laws and all amounts paid by an employee as provided in paragraph (b) of said section, to the group insurance commission at such time and in such manner as said commission may prescribe. Employees of the district shall not be eligible for group insurance coverage under said chapter thirty-two B.

Every employee who immediately prior to being transferred to the district by this section is a member of the retirement system of their respective town, or district shall have their retirement rights transferred into the state retirement system. All other employees of the district shall be required to become members of the state retirement system in the same manner and subject to the same laws, rules and regulations as persons entering the employ of the Commonwealth. The district shall deduct from the wages of its employees and pay over to the state retirement board, such sums as the Commonwealth or the town or sewer district would deduct and pay over if such person were an employee of the Commonwealth or the town or district; and at such times as the commissioner of insurance shall from time to time prescribe, the district shall pay to the state retirement board such sums as said commissioner shall from time to time determine the town or district would be obliged

to pay if such person were its employee, including accruals for prior service and accidental disability.

The district shall reimburse the Commonwealth its proportionate share of any amounts expended by the Commonwealth under the provisions of chapter thirty-two of the General Laws for retirement allowances to or on account of its employees and under the provisions of said chapter thirty-two A for group insurance premiums and administrative costs for the insured retiree.

Every person who immediately prior to being transferred to the district was subject to the provisions of sections fifty-six to sixty, inclusive, of chapter thirty-two of the General Laws, shall continue subject to the provisions of said sections; provided, however, that the words "retiring authority", as used in said section shall mean the members of said district; and provided further, that the amount of all retirement allowances payable under said sections by virtue of this act shall be paid by the district and the proper town or sewer district shall reimburse the district for its proportionate share of the amounts so paid. Upon the retirement of any such person under said sections fifty-six to sixty, inclusive, the said town or sewer district shall refund to the person so retired the amount of his accumulated deductions.

SECTION 15. This act may be submitted for approval at any annual or special town meeting of the towns eligible for membership as listed in section one of this act or at any duly called meeting of a sewer district comprising a portion of one or more of these towns listed. The question placed on the warrant of such a meeting shall be in the form of the following question: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-three, entitled 'An Act Establishing the Old Colony Water Pollution Control District,' be accepted?" Such a vote shall be a standing vote of at least a majority of those present and voting. In order for the provisions of this act to be adopted, a majority of those town or district meeting members present and voting must vote in the affirmative. Any action taken in the year nineteen hundred and seventy-three by any town or sewer district eligible for membership at an annual or special town or district meeting shall be as valid and effective as if this act were in effect at the times of issue and posting of the warrant for such meeting.

The provisions of this act shall not take effect until acceptance has been voted by at least three contiguous towns. Any non-contiguous town or sewer district representing a portion of a town or towns that has voted to accept the act may withdraw from the district within one hundred eighty days of such vote by at least a majority vote of a town meeting or district meeting. Additional towns or sewer districts representing a portion of a town or towns may by the acceptance of the provisions of this act join as members of the district as provided in section one.

The initial organization of the board representing the district shall take place within one hundred eighty days after the affirma-

tive vote of the required minimum number of governmental units for the formation of the district.

SECTION 16. Nothing contained in this act shall be interpreted to authorize the board to construct, operate, or maintain the local sewerage system of each member town, or sewerage district.

The purpose of this act is to establish a district to abate and control water pollution through treatment of sewage which the district shall collect from the local system.

SECTION 17. This act shall take effect upon its passage.

Approved March 2, 1973.

Chap. 52. AN ACT MAKING FURTHER CORRECTIVE CHANGES IN THE LAW CHANGING THE FISCAL CYCLES OF COUNTIES, CITIES, TOWNS AND CERTAIN DISTRICTS.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to make further corrective changes in the law changing the fiscal cycles of counties, cities, towns and certain districts, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 849 of the acts of 1969 is hereby amended by striking out section 40 and inserting in place thereof the following section: —

Section 40. Section 54A of chapter 41 of the General Laws, as amended by chapter 62 of the acts of 1936, is hereby further amended by striking out, in line 5, the word “financial” and inserting in place thereof the word: — calendar.

SECTION 2. Said chapter 849 is hereby further amended by striking out section 64.

SECTION 3. Said chapter 849 is hereby further amended by striking out section 65.

SECTION 4. Said chapter 849 is hereby further amended by striking out section 66 and inserting in place thereof the following section: —

Section 66. Said chapter 58 is hereby further amended by striking out section 25A, as most recently amended by section 4 of chapter 813 of the acts of 1971, and inserting in place thereof the following section: —

Section 25A. Annually on or before March first, the commission shall ascertain and determine the amount due each city and town under sections eighteen A, eighteen B, and eighteen C, and the Commonwealth's share of local reimbursement and assistance programs as authorized by law and the amount appropriated by the general court, including, but not limited to, school building construction, school transportation, school lunches, educational programs, teachers' retirement pensions, veteran's benefits, public health and housing and urban renewal subsidies, and shall notify

the assessors of each city and town thereof. Annually on or before February first each department, commission, board or other agency of the commonwealth administering any local reimbursement or assistance program included under this section for which the commission is required to estimate the amount to be received by each city or town shall, upon the basis of information then available to it, estimate and certify to the state tax commission the amount each city and town is to receive from the commonwealth under such program during the next fiscal year. Said assessors, in determining the rate of taxation to be levied upon taxable property for the year, shall include in the estimated receipts lawfully applicable to the payment of expenditures the aforesaid amount.

SECTION 5. Said chapter 849 is hereby further amended by striking out section 67, as appearing in section 20 of chapter 766 of the acts of 1971, and inserting in place thereof the following section: —

Section 67. Section 23 of chapter 59 of the General Laws is hereby amended by striking out the first paragraph, as amended by section 67 of chapter 849 of the acts of 1969, and inserting in place thereof the following paragraph: —

The assessors shall annually assess taxes to an amount not less than the aggregate of all amounts appropriated, granted or lawfully expended by their respective towns since the last preceding annual assessment and not provided for therein, of all amounts required by law to be raised by taxation by said towns during said year, of all debt and interest charges matured and maturing during the next fiscal year and not otherwise provided for, of all amounts necessary to satisfy final judgments against said towns, and of all abatements granted on account of the tax assessment of any year in excess of the overlay of that year and not otherwise provided for; but such assessment shall not include liabilities for the payment of which towns have lawfully voted to contract debts. The assessors shall deduct from the amount required to be assessed (a) the amount of all estimated receipts of their respective towns lawfully applicable to the payment of the expenditures of the next fiscal year, excluding sums to be received from the commonwealth or county for highway purposes, other than funds required to be distributed under section eighteen B of chapter fifty-eight, and excluding estimated receipts from loans and taxes, but including estimated receipts from the excise levied under chapter sixty A and receipts estimated by the commission under section twenty-five A of chapter fifty-eight, (b) the amount of all appropriations voted from available funds for the purpose of deduction, and (c) the amount of all other appropriations voted from available funds. Deductions made by the assessors under any provision of this section shall not be subject to the approval of the commission or commissioner, as the case may be; provided, however, that deductions made under clause (a) on account of estimated receipts, other than those estimated by the commission, shall not exceed the aggregate amount of actual receipts received during the preceding calendar year from

the same sources, except with the written approval of the commission; and provided, further, that deductions made under clauses (b) and (c) shall not exceed the sums certified to the assessors and the commissioner by the director of accounts, after such examination of the accounts of the town as he may deem proper, as the amounts of available funds on hand on the preceding July 1st not otherwise appropriated. Said director shall promulgate and from time to time revise rules and regulations for determining the available funds of a town in accordance with established accounting practices of said bureau of accounts. This section shall not be construed to require any approval for the use, application, transfer, appropriation or expenditure of any funds or accounts provision for which use, application, transfer, appropriation or expenditure is made under any other general or special law, beyond such approval or approvals as are required by such other general or special law.

SECTION 6. Said chapter 849 is hereby amended by striking out section 68, as appearing in section 22 of said chapter 766, and inserting in place thereof the following section: —

Section 68. Section 57 of said chapter 59 is hereby amended by striking out the second sentence, as amended by section 1 of chapter 290 of the acts of 1968, and inserting in place thereof the following two sentences: — If any betterment assessment or apportionment thereof, water rate or annual sewer use charge added to such tax, or more than one half of the balance of any such tax as reduced by any abatement remains unpaid after November first of the fiscal year in which it is payable, interest at the rate of eight per cent per annum, computed from October first of such fiscal year, shall be paid on so much of the unpaid amount as is in excess of said one half of such balance; and if the whole or any part of any such tax remains unpaid after May first of such fiscal year, in lieu of interest as aforesaid, interest at such rate shall be paid thereon, computed from said October first on any betterment assessment or apportionment thereof, water rate or annual sewer use charge added thereto and not paid by said November first and also on so much of the balance of such tax not so paid as exceeds one half of such tax as reduced by any abatement, and computed from April first of such fiscal year on the balance of such tax outstanding from time to time. Not later than February first of such fiscal year a notice shall be sent out showing the amount of such tax which, if not paid by May first, shall bear interest computed from April first.

SECTION 7. Section 76 of said chapter 849, as appearing in section 25 of said chapter 766, is hereby amended by striking out the second paragraph.

SECTION 8. Said chapter 849 is hereby further amended by striking out section 78, as appearing in section 28 of said chapter 766, and inserting in place thereof the following section: —

Section 78. Notwithstanding any contrary provision of general or special law, there shall be two assessments and two bills for real estate and personal property taxes for the eighteen month fiscal

year which begins on January first, nineteen hundred and seventy-three.

The first bill shall be for real estate and personal property taxes assessed as of January first, nineteen hundred and seventy-three, together with any betterment assessment or apportionment thereof, water rate or annual sewer use charge added thereto. The tax rate shown on said bill and used in computing said real estate and personal property taxes shall be based upon two thirds of the amount required to be assessed pursuant to section twenty-three of chapter fifty-nine of the General Laws for said eighteen month fiscal year. Said bill shall be sent out not later than June fourteenth, nineteen hundred and seventy-three and shall be due and payable on July first of said year in every city, town and district in which the taxes are assessed. Interest shall be paid at the rate of eight per cent per annum on so much of the first billing as remains unpaid after November first, nineteen hundred and seventy-three, computed from October first of said year.

The second bill shall be for real estate and personal property taxes assessed as of January first, nineteen hundred and seventy-four. The tax rate shown on said bill and used in computing said real estate and personal property taxes shall be based upon one third of the amount required to be assessed pursuant to section twenty-three of chapter fifty-nine of the General Laws for said eighteen month fiscal year. Said bills shall be sent out not later than March fifteenth, nineteen hundred and seventy-four, and shall be due and payable on said March fifteenth in every city, town and district in which the taxes are assessed. Interest shall be paid at the rate of eight per cent per annum on so much of the second billing as remains unpaid after May first, nineteen hundred and seventy-four, computed from April first of said year. Section five of chapter fifty-nine of the General Laws shall be construed to provide an exemption from the taxes assessed as provided for in this paragraph based upon the valuation exempt under said section five multiplied by the tax rate provided for in this paragraph, except that in determining the amount of the tax relief under any clause of said section five which provides for an abatement of a fixed dollar amount, the sum specified shall be deemed to be one half of the sum actually specified under any such clause. Any lists and returns required to be filed in nineteen hundred and seventy-four pursuant to sections eight, eight A, twenty-nine, thirty-four and fifty-one of chapter fifty-nine of the General Laws shall be filed on or before February fifteenth, nineteen hundred and seventy-four.

SECTION 9. Notwithstanding any contrary provision of general or special law, the county commissioners shall apportion and assess all county taxes upon the several towns for the eighteen month fiscal period beginning with January first, nineteen hundred and seventy-three, according to the latest state valuation, and shall, by their clerk, certify the assessment to the assessors thereof, and shall prescribe that two thirds of the amount so certified shall be paid on November first, nineteen hundred and seventy-three and

one third of such amount shall be paid on May first, nineteen hundred and seventy-four. The several amounts so apportioned and assessed shall be paid and collected in the manner prescribed by section thirty-one of chapter thirty-five of the General Laws.

SECTION 10. Notwithstanding any provisions of law to the contrary, a school committee may exclude from its budget for the fiscal year ending June thirtieth, nineteen hundred and seventy-four the estimated amounts earned by teachers or any other professional employees of the school department for the school year ending on June thirtieth, nineteen hundred and seventy-four, which are actually payable during July and August of the year nineteen hundred and seventy-four. A school committee which excludes from its budget such estimated amounts shall budget for the fiscal year commencing July first, nineteen hundred and seventy-four the amounts necessary to make payments during the months of July and August of monies earned by teachers and any other professional employees for the school year ending June thirtieth, nineteen hundred and seventy-four, and such amounts shall be subject to the provisions of section thirty-four of chapter seventy-one of the General Laws.

SECTION 11. Subject to the provisions of this section, any city or town by a two-thirds vote as defined in section one of chapter forty-four of the General Laws and with the approval of the mayor or board of selectmen and of the emergency finance board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, hereinafter called the board, may borrow during the eighteen month period commencing January first, nineteen hundred and seventy-three, and ending June thirtieth, nineteen hundred and seventy-four, inside its limits of indebtedness as prescribed by section ten of said chapter forty-four, for the purpose of funding that portion of original or supplemental appropriations made for salaries of school teachers and any other professional employees of the school department earned prior to June thirtieth, nineteen hundred and seventy-four, but payable in July and August, nineteen hundred and seventy-four, and may issue bonds or notes therefor, which shall bear on their face the words, (name of city or town) Fiscal Cycle Loan, Act of 1973. Such loans shall be paid in not more than three years from their dates, as the board shall fix, and shall be subject to the provisions of said chapter forty-four, exclusive of the limitation contained in the first paragraph of section seven thereof.

The proceeds of loans issued hereunder by a city or town during the eighteen month period commencing January first, nineteen hundred and seventy-three, but prior to the fixing of the tax rates for said period, shall be used to reduce said tax rates provided that an appropriation has been made for such salaries earned prior to June thirtieth, nineteen hundred and seventy-four, but payable in July and August, nineteen hundred and seventy-four.

The proceeds of such loans may also be applied by a city or town against a supplemental appropriation made subsequent to the fixing

of the tax rates during said eighteen month period for such salaries earned prior to June thirtieth, nineteen hundred and seventy-four, but payable in July and August, nineteen hundred and seventy-four.

In any city, a loan order under authority of this section may be passed by vote of two thirds of all the members of the city council, or of each branch thereof where there are two branches, notwithstanding any provision of law to the contrary.

SECTION 12. Subject to the provisions of this section, any regional school district, by a two-thirds vote of the regional district school committee, and with the approval of the emergency finance board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, hereinafter called the board, may borrow during the eighteen month period commencing January first, nineteen hundred and seventy-three, and ending June thirtieth, nineteen hundred and seventy-four, for the purpose of funding that portion of original or supplemental appropriations made for salaries of school teachers and any other professional employees earned prior to June thirtieth, nineteen hundred and seventy-four, but payable in July and August, nineteen hundred and seventy-four, and may issue bonds or notes therefor, which shall bear on their face the words, (name of regional school district) Fiscal Cycle Loan, Act of 1973, and shall be signed by the chairman and treasurer of the district committee. Such loans shall be paid in not more than three years from their dates, as the board shall fix.

The proceeds of loans issued hereunder by a regional school district during the eighteen month period commencing January first, nineteen hundred and seventy-three, shall be used to reduce the assessments against the member cities and towns in the district provided that an appropriation had been made and had been included in the assessments for the eighteen month period against the member cities and towns of the district for such salaries earned prior to June thirtieth, nineteen hundred and seventy-four, but payable in July and August, nineteen hundred and seventy-four.

The proceeds of such loans may also be applied by a regional school district against a supplemental appropriation for such salaries earned prior to June thirtieth, nineteen hundred and seventy-four, but payable in July and August, nineteen hundred and seventy-four.

SECTION 13. Section 56 of chapter 44 of the General Laws, as most recently amended by section 16 of chapter 766 of the acts of 1971, is hereby further amended by inserting after the word "year", in line 7, the words: — , excepting payment of school teachers' salaries which have been deferred under the provisions of section forty of chapter seventy-one.

SECTION 14. Section 56A of said chapter 44, as most recently amended by section 17 of said chapter 766, is hereby further amended by inserting after the word "year", in line 8, the words: — , excepting payment of school teachers' salaries which have been

deferred under the provisions of section forty of chapter seventy-one.

SECTION 15. Section 40 of chapter 71 of the General Laws, as amended by chapter 278 of the acts of 1967, is hereby further amended by adding the following sentence: — Payment of such compensation may be deferred to the extent that equal payments may be established for a twelve month period including amounts payable in July and August subsequent to the end of the school year.

Approved March 2, 1973.

Chap. 53. AN ACT MAKING JOSEPH F. HOWLEY OF THE TOWN OF PLYMOUTH ELIGIBLE FOR ENLISTMENT AND APPOINTMENT AS A STATE POLICE OFFICER NOTWITHSTANDING CERTAIN AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide that the enlistment and appointment of the person specified therein may be effected without delay, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any law or rule to the contrary regulating the maximum age of any person enlisting for the first time as an officer of the division of state police, Joseph F. Howley, of the town of Plymouth, having passed the written examination for such enlistment held on the twelfth of December, nineteen hundred and seventy, and the physical examination therefor held on the twenty-fourth of January, nineteen hundred and seventy-one, prior to reaching his thirtieth birthday, shall be eligible for certification and appointment as such an officer.

Approved March 2, 1973.

Chap. 54 AN ACT INCREASING THE AMOUNT OF MONEY WHICH MAY BE BORROWED BY THE CITY OF NEW BEDFORD FOR THE ACQUISITION OF LAND FOR AND THE CONSTRUCTION AND EQUIPMENT OF PUBLIC OFF-STREET PARKING FACILITIES IN THE NORTH TERMINAL URBAN RENEWAL AREA IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 635 of the acts of 1971 is hereby amended by striking out, in line 5, the words "three million" and inserting in place thereof the words: — four million three hundred thousand.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1973.

Chap. 55. AN ACT VALIDATING THE ACTION OF THE TOWN OF FRANKLIN IN GRANTING STEP RATE INCREASES TO CERTAIN OFFICERS OF THE POLICE DEPARTMENT OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the town of Franklin may appropriate money for the payment of, and to pay, certain step rate increases totaling seven hundred three dollars and twelve cents to the following officers of the police department of said town for services rendered between the period from September first, nineteen hundred and seventy-one through December thirty-first, nineteen hundred and seventy-one in the following amounts: — Daniel Aiello three hundred fifty-two dollars and ninety-six cents, Albert D'Anniello, Jr. two hundred three dollars and twenty-three cents, and Alfio Taddeo one hundred forty-six dollars and ninety-three cents.

SECTION 2. The action taken by the town of Franklin on Article 16 of the warrant for the special town meeting of said town held on June twenty-sixth, nineteen hundred and seventy-two, is hereby validated and confirmed to the same extent as though section one of this act had been in full force and effect at the time of the posting of the warrant for said meeting.

SECTION 3. This act shall take effect upon its passage.

Approved March 2, 1973.

Chap. 56. AN ACT PERMITTING SHARES OF THE SAVINGS BANK INVESTMENT FUND TO BE SOLD TO CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

Section 3 of chapter 283 of the acts of 1945 is hereby amended by adding the following paragraph: —

For purposes of this section, the term "savings bank" shall include any co-operative bank incorporated as such in the commonwealth and subject to the provisions of chapter one hundred and seventy of the General Laws.

Approved March 2, 1973.

Chap. 57. AN ACT AUTHORIZING CITIES AND TOWNS TO BORROW MONEY FOR THE COST OF CERTAIN ARCHITECTURAL SERVICES.

Be it enacted, etc., as follows:

Section 7 of chapter 44 of the General Laws is hereby amended by striking out clause (22), inserted by section 3 of chapter 481 of the acts of 1969, and inserting in place thereof the following clause: —

(22) For the cost of engineering or architectural services for plans and specifications for any project not defined in clause (21) for

which a city or town is authorized to borrow, if authorized separately from any other debt relating to said project, five years, ten per cent.

Approved March 2, 1973.

Chap. 58. AN ACT RELATIVE TO THE APPOINTMENT OF A CITY PHYSICIAN IN THE CITY OF MALDEN.

Be it enacted, etc., as follows:

SECTION 1. Section 14 of chapter 169 of the acts of 1881, as most recently amended by section 1 of chapter 235 of the acts of 1946, is hereby further amended by striking out, in lines 4 to 7, inclusive, the words "shall annually choose, by concurrent vote, a city physician, who shall hold his office for the term of one year next ensuing and until the qualification of his successor, and".

SECTION 2. Chapter four hundred and forty-seven of the acts of nineteen hundred and fifty is hereby repealed.

Approved March 2, 1973.

Chap. 59. AN ACT FURTHER REGULATING INVESTMENTS BY SAVINGS BANKS IN BANKING PREMISES.

Be it enacted, etc., as follows:

Paragraph 2 of section 53 of chapter 168 of the General Laws is hereby amended by striking out the first sentence, as amended by chapter 94 of the acts of 1972, and inserting in place thereof the following sentence: —

All investments authorized by this section shall be approved by the commissioner, except investments made in alterations or improvements during any period of twelve consecutive months aggregating not more than the greater of fifty thousand dollars or one tenth of one per cent of the deposits of such corporation in the case of any one parcel owned by such corporation and not more than the greater of twenty-five thousand dollars or one tenth of one per cent of the deposits of such corporation in the case of any one parcel leased thereby.

Approved March 2, 1973.

Chap. 60. AN ACT REQUIRING REGISTRARS OF VOTERS TO MAKE AVAILABLE THE ANNUAL STREET LISTS, SO CALLED, TO CERTAIN ORGANIZATIONS OR COMMITTEES.

Be it enacted, etc., as follows:

Section 6 of chapter 51 of the General Laws is hereby amended by adding the following sentence: — such lists shall be made available by the registrars to business organizations and other non-political committees and organizations at a fee to be determined by said registrars.

Approved March 2, 1973.

- Chap. 61.** AN ACT DESIGNATING THE SWIMMING POOL BEING CONSTRUCTED IN THE CITY OF LAWRENCE BY THE DEPARTMENT OF NATURAL RESOURCES AS THE LIEUTENANT COLONEL EDWARD J. HIGGINS MEMORIAL SWIMMING POOL.

Be it enacted, etc., as follows:

The swimming pool being constructed on Crawford street in the city of Lawrence shall upon its completion be designated and known as the Lieutenant Colonel Edward J. Higgins memorial swimming pool, in memory of Edward J. Higgins, a former member of the armed forces of the United States. A suitable marker bearing said designation shall be erected thereat by the department of natural resources.

Approved March 2, 1973.

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- Chap. 62.** AN ACT ALLOWING FOREST WARDENS TO REQUIRE THE USE OF EQUIPMENT, IF THERE IS DANGER FROM A FOREST FIRE.

Be it enacted, etc., as follows:

Section 10 of chapter 48 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "wagons", in line 6, the word: — , equipment.

Approved March 2, 1973.

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- Chap. 63.** AN ACT FURTHER REGULATING THE OPERATION OF THE STATE LOTTERY.

Be it enacted, etc., as follows:

Chapter 10 of the General Laws is hereby amended by inserting after section 30 the following section: —

Section 30A. Whoever impersonates a member or employee of the state lottery commission shall be punished by imprisonment in a jail or house of correction for not more than one year, or by a fine of not less than four hundred dollars.

Whoever promises or engages to secure a license to sell lottery tickets or shares or whoever promises or engages to secure employment with the state lottery commission for money, property or services or for a promise of money, property or services shall be punished by a fine of not more than five thousand dollars or by imprisonment in the state prison for not more than three years or in a jail or house of correction for not more than two and one half years, or by both such fine and imprisonment; and in the event of final conviction shall be incapable of holding any office of honor, trust or profit under the commonwealth or under any state, county or municipal agency.

Approved March 2, 1973.

Chap. 64. AN ACT VALIDATING THE ACTION OF THE TOWN OF FRANKLIN IN GRANTING RETROACTIVE SALARY INCREASES TO THE EMPLOYEES OF THE DEPARTMENT OF PUBLIC WORKS OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the town of Franklin may appropriate money for the payment of, and pay, salary increases to employees of the department of public works of said town which may be retroactive to January first, nineteen hundred and seventy-two.

SECTION 2. The action taken by the town of Franklin on Article 6 of the warrant for the special town meeting of said town held on June twenty-sixth, nineteen hundred and seventy-two, is hereby validated and confirmed to the same extent as though section one of this act had been in full force and effect at the time of the posting of the warrant for said meeting.

SECTION 3. This act shall take effect upon its passage.

Approved March 6, 1973.

Chap. 65. AN ACT DESIGNATING THE SWIMMING POOL BEING CONSTRUCTED BY THE DEPARTMENT OF NATURAL RESOURCES ON MEADOW STREET IN THE CITY OF CHICOPEE AS THE SARAH JANE SHERMAN SWIMMING POOL.

Be it enacted, etc., as follows:

The swimming pool being constructed on Meadow street in the city of Chicopee by the department of natural resources shall, upon its completion, be designated and known as the Sarah Jane Sherman swimming pool, in memory of Sarah Jane Sherman, a civic leader and humanitarian. A suitable marker bearing said designation shall be placed thereat by said department.

Approved March 6, 1973.

Chap. 66. AN ACT ESTABLISHING A PURCHASING DEPARTMENT IN THE CITY OF REVERE.

Be it enacted, etc., as follows:

There is hereby established in the city of Revere a purchasing department, to consist of a purchasing agent and such assistants as the city council may determine. The salaries of the purchasing agent and assistants shall be determined by the city council. The agent and assistants shall be appointed by the mayor for such terms of office as may be prescribed by ordinance. The purchasing agent shall purchase all supplies for the city and for every department thereof except in case of emergency. All purchases or contracts for purchases exceeding two hundred and fifty dollars shall be based upon competition. A record shall be kept by said department of the prices paid for supplies which shall be open to the inspection of any person.

Approved March 6, 1973.

Chap. 67. AN ACT AUTHORIZING CITIES AND TOWNS TO DESIGNATE CERTAIN ROADS AS SCENIC ROADS AND REGULATING THE IMPROVEMENT THEREOF.

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by inserting after section 15B the following section: —

Section 15C. Upon recommendation or request of the planning board, conservation commission, or historical commission of any city or town, such city or town may designate any road in said city or town, other than a numbered route or state highway, as a scenic road.

After a road has been designated as a scenic road any repair, maintenance, reconstruction, or paving work done with respect thereto shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board, or if there is no planning board, the selectmen of a town, or the city council of a city, after a public hearing duly advertised twice in a newspaper of general circulation in the area, as to time, date, place and purpose, the last publication to occur at least seven days prior to such hearing.

Designation of a road as a scenic road shall not affect the eligibility of a city or town to receive construction or reconstruction aid for such road pursuant to the provisions of chapter ninety.

Approved March 6, 1973.

Chap. 68. AN ACT FURTHER REGULATING THE COMPOSITION OF THE RESERVE FUND OF TRUST COMPANIES.

Be it enacted, etc., as follows:

Subsection B of section 27 of chapter 172 of the General Laws is hereby amended by striking out clause 2, as appearing in chapter 362 of the acts of 1971, and inserting in place thereof the following clause: —

2. Bonds, notes, bills and certificates of indebtedness of the commonwealth, its political subdivisions or of the United States, computed at their current market value, which are unpledged and the absolute property and under the control of the corporation. Not more than 80%.

Approved March 9, 1973.

Chap. 69. AN ACT RELATIVE TO THE EFFECTIVE DATE OF CERTAIN VOTES PASSED AT REPRESENTATIVE TOWN MEETINGS.

Be it enacted, etc., as follows:

Section 10 of chapter 43A of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 8, 9, and 29, respectively, the word "five" and inserting in place thereof, in each instance, the word: — seven.

Approved March 9, 1973.

Chap. 70. AN ACT REQUIRING THE USE OF ABSENT VOTER BALLOTS IN CERTAIN TOWN ELECTIONS.

Be it enacted, etc., as follows:

Section 10 of chapter 43A of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding the following sentence: — Absent voter ballots shall be used at such election in accordance with the provisions of chapter fifty-four.

Approved March 9, 1973.

Chap. 71. AN ACT ESTABLISHING A TRAFFIC COMMISSION IN THE CITY OF BROCKTON.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the city of Brockton, hereinafter referred to as the city, a traffic commission, hereinafter referred to as the commission, to consist of the highway commissioner or his representative, the chief of police or his representative, the chief of the fire department or his representative, one councillor-at-large and one ward councillor, one of whom shall be a member of the public safety committee of the city council, to be designated by the president thereof, a member of the planning board to be designated by the mayor and two persons representing the public to be appointed by the mayor and confirmed by the city council.

The two members representing the public initially appointed by the mayor shall be appointed for terms of one year and two years, respectively, and upon the expiration of such term his successor shall be appointed to serve for a term of three years and, in each instance, until the qualification of his successor.

SECTION 2. The chief of police, or his representative, shall act as chairman of said commission and shall be known as the traffic commissioner. The members of the commission shall receive no compensation for their services as commissioners, but all expenses incurred for the purpose of this act shall be paid by the city. All statutes, ordinances and orders applicable generally to the departments of the city shall apply to the commission.

SECTION 3. The commission shall have exclusive authority, except as otherwise herein provided, to adopt, amend, alter and repeal rules and regulations, not inconsistent with the general law as modified by this act, relative to vehicular street traffic in the city

and to the movement, stopping or standing of vehicles on, and their exclusion from, all or any streets, ways, highways, roads and parkways under the control of the city, including rules and regulations designating any way or part thereof under said control as a through way under and subject to the provisions of section nine of chapter eighty-nine of the General Laws, and may prescribe penalties not exceeding fifty dollars for the violation of any rule or regulation adopted hereunder. No such rule or regulation, except such special rules and regulations as are declared by vote of the commission to be urgently required by consideration of public safety, necessity or convenience or such as are of a temporary nature and are to be effective for a period of not more than two weeks, shall take effect until printed for two successive weeks in one or more newspapers published in the city. Upon petition of twenty-five registered voters of the city relative to any rule or regulation adopted or proposed to be adopted under this section, the commission shall hold a public hearing thereon within ten days after the filing with the commission of such petition, and final action thereon shall be determined only by vote of a majority of the membership of the commission. The commission shall have power to erect, make and maintain, or cause to be erected, made and maintained, traffic signs, signals, markings and other devices for the control of such traffic in the city and for informing and warning the public as to rules and regulations adopted hereunder, subject, however, to section two of chapter eighty-five and sections eight and nine of chapter eighty-nine of the General Laws. Nothing in this act shall be construed to authorize the commission to adopt any rule or regulation excluding the vehicles or buses of a street railway or bus company from any way or part thereof in which it has a location, or to modify or limit any power or authority of the state department of public works or of the state department of public utilities, or any power now vested in the mayor, city council or heads of departments with reference to the issuance of licenses or permits for the opening, using or occupying of streets and sidewalks.

SECTION 4. All existing ordinances, orders and regulations relating to the control of vehicular traffic shall remain in full force and effect until superseded by rules and regulations adopted by the commission under this act and the adoption thereof by the commission shall not affect any act done, any right accrued, any penalty incurred, or any suit, prosecution or proceeding pending, at the time of said adoption.

SECTION 5. This act shall take effect upon its acceptance by the city of Brockton in the current year; provided, however, that the city council of said city shall hold a public hearing prior to voting on the question of its acceptance. *Approved March 9, 1973.*

Be it enacted, etc., as follows:

Section 4 of chapter 249 of the acts of 1897, as appearing in section 2 of chapter 145 of the acts of 1927, is hereby amended by striking out, in lines 16 and 17, the words "water pipe or lamp" and inserting in place thereof the words: — or water pipe.

Approved March 9, 1973.

Chap. 73. AN ACT AUTHORIZING THE TOWN OF ARLINGTON TO SELL AND CONVEY CERTAIN PARK LAND TO THE TRUSTEES OF THE THIRTY WATER STREET TRUST.

Be it enacted, etc., as follows:

The town of Arlington is hereby authorized to sell and convey to Anthony J. Dimare, Joseph J. Dimare and Dominic E. Dimare, as trustees of The Thirty Water Street Trust, a certain parcel of park land in said city, bounded and described as follows: — Beginning at a point in the common boundary line of land of the Town of Arlington and the land of The Thirty Water Street Trust, said point being northwesterly 126.24 feet from the westerly side line of Water Street, thence south $84^{\circ} 49' 38''$ W distant 76.06 feet, thence N $81^{\circ} 39' 43''$ W distant 61.58 feet, thence S $75^{\circ} 47' 17''$ W distant 23.00 feet, thence N $36^{\circ} 49' 11''$ E distant 89.91 feet, thence S $61^{\circ} 30' 43''$ E distant 115.00 feet, thence S $16^{\circ} 28' 08''$ E distant 14.13 feet to the point of beginning, containing 6,338 square feet, marked Parcel A, all as shown on a plan entitled "Subdivision Plan of Land in Arlington, Mass., Scale 1 inch = 30 feet, December 11, 1970, Fred R. Joyce, Surveyor, Belmont, Mass.", which plan is on file in the office of the town engineer of the town of Arlington.

The terms and conditions of the sale of said parcel shall be at the discretion of the selectmen of said town; provided, however, that the selling price shall be no less than the assessed value of said parcel as determined by the assessors of said town.

Approved March 9, 1973.

Chap. 74. AN ACT AUTHORIZING THE CITY OF BROCKTON TO PAY CERTAIN SUMS OF MONEY TO EMPLOYEES AND RETIRED EMPLOYEES OF SAID CITY AS COMPENSATION FOR UNUSED VACATION TIME.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of law, and in order to discharge a moral obligation of the city of Brockton, said city may pay the following named employees and retired employees of the welfare department of said city the sums set forth after their respective names as compensation for unused vacation time: — Esther E. Appling, three hundred and eighty-three dollars and fifty-eight cents; Albina G. Burke, one hundred and thirty-seven dollars and thirty-one cents; Catherine M. Butler, six hundred and

nine dollars and twenty-four cents; Anna M. Chestnut, three hundred and twenty-three dollars and one cent; Helen R. Cobb, five hundred and forty-nine dollars and twenty-four cents; Allison B. Connor, four hundred and eleven dollars and ninety-three cents; Ethel L. Kling, five hundred and one dollars and fifty-two cents; Thomas F. Larkin, nine hundred and four dollars; Robert H. Moore, five hundred and seventeen dollars and eighty-four cents; Barbara A. Perito, one hundred and forty-five dollars and fifty-one cents; Elizabeth M. Reilly, six hundred and nine dollars and twenty-four cents; Ann C. Routh, two hundred and two dollars and eighty-four cents; Ann V. Tyden, two hundred and seventy-two dollars and eighty-three cents; Robert B. Ryder, four hundred and fifty-six dollars and ninety-three cents; Viola Sarafian, five hundred and twenty-one dollars and seventy-seven cents; Margaret M. Sheehan, two hundred and twenty dollars and sixty-nine cents; William F. Slye, seven hundred and fifty-six dollars and ninety-two cents; Cecelia E. Welch, four hundred and eighty dollars and fifty-seven cents; C. Hazel Williams, five hundred and forty-nine dollars and twenty-four cents; estate of Rosetta C. McSweeney, five hundred and forty-nine dollars and twenty-four cents; Mary B. Brady, twenty-seven dollars and twenty-eight cents; Robert F. Callahan, one hundred and six dollars and sixty-one cents; Agnes E. Giuren, thirty-six dollars and thirty-eight cents; John Grant, twenty-two dollars and eighty-five cents; Mary E. Hall, fifty-five dollars and sixty-nine cents; Katherine J. Jarvis, eighty-one dollars and eighty-five cents; Mary E. McCarthy, ninety dollars and eighty-five cents; Phyllis L. Turner, twenty dollars and nineteen cents; Nellie M. Vacca, fifteen dollars and sixty-one cents; and Aileen E. St. James, sixty dollars and fifty-seven cents.

Approved March 9, 1973.

Chap. 75. AN ACT RELATIVE TO THE SALARY OF THE ASSISTANT CLERK OF THE DISTRICT COURT OF SOUTHERN NORFOLK.

Be it enacted, etc., as follows:

SECTION 1. Chapter 218 of the General Laws is hereby amended by striking out section 10, as most recently amended by chapter 446 of the acts of 1972, and inserting in place thereof the following section: —

Section 10. The clerk of a district court may, subject to the approval of the justice, appoint one or more assistant clerks, and in courts having one or more assistant clerks he may designate one as the first assistant clerk, who shall be removable at his pleasure or at the pleasure of the court, for whose official acts the clerk shall be responsible and who shall be paid by him unless salaries payable by the county are authorized in this section or in section fifty-

three. An assistant clerk with salaries payable by the county may be appointed in: —

municipal court of Brookline,
district court of western Hampden,
district court of Chicopee,
district court of Fitchburg,
district court of Franklin,
district court of southern Norfolk,
second district court of Barnstable,
fourth district court of Bristol,
third district court of Plymouth,
fourth district court of Plymouth,
district court of Peabody,
first district court of northern Worcester,
first district court of eastern Worcester,
first district court of northern Middlesex, and
in courts the judicial districts of which have, according to national or state census last preceding, a population of sixty thousand or more.

Two assistant clerks with salaries payable by the county may be appointed in: —

first district court of Barnstable,
district court of Lawrence,
second district court of eastern Middlesex,
fourth district court of eastern Middlesex,
district court of Hampshire,
first district court of Essex,
central district court of northern Essex,
second district court of Bristol,
third district court of Bristol,
district court of northern Norfolk,
district court of western Norfolk,
district court of Chelsea, and
district court of central Middlesex.

Three assistant clerks with salaries payable by the county may be appointed in: —

municipal court of the Brighton district;
municipal court of the Charlestown district,
East Boston district court,
first district court of eastern Middlesex,
district court of Newton,
second district court of Plymouth,
district court of Brockton, and
district court of Somerville.

Four assistant clerks with salaries payable by the county may be appointed in: —

municipal court of the South Boston district,
first district court of southern Middlesex,
district court of Lowell, and
district court of southern Essex.

Five assistant clerks with salaries payable by the county may be appointed in: —

district court of East Norfolk,
municipal court of the Dorchester district, and
municipal court of the West Roxbury district.

Six assistant clerks with salaries payable by the county may be appointed in: —

district court of Springfield.

Seven assistant clerks with salaries payable by the county may be appointed in: —

central district court of Worcester.

Eight assistant clerks with salaries payable by the county may be appointed in: —

third district court of eastern Middlesex.

Nine assistant clerks with salaries payable by the county may be appointed in: —

municipal court of Roxbury.

In the following courts, one of the assistant clerks shall be designated in charge of six-man jury sessions and shall receive the same salary as the first assistant clerk: —

third district court of eastern Middlesex.

In the central district court of Worcester the clerk may designate one of his assistant clerks as assistant clerk in charge of the remand list; said list being for the trial of all cases transferred to said court from the superior court under the provisions of section one hundred and two C of chapter two hundred and thirty-one. The salary of said assistant clerk shall be equal to eighty-seven and one half per cent of the maximum salary of the clerk of said court.

Assistant clerks appointed under authority of this section, who are paid by the county, and who have held said appointment for three consecutive years, shall hold office during good behavior, but subject to applicable retirement laws, and may be removed by the justice or clerk for cause shown, subject, however, to a review by a justice of the superior court.

SECTION 2. Said section 10 of said chapter 218, as amended by section 1 of this act, is hereby further amended by striking out the line reading "first district court of northern Worcester," and inserting in place thereof the following: — district court of Gardner-Athol.

SECTION 3. Section two of this act shall take effect on July first, nineteen hundred and seventy-three. *Approved March 9, 1973.*

Be it enacted, etc., as follows:

Section 34 of chapter 262 of the General Laws is hereby amended by striking out clause (42), as amended by chapter 17 of the acts of 1960, and inserting in place thereof the following clause: —

(42) For entering notice of intention of marriage and issuing certificates thereof, four dollars. *Approved March 9, 1973.*

Chap. 77. AN ACT FURTHER REGULATING THE INVESTMENT OF CO-OPERATIVE BANKS IN REAL ESTATE LOANS.

Be it enacted, etc., as follows:

SECTION 1. Section 24 of chapter 170 of the General Laws is hereby amended by striking out subsection 3, as most recently amended by section 2 of chapter 308 of the acts of 1970, and inserting in place thereof the following subsection: —

3. Except as otherwise provided by law, the amount of any loan not in excess of sixty thousand dollars when made or acquired or participated in shall not exceed eighty per cent of the value of the mortgaged property as certified by the security committee, and the amount of any loan in excess of sixty thousand dollars when made or acquired or participated in shall not exceed seventy per cent of the value of the mortgaged property as certified by the security committee.

SECTION 2. Said section 24 of said chapter 170 is hereby further amended by striking out subsection 4, as most recently amended by section 1 of chapter 223 of the acts of 1970, and inserting in place thereof the following subsection: —

4. Except as provided in subsection 4 of section twenty-three, the principal sum of any loan secured by a mortgage on any one parcel of real estate shall when made, or the unpaid principal balance outstanding on any loan so secured shall when acquired, not exceed five per cent of the aggregate amount of the guaranty fund, surplus and other reserves of the corporation or sixty thousand dollars, whichever is greater; but, except as so provided, the aggregate amount of loans, as to each of which the unpaid balance of principal outstanding is more than sixty thousand dollars, shall not at any time exceed twenty per cent of the deposits of the corporation.

Approved March 9, 1973.

Chap. 78. AN ACT INCREASING THE MAXIMUM AMOUNT AND TERM OF CERTAIN HOME MORTGAGE LOANS BY SAVINGS BANKS AND CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of paragraph 6A of section 35 of chapter 168 of the General Laws, as amended by section 3 of chapter 218 of the acts of 1966, is hereby amended by striking out, in lines 2 and 11, the word "twenty-five" and inserting in place

thereof, in each instance, the word: — thirty.

SECTION 2. Said paragraph 6A of said section 35 of said chapter 168 is hereby further amended by striking out the fifth sentence, as most recently amended by section 1 of chapter 52 of the acts of 1971, and inserting in place thereof the following sentence: — No loan of this class shall be made or acquired for a sum in excess of forty-five thousand dollars.

SECTION 3. Paragraph 6B of said section 35 of said chapter 168, inserted by chapter 336 of the acts of 1972, is hereby amended by striking out, in lines 3 and 12, the word “twenty-five” and inserting in place thereof, in each instance, the word: — thirty.

SECTION 4. Subsection 3A of section 24 of chapter 170 of the General Laws is hereby amended by striking out clause (d), as most recently amended by section 2 of chapter 52 of the acts of 1971, and inserting in place thereof the following clause: —

(a) a loan made under this subsection shall not exceed forty-five thousand dollars;

SECTION 5. Said subsection 3A of said section 24 of said chapter 170 is hereby further amended by striking out clause (b), as appearing in chapter 146 of the acts of 1963, and inserting in place thereof the following clause: —

(b) the term of the note therefor shall not exceed thirty years;

SECTION 6. Said subsection 3A of said section 24 of said chapter 170 is hereby further amended by striking out clause (e), as so appearing, and inserting in place thereof the following clause: —

(e) the terms of the note or mortgage require monthly payments in such amounts that the aggregate principal reduction at any time during the term of the loan shall not be less than that which would be required in the case of a note of like amount and interest rate providing for complete amortization by equal monthly payments over a period of thirty years which payment shall be first applied to interest and the balance thereafter remaining applied to principal.

SECTION 7. Subsection 3B of said section 24 of said chapter 170, inserted by chapter 315 of the acts of 1972, is hereby amended by striking out, in lines 6 and 18, the word “twenty-five” and inserting in place thereof, in each instance, the word: — thirty.

Approved March 9, 1973.

Chap. 79. AN ACT FURTHER REGULATING LOANS SECURED BY FIRST MORTGAGES ON UNITS OF CONDOMINIUMS.

Be it enacted, etc., as follows:

Section 51C of chapter 167 of the General Laws, inserted by section 2 of chapter 731 of the acts of 1964, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — The aggregate balance of principal of all such loans outstanding at any one time shall not exceed five per cent of the deposits of such bank.

Approved March 9, 1973.

Chap. 80. AN ACT PROVIDING FOR INDEMNIFICATION OF DIRECTORS, TRUSTEES, OFFICERS AND EMPLOYEES OF BANKS.

Be it enacted, etc., as follows:

Chapter 167 of the General Laws is hereby amended by inserting after section 57 the following section: —

Section 57A. A bank may indemnify its directors, trustees, officers, employees and other agents to whatever extent specified in or authorized by a by-law adopted pursuant to law. Such indemnification may include payment by the bank of expenses incurred in defending a civil or criminal action or proceeding in advance of the final disposition of such action or proceeding upon receipt of an undertaking by the person indemnified to repay such payment if he shall be adjudicated to be not entitled to indemnification under this section. Any such indemnification may be provided although the person to be indemnified is no longer an officer, director, trustee, employee or agent of the bank.

No indemnification shall be provided for any person with respect to any matter as to which he shall have been adjudicated in any proceeding not to have acted in good faith in the reasonable belief that his action was in the best interests of the bank.

A bank shall have power to purchase and maintain insurance on behalf of any person who is or was a director, trustee, officer, employee or other agent of the bank, against any liability incurred by him in any such capacity, or arising out of his status as such, whether or not the bank would have the power to indemnify him against such liability.

Approved March 9, 1973.

Chap. 81. AN ACT RELATIVE TO THE CERTIFICATE OF TITLE OF MOTOR VEHICLE LAW.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (a) of section 2 of chapter 90D of the General Laws is hereby amended by striking out clause (9), as appearing in chapter 117 of the acts of 1972.

SECTION 2. Said chapter 90D is hereby further amended by striking out section 6, as appearing in section 1 of chapter 754 of the acts of 1971, and inserting in place thereof the following section: —

Section 6. When a new vehicle is delivered in this commonwealth by the manufacturer to his agent or his franchised dealer, the manufacturer shall execute and deliver to his agent or his franchised dealer a certificate of origin in such form as the registrar shall prescribe. The certificate of origin shall contain the manufacturer's vehicle identification number of the motor vehicle, the name of the manufacturer, model year, year of manufacture, number of cylinders, a general description of the body, if any, and the type of model. When a new vehicle is sold in this commonwealth, the manufacturer, his agent or his franchised dealer shall execute and

deliver to the purchaser, in case of an absolute sale, assignment of the certificate of origin, or, if other than absolute sale, assignment of the certificate of origin subject to contract, signed or executed by the manufacturer, his agent or dealer, with the names and business or residence addresses of both stated thereon.

SECTION 3. Section 10 of said chapter 90D, as so appearing, is hereby amended by striking out paragraph (e) and inserting in place thereof the following paragraph: —

(e) A certificate of title for a vehicle, as distinguished from the vehicle itself, it not subject to attachment, execution, or other judicial process.

SECTION 4. Section 22 of said chapter 90D, as so appearing, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph: —

(a) The owner shall immediately execute the application, in the space provided therefor on the certificate of title or on such separate form as the registrar shall prescribe, to name the lienholder on the certificate, showing the name and address of the lienholder and the date of his security agreement, and cause the certificate, application and the required fee to be mailed or delivered to the lienholder or, at the lienholder's request to the registrar.

SECTION 5. Said chapter 90D is hereby further amended by striking out section 26, as so appearing, and inserting in place thereof the following section: —

Section 26. The method provided in this chapter of perfecting and giving notice of security interests in vehicles for which certificates of title are issued, or are required to be issued, under this chapter is exclusive.

SECTION 6. The first paragraph of section 28 of said chapter 90D, as amended by chapter 170 of the acts of 1972, is hereby further amended by striking out clauses 2 and 3 and inserting in place thereof the following clauses: — (2) For each assignment of a security interest, or an addition of a lienholder, one dollar; (3) For a duplicate, amended or corrected certificate of title, three dollars.

SECTION 7. Said chapter 90D is hereby further amended by striking out section 35, as appearing in section 1 of chapter 754 of the acts of 1971, and inserting in place thereof the following section: —

Section 35. This chapter shall not apply to a previously registered vehicle until: (a) there is a change in the ownership thereof, after this chapter takes effect; or, (b) the registrar issues a certificate of title for the vehicle; or, (c) the owner creates a security interest in the vehicle, after this chapter takes effect; or, (d) September first, nineteen hundred and seventy-nine.

SECTION 8. Said chapter 90D is hereby further amended by striking out section 37, as so appearing, and inserting in place thereof the following section: —

Section 37. The perfection of a security interest, created prior to the date this chapter takes effect, shall be governed by the pro-

visions of chapter one hundred and six, until a certificate of title is issued naming the secured party as lienholder therein.

Approved March 9, 1973.

Chap. 82. AN ACT FURTHER REGULATING THE INVESTMENT BY CO-OPERATIVE BANKS IN BANKING PREMISES.

Be it enacted, etc., as follows:

Section 30 of chapter 170 of the General Laws is hereby amended by striking out the first two paragraphs, as amended by chapter 345 of the acts of 1972, and inserting in place thereof the following two paragraphs: —

Any such corporation may invest its funds in and hold real estate suitable for the convenient transaction of its business. The aggregate amount invested in such real estate, owned by such corporation, including the cost of land and buildings, and of alterations, improvements and additions, shall not exceed, in the aggregate, its guaranty fund, surplus account and unallocated reserves or three and one half per cent of its total assets, whichever is the lesser. All such investments, except those in alterations, improvements or additions to any one parcel involving an expense not exceeding fifty thousand dollars or one tenth of one per cent of the deposits of such corporation made in any period of twelve consecutive months, shall be subject to the approval of the commissioner.

Any such corporation may expend sums not exceeding, in the aggregate, its guaranty fund, surplus account and unallocated reserves or one per cent of its total assets, whichever is the lesser, for alterations, improvements, and additions to any premises leased by it for the convenient transaction of its business. All such investments, except those in alterations, improvements or additions to any one parcel involving an expense not exceeding twenty-five thousand dollars or one tenth of one per cent of the deposits of such corporation made in any period of twelve consecutive months shall be subject to the approval of the commissioner. Notwithstanding the provisions of this section, a bank may exceed the limits provided for herein with the approval of the commissioner when the amount so expended is for the construction of disaster facilities in said real estate.

Approved March 9, 1973.

Chap. 83. AN ACT FURTHER REGULATING THE APPOINTMENT OF TEMPORARY ASSISTANT REGISTRARS OF VOTERS.

Be it enacted, etc., as follows:

Section 22 of chapter 51 of the General Laws, as most recently amended by chapter 172 of the acts of 1950, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence: — Registrars may also appoint temporary assistant registrars from time to time to assist in the

listing of persons seventeen years of age or over and in the registration of voters at registration sessions as provided for in this chapter, and they shall equally represent the different political parties.

Approved March 9, 1973.

Chap. 84. AN ACT REGULATING THE PURCHASE OF ITEMS OF APPAREL BY CITIES AND TOWNS.

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by inserting after section 4E the following section: —

Section 4F. In any city or town which accepts the provisions of this section, any contracts or orders for items of clothing or apparel shall be given to such establishments only as submit to the city or town the name and address of the manufacturer of such items, and the names and addresses of any and all contractors for such items, and only to such establishments as pay the prevailing rate of wages, determined by the commissioner of labor and industries. Said prevailing rates shall be based on wage rates and working hours that have been established by collective bargaining agreement or understanding between organized labor and employers in the apparel industry. Said commissioner shall, upon application from a city or town, prepare and furnish for the use of such city or town a list of the several classifications of labor usually performed by the employees in the apparel trades, together with the prevailing rate of wages and working hours.

A written declaration by the bidder on said contracts or orders for items of clothing or apparel, upon submission of his bid, that each garment to be purchased shall have a union label affixed to such garment shall be sufficient evidence that said manufacturer or contractor pays the prevailing rate of wages based on wage rates and working hours established by collective bargaining or understanding between organized labor and the employer. Every contractor, subcontractor or other employer, engaged in any work to which this section applies, shall keep a true and accurate record of employees, showing the name, address and occupational classification of each employee, and the hours worked by, and the wages paid to, each such employee, and shall furnish to the city or town upon request a true statement of the contents of such record.

Approved March 9, 1973.

Chap. 85. AN ACT GRANTING A REAL ESTATE TAX EXEMPTION DURING THE CALENDAR YEAR NINETEEN HUNDRED AND SEVENTY-THREE TO WIDOWS AND SURVIVING MINOR CHILDREN OF CERTAIN FIREFIGHTERS KILLED IN THE LINE OF DUTY.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the widow or surviving minor children, including adopted children, of a firefighter killed in the line of duty during the calendar year nineteen hundred and seventy-three shall be entitled to receive during said calendar year the real estate tax exemption provided for such widows or children by clauses Forty-second or Forty-third of section five of chapter fifty-nine of the General Laws, provided such widow or children would otherwise qualify for such exemption under the provisions of said clauses, and, provided further, however, if the real estate for which said exemption is to be granted was acquired after January first of said calendar year, the amount of the real estate tax exemption to which such widows or children shall be entitled shall be the amount provided in said clauses multiplied by a fraction, the numerator of which shall be the number of months or major fraction thereof, in said calendar year after which said real estate was acquired and the denominator of which shall be twelve.

Approved March 9, 1973.

Chap. 86. AN ACT PROVIDING THAT THE TERM OF OFFICE OF A SCHOOL COMMITTEE MEMBER OF THE TOWN OF WINCHESTER SHALL NOT EXPIRE UNTIL THE DISSOLUTION OF THE ANNUAL TOWN MEETING OR UNTIL MAY FIRST, WHICHEVER IS EARLIER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the term of office of a member of the school committee of the town of Winchester shall not expire until the dissolution of the annual town meeting or until May first, whichever is earlier.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1973.

Chap. 87. AN ACT AUTHORIZING THE BOARD OF REGIONAL COMMUNITY COLLEGES TO GRANT AN EASEMENT TO THE QUINCY YOUTH HOCKEY ASSOCIATION, INC. FOR THE PURPOSE OF PROVIDING AN ACCESS WAY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the construction of certain recreational facilities in the city of Quincy by the Quincy Youth Hockey Association, Inc., therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The board of regional community colleges is hereby authorized,

in the name and behalf of the commonwealth, to grant a perpetual right and easement in, over and upon a certain parcel of land in the city of Quincy, to The Quincy Youth Hockey Association, Inc., a Massachusetts corporation, for such price and upon such terms as may be agreed upon by said corporation and said board, for the purpose of providing an access way for said corporation. Said parcel is shown on a plan entitled "Plan Showing Utilities and Vehicular Easement, Quincy, Mass.", dated March 20, 1972 by Edward A. Leone, City Engineer, Scale 1" = 60', on file in the office of the city solicitor of the city of Quincy and to be recorded with the deed granting said easement, and more particularly bounded and described as follows: —

NORTHWESTERLY by a Private Way as shown on said plan, Forty and 1/100 (40.01) feet;

NORTHWESTERLY by land now or formerly of Emilio G. Mancini et al, Two Hundred Fifty and 65/100 (250.65) feet;

NORTHWESTERLY by land of the Commonwealth of Massachusetts and Alfred A. Keith, One Hundred Twenty Eight and 56/100 (128.56) feet;

WESTERLY by Parcel 2B as shown on said plan, Sixty One and 3/100 (61.03) feet;

SOUTHWESTERLY by land of the Commonwealth of Massachusetts, One Hundred Twenty Nine and 38/100 (120.38) feet;

SOUTHERLY by land of the Commonwealth of Massachusetts, Two Hundred Forty Three (243) feet;

SOUTHERLY by land of the Commonwealth of Massachusetts, Forty Two and 71/100 (42.71) feet; and

EASTERLY by land of the Commonwealth of Massachusetts, Sixty (60) feet. Said easement shall be sixty feet in width.

Approved March 15, 1973.

Chap. 88. AN ACT FURTHER PROTECTING DUCKLINGS, BABY CHICKENS AND RABBITS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately protect ducklings, baby chickens and rabbits, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 272 of the General Laws is hereby amended by striking out section 80D, inserted by chapter 168 of the acts of 1947, and inserting in place thereof the following section: —

Section 80D. No person shall sell, offer for sale, barter or give away as premiums living baby chickens, ducklings or other fowl under two months of age.

No person shall sell, offer for sale, barter, display or give away living rabbits, chicken, ducklings or other fowl which have been dyed, colored or otherwise treated so as to impart to them an artificial color.

Nothing in this section shall be construed to prohibit the sale or display of baby chickens, ducklings or other fowl under two months of age by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising or to prohibit the sale or donation of such chickens, ducklings or fowl to schools for use in classroom instruction.

Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

Approved March 15, 1973.

Chap. 89. AN ACT RELATING TO THE CONVEYANCE BY THE COMMISSIONER OF NATURAL RESOURCES OF A CERTAIN PARCEL OF LAND LOCATED IN THE CITY OF SALEM TO SOUTH ESSEX DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 654 of the acts of 1971 is hereby amended by striking out, in line 25, the word and figures "March 1971" and inserting in place thereof the word and figures: — November 1972.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1973.

Chap. 90. AN ACT RELATIVE TO THE QUALIFICATIONS FOR APPOINTMENT AS COMMISSIONER OF MENTAL HEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to broaden the qualifications of the position of commissioner of mental health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 2 of chapter 19 of the General Laws is hereby amended by striking out the second paragraph, as appearing in section 1 of chapter 735 of the acts of 1966, and inserting in place thereof the following paragraph: —

Such commissioner shall have a doctorate or other degree beyond the level of the baccalaureate in the field of medicine or psychology, social work, public health, public administration, business administration, or a field substantially related thereto, and shall have had not less than eight years experience in the organization, management or delivery of mental health services or services for the de-

velopmentally disabled, no less than three years of which shall have been administrative experience, or shall have not less than eight years administrative experience, no less than three of which shall have been administrative experience in the organization, management or delivery of human services.

Approved March 15, 1973.

Chap. 91. AN ACT FURTHER REGULATING REQUESTS FOR CONFIDENTIAL INFORMATION FROM THE DIVISION OF EMPLOYMENT SECURITY.

Be it enacted, etc., as follows:

Chapter 151A of the General Laws is hereby amended by striking out section 46, as most recently amended by chapter 302 of the acts of 1964, and inserting in place thereof the following section: —

Section 46. Information secured pursuant to this chapter, shall be confidential and for the exclusive use and information of the division in the discharge of its duties hereunder. Such information shall not be open to the public, nor shall it be admissible in any action or proceeding unless the division or the commonwealth is a party to such action or proceeding, or unless such action or proceeding is in the nature of a criminal prosecution under some provision of federal law or under chapter two hundred and sixty-four, or in the trial of a person for homicide, in which case such information shall be produced upon summons of the commonwealth or of the defendant, but any employer upon request, shall be supplied by the division with information concerning his own record which is necessary to him in his relations with the division; provided, however, that any claimant, upon request, shall have supplied to him or to his authorized agent, by the division, information concerning his own record which is necessary to him. Whoever, except with authority of the director or pursuant to his rules and regulations, or as otherwise required or authorized by law, shall disclose the same, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, or both; provided, that nothing herein shall be construed to prevent the director from complying with the provisions of section sixty-four or from conducting any investigation he deems relevant in connection herewith, nor to prevent the director from publishing in statistical form the results of any such investigations without disclosing the identity of the individuals involved.

All information transmitted to the director or his duly authorized representative pursuant to this chapter shall be absolutely privileged and shall not be made the subject matter or basis in any action of slander or libel in any court of the commonwealth.

Approved March 15, 1973.

Chap. 92. AN ACT DESIGNATING THE SWIMMING POOL BEING CONSTRUCTED ON NORTH AVENUE IN THE CITY OF ATTLEBORO BY THE DEPARTMENT OF NATURAL RESOURCES AS THE GEORGE I. SPATCHER SWIMMING POOL.

Be it enacted, etc., as follows:

The swimming pool being constructed on North Avenue in the city of Attleboro shall, upon its completion, be designated and known as the George I. Spatcher swimming pool, in honor of George I. Spatcher, a former member of the house of representatives. A suitable marker bearing said designation shall be erected at said swimming pool by the department of natural resources.

Approved March 15, 1973.

Chap. 93. AN ACT AUTHORIZING CERTAIN SPECIAL COMMISSIONS TO REPORT TO THE CLERK OF EITHER BRANCH OF THE GENERAL COURT.

Be it enacted, etc., as follows:

Section 2A of chapter 4 of the General Laws is hereby amended by striking out the third paragraph, as amended by chapter 120 of the acts of 1972, and inserting in place thereof the following paragraph: —

Such commission (1) shall be provided with quarters in the state house or elsewhere; (2) may expend for expenses and for expert, legal, clerical and other assistance such sums as may be appropriated therefor; (3) may travel within the commonwealth; (4) may hold hearings; (5) shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of either branch; and (6) may report from time to time but shall file its final report not later than the last Wednesday in January in the following year, if it is established, continued, or revived and continued, in an odd-numbered year, or not later than the last Wednesday in December in the same year, if it is established, continued, or revived and continued in an even-numbered year. *Approved March 15, 1973.*

Chap. 94. AN ACT AUTHORIZING RETIREMENT BOARDS OF CITIES AND TOWNS TO EMPLOY PRIVATE ATTORNEYS IN SPECIAL CASES.

Be it enacted, etc., as follows:

Paragraph (e) of subdivision 4 of section 20 of chapter 32 of the General Laws, as appearing in section 1 of chapter 658 of the acts of 1945, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: —

The city solicitor or town counsel, or other officer having similar

powers and duties, shall be the legal adviser of such board, except in such cases as such board deems necessary, it may employ a private attorney whose fees shall be paid from the expense fund of such board.

Approved March 15, 1973.

Chap. 95. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW INCREASING THE LIMIT ON CERTAIN FIRST MORTGAGES WHICH A CREDIT UNION MAY GRANT.

Be it enacted, etc., as follows:

The first sentence of paragraph 4 of subsection (a) of subdivision (B) of section 24 of chapter 171 of the General Laws, as amended by chapter 146 of the acts of 1972, is hereby further amended by striking out, in line 2, the word "and" and inserting in place thereof the word: — or.

Approved March 15, 1973.

Chap. 96. AN ACT BROADENING THE INVESTMENT POWERS OF CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

SECTION 1. Subsection 4 of section 23 of chapter 170 of the General Laws is hereby amended by striking out the first sentence, as appearing in chapter 221 of the acts of 1964, and inserting in place thereof the following sentence: — Any such corporation may make or acquire mortgage loans within its lending area in participation with one or more other domestic banking institutions or associations or domestic insurance companies or with one or more other banking institutions or associations or insurance companies subject to supervision by an agency of any other state or the federal government, or with the Federal Home Loan Mortgage Corporation.

SECTION 2. Said subsection 4 of said section 23 of said chapter 170 is hereby further amended by striking out the last sentence, as most recently amended by chapter 122 of the act of 1970, and inserting in place thereof the following sentence: — The amount which, notwithstanding the provisions of section twenty-four, any such corporation may invest in a participation loan shall not exceed one per cent of its deposits or fifty thousand dollars, whichever is greater, and the aggregate balance of principal of all such participation loans not insured by the federal housing administrator outstanding at any one time shall not exceed twenty per cent of the total deposits of such corporation; provided, however, that with respect to any participation with the Federal Home Loan Mortgage Corporation, as to which said Corporation has at the time of closing the loan entered into a binding written commitment to participate, the amount deemed invested for the purpose of the foregoing shall be the amount of the investment which will remain as an investment of the corporation after the Federal Home Loan Mortgage Corporation fulfills its commitment.

SECTION 3. Section 24 of said chapter 170 is hereby amended by adding the following subsection: —

14. The corporation may sell or assign any real estate loan and the note and mortgage pertaining thereto to the Federal Home Loan Mortgage Corporation and may also sell or assign any fractional interest or participation in any such loan to said corporation.

SECTION 4. Section 26 of said chapter 170 is hereby amended by adding the following subsection: —

13. In certificates issued by the Federal Home Loan Mortgage Corporation representing interests in loans made, acquired or participated in by it.

Approved March 15, 1973.

Chap. 97. AN ACT FURTHER REGULATING THE OPERATION OF SCHOOL BUSES.

Be it enacted, etc., as follows:

Section 14 of chapter ninety of the General Laws is hereby amended by striking out the fourth sentence, as amended by section 2 of chapter 54 of the acts of 1969, and inserting in place thereof the following sentence: — When approaching a vehicle which displays a sign bearing the words "SCHOOL BUS" and is equipped with front and rear alternating flashing signal lamps which are flashing, as provided in section seven B, and which has been stopped to allow passengers to alight from or board the same, a person operating a motor vehicle shall, except when approaching from the opposite direction on a divided highway, bring his vehicle to a full stop before reaching said school bus and shall not thereafter proceed until such school bus resumes motion or until such person is signaled by the driver of the school bus to proceed or the said signal lamps are no longer flashing.

Approved March 15, 1973.

Chap. 98. AN ACT AUTHORIZING CREDIT UNIONS TO INVEST IN COMMON TRUST UNITS ORGANIZED FOR THE PURCHASE OF UNITED STATES GOVERNMENT SECURITIES IF SUCH TRUST UNITS HAVE AS CUSTODIAN A BANKING INSTITUTION AUTHORIZED TO ACCEPT DEPOSITS FROM EITHER A CREDIT UNION OR A SAVINGS BANK.

Be it enacted, etc., as follows:

Section 21 of chapter 171 of the General Laws, as most recently amended by chapter 205 of the acts of 1972, is hereby further amended by inserting after the fourth sentence the following two sentences: — A credit union may invest in a common trust unit plan organized for the purchase of bonds or notes of the United States or any subdivision thereof which are legal investments for savings banks as above provided and which plan has, as its custodian, a banking institution authorized to accept deposits from a credit

union, or from a savings bank as provided in section fifty-five of chapter one hundred and sixty-eight. Investments in a common trust unit plan shall be included in calculating the five per cent liquidity requirement provided for in this section.

Approved March 15, 1973.

Chap. 99. AN ACT INCREASING THE AMOUNT OF THE APPROPRIATION THAT MAY BE MADE BY THE CITY OF HOLYOKE TOWARD DEFRAYING THE EXPENSES OF THE HOLYOKE PUBLIC LIBRARY.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 199 of the acts of 1870, as amended by section 2 of chapter 110 of the acts of 1960, is hereby further amended by striking out, in line 5, the word "two-tenths", and inserting in place thereof the word: — three-tenths.

SECTION 2. This act shall take effect as of January first, nineteen hundred and seventy-three. *Approved March 15, 1973.*

Chap. 100. INCREASING THE NUMBER OF SIGNATURES REQUIRED FOR THE PLACING OF QUESTIONS ON THE BALLOT AT BIENNIAL STATE ELECTIONS RELATIVE TO THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN RESTAURANTS AND FUNCTION ROOMS.

Be it enacted, etc., as follows:

The last paragraph of section 11 of chapter 138 of the General Laws, added by chapter 705 of the acts of 1971, is hereby amended by striking out, in line 2, the word "five" and inserting in place thereof the word: — ten. *Approved March 15, 1973.*

Chap. 101. AN ACT FURTHER REGULATING THE DISSOLUTION OF CREDIT UNIONS.

Be it enacted, etc., as follows:

The first paragraph of section 29 of chapter 171 of the General Laws, as amended by chapter 139 of the acts of 1936, is hereby further amended by striking out the second sentence and inserting in place thereof the following two sentences: — If a credit union is a member of the Massachusetts Credit Union Share Insurance Corporation, a committee of four shall be appointed in the following manner for the purpose of conserving and liquidating the assets, under the direction of said Massachusetts Credit Union Share Insurance Corporation and the commissioner: two members of the committee shall be appointed by the board of directors of the Massachusetts Credit Union Share Insurance Corporation, and two members shall be appointed by the liquidating credit union. If the credit union is not a member of the Massachusetts Credit Union

Share Insurance Corporation, a committee of four members shall thereupon be elected by the members of the credit union for the purpose of conserving and liquidating the assets, under the direction of the commissioner.

Approved March 15, 1973.

Chap. 102. AN ACT AUTHORIZING THE CITY OF LAWRENCE TO APPROPRIATE MONEY FOR THE PAYMENT OF AND TO PAY HOLIDAY COMPENSATION TO CERTAIN MEMBERS OF THE FIRE DEPARTMENT OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the city of Lawrence is hereby authorized to appropriate the sum of seventy-nine thousand, eight hundred and eighty-nine dollars and forty-eight cents, and after such appropriation the treasurer of said city is authorized to pay certain members of the fire department of said city in accordance with an arbitration award between the International Association of Firefighters Local 146 AFL-CIO and said city, Case No. 1139-0620-71 for holiday compensation for services performed by such members in the year nineteen hundred and seventy-one.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1973.

Chap. 103. AN ACT AUTHORIZING THE CITY OF LAWRENCE TO APPROPRIATE MONEY FOR THE PAYMENT OF AND TO PAY OVERTIME COMPENSATION TO CERTAIN MEMBERS OF THE FIRE DEPARTMENT OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the city of Lawrence is hereby authorized to appropriate the sum of nineteen thousand, two hundred and sixty-five dollars and thirty-three cents, and after such appropriation the treasurer of said city is authorized to pay certain members of the fire department of said city in accordance with an arbitration award between the International Association of Firefighters Local 146 AFL-CIO and said city, Case No. 1139-0622-71 for overtime services performed by such members during the year nineteen hundred and seventy-one.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1973.

Chap. 104. AN ACT RELATIVE TO THE METHODS OF APPORTIONING SEWERAGE CONSTRUCTION COSTS IN THE TOWN OF WELLESLEY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifteen of chapter eighty-three of the General Laws or any special law to the contrary, the town of Wellesley, acting through its board of public works, may provide that assessments made under the provisions of section fourteen of said chapter eighty-three shall be made upon the owners of lands within such territory or any part thereof at a rate based upon a uniform unit method.

SECTION 2. For the purposes of this act, the uniform unit method of sewerage construction cost apportionment shall be deemed to mean that sewerage construction costs shall be divided between the total number of existing and potential sewer units to be served after having proportioned the cost of special and general benefit facilities. Each sewer unit shall be equal to a single family residential lot. Potential sewer units shall be calculated on the basis of zoning then in effect with a deduction for potential roads, ways and appurtenances thereto. Existing and potential multi-family, commercial, industrial and semi-public uses shall be converted into sewer units on the basis of residential equivalents.

SECTION 3. The board of public works of said town may separate the costs of general benefit facilities, such as pumping stations, trunk and force mains, from that of special benefit facilities, such as the sewer mains, serving adjacent properties. A portion of costs of the general benefit facilities may be apportioned by the uniform unit method on all developed and undeveloped areas to receive benefit or advantage within the pumping district or combination of districts. The cost of the general benefit facilities, attributable to undeveloped land not abutting a sewered street, may not be assessed until properties are serviced by public sewerage. The proportional cost of the special benefit and general benefit facilities may be assessed against all properties abutting a sewered street.

SECTION 4. This act shall take effect upon its passage.

Approved March 22, 1973.

Chap. 105. AN ACT DIRECTING THE COUNTY COMMISSIONERS OF THE COUNTY OF WORCESTER TO REIMBURSE THE COUNTY OF MIDDLESEX FOR THE EXPENSES OF A CERTAIN TRIAL.

Be it enacted, etc., as follows:

The county commissioners of the county of Worcester are hereby authorized and directed to pay the county of Middlesex the sum of sixteen thousand one hundred and thirty dollars and twenty-five cents, as reimbursement for the expenses incurred by said county of Middlesex in connection with the trial, in the year nineteen hundred and seventy-two, of *Commonwealth v. Horan*, which trial was held in said county of Middlesex by reason of a change of venue from said county of Worcester.

Approved March 22, 1973.

Chap. 106. AN ACT CLARIFYING THE RETURN OF ABSENT VOTING ELECTION BALLOTS.

Be it enacted, etc., as follows:

Section 87 of chapter 54 of the General Laws is hereby amended by striking out subsection (c), as appearing in section 1 of chapter 134 of the acts of 1967, and inserting in place thereof the following subsection: —

(c) Envelopes of sufficient size to contain the ballots specified in subsection (a), bearing on their reverse one or the other of the following affidavits, as the case may be:

(1) for ballots forwarded by mail:

State of.....,
County of....., ss.

I,, do solemnly swear that I am a registerer voter at.....,

(voting address)

in the city or town of, Massachusetts; that I have carefully read the instructions forwarded to me with the ballot herein enclosed; that I have marked, enclosed, and sealed the within ballot as stated hereon by the person taking my oath; and that I have marked said ballot in, and that I will mail it at the post office situated in the city or town of..... in the state or country of

(Signature)

(of voter)

Subscribed and sworn to before me by the above person, person, personally known to me, or identified to my satisfaction, this day of, 19....., in the city or town of....., state or country of....., and I hereby certify that when I was alone with the above person, he showed me the ballot herein enclosed, unmarked, and then in my presence marked the same without my seeing how he marked it, after which he sealed said ballot in this envelope. I had no communication with the above person as to how he was to vote.

Signature.....

(of authorized oath taking official)

(Official title, or military or naval rank)

Residence

(Date of expiration of commission of notary public or justice of peace)

(2) for ballots delivered in person at the office of the clerk:

COMMONWEALTH OF MASSACHUSETTS

....., ss.

I,, do solemnly swear that I am a registered voter at

(voting address)

in the city or town of, Massachusetts, in ward....., precinct....., that on the day of the special state election or biennial state election to be held on I shall be absent from the city or town

in which I am a voter but that I have no address outside said city or town from which said ballot may be seasonably returned, that I have carefully read the instructions delivered to me with the ballot herein enclosed, and that I have marked, enclosed and sealed the within ballot as stated hereon by the person taking my oath.

Signature
(of voter)

Subscribed and sworn to before me by the above person, personally known to me or identified to my satisfaction, this..... day of....., 19....., in the city (or town) of....., and I hereby certify that when I was alone with the above person he showed me the ballot herein enclosed, unmarked, and then in my presence marked the same without my seeing how he marked it, after which he sealed said ballot in this envelope. I had no communication with the above person as to how he was to vote.

Name

Clerk (or assistant) of the city (or town) of

Approved March 22, 1973.

Chap. 107. AN ACT CLARIFYING THE REGISTRATION DEADLINE FOR CERTAIN NEW VOTERS.

Be it enacted, etc., as follows:

The second sentence of section 28 of chapter 51 of the General Laws, added by section 6 of chapter 382 of the acts of 1971, is hereby amended by striking out, in lines 6 and 7, the words "but less than six months preceding such election".

Approved March 22, 1973.

Chap. 108. AN ACT DEFINING THE WORD "SLASH" IN THE CUTTING OF BRUSH, WOOD OR TIMBER FURTHER PROVIDING FOR THE HANDLING THEREOF.

Be it enacted, etc., as follows:

Chapter 48 of the General Laws is hereby amended by striking out section 16, as most recently amended by section 1 of chapter 339 of the acts of 1953, and inserting in place thereof the following sections: —

Section 16. Every owner, lessee, tenant or occupant of lands, or of any rights or interests therein, except electric, telephone and telegraph companies, who cuts or permits the cutting of brush, wood or timber on lands which border upon woodland of another, or upon a highway or railroad location, shall dispose of the slash caused by such cutting in such a manner that the same will not remain on the ground within forty feet of any woodland of another, or of any railroad location, or of one hundred feet from the center of any highway, and all slash resulting from such cutting operations shall be cut and scattered in such a manner as to minimize

the danger from fire. Where multiple highway systems exist adjacent to cuttings, no slash shall be permitted within one hundred feet from the outer edge of the highway. No slash shall be permitted within twenty-five feet of any brook, stream, pond, river or water supply. For the purpose of this section the word "slash" shall have the following meanings: tops, branches, slabs, sawdust, or debris left from logging or land clearing operations.

Approved March 22, 1973.

Chap. 109. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF NORFOLK COUNTY TO PAY RETROACTIVE OVERTIME WAGES TO CERTAIN EMPLOYEES OF THE NORFOLK COUNTY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Norfolk, subject to appropriation, are hereby authorized to expend the sum of two thousand dollars and eighty-five cents for the payment of overtime wages previously incurred and due to the employees of the Norfolk county hospital; provided that said payment is in accordance with, and in compliance with the order of the wage and hour and contracts division of the United States department of labor.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1973.

Chap. 110. AN ACT REPEALING THE LAW AUTHORIZING CERTAIN POLITICAL AND MUNICIPAL PARTIES TO HOLD CAUCUSES AND CONVENTIONS AND MAKE NOMINATIONS OF CANDIDATES UNDER CERTAIN CONDITIONS.

Be it enacted, etc., as follows:

Section 1 of chapter 53 of the General Laws, as amended by chapter 371 of the acts of 1939, is hereby further amended by striking out the second sentence.

Approved March 27, 1973.

Chap. 111. AN ACT PROVIDING THAT CERTAIN COURSES TAUGHT IN PUBLIC HIGH SCHOOLS SHALL BE GIVEN ACADEMIC CREDIT.

Be it enacted, etc., as follows:

Section 13 of chapter 71 of the General Laws, as amended by section 1 of chapter 215 of the acts of 1972, is hereby further amended by adding the following sentence: — Such courses as may be taught under this section shall be given the same academic credit necessary for a high school diploma as is given to similar courses taught in said public high school, provided that the school

committee shall make a determination as to the credit equivalency of such course prior to its being offered.

Approved March 27, 1973.

Chap. 112. AN ACT DEFINING THE LIMIT OF ASSESSMENTS THAT MAY BE CHARGED AGAINST MEMBER COMMUNITIES OF A REGIONAL PLANNING DISTRICT.

Be it enacted, etc., as follows:

Section 7 of chapter 40B of the General Laws is hereby amended by striking out the first two sentences and inserting in place thereof the following sentence: — Said commission shall, annually in the month of January, estimate the amount of money required to pay the costs and expenses of the district for the following fiscal year, shall fix and determine the proportion of such costs and expenses to be paid by the constituent cities and towns thereof during such fiscal year which, however, shall not exceed any per capita limit established by the vote of two-thirds of the city councils and town meetings of member cities and towns, and shall certify the amount so determined for each city and town to the assessors thereof who shall include the sum in the tax levy of such fiscal year, provided that the per capita limit of any new member municipality shall not be less than the per capita cost to the member municipalities in the district at the time the new member joined the district.

Approved March 27, 1973.

Chap. 113. AN ACT RELATIVE TO PAYROLL DEDUCTIONS ON ACCOUNT OF DUES PAID TO ASSOCIATIONS OF SCHOOL TEACHERS.

Be it enacted, etc., as follows:

Section 17C of chapter 180 of the General Laws, inserted by chapter 175 of the acts of 1962, is hereby amended by striking out the first and second sentences and inserting in place thereof the following three sentences: — Deductions on payroll schedules may be made from the salaries of a school teacher for the current dues of teacher associations, local, state or national, as authorized by such teacher in writing to the city, town or district school committee by which he is employed. Any such authorization may be withdrawn by such teacher by giving at least sixty days' notice in writing of such withdrawal to said school committee. The specific amount of the current dues of each of said associations shall be certified to the school committee by the local association treasurer on or before September fifteenth of each school year.

Approved March 27, 1973.

Chap. 114. AN ACT DESIGNATING THE FAMILY PICNIC GROVE IN THE STONY BROOK RESERVATION IN THE HYDE PARK DISTRICT OF THE CITY OF BOSTON AS THE DOCTOR H. ROBERT WISE MEMORIAL PICNIC GROVE.

Be it enacted, etc., as follows:

The family picnic grove to be constructed and located in the Stony Brook reservation by the metropolitan district commission shall, upon its completion, be known and designated as the Doctor H. Robert Wise Memorial Picnic Grove, in memory of Doctor H. Robert Wise, a dedicated physician who served his country with great honor and distinction during World War II. A suitable marker bearing said designation shall be erected and maintained thereat by said commission.

Approved March 27, 1973.

Chap. 115. AN ACT REGULATING INTEREST RATE INCREASES ON CERTAIN MORTGAGE LOANS.

Be it enacted, etc., as follows:

Chapter 183 of the General Laws is hereby amended by adding the following section: —

Section 60. Whenever any mortgage note secured by a first lien on a dwelling house of three or fewer separate households occupied or to be occupied in whole or in part by the mortgagor provides for installment payments of principal, with or without interest, that will not amortize the outstanding principal amount in full by the maturity of such note, no increased rate of interest shall be imposed as a condition of renewing the note unless such increased rate of interest is not greater than one half of one per cent more than the rate charged on the note immediately before such maturity and the term of such renewal note is not less than five years.

Approved March 27, 1973.

Chap. 116. AN ACT FURTHER REGULATING THE ESTABLISHMENT OF THE FRENCH-QUINEBAUG REGIONAL REFUSE DISPOSAL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 1 of chapter 568 of the acts of 1972 is hereby amended by inserting after the word "Dudley", in line 1, the words: — , East Brookfield.

SECTION 2. Said chapter 568 is hereby further amended by striking out section 2 and inserting in place thereof the following section: —

Section 2. The district shall be under the management and control of a board which is hereby created and shall be known as the French-Quinebaug Regional Refuse Disposal Board, hereinafter called the board.

The board shall consist of two members from and representing each town that has voted to accept the provisions of this act and is a member of the district. Official actions shall require an affirmative vote of at least two-thirds of the board.

The members of the board from the towns shall be appointed by the board of selectmen or the town manager in those towns having a manager form of government in accordance with each community's applicable provisions of law. Members appointed to the board shall be residents of the town which they represent and may be municipal employees. Members of the board shall be appointed by the appointing authority as follows: the first representative from any member town shall be appointed for a term of three years, the second, for a term of two years. Each member shall serve until the qualification of a successor. Board members may be reappointed to a three-year term, but may not serve more than nine consecutive years. Vacancies shall be filled for the unexpired portion of the term.

SECTION 3. Section 10 of said chapter 568 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

The board shall annually determine the amounts required for the payment of debt and interest of the district which will be due in the ensuing financial year on account of debt issued for the cost of original construction of initial incinerators, sanitary landfills, necessary equipment, and associated facilities, including land damages and costs of demolition of existing structures, and said amount shall be apportioned among the participating member towns in the ratio of their particular populations to the total population of the district, according to the latest federal census.

Approved March 27, 1973.

Chap. 117. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF DUKES COUNTY TO BORROW MONEY FOR CERTAIN REPAIRS AT THE COUNTY AIRPORT.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Dukes County, subject to appropriation, are hereby authorized to expend, for the purposes of repairing and overlaying a runway, taxiway and apron at the county airport operated by said county, a sum not exceeding seventy thousand two hundred and seventy-eight dollars.

SECTION 2. For the purposes of section one, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding in the aggregate, seventy thousand two hundred and seventy-eight dollars, and may issue notes of the county therefor, which shall bear on their face the words, Dukes County Airport Loan, Act of 1973. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than seven years

from their dates. Such notes shall be signed by the treasurer of the county and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Approved March 27, 1973.

Chap. 118. AN ACT IN ADDITION TO THE GENERAL APPROPRIATION ACT MAKING APPROPRIATIONS TO SUPPLEMENT CERTAIN ITEMS CONTAINED THEREIN, AND FOR CERTAIN NEW ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and for certain new activities and projects, the sums set forth in section two for the several purposes and subject to the conditions specified therein are hereby appropriated from the General Fund unless specifically designated otherwise in the item, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two, for the fiscal year ending June the thirtieth, nineteen hundred and seventy-three, or for such period as may be specified, the sums so appropriated to be in addition to any amounts at present available for the purposes.

SECTION 2.

Legislature.
Senate.

Item		
0115-0000	For administrative and legislative aides to the senators, prior appropriation continued	\$127,500
0117-0000	For the office of the senate committee on ways and means, prior appropriation continued, including not more than four permanent positions	48,000

Department of Public Welfare.

4407-2000	For a totally and permanently disabled persons program; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund	\$12,000,000
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SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1973.

Chap. 119. AN ACT AUTHORIZING THE CITY OF TAUNTON TO PAY CERTAIN MEDICAL BILLS INCURRED BY A CITY EMPLOYEE FOR TREATMENT OF AN INJURY SUSTAINED IN THE COURSE OF HIS EMPLOYMENT.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of discharging a moral obligation, the city of Taunton is hereby authorized to pay to David F. Gouveia, M.D., the sum of two hundred and ten dollars; C. Nason Burden, M.D., the sum of two hundred and seventy-five dollars; and Morton Hospital, the sum of four hundred and forty-three dollars and twenty-two cents for medical care, attendance, and medication furnished to Joseph Rogers in nineteen hundred and sixty-six for the treatment of injuries sustained in the course of his employment with said city, said bills being legally unenforceable against said city.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1973.

Chap. 120. AN ACT EXTENDING THE TIME FOR THE ACCEPTANCE BY ANY REGIONAL SCHOOL DISTRICT OF THE VETERANS' RETIREMENT LAW, SO CALLED.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to extend the time for the acceptance by any regional school district of the veterans' retirement law, so called, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the limitations contained in the first paragraph of section sixty of chapter thirty-two of the General Laws, sections fifty-six to fifty-nine, inclusive, of said chapter thirty-two shall be in effect in any regional school district which accepts said sections prior to January first, nineteen hundred and seventy-four by a majority vote of the regional district school committee or the prudential committee, as the case may be.

Approved March 30, 1973.

Chap. 121. AN ACT DESIGNATING A CERTAIN AREA OF THE MEDIAN STRIP AT COLUMBIA ROAD IN THE SOUTH BOSTON DISTRICT IN THE CITY OF BOSTON AS THE LIEUTENANT CHARLES BAZZINOTTI PARK.

Be it enacted, etc., as follows:

The median strip bounded by Columbia road, I street, Day boulevard and G street in the South Boston district of the city of Boston, shall be known and designated as the Lieutenant Charles

Bazzinotti Park, in memory of Charles Bazzinotti, who was killed in action in the Vietnam campaign while a member of the armed forces of the United States. A suitable marker bearing said designation shall be erected and maintained thereat by the metropolitan district commission.

Approved March 30, 1973.

Chap. 122. AN ACT INCREASING THE AMOUNT OF THE DEATH BENEFIT PAYABLE TO THE WIDOW OF WILLIAM E. BURNS WHO DIED OF INJURIES SUSTAINED IN THE PERFORMANCE OF HIS DUTIES AS ASSISTANT CIVIL ENGINEER OF THE CITY OF SALEM.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of promoting the public good, the accidental death benefit allowance payable under section nine of chapter thirty-two of the General Laws to Carmen R. Burns, the widow of William E. Burns, who died on August sixth, nineteen hundred and seventy-two, as a result of injuries sustained on July twenty-fifth, nineteen hundred and seventy-two, while in the performance of his duties as assistant civil engineer in the city of Salem, shall, from the date of his death, subject to the provisions and limitations of said section nine, consist of a yearly amount of pension equal to the annual rate of regular compensation which would have been payable to said William E. Burns had he continued in the service of the city of Salem at the grade held by him at the time of his death. The payments of such pension shall be diminished by the amounts payable to the dependents of said William E. Burns under the provisions of section thirty-one of chapter one hundred and fifty-two of the General Laws.

SECTION 2. This act shall take effect upon its acceptance by the city of Salem.

Approved March 30, 1973.

Chap. 123. AN ACT INCREASING THE AMOUNT OF MONEY WHICH THE CITY OF GLOUCESTER MAY BORROW FOR LIBRARY PURPOSES.

Be it enacted, etc., as follows:

Section 5 of chapter 257 of the acts of 1966, as most recently amended by section 3 of chapter 441 of the acts of 1970, is hereby further amended by striking out, in line 13, the words: "five hundred thousand" and inserting in place thereof the words: — one million five hundred thousand.

Approved March 30, 1973.

Chap. 124. AN ACT AUTHORIZING CITIES AND TOWNS TO APPROPRIATE MONEY FOR THE PURCHASE OF UNIFORMS, RUBBER BOOTS, SHOES AND OTHER OUTER CLOTHING FOR THEIR SHELLFISH CONSTABULARY.

Be it enacted, etc., as follows:

Section 6B of chapter 40 of the General Laws is hereby amended by striking out the first paragraph, as appearing in chapter 484 of the acts of 1962, and inserting in place thereof the following paragraph: —

A city or town which accepts or has accepted this section may appropriate money for the purchase of uniforms for members of its police and fire departments and its shellfish constabulary, which may include the purchase of rubber boots, shoes, and other outer clothing necessary for the use of members of the police and fire departments and shellfish constabulary when traveling to or from or during the course of their employment.

Approved March 30, 1973.

Chap. 125. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF ESSEX COUNTY TO CONSTRUCT AND EQUIP A COURT HOUSE FOR THE FIRST DISTRICT COURT OF ESSEX.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Essex county are hereby authorized to construct and originally equip a court house to provide suitable and adequate facilities for the first district court of Essex in an appropriate location to be selected by them. Said commissioners may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise any land that may be necessary for the purposes of this act, including a sufficient area for the parking of the motor vehicles of persons in attendance upon said court. Said commissioners may expend for the purposes of this act, including the preparation of plans and specifications in connection therewith and for landscaping, such sums as may be necessary, not exceeding, in the aggregate, two million dollars. Any sums received from the federal government for the purposes of this act shall be included in, and considered a part of, the total amount authorized to be expended hereunder.

SECTION 2. For the purposes authorized by section one, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, two million dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, First District Court of Essex Court House Loan, Act of 1973. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than twenty years from their dates. The bonds or notes shall be

signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Approved April 2, 1973.

Chap. 126. AN ACT PERMITTING EMPLOYEES OF THE STATE LOTTERY COMMISSION TO BE APPOINTED SPECIAL POLICE OFFICERS.

Be it enacted, etc., as follows:

Chapter 147 of the General Laws is hereby amended by inserting after section 10J the following section: —

Section 10K. The commissioner may, at the request of the state lottery commission, appoint as special police officers employees of said lottery commission holding the title of chief of security, security officer or license agent. Such special police officers shall serve for one year, subject to removal by the commissioner, and they shall have the same power to make arrests as the state police for any criminal offense committed in connection with the operation of the state lottery. They shall report to the commissioner as to their official acts at such times and in such manner as he may require. They shall serve without pay, except their regular compensation as employees of said lottery commission, and they shall receive no fees for service or return of any criminal process.

Approved April 3, 1973.

Chap. 127. AN ACT EXEMPTING A TOW TRUCK DOLLY FROM THE DEFINITION OF THE WORD "TRAILER".

Be it enacted, etc., as follows:

Section 1 of chapter 90 of the General Laws is hereby amended by striking out the definition of "Trailer", as most recently amended by chapter 267 of the acts of 1956, and inserting in place thereof the following definition: —

"Trailer", any vehicle or object on wheels and having no motive power of its own, but which is drawn by, or used in combination with, a motor vehicle. It shall not include a pole dolly or pole dickey, so called, nor a pair of wheels commonly used as an implement for other purposes than transportation, nor a portable or collapsible dolly carried in a tow truck for the purpose of transporting registered disabled vehicles to a place of safety or a place equipped for the repair of such disabled vehicles, but not including the transportation of vehicles which are not disabled, nor farm machinery or implements when used in connection with the operation of a farm or estate, nor any vehicle when towed behind a farm

tractor and used in connection with the operation of a farm or estate.

Approved April 3, 1973.

Chap. 128. AN ACT INCREASING THE MAXIMUM SALARY WHICH MAY BE PAID TO CITY MANAGERS IN CITIES WHICH HAVE ADOPTED PLAN E CHARTERS.

Be it enacted, etc., as follows:

The first paragraph of section 103 of chapter 43 of the General Laws is hereby amended by striking out the third sentence, as appearing in section 15 of chapter 378 of the acts of 1938, and inserting in place thereof the following sentence: — He shall hold office during the pleasure of the city council and shall receive such compensation as it shall fix by ordinance, but not exceeding thirty-two thousand five hundred dollars annually.

Approved April 3, 1973.

Chap. 129. AN ACT REQUIRING PERSONS ENGAGED IN THE BUSINESS OF LEASING AND RENTING MOTOR VEHICLES TO BE LICENSED AS SELLERS OF SECOND HAND MOTOR VEHICLES.

Be it enacted, etc., as follows:

Section 57 of chapter 140 of the General Laws is hereby amended by striking out the second sentence, added by section 1 of chapter 103 of the acts of 1952, and inserting in place thereof the following sentence: — This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles, and to any person engaged in the business of leasing or renting motor vehicles and who, as an incident to such business, sells or offers to sell any such lease or rental vehicle to the public.

Approved April 3, 1973.

Chap. 130. AN ACT AUTHORIZING THE TOWN OF WINCHESTER TO PAY A CERTAIN SUM OF MONEY TO MIRAK CHEVROLET, INC.

Be it enacted, etc., as follows:

For the purpose of discharging a moral obligation, the town of Winchester, is hereby authorized to pay Mirak Chevrolet, Inc., the sum of two thousand five hundred and thirty dollars for the purchase of and use of a van-type vehicle described in invoice #8090 of said corporation dated September twenty-fourth, nineteen hundred and seventy-one, said sum to be paid out of funds appropriated for the purchase of a vehicle by the water and sewer board of said town under the provisions of Article 9 of the warrant of the nineteen hundred and seventy-one annual town meeting, said bill being legally unenforceable against said town.

Approved April 3, 1973.

Chap. 131. AN ACT PROVIDING THAT CERTAIN EMPLOYEES OF THE COMMONWEALTH SHALL BE GRANTED A LEAVE OF ABSENCE IF ELECTED TO PUBLIC OFFICE.

Be it enacted, etc., as follows:

Chapter 30 of the General Laws is hereby amended by inserting after section 9E the following section: —

Section 9F. Notwithstanding any law, rule or regulation to the contrary, any person permanently employed by the commonwealth, subject to the provisions of section nine B, who holds an elective state or county office or who is elected mayor by the people of any city in the commonwealth, shall, upon his written request, made to the appointing authority, be granted a leave of absence without pay from his position or employment for all or for such portion of the term for which he was elected, as he may at any time, or from time to time, designate, and he shall not be suspended or discharged and shall suffer no loss of tenure rights as a result of such leave of absence.

Approved April 3, 1973.

Chap. 132. AN ACT RATIFYING AND CONFIRMING THE TAKING BY EMINENT DOMAIN BY THE TOWN OF HARDWICK OF CERTAIN PERMANENT EASEMENTS IN AND OVER LAND OF THE PENNSYLVANIA NEW YORK CENTRAL TRANSPORTATION COMPANY.

Be it enacted, etc., as follows:

SECTION 1. The action of the town of Hardwick, acting by its board of selectmen, in the taking by eminent domain on November twenty-seventh, nineteen hundred and sixty-eight of permanent easements in and over land of the Pennsylvania New York Central Transportation Company for the purposes of installing and maintaining a main sewer trunk line connecting a town sewage treatment plant, together with the right to install and maintain all necessary utility lines and pipes through said land to operate said facility, together with a right of way over said railroad company land at all times and with all necessary vehicles for the purpose of providing access to said facility, said order of taking being recorded with the Worcester district registry of deeds in Book 4907, page 226, is hereby ratified and confirmed as though said town had authority to take by eminent domain all of the enumerated easements on said date; provided that said Pennsylvania New York Central Transportation Company, or its successors and assigns, may bring an action for damages against said town of Hardwick for the taking of the aforesaid easements up to and including two years from the effective date of this act; and providing further that said town shall not enter upon nor construct any sewer or crossing or install other utilities within the location of such railroad except at such time and in such manner as it may agree upon with said railroad, or, in case of failure to agree, as may be approved by the

department of public utilities.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1973.

Chap. 133. AN ACT FURTHER REGULATING THE SALE OF CERTAIN MOTOR VEHICLES LEFT IN PUBLIC GARAGES.

Be it enacted, etc., as follows:

The first sentence of the fifth paragraph of section 39A of chapter 255 of the General Laws, as amended by chapter 190 of the acts of 1968, is hereby further amended by striking out, in line 1, the word "ninety" and inserting in place thereof the word: — sixty.

Approved April 5, 1973.

Chap. 134. AN ACT INCREASING THE PENALTY FOR VIOLATING THE LAW RELATIVE TO SELLING, RENTING OR LEASING FIREARMS AND OTHER WEAPONS.

Be it enacted, etc., as follows:

Section 128 of chapter 140 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 3 of chapter 456 of the acts of 1971, and inserting in place thereof the following sentence: —

Any licensee under a license described in section one hundred and twenty-three, and any employee or agent of such licensee, who violates any provision of said section required to be expressed in the second, fourth, sixth, seventh, eighth or ninth condition of said license, and except as provided in section one hundred and twenty-eight A, any person who, without being licensed as hereinbefore provided, sells, rents or leases, or exposes for sale, rental or lease, or has in his possession with intent to sell, rent or lease, a firearm, rifle, shotgun or machine gun, or is engaged in business as a gunsmith, shall for the first offense be punished by a fine of not less than five hundred nor more than one thousand dollars, and for any subsequent offense by imprisonment in the state prison for not more than ten years.

Approved April 5, 1973.

Chap. 135. AN ACT INCREASING THE PENALTY FOR ILLEGALLY ISSUING PERMITS TO PURCHASE, RENT OR LEASE FIREARMS, RIFLES AND SHOTGUNS.

Be it enacted, etc., as follows:

Section 131A of chapter 140 of the General Laws is hereby amended by striking out the last sentence, as appearing in section 7 of chapter 296 of the acts of 1959, and inserting in place thereof the following sentence: — Whoever knowingly issues a permit in violation of this section shall be punished by a fine of not less than

five hundred nor more than one thousand dollars and by imprisonment for not less than six months nor more than two years in a jail or house of correction.

Approved April 5, 1973.

Chap. 136. AN ACT INCREASING THE PENALTY FOR THE UN-AUTHORIZED OWNERSHIP OR POSSESSION OF FIREARMS BY ALIENS.

Be it enacted, etc., as follows:

The second paragraph of section 131H of chapter 140 of the General Laws, as appearing in section 3 of chapter 802 of the acts of 1967, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: —

Violation of any provision of this section shall be punished by a fine of not less than five hundred nor more than one thousand dollars, and by imprisonment for not more than six months in a jail or house of correction.

Approved April 5, 1973.

Chap. 137. AN ACT ELIMINATING PAYMENT TO THE ASSURANCE FUND OF THE LAND COURT FOR ISSUANCE OF A NEW CERTIFICATE UPON THE DEATH OF AN OWNER OF REGISTERED LAND.

Be it enacted, etc., as follows:

Section 99 of chapter 185 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 1 and 2, the words “, and also upon the entry of a certificate under said section ninety-seven”.

Approved April 5, 1973.

Chap. 138. AN ACT INCREASING THE PENALTY FOR ILLEGALLY ISSUING LICENSES TO CARRY OR POSSESS FIREARMS.

Be it enacted, etc., as follows:

The second paragraph of section 131 of chapter 140 of the General Laws, as appearing in chapter 415 of the acts of 1972, is hereby amended by striking out the seventh sentence and inserting in place thereof the following sentence: — Whoever, knowingly, issues a license in violation of this section shall be punished by a fine of not less than five hundred nor more than one thousand dollars, and by imprisonment for not less than six months nor more than two years in a jail or house of correction.

Approved April 5, 1973.

Chap. 139. AN ACT AUTHORIZING THE REGISTRAR OF MOTOR VEHICLES TO SUSPEND LICENSES TO OPERATE MOTOR VEHICLES FOR NONPAYMENT OF THE EXCISE ON MOTOR VEHICLES.

Be it enacted, etc., as follows:

Section 2A of chapter 60A of the General Laws is hereby amended by striking out the third sentence, as appearing in section 1 of chapter 339 of the acts of 1953, and inserting in place thereof the following sentence: — Unless such evidence is so filed with the registrar, he shall forthwith suspend the certificates of registration of all such motor vehicles and trailers, and he may, after a hearing, as provided in paragraph (b) of section twenty-two of chapter ninety, suspend any license to operate motor vehicles which has been issued to the person to whom such excise tax is assessed and he shall not terminate any such suspension of registration or license to operate motor vehicles nor renew nor issue any certificate of registration or license to operate motor vehicles for the person to whom such excise is assessed until such evidence has been filed with him and such filing fee paid.

Approved April 5, 1973.

Chap. 140. AN ACT AUTHORIZING REGIONAL PLANNING DISTRICTS TO HAVE AND USE SEALS.

Be it enacted, etc., as follows:

Chapter 40B of the General Laws is hereby amended by inserting after section 4A the following section: —

Section 4B. Each planning district may have a seal consisting of a circular die bearing the words, 'Commonwealth of Massachusetts,Regional Planning District, 19.....', which seal may be used whenever deemed advisable by the district planning commission on papers and documents issued or executed by the commission or by any officer or employee designated by the commission.

Approved April 5, 1973.

Chap. 141. AN ACT REQUIRING WRITTEN DISCLOSURE ON BILLS OF SALE THAT MOTOR VEHICLES WERE USED AS LEASE VEHICLES.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by striking out section 92A, as most recently amended by chapter 40 of the acts of 1968, and inserting in place thereof the following section: —

Section 92A. Whoever sells a motor vehicle knowing that its engine or electrical parts have been submerged in water, or knowing that it has been used as a police car, a taxicab, a rental vehicle by a motor vehicle rental agency, or a leased vehicle which has been leased to any corporation, individual or entity, other than a motor

vehicle rental company, without indicating such fact in writing on the bill of sale, and whoever, other than the commonwealth or any political subdivision thereof, sells any such police car to an ultimate user for other than police purposes without first having obliterated all evidence of distinctive police insignias or markings thereon, and painting the exterior thereof one solid color, shall be punished by a fine of not less than ten nor more than five hundred dollars.

Approved April 5, 1973.

Chap. 142. AN ACT INCREASING THE FEE FOR THE ISSUANCE OF CERTIFICATES OF NUMBER FOR MOTORBOATS AND FURTHER REGULATING THE EXPIRATION DATES THEREOF.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (a) of section 3 of chapter 90B of the General Laws is hereby amended by striking out the second sentence, as amended by chapter 769 of the acts of 1971, and inserting in place thereof the following sentence: — The application shall be signed by the owner of the motorboat, and shall be forwarded to the director together with a fee of ten dollars for an original certificate of number or renewal thereof, or a fee of one dollar and fifty cents for the substitution of a certificate of number of a motorboat for a motorboat previously numbered.

SECTION 2. Said section 3 of said chapter 90B is hereby amended by striking out subsection (j), as appearing in section 2 of chapter 275 of the acts of 1960, and inserting in place thereof the following subsection: —

(j) An original certificate of number initially awarded pursuant to this chapter shall be valid for two years from the date of issue. Each renewal shall be valid for two years from the date of expiration of the certificate renewed.

Approved April 5, 1973.

Chap. 143. AN ACT PROVIDING THAT PERSONS APPOINTED TEMPORARY OFFICERS TO THE ELECTIVE POSITIONS OF TOWN TREASURER, COLLECTOR, ACCOUNTANT OR AUDITOR SHALL BE REGISTERED VOTERS OF THE TOWNS MAKING SUCH APPOINTMENTS.

Be it enacted, etc., as follows:

Section 40 of chapter 41 of the General Laws, as most recently amended by chapter 105 of the acts of 1963, is hereby amended by inserting after the first sentence the following sentence: — If said office is elective the temporary officer so appointed shall be a registered voter of the town.

Approved April 5, 1973.

Chap. 144. AN ACT PROVIDING FOR A UNIFORM CLOSING HOUR FOR POLLING PLACES IN PRIMARY ELECTIONS.

Be it enacted, etc., as follows:

Section 43 of chapter 53 of the General Laws, as most recently amended by chapter 279 of the acts of 1972, is hereby further amended by inserting after the second sentence the following sentence: — The polls shall not be closed before eight o'clock in the evening.

Approved April 5, 1973.

Chap. 145. AN ACT RELATIVE TO THE EQUIPMENT OF COMMERCIAL MOTOR VEHICLES, SEMI-TRAILERS OR TRAILERS USED IN INTERSTATE COMMERCE.

Be it enacted, etc., as follows:

Section 7 of chapter 90 of the General Laws is hereby amended by striking out the third paragraph, inserted by chapter 443 of the acts of 1941, and inserting in place thereof the following paragraph: —

Notwithstanding the preceding provisions of this section, any commercial motor vehicle, semi-trailer or trailer, used in interstate commerce, which shall conform as to its equipment with the regulations established from time to time by the bureau of motor carrier safety of the United States department of transportation, shall be deemed to conform to the requirements of this section.

Approved April 5, 1973.

Chap. 146. AN ACT INCREASING THE PENALTY FOR VIOLATORS OF THE LAW REGULATING MOTOR VEHICLES APPROACHING PEDESTRIANS ON CERTAIN MARKED CROSS-WALKS.

Be it enacted, etc., as follows:

Section 11 of chapter 89 of the General Laws, added by section 1 of chapter 405 of the acts of 1967, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph: —

Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars.

Approved April 5, 1973.

Chap. 147. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF EARTH WEEK.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by striking out section 14C, inserted by chapter 70 of the acts of 1971, and inserting in place thereof the following section: —

Section 14C. The governor shall annually issue a proclamation setting apart one week in April as Earth Week, calling to the attention of all citizens the desirability of protecting our natural environment from pollution or destruction.

Approved April 5, 1973.

Chap. 148. AN ACT PROVIDING THAT CITIES AND TOWNS MAY PERMIT CIVIL DEFENSE VOLUNTEERS TO OPERATE SNOW VEHICLES ON PUBLIC WAYS DURING CERTAIN EMERGENCY CONDITIONS.

Be it enacted, etc., as follows:

Section 25 of chapter 90B of the General Laws, as appearing in section 2 of chapter 589 of the acts of 1970, is hereby amended by inserting after the first paragraph the following paragraph: —

In the event of a determination by a mayor or board of selectmen, that because of emergency conditions, public ways within a city or town are rendered impassable to conventional motor vehicles, such mayor or board of selectmen, may, without prior notice or public hearing, authorize the director of the local organization for civil defense or the chief of police in said city or town to grant permits to civil defense volunteers to operate snow vehicles on such ways for such purposes as may be necessary to ensure the health and safety of the public. Such permits shall be rescinded promptly upon the abatement of such emergency conditions.

Approved April 5, 1973.

Chap. 149. AN ACT PROVIDING THAT A REPORT OF LEAD CONTENT BY THE BUREAU OF INSTITUTE LABORATORIES SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS STATED THEREIN.

Be it enacted, etc., as follows:

The second paragraph of section 195 of chapter 111 of the General Laws, as appearing in section 1 of chapter 1081 of the acts of 1971, is hereby amended by adding the following sentence: — A copy of the report of said laboratory or any division thereof, certified as a true copy by the custodian of the records of said laboratory, shall be admissible in any judicial proceeding without further authentication by either the laboratory or by the agency for which said report was made and shall be prima facie evidence of the facts stated therein.

Approved April 5, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, April 5, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 149 of the Acts of 1973, entitled, "AN ACT PROVIDING THAT A REPORT OF LEAD CONTENT BY THE BUREAU OF INSTITUTE LABORATORIES SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS STATED THEREIN," and the enactment of which received my approval on April 5, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

In order to permit more prompt resolution of court proceedings initiated under the provisions of M. G. L. Chapter 111, section 190-199.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, April 5, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency, the Governor of the Commonwealth of Massachusetts at three o'clock and thirty minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter one hundred and forty-nine of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 150. AN ACT RELATIVE TO THE EXAMINATION OF PRINTER AUTOMATIC VOTING MACHINES BY A CANDIDATE FOR PUBLIC OFFICE.

Be it enacted, etc., as follows:

Section 35 of chapter 54 of the General Laws is hereby amended by inserting after the twelfth sentence, inserted by chapter 65 of the acts of 1971, the following sentence: — In cities and towns which use printer type voting machines, such examination by a candidate whose name appears on said machine or his representative, duly authorized in writing, shall be conducted by means of the

printer sheets to determine that figures on each machine are properly registered.

Approved April 5, 1973.

Chap. 151. AN ACT PROVIDING THAT EYE ENUCLEATION MAY BE PERFORMED BY TRAINED TECHNICIANS.

Be it enacted, etc., as follows:

Subsection (d) of section 10 of chapter 113 of the General Laws, as appearing in chapter 653 of the acts of 1971, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Notwithstanding subsection (b) of section thirteen, the donor may designate in his will, card or other document of gift the surgeon or physician to carry out the appropriate procedures; provided, however, that eye enucleations may be performed also by a technician who has successfully completed a course of training acceptable to the Eye Bank of the Massachusetts Eye and Ear Infirmary.

Approved April 5, 1973.

Chap. 152. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF JAYCEE WEEK AND JAYCEE DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15X, inserted by chapter 469 of the acts of 1972, the following section: —

Section 15Y. The governor shall annually issue a proclamation setting apart the third week of January as Jaycee week, and the Wednesday of that week as Jaycee day and recommending that said week and day be observed in an appropriate manner by the people.

Approved April 5, 1973.

Chap. 153. AN ACT DIRECTING THE COMMISSIONER OF MENTAL HEALTH TO SELL AND CONVEY A CERTAIN PARCEL OF LAND TO THE TOWN OF LEXINGTON.

Be it enacted, etc., as follows:

The commissioner of mental health, acting for and on behalf of the commonwealth, is hereby authorized and directed to sell and convey to the town of Lexington, for conservation purposes, for a consideration of one dollar, by a deed approved as to form by the attorney general, all the right, title and interest of the commonwealth in and to a certain parcel of land under the control of the department of mental health located on Concord Avenue in said town, bounded and described as follows: — Beginning at the intersection point on the southerly side of the 1945 County Layout of Concord Avenue and the Lexington and Belmont Town Line, thence N 52-46-30W distant 882.55 feet by said southerly sideline

of Concord Avenue to a point, thence N 48-39-00 W distant 150.00 feet by said sideline to a point, thence S 41-21-00 W distant 50.00 feet to a point, thence S 24-41-15 E distant 607.28 feet to a point, thence S 49-57-18 E distant 506.96 feet to a point on the Lexington and Belmont Town Line, thence N 36-11-10 E distant 350.00 feet by said Lexington and Belmont Town Line to the point of beginning. Containing 6.2 acres more or less. All as shown on a plan entitled "Plan of Land in Lexington, Massachusetts, Scale 1" equals 80', March 12, 1973," John J. McSweeney, Town Engineer.

Approved April 5, 1973.

Chap. 154. AN ACT AUTHORIZING THE TOWN OF FOXBOROUGH TO APPROPRIATE MONEY ANNUALLY IN ANTICIPATION OF ITS BICENTENNIAL CELEBRATION.

Be it enacted, etc., as follows:

SECTION 1. The town of Foxborough may appropriate money annually from and including the year nineteen hundred and seventy-three to and including the year nineteen hundred and seventy-eight for its anniversary celebration to be known as the "Bicentennial Celebration".

SECTION 2. Said town may establish in the town treasury a special fund in which shall be deposited such sums as may be appropriated by said town under the provisions of this act. Any and all such funds received by the town treasurer shall be kept separate and apart from any other moneys, funds, or property of said town, and the principal and interest thereof may be expended for the purposes of this act. Any surplus remaining in said special fund after such celebration is concluded shall be transferred by said treasurer into the treasury of said town.

SECTION 3. This act shall take effect upon its passage.

Approved April 9, 1973.

Chap. 155. AN ACT INCREASING THE ANNUAL RATE OF COMPENSATION OF CERTAIN CALL FIREMEN AND RESERVE POLICEMEN FOR PURPOSES OF DETERMINING THEIR NORMAL YEARLY AMOUNT OF ACCIDENTAL DISABILITY PENSION RETIREMENT ALLOWANCE.

Be it enacted, etc., as follows:

Paragraph (b) of subdivision (2) of section 7 of chapter 32 of the General Laws, as appearing in chapter 208 of the acts of 1968, is hereby amended by striking out, in line 12, the words "six thousand" and inserting in place thereof the words: — seven thousand five hundred.

Approved April 9, 1973.

Chap. 156. AN ACT FURTHER REGULATING TRAPPING BY MINORS AND THE ISSUANCE OF MINORS' CERTIFICATES OF COMPETENCY IN THE SAFE HANDLING OF FIREARMS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 14 of chapter 131 of the General Laws, as appearing in section 1 of chapter 802 of the acts of 1967, is hereby amended by striking out clause (c) and inserting in place thereof the following clause: —

(c) or a certificate of competency as provided in this section.

SECTION 2. Said section 14 of said chapter 131 is hereby further amended by striking out the fourth paragraph, as amended by chapter 60 of the acts of 1971, and inserting in place thereof the following paragraph: —

Nothing in this section or any other provision of law shall prohibit a minor twelve to fourteen years of age, inclusive, from participating in the hunting of birds and mammals when accompanied by a duly licensed adult; provided that the bag limit established by law or regulation for one person shall not be exceeded; and provided, further that only one firearm shall be used in such hunting. Not more than one such minor shall at any one time accompany one adult, and such minors shall not be required to be licensed.

Approved April 9, 1973.

Chap. 157. AN ACT INCREASING THE PENALTY FOR VIOLATING THE LAW RELATIVE TO THE SALE OF AMMUNITION.

Be it enacted, etc., as follows:

Section 122B of chapter 140 of the General Laws is hereby amended by striking out the last paragraph, as appearing in section 2 of chapter 799 of the acts of 1969, and inserting in place thereof the following paragraph: —

Whoever not being licensed, as hereinbefore provided, sells ammunition within the commonwealth shall be punished by a fine of not less than five hundred nor more than one thousand dollars or by imprisonment for not less than six months or more than two years.

Approved April 9, 1973.

Chap. 158. AN ACT INCREASING THE PENALTY FOR GIVING FALSE INFORMATION WHEN PURCHASING, RENTING OR HIRING A FIREARM OR OTHER WEAPON.

Be it enacted, etc., as follows:

Chapter 140 of the General Laws is hereby amended by striking out section 129, as most recently amended by section 6 of chapter 737 of the acts of 1968, and inserting in place thereof the following section: —

Section 129. Whoever in purchasing, renting or hiring a firearm,

rifle, shotgun or machine gun, or in making application for any form of license or permit issued in connection therewith, or in requesting that work be done by a gunsmith, gives a false or fictitious name or address or knowingly offers or gives false information concerning the date or place of birth, his citizenship status, occupation, or criminal record, shall for the first offense be punished by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment for not more than one year, or both; and for a second or subsequent offense, shall be punished by imprisonment for not less than two and one half years nor more than five years in the state prison.

Approved April 9, 1973.

Chap. 159. AN ACT INCREASING THE PENALTY FOR THE ILLEGAL USE OF A FIREARM IDENTIFICATION CARD.

Be it enacted, etc., as follows:

Section 131E of chapter 140 of the General Laws is hereby amended by striking out the second sentence, as amended by section 12 of chapter 799 of the acts of 1969, and inserting in place thereof the following sentence: — Any person who uses said license to carry firearms or firearm identification card for the purpose of purchasing a firearm, rifle or shotgun for the unlawful use of another, or for resale to or giving to an unlicensed person, shall be punished by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment for not less than six months nor more than two years in a jail or house of correction, or by both such fine and imprisonment.

Approved April 9, 1973.

Chap. 160. AN ACT PROVIDING THAT CERTAIN DEEDS EXECUTED BY MUNICIPAL CORPORATIONS AND CERTAIN DISTRICTS SHALL BE BINDING THEREON, NOTWITHSTANDING INCONSISTENT PROVISIONS OF LAW, CHARTERS, BY-LAWS, RESOLUTIONS OR VOTES.

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by inserting after section 3 the following section: —

Section 3A. Any recordable instrument purporting to affect an interest in real estate, title to which is held by a city, town, district or regional school district, executed in the name of a town by its selectmen, in the name of a city by its mayor or by its city manager in the case of a city having a Plan D or Plan E charter, or in the name of a district or regional school district by the chairman of its prudential committee or other governing board or by any agent or committee authorized by particular vote of the city, town or district or in the case of a municipality acting by or through an industrial development financing authority as provided in section seven of chapter forty D by vote of the board of directors of said authority,

shall be binding on the city, town, district or regional school district in favor of a purchaser or other person relying in good faith on such instrument notwithstanding inconsistent provisions of general or special law, the city or town charter, by-laws, resolutions or votes.

Approved April 9, 1973.

Chap. 161. AN ACT INCREASING THE PENALTY FOR FURNISHING CERTAIN WEAPONS OR AMMUNITION TO ALIENS OR MINORS.

Be it enacted, etc., as follows:

Section 130 of chapter 140 of the General Laws, as most recently amended by section 10 of chapter 799 of the acts of 1969, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: —

Whoever sells or furnishes a firearm or machine gun or ammunition therefor to any alien or to a minor or whoever sells or furnishes a rifle or shotgun or ammunition therefor to an alien who does not hold a permit card issued to him under section one hundred and thirty-one H, or to a minor eighteen years of age or older, except to such minor who being eighteen years of age or older displays either a license to carry firearms or a firearms identification card, and a sporting or hunting license issued to him in the case of ammunition, or displays such license to carry, or firearm identification card together with said sporting or hunting license, and the written consent of his parent or guardian that a rifle or shotgun be sold to him or furnished to him in the case of a rifle or shotgun, or to a minor under eighteen years of age, shall have his license to sell firearms, machine guns or ammunition revoked and shall not be entitled to apply for such a license for ten years from the date of revocation and shall be punished by a fine of not less than five hundred or more than one thousand dollars.

Approved April 9, 1973.

Chap. 162. AN ACT PROVIDING THAT FAILURE TO NOTIFY THE ATTORNEY GENERAL OF CERTAIN ENVIRONMENTAL ADJUDICATORY PROCEEDINGS SHALL NOT INVALIDATE THE SAME.

Be it enacted, etc., as follows:

The third paragraph of section 11D of chapter 12 of the General Laws, as appearing in section 1 of chapter 781 of the acts of 1972, is hereby amended by inserting after the word "issue", in line 4, the words: — ; provided, however, that failure to give such notice shall not invalidate such proceeding or public hearing.

Approved April 9, 1973.

Chap. 163. AN ACT AUTHORIZING CONSERVATION COMMISSIONS TO ENTER UPON CERTAIN WETLANDS TO CONDUCT EXAMINATIONS OR SURVEYS FOLLOWING NOTICE OF PROPOSED ALTERATIONS THEREON.

Be it enacted, etc., as follows:

The fourth paragraph of section 40 of chapter 131 of the General Laws, as appearing in section 1 of chapter 784 of the acts of 1972, is hereby amended by adding the following sentence: — The conservation commission, its agents, officers, and employees, may, for the purpose of performing its duties under this section, enter upon the land upon which the proposed work is to be done and make or cause to be made such examination or survey as is deemed necessary.

Approved April 9, 1973.

Chap. 164. AN ACT IMPOSING PENALTIES FOR ALTERING OR SUBSTITUTING CIVIL SERVICE EXAMINATION PAPERS.

Be it enacted, etc., as follows:

Chapter 31 of the General Laws is hereby amended by inserting after section 11 the following section: —

Section 11A. No person shall wilfully and corruptly alter any examination paper of any applicant, or wilfully and corruptly substitute any other paper for such examination paper, for the purpose of either improving or injuring the prospects or chances of appointment, employment or promotion of such applicant or of any other person. Any person who violates or conspires to violate any provision of this section shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both.

Approved April 9, 1973.

Chap. 165. AN ACT RELATIVE TO CERTAIN INVESTMENTS BY SAVINGS AND CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

SECTION 1. Paragraph 6 of section 49 of chapter 168 of the General Laws is hereby amended by striking out clause (a), as amended by section 1 of chapter 698 of the acts of 1972, and inserting in place thereof the following clause: —

(a) a banking corporation in the common stock of which such corporation may invest pursuant to paragraph 1 of section forty-seven; provided, that such banking corporation has a combined total of capital stock, surplus, undivided profits, capital debentures and reserves for contingencies equal to at least seven million dollars and total assets of one hundred and fifty million dollars and also equal to at least six per cent of its aggregate deposit liability at the end of the calendar year immediately preceding the date of investment or.

SECTION 2. Paragraph (e) of subsection 4A of section 26 of chap-

ter 170 of the General Laws is hereby amended by striking out clause (i), as amended by section 2 of said chapter 698, and inserting in place thereof the following clause: —

(i) a banking corporation in the common stock of which such corporation may invest pursuant to paragraph 1 of section forty-seven of chapter one hundred and sixty-eight as made applicable to such corporations by subsection 2 of this section; provided, that such banking corporation has a combined total of capital stock, surplus, undivided profits, capital debentures and reserves for contingencies equal to at least seven million dollars and total assets of one hundred and fifty million dollars and also equal to at least six per cent of its aggregate deposit liability at the end of the calendar year immediately preceding the date of investment or.

Approved April 9, 1973.

Chap. 166. AN ACT DESIGNATING THAT PORTION OF STATE HIGHWAY ROUTE 49 WITHIN THE TOWN OF SPENCER AS THE PHILIP A. QUINN MEMORIAL HIGHWAY.

Be it enacted, etc., as follows:

That portion of state highway Route 49, within the town of Spencer, shall be designated and known as the Philip A. Quinn Memorial Highway, in memory of Philip A. Quinn, a former member of the Massachusetts senate. A suitable marker bearing such designation shall be erected thereon by the department of public works.

Approved April 9, 1973.

Chap. 167. AN ACT EXEMPTING CANDIDATES FOR PUBLIC OFFICE FROM MAINTAINING VOUCHERS FOR SMALL SUMS OF MONEY.

Be it enacted, etc., as follows:

Section 2 of chapter 55 of the General Laws, as appearing in section 10 of chapter 537 of the acts of 1946, is hereby amended by inserting after the word "value", in line 3, the words: — in excess of twenty-five dollars, and by striking out, in line 13, the word "five" and inserting in place thereof the word: — twenty-five.

Approved April 10, 1973.

Chap. 168. AN ACT PROHIBITING DISCRIMINATION BECAUSE OF SEX OR MARITAL STATUS IN THE FURNISHING OF CREDIT AND SERVICES.

Be it enacted, etc., as follows:

Section 4 of chapter 151B of the General Laws is hereby amended by adding after subsection 13, added by section 2 of chapter 786 of the acts of 1972, the following subsection: —

14. For any person furnishing credit or services to deny or terminate such credit or services or to adversely affect an individual's credit standing because of such individual's sex or marital status.

Approved April 11, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, April 11, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Donald R. Dwight, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 168 of the Acts of 1973, entitled "AN ACT PROHIBITING DISCRIMINATION BECAUSE OF SEX OR MARITAL STATUS IN THE FURNISHING OF CREDIT AND SERVICES," and the enactment of which received my approval on April 11, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is imperative that any form of discrimination in the furnishing of credit and services because of sex or marital status be prohibited forthwith.

Sincerely,
DONALD R. DWIGHT,
*Lieutenant Governor,
Acting Governor of the Commonwealth.*

OFFICE OF THE SECRETARY, BOSTON, April 11, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Honor the Lieutenant Governor, Acting Governor of the Commonwealth of Massachusetts at three o'clock and ten minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter one hundred and sixty-eight of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 169. AN ACT FURTHER DEFINING THE OBLIGATION OF THE CITY OF SALEM FOR THE SOUTH RIVER FLOOD CONTROL PROJECT.

Be it enacted, etc., as follows:

Chapter 505 of the acts of 1972 is hereby amended by striking out section 2 and inserting in place thereof the following section: —

Section 2. Notwithstanding the provisions of section one of chapter six hundred and eight of the acts of nineteen hundred and sixty-eight and section one of chapter seven hundred and twenty-seven of the acts of nineteen hundred and seventy, the maximum amount to be contributed by the city of Salem for stage one and stage two of the South River Flood Control Project shall not exceed twenty-five per cent of the costs of the improvements authorized by said chapters.

Approved April 13, 1973.

Chap. 170. AN ACT RELATIVE TO GRANTING TENURE TO INCUMBENTS OF CERTAIN APPOINTIVE MUNICIPAL OFFICES.

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by adding after section 125 the following seven sections: —

Section 126. The following words, as used in sections one hundred and twenty-six to one hundred and thirty-two, inclusive, shall have the following meanings, unless a different meaning is plainly required by the context: —

“Application statement”, a writing signed by an incumbent in an appointive office which shall include a request for tenure in said office, the name, residential address and title of the office of such incumbent, and the number of years such incumbent has held office continuously. The writing may also be signed by a department head requesting tenure for members of his department who have held offices for five or more consecutive years.

“Appointive office”, any public office other than an office which is required to be filled by popular vote periodically in a city, town or district, but not including an office within the classified civil service, an office on a board, commission or committee which has two or more members, a teacher or officer in a school department or system, any office which is filled by appointment made by the governor, or any office in an authority, board, commission or other public body which is a separate corporation from the city, town or district in which it exercises powers.

“District”, a fire, water, sewer, light, improvement or other district with such powers which is wholly contained within a city or town.

“Tenure”, the holding of an appointive office under the provisions of sections one hundred and twenty-seven to one hundred and thirty-two, inclusive, in a city, town or district without the necessity of periodic reappointment.

The titles of particular municipal officers as used in these said sections shall be construed to mean officers, however titled, who exercise powers similar to those exercised by officers holding titles so used.

Section 127. Any person who has held an appointive office in a city, town or district for at least five consecutive years shall be eligible to apply for tenure in such office pursuant to the provisions of sections one hundred and twenty-six to one hundred and thirty-two, inclusive, with the exception of the following offices: — city or town manager, executive secretary to the selectmen, city or assistant city solicitor, town or assistant town counsel, and legislative counsel. Any person having tenure in a city or town office who is elected to or accepts an appointment to any of the foregoing offices, whether or not to fill a vacancy, shall thereupon lose such tenure. Any person having tenure in an appointive city or town office may not apply for tenure in any other city or town office, nor may any person apply for tenure in more than one city or town office at any one time, except that a person may apply for tenure as city clerk and city treasurer or town clerk and town treasurer, or, if such person has tenure in either of such offices, he may apply for tenure in the other office; provided that both such offices are appointive offices. If any person is unable to so apply for tenure by reason of holding one of the offices specified above or loses his tenure by reason of being elected or appointed to any such office, he may, following the termination of his service in such office, then apply for tenure in an appointive city or town office. Any person granted tenure of office under these provisions shall, notwithstanding any contrary provision of general or special laws, hold office during good behavior until he has attained age sixty-five unless incapacitated by physical or mental disability from performing the duties thereof, but may be removed for cause after a hearing as provided by section forty-three of chapter thirty-one.

Section 128. Any person applying for tenure in an appointive city office shall file an application statement with the city clerk and shall deliver copies thereof in hand or send same by registered or certified mail, return receipt requested, to every city officer, or every member of any city board, commission or other body that is required to recommend, make, approve or confirm the applicant's office. Upon receipt of the application statement, the city clerk shall post a copy thereof in his office. The applicant shall forthwith and at his own expense cause a copy of his said statement to be published in a newspaper of general circulation in the city once a week for three consecutive weeks. Not less than thirty days after said posting and not less than seven days following the applicant's compliance with the publication requirement, the city council shall vote to approve or deny said application. If the city council approves said application, it shall then be presented to the mayor for his approval or denial. If the mayor approves the said application, at least one hundred and twenty days prior to the next municipal election, the city clerk shall cause to be printed on the ballot for such municipal

election a question in substantially the following form:

Shall (name of applicant), incumbent in the position or positions of (title of office), be granted tenure pursuant to sections one hundred and twenty-six to one hundred and thirty-two, inclusive, of chapter forty-one of the General Laws?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes cast in response to the question is in favor of granting tenure, the applicant shall thereupon have tenure in such office. If less than a majority of such votes cast is in favor of granting tenure, the applicant's request for tenure is denied. If the application statement is denied either by the vote of the city council, by the mayor or by vote of the electorate at a municipal election, the applicant shall be ineligible to apply for tenure in his said office for a period of two years following such denial.

Section 129. Any person applying for tenure in an appointive town office shall file an application statement with the town clerk and shall deliver copies thereof in hand or send same by registered or certified mail, return receipt requested to each selectman. Following receipt of such notice, the selectmen shall vote to approve or deny said application. If the board of selectmen vote to approve said application, the town clerk, at least one hundred and twenty days prior to the next town election, shall post a copy of the said application statement and the selectmen's written approval on the town bulletin board or such other place used for the posting of public notices within the town hall premises. The selectmen shall then cause to be included in the town warrant for said election a question in substantially the following form:

Shall (name of applicant), incumbent in the position or positions of (title of office), be granted tenure pursuant to sections one hundred and twenty-six to one hundred and thirty-two, inclusive, of chapter forty-one of the General Laws?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes cast in response to the question is in favor of granting tenure, the applicant shall thereupon have tenure in such office. If less than a majority of such votes cast is in favor of granting tenure, the applicant's request for tenure is denied. If the application statement is denied either by a vote of the board of selectmen or by vote of the electorate at the town election, the applicant shall be ineligible to apply for tenure in his said office for a period of two years following such denial.

Section 130. The provisions of section one hundred and twenty-seven and sections one hundred and twenty-nine to one hundred and thirty-two, inclusive, as they apply to towns, town offices and town officers shall be applicable to districts and for this purpose the word "selectmen" shall be construed to mean "commissioner" or "member of the prudential committee", and other references to specific town offices or officers shall be construed as meaning the equivalent office or officer, if any, in a district. For the purpose of determining whether a person is eligible to apply for tenure in a town office or in a district office and for the purpose of determining whether a person

has lost his tenure in such an office, offices in a district shall be deemed to be offices in the town in which they are located.

Section 131. Any department head of a city or town applying for tenure for members of his department who have served for five consecutive years or more shall file an application statement with the city or town clerk.

In a city, the department head shall deliver copies of said application statement in hand or send same by registered or certified mail, return receipt requested, to the mayor and to each member of the city council. Upon receipt of the application statement, the city clerk shall post a copy thereof in his office. The department head shall forthwith and at his own expense cause a copy of his said statement to be published in a newspaper of general circulation in the city one week for three consecutive weeks. Not less than thirty days after said posting and not less than seven days following the applicant's compliance with the publication requirement, the city council shall vote to approve or deny said application. If the city council approves said application, it shall then be presented to the mayor for his approval or denial. If the mayor approves the said application, at least one hundred and twenty days prior to the next municipal election, the city clerk shall cause to be printed on the ballot for such municipal election a question in substantially the following form:

Shall members of (name of department) who have served continuously for five years or more be granted tenure pursuant to sections one hundred and twenty-six to one hundred and thirty-two, inclusive, of chapter forty-one of the General Laws?

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

If a majority of the votes cast in response to the question is in favor of granting tenure, any member of such department who has served continuously for five years shall thereupon have tenure in said department. If less than a majority of such votes cast is in favor of granting tenure, the applicant's request for tenure for members of his department is denied. If the application statement is denied either by vote of the city council, by the mayor or by vote of the electorate at a municipal election, the applicant shall be ineligible to apply for tenure for members of his department for a period of two years following such denial.

In a town, the department head shall deliver copies of said application statement in hand or send same by registered or certified mail, return receipt requested, to each selectman. Following receipt of such notice, the selectmen shall vote to approve or deny said application. If the board of selectmen vote to approve said application, the town clerk, at least one hundred and twenty days prior to the next town election, shall post a copy of the said application statement and the selectmen's written approval on the town bulletin board or such other place used for the posting of public notices within the town hall premises. The selectmen shall then cause to be included in the town warrant for said election a question in substantially the following form:

Shall members of (name of department) who have served continuously for five years or more be granted tenure pursuant to sections one hundred and twenty-six to one hundred and thirty-two, inclusive, of chapter forty-one of the General Laws?

YES.
NO.

If a majority of the votes cast in response to the question is in favor of granting tenure, any member of such department who has served continuously for five years shall thereupon have tenure in said department. If less than a majority of such votes cast is in favor of granting tenure, the applicant's request for tenure is denied. If the application statement is denied either by vote of the board of selectmen or by vote of the electorate at a town election, the applicant shall be ineligible to apply for tenure for members of his department for a period of two years following such denial.

Section 132. The tenure provisions of sections one hundred and twenty-six to one hundred and thirty-one, inclusive, shall be limited as follows: —

(a) Said provision shall not apply to persons whose tenure in office is terminated by a law enacted subsequent to his commencement of tenure.

(b) Said provisions shall not prevent abolition of any municipal office or the transfer of any of the powers and duties of any office.

(c) Said provisions shall not prevent termination of tenure upon an appointive office becoming elective. Any person's length of service in an elective office which becomes appointive, however, may be credited to his eligibility period for tenure if he succeeds himself in such office.

(d) Said provisions shall not extend the time at which an officer is otherwise required to retire.

(e) Said provisions shall not waive residency requirements in determining tenure eligibility.

Approved April 13, 1973.

Chap. 171. AN ACT REPEALING CERTAIN PROVISIONS OF THE CIVIL SERVICE LAW REQUIRING DISTRICT COURT REPORTS.

Be it enacted, etc., as follows:

Section forty-five B of chapter thirty-one of the General Laws is hereby repealed.

Approved April 13, 1973.

Chap. 172. AN ACT DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO CONSTRUCT A CERTAIN CONNECTING ROAD IN THE CITY OF REVERE.

Be it enacted, etc., as follows:

The department of public works is hereby authorized and directed to construct a road north of Revere Street connecting Cutler Circle located in the City of Revere to the section of state highway Route 1A, known as North Shore Road, in said city. For said purpose, said

department may expend such sums as may be appropriated therefor.
Approved April 13, 1973.

Chap. 173. AN ACT REQUIRING PHYSICIANS, DENTISTS, PODIATRISTS AND VETERINARIANS WRITING PRESCRIPTIONS ON THE PRESCRIPTION BLANKS OF HOSPITALS OR CLINICS TO PRINT OR WRITE THEIR NAMES THEREON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 112 of the General Laws is hereby amended by inserting after section 12G the following section: —

Section 12H. Any physician who writes a prescription upon a prescription blank of a hospital or clinic shall print or type his name directly below his signature thereon.

SECTION 2. Said chapter 112 is hereby further amended by inserting after section 21 the following section: —

Section 21A. Every registered podiatrist who writes a prescription upon a prescription blank of a hospital or clinic shall print or type his name directly below his signature thereon.

SECTION 3. Said chapter 112 is hereby further amended by inserting after section 50 the following section: —

Section 50A. Every registered dentist who writes a prescription upon a prescription blank of a hospital or clinic shall print or type his name directly below his signature thereon.

SECTION 4. Said chapter 112 is hereby further amended by inserting after section 56A the following section: —

Section 56B. Every registered veterinarian who writes a prescription upon a prescription blank of a hospital or clinic shall print or type his name directly below his signature thereon.

Approved April 13, 1973.

Chap. 174. AN ACT AUTHORIZING THE CITY OF TAUNTON TO PAY CERTAIN SUMS OF MONEY TO HENRY CARDOZA AND JOHN CORREIA, FORMER MEMBERS OF THE POLICE DEPARTMENT OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the city of Taunton is hereby authorized to pay Henry Cardoza the sum of five hundred and seventy-nine dollars and twelve cents and John Correia the sum of eight hundred and twenty-seven dollars and ninety cents, both being former members of the police department of said city, said sums being the amounts awarded to said former police officers pursuant to a collective bargaining contract between said city and the Taunton Police Association as vacation pay for the years nineteen hundred and seventy and nineteen hundred and seventy-one.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1973.

Chap. 175. AN ACT EXTENDING THE TIME WITHIN WHICH CERTAIN OWNERS OF MOTOR VEHICLES MAY APPLY FOR ABATEMENTS OF THE EXCISE ASSESSED ON MOTOR VEHICLES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to extend immediately the time within which certain owners of motor vehicles may apply for abatements of the excise assessed on motor vehicles because of unusual delays in processing the notice of assessment thereof, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section two of chapter sixty A of the General Laws, an owner of a motor vehicle registered under chapter ninety of the General Laws who has received, on or after June first, nineteen hundred and seventy-two, a notice of assessment of the excise on motor vehicles assessed on such vehicle for the year nineteen hundred and seventy-one may apply for an abatement of such excise not later than June thirtieth, nineteen hundred and seventy-three. Such application shall be as effective for all purposes as if it had been filed within the time required by said section two of said chapter sixty A.

SECTION 2. Notwithstanding the provisions of section two of chapter sixty A of the General Laws, an owner of a motor vehicle registered under chapter ninety of the General Laws who has received, on or after June first, nineteen hundred and seventy-three, a notice of assessment of the excise on motor vehicles assessed on such vehicle for the year nineteen hundred and seventy-two may apply for an abatement of such excise not later than June thirtieth, nineteen hundred and seventy-four. Such application shall be as effective for all purposes as if it had been filed within the time required by said section two of said chapter sixty A.

Approved April 17, 1973.

Chap. 176. AN ACT AUTHORIZING THE CITY OF EVERETT TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the city of Everett is hereby authorized to pay from any available funds the sum of seven thousand one hundred and thirty-five dollars and sixty-two cents to Robert N. Cleverdon, doing business as Cleverdon, Varney, and Pike for services and materials rendered to said city in the year nineteen hundred and seventy, and the sum of six thousand two hundred dollars to Heuristics, Inc. for services and materials rendered to said city during the years nineteen hundred and sixty-nine and nineteen hundred and seventy, which bills are legally unenforceable against said city.

SECTION 2. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said city auditor, stating under the penalties of perjury that the materials or services for which said bill has been submitted were ordered by an official or an employee of said city, and that such materials were delivered to and actually received by said city, or that such services were rendered to said city, or both.

SECTION 3. Any person who knowingly files a certificate required by section two which is false and who thereby receives payment for materials or services which were not received by or rendered to said city shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its passage.

Approved April 17, 1973.

Chap. 177. AN ACT AUTHORIZING THE TOWN OF EASTHAM TO PAY OVERTIME COMPENSATION TO RICHARD D. WHITE FOR WORK PERFORMED FOR THE SCHOOL DEPARTMENT OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Eastham is hereby authorized to appropriate the sum of one hundred and forty-six dollars and seventy-four cents and after such appropriation the treasurer of said town is hereby authorized to pay said sum to Richard D. White as compensation for overtime work performed by him in the years nineteen hundred and sixty-nine and nineteen hundred and seventy in the course of his duties at the Eastham elementary school.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1973.

Chap. 178. AN ACT AUTHORIZING THE AGAWAM DEMOCRATIC TOWN COMMITTEE TO ADD TO ITS ELECTED MEMBERS.

Be it enacted, etc., as follows:

Notwithstanding any provision of chapter fifty-two of the General Laws to the contrary, the democratic town committee of the town of Agawam elected in the year nineteen hundred and seventy-two in said town may add to its elected members; provided, that by so doing the total number of members shall not exceed thirty-five.

Approved April 17, 1973.

Chap. 179. AN ACT PROVIDING FOR THE ELECTION OF PERSONS TO
FILL VACANCIES IN THE MEMBERSHIP OF THE BOARD
OF SELECTMEN OF THE TOWN OF CONCORD.

Be it enacted, etc., as follows:

Subsection (c) of section 1 of chapter 280 of the acts of 1952 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — When a vacancy occurs in the membership of the board of selectmen, the remaining members of the board of selectmen shall call a special town election to fill the vacancy for the unexpired term, except that if such vacancy occurs less than one hundred days prior to the next annual town election and not less than three members of such board remain in office, the vacancy shall remain unfilled until such annual town election, at which election a selectman shall be elected to serve for the remainder of the unexpired term.

Approved April 17, 1973.

Chap. 180. AN ACT FURTHER DEFINING THE WORDS "SAUSAGE" OR
"SAUSAGE MEAT"

Be it enacted, etc., as follows:

The definition of "Sausage" or 'sausage meat' in section 1 of chapter 94 of the General Laws, as amended by chapter 243 of the acts of 1962, is hereby further amended by inserting after the word "sheep", in line 3, the word: — , poultry.

Approved April 17, 1973.

Chap. 181. AN ACT FURTHER REGULATING THE ELECTION OF
OFFICERS OF DISTRICT PLANNING COMMISSIONS.

Be it enacted, etc., as follows:

Section 4 of chapter 40B of the General Laws is hereby amended by striking out the fourth sentence, as appearing in section 1 of chapter 135 of the acts of 1966, and inserting in place thereof the following sentence: — Such district planning commission shall annually elect a chairman, a treasurer, and a clerk from among its members and alternate designees and may elect an assistant treasurer and assistant clerk.

Approved April 17, 1973.

Chap. 182. AN ACT EXEMPTING THE OFFICES OF SUPERINTENDENT
OF HIGHWAYS AND SUPERINTENDENT OF FORESTRY IN
THE TOWN OF ANDOVER FROM THE PROVISIONS OF THE
CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The offices of superintendent of highways and superintendent of forestry in the town of Andover shall, upon the termi-

nation of service of the incumbents of both of said offices, be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Andover at an annual town meeting in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers at said meeting: — "Shall an act passed by the general court in the year nineteen hundred and seventy-three, entitled 'An Act exempting the offices of superintendent of highways and superintendent of forestry in the town of Andover from the provisions of the civil service law', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take full effect, but not otherwise.

Approved April 17, 1973.

Chap. 183. AN ACT AUTHORIZING CITIES AND TOWNS TO PURCHASE COIN-OPERATED LOCKING DEVICES FOR BICYCLE PARKING.

Be it enacted, etc., as follows:

SECTION 1. Section 22A of chapter 40 of the General Laws, as most recently amended by section 16 of chapter 338 of the acts of 1962, is hereby further amended by adding the following sentence: — Any city or town may, in accordance with the provisions of this section, acquire and operate coin-operated locking devices for bicycle parking.

SECTION 2. Said chapter 40 is hereby further amended by striking out section 22B and inserting in place thereof the following section: —

Section 22B. Any city or town having installed parking meters or coin-operated locking devices for bicycle parking may acquire off-street parking areas and facilities by purchase, gift, eminent domain under chapter seventy-nine or chapter eighty A, by lease not to exceed five years, or otherwise, and may pay for such acquisition or lease, including the cost of policing, constructing or reconstructing, surfacing, operating and maintaining such areas and facilities, and including any debt together with interest thereon incurred for such acquisition, in whole or in part, from any receipts from said parking meters or such devices and may in each year transfer or pay into its general funds from said receipts a sum or sums in lieu of taxes for the year in question upon the average assessed valuation of said areas and facilities for the three years immediately prior to the date of said acquisition, determined by multiplying each one thousand dollars of such average valuation or fraction thereof by the tax rate set for said city or town for that year; provided, that the off-street parking areas and facilities are located not more than six hundred feet from a building in which the principal activity is business, commercial, manufacturing or industrial in character, and which building is in a business, commercial, manufacturing or industrial zone, but is not more than six

hundred feet from the nearest parking meter of any group of not less than thirty parking meters approved by the department of public works, or are located not more than six hundred feet from a public beach area.

SECTION 3. Section 22C of said chapter 40, as most recently amended by chapter 38 of the acts of 1967, is hereby further amended by inserting after the word "meters", in line 1, the words: — or coin-operated locking devices for bicycle parking.

Approved April 17, 1973.

Chap. 184. AN ACT RELATIVE TO THE APPOINTMENT OF ALTERNATE REPRESENTATIVES TO THE UPPER BLACKSTONE WATER POLLUTION ABATEMENT DISTRICT.

Be it enacted, etc., as follows:

Section 2 of chapter 752 of the acts of 1968 is hereby amended by adding the following six paragraphs: —

The appointing authorities in the city of Worcester, member towns, and sewer districts, may appoint an alternate representative, who shall be empowered to serve in place of the duly appointed representative, when so authorized by the representative or by the appointing authority, at such times and places and to the same degree as the representative is empowered to serve in his own right.

Whenever the board shall notify in writing the appointing authority in the city of Worcester, member towns, and sewer districts, that its representative is unable, refuses or has failed to participate in the management and control of the district, said appointing authority shall forthwith appoint a representative pro tempore, who shall serve as the duly appointed representative until said representative has resumed his responsibilities or until his successor has been qualified.

Whenever an alternate representative or representative pro tempore is appointed, notice of said appointment shall be made to the board in writing, signed by the appointing authority, stating the name of the person for whom he is to serve, the name of the person to serve and his residence.

The alternate representative or representative pro tempore shall be subject to the same limitations as to number, residence, term and authority as the representative in whose place he serves. Unless so elected by the board, he shall hold no office on the board. He may receive such compensation as the board shall determine, but in no event an amount greater than the representative in whose stead he serves would have been entitled, as provided in section five.

Whenever an alternate representative is to serve in place of a duly appointed representative, notice shall be given to the board by the appointing authority of the time and date such service shall commence and terminate. Such notice may be made at any time prior to the date and hour set for a regular meeting of the board, may be in writing or oral, and shall be made to the chairman, or

secretary of the executive committee or the clerk of the board.

In any dispute as to the right or ability of an alternate representative or representative pro tempore, to assume the responsibilities and authority of the representative of the city of Worcester, town or sewer district in whose stead a person allegedly acts, the board shall possess and exercise exclusive jurisdiction and determination.

Approved April 17, 1973.

Chap. 185. AN ACT CONSTRUING INSTRUMENTS PASSING TITLE TO REAL ESTATE BOUNDED ON A WAY, WATERCOURSE OR MONUMENT AS INCLUDING ANY FEE INTEREST OF THE GRANTOR THEREIN.

Be it enacted, etc., as follows:

SECTION 1. Section 58 of chapter 183 of the General Laws, added by chapter 684 of the acts of 1971, is hereby amended by inserting after the word "any", in line 3, the word: — fee.

SECTION 2. Section fifty-eight of chapter one hundred and eighty-three of the General Laws, as amended by section one of this act, shall take effect as of January the first, nineteen hundred and seventy-two and shall apply to instruments executed on and after said effective date and to instruments executed prior thereto, except that as to such prior executed instruments this act shall not apply to land registered and confirmed under the provisions of chapter one hundred and eighty-five of the General Laws before said effective date or to the extent that any person or his predecessor in title has changed his position as a result of a decision of a court of competent jurisdiction.

Approved April 17, 1973.

Chap. 186. AN ACT PROVIDING THAT CERTAIN GAS MASKS CARRIED ON MUNICIPAL FIRE APPARATUS CONFORM TO ADDITIONAL STANDARDS.

Be it enacted, etc., as follows:

Chapter 48 of the General Laws is hereby amended by striking out section 51A, as most recently amended by chapter 288 of the acts of 1972, and inserting in place thereof the following section: —

Section 51A. Each city, town or district with a population of more than fifteen thousand persons shall equip any fire apparatus operated by it with at least three self-contained air gas masks, so-called. Such masks shall contain a minimum of thirty minutes of air or oxygen and shall be equipped with an audible alarm to indicate to the wearer thereof, and to any other persons in the area, that there is a specific designated minimum supply of air or oxygen still present, and that such wearer should leave a contaminated area. Each city, town or district with a population of less than fifteen thousand persons shall equip any fire apparatus operated by it with at least three self-contained air gas masks, so-called, with a

minimum of fifteen minutes of air or oxygen and equipped with an audible alarm; provided, however, that replacement of such fifteen minute air gas masks shall be with air gas masks containing a minimum of thirty minutes of air or oxygen and equipped with an audible alarm. Any such masks shall, in addition to the above, meet the requirements of the standards set up by the United States bureau of mines for gas masks. This section shall not apply to any fire apparatus designed solely for extinguishing woods or brush fires.

Approved April 17, 1973.

Chap. 187. AN ACT PROHIBITING DISCRIMINATION BECAUSE OF MARITAL STATUS IN THE SALE, RENTAL AND LEASING OF RESIDENTIAL REAL PROPERTY.

Be it enacted, etc., as follows:

SECTION 1. Subsection 6 of section 4 of chapter 151B of the General Laws, as most recently amended by chapter 185 of the acts of 1972, is hereby further amended by striking out, in lines 9, 13 and 19, the words "or ancestry" and inserting in place thereof, in each instance, the words: — , ancestry or marital status.

SECTION 2. Subsection 7 of said section 4 of said chapter 151B, as appearing in chapter 661 of the acts of 1971, is hereby amended by striking out, in lines 11, 13 and 17, the words "or ancestry" and inserting in place thereof, in each instance, the words: — , ancestry or marital status.

SECTION 3. Subsection 8 of said section 4 of said chapter 151B, as so appearing, is hereby amended by striking out, in lines 6, 8 and 12, the words "or ancestry" and inserting in place thereof, in each instance, the words: — , ancestry or marital status.

Approved April 17, 1973.

Chap. 188. AN ACT REGULATING THE ALTERATION, MODIFICATION AND CHANGING OF THE HEIGHT OF MOTOR VEHICLES.

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by inserting after section 7 O, inserted by chapter 840 of the acts of 1970, the following section: —

Section 7P. No person shall alter, modify or change the height of a motor vehicle by elevating or lowering the chassis or body by more than two inches above or below the original manufacturer's specified height by use of so-called "shackle lift kits" for leaf springs or by use of lift kits for coil springs, or any other device without the prior written approval of the registrar. No motor vehicle that has been so altered, modified or changed shall be operated on any way without the prior written approval of the registrar.

Approved April 17, 1973.

- Chap. 189.** AN ACT REQUIRING IDENTIFICATION FROM PERSONS REQUESTING CERTAIN CERTIFIED COPIES OF RECORDS FROM THE REGISTRAR OF MOTOR VEHICLES.

Be it enacted, etc., as follows:

Section 30 of chapter 90 of the General Laws is hereby amended by inserting after the second sentence, as amended by chapter 351 of the acts of 1956, the following sentence: — Anyone requesting such a certified copy of a license to operate motor vehicles shall submit such evidence as to his identity as the registrar may require.

Approved April 17, 1973.

- Chap. 190.** AN ACT AUTHORIZING THE CITY OF HAVERHILL TO SATISFY AN EXECUTION ISSUED AGAINST TWO EMPLOYEES OF SAID CITY.

Be it enacted, etc., as follows:

For the purpose of discharging a moral obligation, the city of Haverhill is hereby authorized to appropriate and after such appropriation to pay to Victor J. Angelo a sum not exceeding fifteen hundred dollars in full satisfaction of an execution issued in the central district court of northern Essex in favor of the said Victor J. Angelo against Howard Dobie and Neil Folsom for damages sustained by the said Victor J. Angelo resulting from certain acts of the said Howard Dobie and Neil Folsom while they were acting in their official capacities as employees of said city.

Approved April 17, 1973.

- Chap. 191.** AN ACT AUTHORIZING CITIES TO DEPOSIT IN BANKING INSTITUTIONS CERTAIN MONEY RECEIVED AS SECURITY FOR PERFORMANCE OF CERTAIN CONTRACTS.

Be it enacted, etc., as follows:

Section 29 of chapter 43 of the General Laws, as most recently amended by section 4 of chapter 79 of the acts of 1967, is hereby further amended by adding the following sentence: — Any cash deposit or check payable to a city received as security for performance under this section may be deposited by said treasurer in any bank or trust company under a separate account to be known as a performance deposit account.

Approved April 17, 1973.

- Chap. 192.** AN ACT AUTHORIZING THE CITY OF LOWELL TO APPROPRIATE MONEY FOR THE PAYMENT OF AND TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The city of Lowell is hereby authorized to appro-

priate for the payment of, and after such appropriation, the treasurer of said city is hereby authorized to pay, such of the unpaid bills incurred by said city and totalling two thousand six hundred and forty-eight dollars, as set forth in the list on file in the office of the director of accounts in the department of corporations and taxation, as are legally unenforceable against said city, by reason of the services thereunder having been fully performed before the issuance of purchase orders in accordance with the Reserve Ordinance Clause of said city; provided, that the money so appropriated to pay such bills shall be raised by taxation in said city or made available from the unappropriated surplus funds of said city.

SECTION 2. No bill shall be approved by the auditor of said city for payment or paid by the treasurer thereof under the authority of this act unless a certificate has been signed and filed with said auditor, stating under the penalties of perjury that the services for which said bill has been submitted were ordered by an official or an employee of said city, and that such services were rendered to said city.

SECTION 3. Any person who knowingly files a certificate required by section two which is false, and who thereby receives payment for services which were not rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its acceptance by the city of Lowell during the current year.

Approved April 17, 1973.

Chap. 193. AN ACT PROVIDING FOR THE USE OF A UNIFORM APPLICATION FOR PERMITS TO PERFORM PLUMBING WORK.

Be it enacted, etc., as follows:

Section 13 of chapter 142 of the General Laws, as most recently amended by section 2 of chapter 604 of the acts of 1971, is hereby further amended by adding the following sentence: — The examiners shall adopt a regulation requiring all cities and towns to use a uniform application for a permit to perform plumbing work.

Approved April 17, 1973.

Chap. 194. AN ACT AUTHORIZING THE TOWN OF WINCHESTER TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

For the purpose of discharging a moral obligation, the town of Winchester is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said town is hereby authorized to pay, H. P. Smith Co., Inc. the sum of eight hundred and five dollars for services rendered to the cemetery

commissioners of said town for repairing damage to certain monuments located in Wildwood cemetery in said town.

Approved April 17, 1973.

Chap. 195. AN ACT INCREASING CERTAIN FEES FOR THE SERVICE OF CIVIL PROCESS.

Be it enacted, etc., as follows:

SECTION 1. Clause (17) of section 8 of chapter 262 of the General Laws, as appearing in section 1 of chapter 594 of the acts of 1964, is hereby amended by striking out, in line 1, the word "five" and inserting in place thereof the word: — ten.

SECTION 2. Clause (34) of said section 8 of said chapter 262, as so appearing, is hereby amended by striking out, in line 1, the word "seven" and inserting in place thereof the word: — ten.

SECTION 3. Clause (36) of said section 8 of said chapter 262, as so appearing, is hereby amended by striking out, in line 2, the words "one dollar" and inserting in place thereof the words: — two dollars.

SECTION 4. Clause (39) of said section 8 of said chapter 262, as so appearing, is hereby amended by striking out, in line 2 and in line 8, the word "five" and inserting in place thereof, in each instance, the word: — ten, — and by striking out, in line 10, the words "one cent" and inserting in place thereof the words: — two cents.

Approved April 17, 1973.

Chap. 196. AN ACT AUTHORIZING THE CITY OF BEVERLY TO APPROPRIATE AND PAY A CERTAIN SUM OF MONEY TO MICHAEL J. FRASCA.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the city of Beverly is hereby authorized to appropriate money for the payment of and after such appropriation the treasurer of said city is hereby authorized to pay an unpaid bill, incurred by said city in the amount of two hundred and fifty dollars to Michael J. Frasca for services rendered to said city, said bill being legally unenforceable against said city.

SECTION 2. Said bill shall not be approved by the auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said city auditor, stating under the penalties of perjury that the services for which said bill has been submitted were ordered by an official or an employee of said city, and that such services were rendered to said city.

SECTION 3. Any person who knowingly files a certificate required by section two which is false and who thereby receives payment for services which were not rendered to said city shall be

punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its acceptance by the city of Beverly.

Approved April 17, 1973.

Chap. 197. AN ACT FURTHER DEFERRING THE EFFECTIVE DATE OF THE LAW PROHIBITING THE ADVANCEMENT OF APPROPRIATED FUNDS TO THE DEPARTMENT OF PUBLIC WELFARE FOR PAYMENTS TO PROVIDERS OF MEDICAID SERVICES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to defer forthwith the effective date of the law prohibiting the advancement of appropriated funds to the department of public welfare for payments to providers of medicaid services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 4 of chapter 800 of the acts of 1969, as most recently amended by chapter 132 of the acts of 1972, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — This section shall take effect on October first, nineteen hundred and seventy-three.

SECTION 2. This act shall take effect as of April third, nineteen hundred and seventy-three.

Approved April 18, 1973.

Chap. 198. AN ACT EXTENDING THE TIME WITHIN WHICH CERTAIN EMPLOYEES ENGAGED IN A COMPREHENSIVE CITY DEMONSTRATION SHALL BE EXEMPT FROM THE CIVIL SERVICE LAW AND CERTAIN PROVISIONS OF LAW RELATIVE TO TENURE.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 873 of the acts of 1970 is hereby amended by striking out, in line 3, the word "seventy-three" and inserting in place thereof the word: — seventy-six.

SECTION 2. This act shall take effect in any city which accepts its provisions prior to August first, nineteen hundred and seventy-three.

Approved April 19, 1973.

Chap. 199. AN ACT PROTECTING PERSONS PURCHASING REAL ESTATE FROM TRUSTEES.

Be it enacted, etc., as follows:

Chapter 184 of the General Laws is hereby amended by adding the following section: —

Section 34. Any recordable instrument purporting to affect an interest in real estate executed by any person or persons who, in the records of the registry of deeds for the county or district in which the real estate lies, are or appear to be the trustees of a trust shall be binding on the trust in favor of a purchaser or other person relying in good faith on such instrument, notwithstanding (a) inconsistent provisions of the trust, unless said trust is recorded in said registry of deeds, with the place of recording referred to in some instrument in the chain of title to the real estate affected, (b) any amendment, revocation, removal or resignation of trustee, appointment of additional trustee, or other matter affecting the trust, unless the same is recorded in said registry of deeds and noted on the margin of said trust in said registry, or (c) any inadequacy in the consideration recited. As used in this section the term "trust" shall not include a trust under a will.

Approved April 19, 1973.

Chap. 200. AN ACT PROVIDING FOR THE PAYMENT OF THE FUNERAL AND BURIAL EXPENSES OF FIRE FIGHTERS AND POLICE OFFICERS UNDER CERTAIN ADDITIONAL CONDITIONS.

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by striking out section 100G, as most recently amended by chapter 310 of the acts of 1971, and inserting in place thereof the following section: —

Section 100G. Any city operating under a Plan D or Plan E charter, by the affirmative vote of a majority of all the members of its city council, any other city, by a majority vote of its city council with the approval of its mayor, and any town, by a majority vote at an annual or special town meeting, shall pay the reasonable expenses, not exceeding two thousand dollars, of the funeral and burial of any fire fighter who while in the performance of his duties and as a result of an accident while responding to or returning from an alarm of fire or any emergency or while at the scene of a fire or any emergency is killed or sustains injuries which result in his death, or of any police officer who while in the performance of his duties and as the result of an assault on his person or as a result of an accident involving a police department vehicle which he is operating or in which he is riding is killed or sustains injuries which result in his death. The provisions of this section shall become effective in a city or town when accepted by such city or town.

Approved April 19, 1973.

Chap. 201. AN ACT FURTHER REGULATING THE INFORMATION REQUIRED ON APPLICATIONS FOR CIVIL SERVICE EXAMINATIONS RELATIVE TO DISPOSITIONS OF CERTAIN MISDEMEANORS.

Be it enacted, etc., as follows:

Section 13 of chapter 31 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by chapter 382 of the acts of 1972, and inserting in place thereof the following sentence: — In filing such application, no applicant shall be required to furnish any information of arrests for any misdemeanor or felony which did not result in a court appearance, unless court action is pending; nor shall such applicant be required to furnish information on any complaint which was dismissed for want of prosecution or which resulted in a finding or verdict of not guilty; nor shall such applicant be required to furnish any information of arrests or dispositions for the following misdemeanors: — drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace, provided, that the date of disposition of said misdemeanors was five years or more prior to the filing of said application.

Approved April 19, 1973.

Chap. 202. AN ACT REQUIRING THE REGISTER OF DEEDS OF SUFFOLK COUNTY TO FURNISH THE BOARD OF ASSESSORS OF THE CITIES AND TOWNS OF SAID COUNTY WITH CERTAIN REQUESTED INFORMATION.

Be it enacted, etc., as follows:

Section 24B of chapter 36 of the General Laws, as most recently amended by section 1 of chapter 539 of the acts of 1950, is hereby further amended by striking out, in line 3, the word "Suffolk".

Approved April 19, 1973.

Chap. 203. AN ACT VALIDATING A CERTAIN ORDER OF TAKING AND ASSESSMENT OF BETTERMENTS MADE BY THE TOWN OF WESTFORD.

Be it enacted, etc., as follows:

Notwithstanding the provisions of sections one and two of chapter eighty of the General Laws, assessments for betterments may be made by the town of Westford, in accordance with its order of taking and assessment of betterments made on November twenty-eighth, nineteen hundred and seventy-two, in connection with the town's acceptance and improvement of Laurel avenue in said town, as authorized under Article 21 of the warrant for the annual town meeting of said town in the year nineteen hundred and seventy-two,

notwithstanding the failure of said town to record said order of taking and assessment of betterments within the time period prescribed by law.

Approved April 19, 1973.

Chap. 204. AN ACT FURTHER REGULATING THE MEMBERSHIP OF ADVISORY COUNCILS OF HEALTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 111 of the General Laws is hereby amended by striking out section 26C, as appearing in section 2 of chapter 268 of the acts of 1946, and inserting in place thereof the following section: —

Section 26C. The advisory council of health shall consist of nine persons, two of whom shall be registered physicians and five of whom shall be nonprofessionals. For the purposes of this section "nonprofessionals" shall mean a person whose background and experience indicate that he is qualified to act in the broad public interest. Such person, his spouse, parents, siblings or children shall not be employed by a health care facility, by a nonprofit service corporation established in accordance with chapters one hundred seventy-six A to one hundred seventy-six E, inclusive, nor by a corporation authorized to insure the health of individuals. Such person or his spouse shall not be licensed to practice medicine. No member of said council shall be a member of the city council. The members of said council first appointed hereunder shall be appointed as follows: — three members to serve for one year, three members to serve for two years, and three members to serve for three years, from the first Monday of the following February, and until the qualification of their respective successors, and thereafter three members shall be appointed in January of each year for three years from the first Monday of the following February, and until the qualification of their respective successors. In a city, unless a different mode of appointment or election is provided in the city charter, the members shall be appointed by the mayor, subject to confirmation by the city council, and in a town the members shall be appointed by the board of selectmen. Members may be removed in the same manner, for cause, and vacancies shall be filled in the same manner, by appointment for the remainder of the unexpired term. Members of the advisory council of health shall be compensated at ten dollars a day while on duty plus expenses incurred in line of duty. Said council shall meet quarterly and additional meetings may be held at any time at the call of the commissioner of health who shall act as chairman of said council. The advisory council of health shall advise and assist the commissioner of health.

SECTION 2. Nothing in this act shall affect the term of members of advisory councils of health holding office on the effective date of this act.

Approved April 19, 1973.

Chap. 205. AN ACT PROVIDING FOR THE RECORDING OF ASSIGNMENTS OF RENTS OR PROFITS IN REGISTRIES OF DEEDS.

Be it enacted, etc., as follows:

Chapter 183 of the General Laws is hereby amended by striking out section 4, as amended by chapter 85 of the acts of 1941, and inserting in place thereof the following section: —

Section 4. A conveyance of an estate in fee simple, fee tail or for life, or a lease for a term of seven years, or an assignment of rents or profits from an estate or lease, shall not be valid as against any person, except the grantor or lessor, his heirs and devisees and persons having actual notice of it, unless it, or an office copy as provided in section thirteen of chapter thirty-six, or, with respect to such a lease or an assignment of rents or profits, a notice of lease or a notice of assignment of rents or profits, as hereinafter defined, is recorded in the registry of deeds for the county or district in which the land to which it relates lies. A "notice of lease", as used in this section, shall mean an instrument in writing executed by all persons who are parties to the lease of which notice is given and shall contain the following information with reference to such lease: — the date of execution thereof and a description, in the form contained in such lease, of the premises demised, and the term of such lease, with the date of commencement of such term and all rights of extension or renewal. A "notice of assignment of rents or profits", as used in this section, shall mean an instrument in writing executed by the assignor and containing the following information: — a description of the premises, the rent or profits of which have been assigned, adequate to identify the premises, the name of assignee, and the rents and profits which have been assigned. A provision in a recorded mortgage assigning or conditionally assigning rents or profits or obligating the mortgagor to assign or conditionally assign existing or future rents or profits shall constitute a "notice of assignment of rents or profits".

Approved April 19, 1973.

Chap. 206. AN ACT PROHIBITING THE ISSUANCE OF TRAPPING LICENSES TO CERTAIN NONRESIDENT CITIZENS OF THE UNITED STATES.

Be it enacted, etc., as follows:

The third paragraph of section 11 of chapter 131 of the General Laws, as appearing in section 1 of chapter 706 of the acts of 1972, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: —

Hunting and fishing licenses shall be issued upon payment of the appropriate fee to any citizen of the United States who does not meet the requirements of the preceding paragraph.

Approved April 19, 1973.

Chap. 207. AN ACT FURTHER DEFINING THE RETIREMENT RIGHTS OF CERTAIN VETERANS EMPLOYED BY REDEVELOPMENT AUTHORITIES.

Be it enacted, etc., as follows:

SECTION 1. Section 56 of chapter 32 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 1 of chapter 498 of the acts of 1965, and inserting in place thereof the following paragraph: —

A veteran, as defined in section one, in sections fifty-six to sixty, inclusive, called a veteran, who is in the service of the commonwealth, or of any county, city, town or district or any housing authority of any redevelopment authority thereof, shall be retired, with the consent of the retiring authority, if incapacitated for active service, at one half of the highest annual rate of compensation, including any bonuses paid in lieu of additional salary or as a temporary wage increase in addition to his regular compensation, and including any allowance for maintenance, payable to him while he was holding the grade held by him at his retirement, and payable from the same source; provided, that he has been in the said service at least ten years, with a further allowance of one per cent of said annual rate of compensation for each additional year of service, but not to exceed sixty-five per cent in any case; and further provided, that he has a total income from all sources, exclusive of such retirement allowance and of any sum received from the government of the United States as a pension for war service, not exceeding one thousand dollars.

SECTION 2. Said chapter 32 is hereby further amended by striking out section 57, as most recently amended by section 2 of said chapter 498, and inserting in place thereof the following section: —

Section 57. A veteran, including an army nurse, who has been in the service of the commonwealth, or of any county, city, town or district or any housing authority or any redevelopment authority thereof, for a total period of ten years in the aggregate, may, upon petition to the retiring authority, be retired, in the discretion of said authority, from active service, at one half of the highest annual rate of compensation, including any bonuses paid in lieu of additional salary or as a temporary wage increase in addition to his regular compensation, and including any allowance for maintenance, payable to him while he was holding the grade held by him at his retirement, and payable from the same source, with a further allowance of one per cent for each additional year of service over ten, but not to exceed sixty-five per cent in any case, if he is found by said authority to have become incapacitated for active service; provided, that he has a total income from all sources, exclusive of such retirement allowance and of any sum received from the government of the United States as a pension for war service, not exceeding one thousand dollars.

SECTION 3. Section 58 of said chapter 32, as most recently amended by section 1 of chapter 700 of the acts of 1968, is hereby

amended by inserting after the word "authority", in line 2, the words: — or any redevelopment authority.

SECTION 4. Section 58A of said chapter 32 is hereby amended by striking out the first paragraph, as most recently amended by section 1 of chapter 727 of the acts of 1971, and inserting in place thereof the following paragraph: —

A veteran eligible to retirement under section fifty-six, fifty-seven or fifty-eight, who was employed in the service of the commonwealth, or any county, city, town or district or any housing authority or any redevelopment authority thereof, prior to his entry into wartime service as defined in section twenty-one of chapter thirty-one, and upon whose discharge or release therefrom was reinstated or reemployed within two years in his former position or in a similar position or when employed in any governmental unit in a position which is subject to the provisions of sections one to twenty-eight, inclusive, shall have credited to him as creditable service the period of his wartime service until the date of his discharge or release from such service, which shall include credit for any actual service in the armed forces between January first, nineteen hundred and forty and the termination of the Selective Service Act of 1948; provided, however, that such service shall not be construed to include service for more than four years unless such further period of service in excess of four years was involuntary service required by the government of the United States or unless such service in excess of four years was rendered prior to July first, nineteen hundred and sixty-four and such veteran was reinstated or reemployed on or before June thirtieth, nineteen hundred and sixty-six.

SECTION 5. Said chapter 32 is hereby further amended by striking out section 59, as most recently amended by section 1 of chapter 680 of the acts of 1965, and inserting in place thereof the following section: —

Section 59. The words "retiring authority", as used in sections fifty-six to sixty, inclusive, shall mean as to the commonwealth, the state board of retirement; as to a county, city, town, district or regional school district, the appropriate retirement board established under section twenty, having jurisdiction in the governmental unit in which a veteran was employed at the time of his retirement or death, or, if there is no such board in the case of a town, the selectmen; or, in the case of a district, the prudential committee; or, in the case of a regional school district, the regional district school committee; or, in the case of a housing authority, the housing authority; or in the case of any redevelopment authority, the redevelopment authority.

SECTION 6. Notwithstanding the limitations contained in the first paragraph of section sixty of chapter thirty-two of the General Laws, sections fifty-six to fifty-nine, inclusive, of said chapter thirty-two, insofar as they relate to employees of redevelopment authorities, shall be in effect in any city or town in which the redevelopment authority accepts said sections prior to January first,

nineteen hundred and seventy-five.

SECTION 7. Section 60 of chapter 32 of the General Laws is hereby amended by striking out the second paragraph, as amended by section 6 of chapter 498 of the acts of 1965, and inserting in place thereof the following paragraph: —

No veteran whose employment first begins after June thirtieth, nineteen hundred and thirty-nine, shall be subject to the provisions of sections fifty-six to fifty-nine, inclusive; nor shall any veteran whose employment first began on or before said June thirtieth be subject to said provisions unless at the time of his retirement the total period of his creditable service is at least equal to twice the time he was not in the employ of the commonwealth or of a county, city, town, district, housing authority or redevelopment authority subsequent to the date when his employment by the commonwealth or by a county, city, town, district, housing authority or redevelopment authority first began. *Approved April 20, 1973.*

Chap. 208. AN ACT PLACING THE OFFICE OF PURCHASING AGENT IN THE CITY OF FALL RIVER UNDER THE CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

The office of purchasing agent in the city of Fall River shall, upon the effective date of this act, be subject to the civil service law and rules; provided, however, that Richard S. Borden, the incumbent of said office on said effective date, shall be subjected to a qualifying examination for said office by the division of civil service. If said incumbent passes said examination, he shall be certified for said office and shall be deemed to be permanently appointed thereto without serving any probationary period, and his tenure of office shall be unlimited, subject, however, to the provisions of said civil service law and rules. If said incumbent fails to pass said examination, he may continue to serve in said office, but shall not be subject to said civil service law and rules. *Approved April 20, 1973.*

Chap. 209. AN ACT AUTHORIZING SCHOOL COMMITTEES TO SET APPROPRIATE GUIDELINES FOR THE CELEBRATION OF CHRISTMAS AND OTHER FESTIVALS IN PUBLIC SCHOOLS.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by inserting after section 31 the following section: —

Section 31A. The school committee may set appropriate guidelines for the celebration of Christmas and other festivals observed as holidays for the purpose of furthering the educational, cultural and social experiences and development of children.

Approved April 20, 1973.

Chap. 210. AN ACT CLARIFYING THE LAW RESPECTING JOINT TENANCIES BETWEEN HUSBAND AND WIFE.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 184 of the General Laws, as amended by section 1 of chapter 395 of the acts of 1954, is hereby further amended by adding the following paragraph: —

A conveyance or devise of land to a person and his spouse which expressly states that the grantees or devisees shall take jointly, or as joint tenants, or in joint tenancy, or to them and the survivor of them shall create an estate in joint tenancy and not a tenancy by the entirety. In a conveyance or devise to three or more persons, words creating a joint tenancy shall be construed as applying to all of the grantees, or devisees, regardless of marital status, unless a contrary intent appears from the tenor of the instrument.

SECTION 2. The provisions of the second paragraph of section seven of chapter one hundred and eighty-four of the General Laws, added by section one of this act, shall apply to conveyances or devises made after the effective date thereof.

Approved April 23, 1973.

Chap. 211. AN ACT AUTHORIZING THE COMMISSIONER OF MENTAL HEALTH TO SELL CERTAIN PROPERTY IN THE TOWN OF SHREWSBURY.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of mental health, acting for and on behalf of the commonwealth and subject to the approval of the governor, is hereby authorized to sell at public auction or to the highest responsible bidder after inviting sealed proposals, and thereafter to convey a parcel of land located on the southerly side of Green street in the town of Shrewsbury, bounded and described as follows: —

Beginning at a point on the southerly side of Green street at a drill hole located at the southwesterly corner of property now or formerly of Raymond P. Galipeau et ux; thence running in an easterly direction along said Galipeau land 192.14 feet to a drill hole; thence turning and running in a southerly direction still along land of said Galipeau 379.12 feet to a drill hole; thence turning and running in a northwesterly direction, in a straight line 450 feet more or less to the point of beginning. Containing 36,000 square feet of land, more or less.

The conveyance is to be made subject to such conditions and restrictions as the commissioner shall deem advisable.

SECTION 2. Chapter six hundred and seventy of the acts of nineteen hundred and sixty-nine is hereby repealed.

Approved April 23, 1973.

Chap. 212. AN ACT RELATIVE TO THE LENGTH OF TIME A MOTOR VEHICLE OPERATOR'S LICENSE SHALL BE SUSPENDED UPON CONVICTION OF CERTAIN SPECIFIED CRIMES.

Be it enacted, etc., as follows:

The second paragraph of section 24B of chapter 90 of the General Laws, added by chapter 151 of the acts of 1967, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — The registrar after having suspended the license or right to operate in accordance with this paragraph shall not terminate such suspension nor reinstate the right to operate to such person until one year after the date of suspension following said conviction; provided, however, that if the prosecution against such person has terminated in his favor, the registrar shall forthwith reinstate his license or right to operate.

Approved April 23, 1973.

Chap. 213. AN ACT FURTHER REGULATING THE PROCEDURE FOR NOTIFYING OWNERS OF THE RECOVERY OF THEIR STOLEN OR MISAPPROPRIATED MOTOR VEHICLES.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by striking out section 29A, inserted by chapter 119 of the acts of 1971, and inserting in place thereof the following section: —

Section 29A. Whenever a stolen or misappropriated motor vehicle is recovered by a police officer or other law enforcement officer, the police department shall notify the owner of record and the storage facility if any, as soon as possible after the identity of the owner is determined. Such notification may be made by letter, telephone call or personal visit to the owner and shall include information as to the location of the recovered vehicle. In the event the vehicle is placed in a garage or other storage facility, the owner of said facility shall lose his lien for the reasonable charges for storage and towing unless he notifies the owner of record of the vehicle by certified mail and return receipt requested within five days of the date of said recovery or his actual knowledge of the identity of the owner of record. Said notice shall contain the information on the location of the vehicle and the amount of charges due on said vehicle.

Approved April 23, 1973.

Chap. 214. AN ACT FURTHER REGULATING THE ISSUANCE OF LICENSES FOR STATE AND COUNTY FAIRS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further regulate forthwith horse, dog and harness racing at state and county fairs, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Clause (q) of section 3 of chapter 128A of the General Laws, inserted by section 1 of chapter 686 of the acts of 1964, is hereby amended by inserting after the word "county", in line 4, the words: — , or any county bordering thereon.

SECTION 2. The fourth paragraph of said section 3 of said chapter 128A is hereby amended by striking out the second sentence, as amended by chapter 383 of the acts of 1972, and inserting in place thereof the following sentence: — No such license shall be issued to any person to hold or conduct such a horse or dog racing meeting for more than ten days in any calendar year.

Approved April 25, 1973.

Chap. 215. AN ACT AUTHORIZING THE CITY OF MELROSE TO CITY OF BROCKTON FROM THE METROPOLITAN AREA PLANNING DISTRICT.

Be it enacted, etc., as follows:

Section 26 of chapter 40B of the General Laws, as appearing in section 3 of chapter 849 of the acts of 1970, is hereby amended by striking out the word "Brockton". *Approved April 25, 1973.*

Chap. 216. AN ACT REPEALING THE LAW REGULATING THE SALE AND INSTALLATION OF SEAT SAFETY BELTS.

Be it enacted, etc., as follows:

Section two hundred and ninety-five Y of chapter ninety-four of the General Laws is hereby repealed. *Approved April 25, 1973.*

Chap. 217. AN ACT AUTHORIZING THE CITY OF MELROSE TO GRANT RETROACTIVE PAY RAISES TO CERTAIN EMPLOYEES OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the city of Melrose is hereby authorized to appropriate money for the payment of and to pay salary increases retroactive to July first, nineteen hundred and seventy-two, to all city employees with the exception of the employees of the police and school departments in accordance with collective bargaining agreements between said city and said employees.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1973.

Chap. 218. AN ACT ERECTING AND CONSTITUTING THE FRANKLIN COUNTY TECHNICAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The Franklin County Technical School District, consisting of the towns of Bernardston, Buckland, Colrain, Conway, Deerfield, Erving, Gill, Greenfield, Heath, Montague, New Salem, Northfield, Rowe, Shelburne, Sunderland, Warwick and Wendell is hereby erected and constituted as a regional vocational technical school district pursuant to the provisions of chapter seventy-one of the General Laws and the agreement signed by the members of the regional school district planning board and dated September eighteenth, nineteen hundred and seventy-two.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1973.

Chap. 219. AN ACT REPEALING THE LAW CHANGING THE NAME OF THE FIRST DISTRICT COURT OF NORTHERN WORCESTER TO THE DISTRICT COURT OF GARDNER-ATHOL.

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and forty-six of the acts of nineteen hundred and seventy-two is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1973.

Chap. 220. AN ACT VALIDATING THE ACTION OF THE CITY OF GARDNER IN GRANTING CERTAIN EMPLOYEES OF SAID CITY SALARY INCREASES FOR THE YEARS NINETEEN HUNDRED AND SEVENTY AND NINETEEN HUNDRED AND SEVENTY-ONE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the city of Gardner is hereby authorized to appropriate a sum, not to exceed one thousand nine hundred and eighty-three dollars and thirty-nine cents, for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay the Greenwood memorial pool laundress, the Connors street building head custodian, and the West street comfort station attendant, employees of said city, salary increases due them from a collective bargaining agreement for the years nineteen hundred and seventy and nineteen hundred and seventy-one, amounting to five hundred dollars, six hundred and forty-six dollars and ninety-seven cents, and eight hundred and thirty-six dollars and forty-two cents, respectively.

SECTION 2. Any action heretofore taken or initiated by the city of Gardner during the year nineteen hundred and seventy-two

relative to the provisions of section one of this act shall be as valid and effective as though this act had been in full force and effect at the time said action was taken.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1973.

Chap. 221. AN ACT VALIDATING CERTAIN ACTION TAKEN BY THE TOWN OF CLINTON IN THE YEAR NINETEEN HUNDRED AND SIXTY-SEVEN ESTABLISHING A PLANNING BOARD.

Be it enacted, etc., as follows:

SECTION 1. The action taken at the annual town meeting in the town of Clinton held on February twenty-seventh, nineteen hundred and sixty-seven under Article 32 of the warrant for said meeting establishing a planning board and any action taken pursuant to the authority thereunder is hereby validated, ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1973.

Chap. 222. AN ACT DEFINING QUORUMS FOR DISTRICT PLANNING COMMISSIONS AND FURTHER REGULATING THE MEETINGS AND RECORDS THEREOF.

Be it enacted, etc., as follows:

Section 4 of chapter 40B of the General Laws is hereby amended by adding the following three sentences: — A quorum of the commission shall consist of at least one fourth of the duly named members or alternate designees. Lack of a quorum shall not prevent the members at an officially called meeting from coming to order, making motions, discussing or passing a motion to continue said meeting to a later time. The commission shall establish rules of procedure for its activities and shall keep a record of its meetings, transactions, resolutions, findings and determinations, all of which shall be public records.

Approved April 27, 1973.

Chap. 223. AN ACT DIRECTING THE COUNTY OF BRISTOL TO PAY A CERTAIN SUM OF MONEY TO VINCENT FERNANDES D/B/A FERNANDES & SONS CONSTRUCTION OF THE CITY OF NEW BEDFORD.

Be it enacted, etc., as follows:

For the purpose of discharging a moral obligation, the county treasurer of Bristol county is hereby authorized and directed to pay from any available funds to Vincent Fernandes d/b/a Fernandes & Sons Construction of the city of New Bedford the sum

of one thousand and twenty-six dollars and seventy-two cents for masonry work done at the Bristol county jail and house of correction, payment for which is legally unenforceable by reason of the failure of the board of county commissioners to comply with the provisions of section seventeen of chapter thirty-four of the General Laws relative to the certification of the existence of an emergency.

Approved April 27, 1973.

Chap. 224. AN ACT PROVIDING THAT THE TREASURER OF A CITY, TOWN OR DISTRICT MAY INVEST FUNDS IN UNITED STATES GOVERNMENT SECURITIES.

Be it enacted, etc., as follows:

Section 55 of chapter 44 of the General Laws is hereby amended by striking out the last sentence, as most recently amended by chapter 545 of the acts of 1971, and inserting in place thereof the following sentence: — Said treasurer may invest in United States treasury bills and federal funds, in certificates of deposit in trust companies, national banks and banking companies, or in United States government securities purchased under an agreement with a trust company, national bank or banking company to repurchase at not less than the original purchase price of said securities on a fixed date, not to exceed ninety days, such portion of revenue cash, exclusive of the proceeds from temporary notes issued under sections four, five, five A, five B, six, six A and seventeen, as he shall deem not required for current maintenance expenses; provided, however, that no temporary notes in anticipation of revenue shall be issued by the treasurer as long as such revenue cash remains so invested.

Approved April 27, 1973.

Chap. 225. AN ACT ELIMINATING THE REQUIREMENT OF "NOTCHING" EGG-BEARING LOBSTERS.

Be it enacted, etc., as follows:

Section 43 of chapter 130 of the General Laws, as most recently amended by chapter 153 of the acts of 1959, is hereby further amended by striking out the second, third, and fourth sentences.

Approved April 27, 1973.

Chap. 226. AN ACT ABOLISHING THE DOCTRINE OF WORTHIER TITLE TO PROPERTY.

Be it enacted, etc., as follows:

Chapter 184 of the General Laws is hereby amended by adding after section 33 the following two sections: —

Section 33A. When any interest in real or personal property is

limited, mediately or immediately, in an otherwise effective testamentary conveyance or devise, in form or in effect, to the heirs or next of kin of the conveyor, or to a person or persons who on the death of the conveyor are some or all of his heirs or next of kin, such conveyees or devisees acquire the interest that the conveyance or devise purports to create by purchase and not by descent.

Section 33B. When any interest in real or personal property is limited, in an otherwise effective inter vivos conveyance, in form or in effect, to the heirs or next of kin of the conveyor, which conveyance creates one or more prior interests in favor of a person or persons in existence, such interest that the conveyance purports to create operates in favor of such heirs or next of kin by purchase and not by descent.

Approved April 27, 1973.

Chap. 227. AN ACT PROVIDING THAT CERTAIN MANDATORY PERIODS FOR THE REVOCATION OF LICENSES TO OPERATE MOTOR VEHICLES SHALL COMMENCE AFTER THE DATE OF SUCH REVOCATIONS.

Be it enacted, etc., as follows:

Paragraph (c) of subdivision (2) of section 24 of chapter 90 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by chapter 1007 of the acts of 1971, and inserting in place thereof the following sentence: — The registrar, after having revoked the license or right to operate of any person under the preceding paragraph of this section, in his discretion may issue a new license or reinstate the right to operate to him, if the prosecution of such person in the superior court has terminated in favor of the defendant, or after an investigation or upon hearing, may issue a new license or reinstate the right to operate to a person convicted in any court of the violation of any provision of paragraph (a) of subdivision (2) of this section; provided, that no new license or right to operate shall be issued by the registrar to any person convicted of going away without stopping and making known his name, residence and the register number of his motor vehicle after having, while operating such vehicle upon any way or in any place to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, knowingly collided with or otherwise caused injury to any person, or to any person adjudged a delinquent child by reason thereof under the provisions of section fifty-eight B of chapter one hundred and nineteen, until one year after the date of revocation following his original conviction or adjudication if for a first offense or until two years after the date of revocation following any subsequent conviction or adjudication, or to any person convicted of using a motor vehicle knowing that such use is unauthorized, until one year after the date of revocation following his original conviction or adjudication if for a first offense

or until three years after the date of revocation following any subsequent conviction or adjudication, or to any person convicted of violating any other provision of paragraph (a) of subdivision (2) of this section until sixty days after the date of revocation following his original conviction if for a first offense, or one year after the date of revocation following any subsequent conviction within a period of three years.

Approved April 27, 1973.

Chap. 228. AN ACT REQUIRING THE KEEPING OF CERTAIN RECORDS BY AGENCIES EMPLOYING ARMED GUARDS.

Be it enacted, etc., as follows:

Chapter 147 of the General Laws is hereby amended by inserting after section 29 the following section: —

Section 29A. Any watch, guard or patrol agency shall maintain daily records which shall include the names of guards and other employees carrying guns in the performance of their duties, the purpose of their carrying such guns and whether such guns are the personal property of the guards and other employees or issued by such agency.

Approved April 27, 1973.

Chap. 229. AN ACT INCREASING THE RATES OF PILOTAGE FOR THE PORT OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 103 of the General Laws is hereby amended by striking out section 31, as most recently amended by section 1 of chapter 176 of the acts of 1970, and inserting in place thereof the following section: —

Section 31. Rates of pilotage outward and inward for the port of Boston, calculated per foot of draught, shall be as follows: — For vessels 15,000 Gross Tons or less — thirteen dollars and fifty cents per draft foot.

For vessels over 15,000 Gross Tons — fourteen dollars and fifty cents per draft foot.

The following charges shall be made for shifting vessels: between docks in Boston, fifty dollars; between any dock in Boston and anchorage number one, fifty dollars; between any dock in Boston and anchorage number two, one-half pilotage; inward bound vessels anchored in excess of twenty-four hours in number two anchorage, one-half pilotage; between Boston and Quincy, full pilotage; between number two anchorage and Quincy, if requested by the master of the vessel or its agent, full pilotage; anchoring any inward bound vessel outside Boston harbor limits in excess of twelve hours, fifty dollars plus pilotage.

For anchoring any outward bound vessel, there shall be a two hour free allowance for detention, and thereafter the vessel shall

pay twenty-five dollars detention in addition to pilotage. For detention of a pilot aboard a vessel, there shall be a two hour free allowance for detention, and thereafter the vessel shall pay twenty-five dollars for detention in addition to pilotage. Detention in waiting for a vessel to sail shall be considered to be from the time a pilot reports aboard said vessel. A pilot shall be considered to be ordered to a vessel if not notified of cancellation one hour before sailing time of said vessel in Boston and two hours for Quincy and anchorage number two.

When a pilot is ordered to a vessel and said vessel does not sail and his services are not required, the vessel shall pay a charge of twenty-five dollars. No charge shall be made for any vessel detained due to fog or stress of weather. For adjusting, calibrating, or adjusting and calibrating compass or direction finder by a pilot, the vessel shall pay a charge of forty dollars. If a pilot is carried away by a vessel, the vessel shall pay a charge of fifty dollars per day, plus expenses of return transportation to Boston.

All inbound vessels, except those arriving via Cape Cod Canal, shall notify the pilot office eight hours before arrival time, if that time varies in excess of two hours from their latest estimated time of arrival report.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1973.

Chap. 230. AN ACT EXEMPTING THE OFFICE OF DIRECTOR OF PUBLIC WORKS, THE POSITION OF WATER AND SEWER SUPERINTENDENT AND ANY OTHER SUPERINTENDENT OF THE WATER DISTRIBUTION SYSTEM, WATER SUPPLY AND PUMPING FACILITIES, WATER TREATMENT PLANT, SEWERAGE SYSTEM, SEWERAGE PUMPING AND TREATMENT FACILITIES, OR A SUPERINTENDENT IN CHARGE OF ANY COMBINATION OF THE FOREGOING POSITIONS IN THE TOWN OF ANDOVER FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The office of director of public works, the position of water and sewer superintendent and any other superintendent of the water distribution system, water supply and pumping facilities, water treatment plant, sewerage system, sewerage pumping and treatment facilities, or a superintendent in charge of any combination of the foregoing positions in the town of Andover shall, on the effective date of this act and thereafter, not be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Andover at an annual town meeting in the form of the following question which shall be placed upon the official ballot to be used for election of town officers at said meeting: "Shall an act passed by the general court in the year nineteen

hundred and seventy-three entitled 'An Act exempting the office of director of public works, the position of water and sewer superintendent and any other superintendent of the water distribution system, water supply and pumping facilities, water treatment plant, sewerage system, sewerage pumping and treatment facilities, or a superintendent in charge of any combination of the foregoing positions in the town of Andover from the provisions of the civil service law', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take full effect, but not otherwise.

Approved May 1, 1973.

Chap. 231. AN ACT REGULATING THE LOCATING AND MARKING OF TOWN BOUNDARY MARKERS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 42 of the General Laws is hereby amended by striking out section 2, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 2. The boundary markers of every town shall be located, the marks thereon renewed, and the year located marked upon the face thereof which bears the letter of the town locating its boundary, once every five years, by at least two of the selectmen of the town or by two substitutes designated by them in writing. The marking shall be made with a paint or other suitable marking material.

The proceedings shall be recorded with the town clerk and the board of selectmen of the town in writing signed under penalty of perjury setting forth which boundary marks were located, and those which were not located. A copy of such records shall also be sent, by registered letter, to the town clerk and the board of selectmen of any contiguous town.

SECTION 2. Section three of said chapter forty-two is hereby repealed.

SECTION 3. Said chapter 42 is hereby further amended by striking out section 5 and inserting in place thereof the following section: —

Section 5. The selectmen of towns bordering on another state, if the lines between the state have been established, shall once in every five years locate the boundary markers in such lines, mark them in accordance with the provisions of section two and give notice thereof to the selectmen or other proper officer of contiguous towns in the other state. No bound erected by the commonwealth and an adjoining state shall be removed by such selectmen or other officers.

Approved May 1, 1973.

Chap. 232. AN ACT RELATIVE TO THE PROMOTION OF CALL FIRE FIGHTERS TO FULL-TIME FORCES.

Be it enacted, etc., as follows:

SECTION 1. Section 36 of chapter 48 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "permanent", in line 6, the word: — full-time, — and by inserting after the word "aforesaid", in line 14, the words: — ; provided, at the time of said promotion to the full-time force, the person so promoted is serving in the call department on a permanent basis after certification from an eligible list established in accordance with the provisions of chapter thirty-one.

SECTION 2. Section 36A of said chapter 48, inserted by section 1 of chapter 149 of the acts of 1948, is hereby amended by inserting after the word "permanent", in lines 8 and 9, the word: — full time.

Approved May 1, 1973.

Chap. 233. AN ACT AUTHORIZING THE CITY OF MELROSE TO REVOKE ITS ACCEPTANCE OF THE LAW PROVIDING FOR RESERVE POLICE FORCES IN CITIES.

Be it enacted, etc., as follows:

The mayor and the board of aldermen of the city of Melrose are hereby authorized to revoke the acceptance by said city of the provisions of sections twenty-six to twenty-eight, inclusive, of chapter one hundred and eight of the Revised Laws of nineteen hundred and two.

Approved May 1, 1973.

Chap. 234. AN ACT AUTHORIZING THE CITY OF HOLYOKE TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The city of Holyoke is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay, such of the unpaid bills incurred by said city and totalling seven thousand sixty-five dollars and seventy-one cents, as set forth in a list on file in the office of the director of accounts in the department of corporations and taxation, as are legally unenforceable against said city, by reason of their having been incurred in excess of available appropriations, and as are certified for payment by, and were contracted for the school department of said city.

SECTION 2. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said city auditor, stating under the penalties of perjury that the goods, materials or services for which said bill was submitted were ordered by an official or an employee of said city, and that such goods and materials were delivered to and actually received by said

city, or that such services were rendered to said city, or both.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for goods, materials or services which were not received by or rendered to said city shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved May 1, 1973.

Chap. 235. AN ACT RELATIVE TO THE ELECTION OF THE BOARD OF WATER COMMISSIONERS OF THE OAKWOOD HEIGHTS WATER DISTRICT OF MILLBURY AND THE DATE OF THE ANNUAL MEETING OF SAID DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 835 of the acts of 1971 is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences: — The district shall elect by ballot at its annual meeting three persons, resident taxpayers and voters of said district, to hold office until the next annual meeting of said district, to constitute a board of water commissioners. Said annual meeting shall be held on the first Monday of May.

SECTION 2. Said section 9 of said chapter 835 is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence: — At each annual district meeting, the district shall elect by ballot a clerk and a treasurer of the district, who shall not be a commissioner thereof, and who shall give bond to the district in such an amount as may be approved by the commissioners.

SECTION 3. Notwithstanding the provisions of sections one and two of this act, the water commissioners of the Oakwood Heights Water District of Millbury in office on the effective date of this act, shall hold said office until the next annual meeting of said district.

Approved May 1, 1973.

Chap. 236. AN ACT FURTHER REGULATING THE OPERATION OF CERTAIN MOTOR VEHICLES BY INTERSTATE CARRIERS.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 159A of the General Laws is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:

No motor vehicle shall be operated under a license issued under the provisions of this chapter without a permit from the department, except that a motor vehicle of an interstate carrier being used simultaneously in both interstate operations and intrastate operations under the operating authority of a certified intrastate carrier may be operated without such permit, provided that such

motor vehicle is equipped to comply with the rules and regulations promulgated by the department governing the operation of such vehicle.

SECTION 2. Said section 8 of said chapter 159A is hereby further amended by adding the following paragraph: —

The intrastate carrier, under whose certificate the interstate carrier is operating, shall be responsible and shall annually certify to the department that every motor vehicle of the interstate carrier operated under this section complies in all respects to the rules and regulations promulgated by the department.

Approved May 1, 1973.

Chap. 237. AN ACT FURTHER REGULATING THE LETTERING PAINTED ON SCHOOL BUSES.

Be it enacted, etc., as follows:

SECTION 1. Section 7B of chapter 90 of the General Laws is hereby amended by striking out clause (1), as amended by section 2 of chapter 502 of the acts of 1950, and inserting in place thereof the following clause: —

(1) The words "SCHOOL BUS" shall be painted on the front and rear of each such vehicle in black letters of eight inches in height and conform to series "B" of the standard alphabets for highway signs on a National School Bus Yellow background, or shall be so painted upon signs attached to the front and rear of each vehicle. No motor vehicle shall display such words when it is being used for purposes other than the transportation of school children;

SECTION 2. The provisions of clause (1) of section seven B of chapter ninety of the General Laws, as amended by section one of this act, shall apply to school buses initially registered in the commonwealth on or after July first, nineteen hundred and seventy-four, and to school buses that are relettered after said date.

Approved May 1, 1973.

Chap. 238. AN ACT FURTHER REGULATING THE PAINTING OF SCHOOL BUSES.

Be it enacted, etc., as follows:

SECTION 1. Section 7B of chapter 90 of the General Laws is hereby amended by striking out clause (6), inserted by section 1 of chapter 459 of the acts of 1950, and inserting in place thereof the following clause: —

(6) Each school bus body shall be painted a yellowish orange color similar to what is commonly known as "National School Bus Glossy Yellow", except that fenders and trim may be black. This clause shall not apply to a motor vehicle operated under a certificate issued under section seven of chapter one hundred and fifty-nine A and a permit issued under section eight of said chapter.

SECTION 2. The provisions of clause (6) of section seven B of chapter ninety of the General Laws, as amended by section one of this act, shall apply to school buses initially registered in the commonwealth on or after July first, nineteen hundred and seventy-four, and to school buses which are repainted after said date.

Approved May 1, 1973.

Chap. 239. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS AND NOTES TO BE ISSUED BY THE COMMONWEALTH.

Whereas, The deferred operation of this act would cause great inconvenience in the issues of bonds and notes to carry out the purposes of various acts passed at the nineteen hundred and seventy-one session of the general court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section nine of chapter eight hundred and thirty-nine of the acts of nineteen hundred and seventy-one, providing for the permanent protection of the coastal marshes and inland wetlands of the commonwealth, shall be issued for maximum terms of ten years, the initial maturities of which shall be payable not later than one year from the date of issue thereof and the entire issue not later than June the thirtieth, nineteen hundred and eighty-six, as recommended by the governor in a message to the general court, dated February the eighth, nineteen hundred and seventy-three, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 2. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section two of chapter eight hundred and eighty-one of the acts of nineteen hundred and seventy-one, directing the metropolitan district commission to construct a marginal conduit or conduits with appurtenant pumping station and chlorination and detention facility in the cities of Boston and Cambridge, shall be issued for maximum terms of twenty years, the initial maturities of which shall be payable not later than one year from the date of issue thereof and the entire issue not later than June the thirtieth, two thousand and sixteen, as recommended by the governor, in a message to the general court, dated February the eighth, nineteen hundred and seventy-three, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 3. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section six of chapter nine hundred and fifty-four of the acts of nineteen hundred and seventy-one, providing for the construc-

tion and administration of recreational facilities by the department of natural resources and the department of public works, shall be issued for maximum terms of ten years, the initial maturities of which shall be payable not later than one year from the date of issue thereof and the entire issue not later than June the thirtieth, nineteen hundred and eighty-seven, as recommended by the governor, in a message to the general court dated February the eighth, nineteen hundred and seventy-three, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 4. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under sections five and six of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one, to provide for a capital outlay program for the commonwealth, shall be issued and may be renewed one or more times for terms not exceeding one year, and the final maturities of such notes, whether original or renewal, shall be not later than June the thirtieth, nineteen hundred and seventy-seven; and the bonds which the state treasurer is authorized to issue under sections seven and nine of said chapter nine hundred and seventy-six, shall be issued for maximum terms of twenty years, the initial maturities of which shall be payable not later than one year from the date of issue thereof and the entire issue not later than June the thirtieth, nineteen hundred and ninety-seven, as recommended by the governor, in a message to the general court, dated February the eighth, nineteen hundred and seventy-three, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 5. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section two of chapter nine hundred and eighty-two of the acts of nineteen hundred and seventy-one, directing the metropolitan district commission to erect a new pumping station in the town of Stoneham and to construct a water main to the city of Woburn, shall be issued and may be renewed one or more times for terms not exceeding one year, and the final maturities of such notes, whether original or renewal, shall be not later than three years from the date of the original issue, and the bonds which the state treasurer is authorized to issue under section three of said chapter nine hundred and eighty-two, shall be issued for maximum terms of twenty years, the initial maturities of which shall be payable not later than one year from the date of issue thereof and the entire issue not later than June the thirtieth, two thousand and twenty-six, as recommended by the governor, in a message to the general court, dated February the eighth, nineteen hundred and seventy-three, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 6. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section two of chapter eleven hundred and five of the acts of

nineteen hundred and seventy-one, directing the metropolitan district commission to construct a central garage and providing for the borrowing of money for said purpose, shall be issued for maximum terms of twenty years, the initial maturities of which shall be payable not later than one year from the date of issue thereof and the entire issue not later than June the thirtieth, nineteen hundred and ninety-five, as recommended by the governor, in a message to the general court, dated February the eighth, nineteen hundred and seventy-three, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved May 4, 1973.

Chap. 240. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL PERIOD FROM JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR, FOR THE MAINTENANCE OF BARNSTABLE COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Barnstable county, its departments, boards, commissions and institutions, for sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four.

BARNSTABLE COUNTY:

Item	Subtotal	Total
1. For interest on county debt		\$277,552 50
2. For reduction of county debt		503,000 00
3. For county commissioners, salaries and expenses		62,250 08
1. Personal services	\$57,725 08	
2. Contractual services	3,000 00	
3. Supplies and materials	1,310 00	
4. Current charges and obligations	215 00	
4. For transportation and expenses of county and acting commissioners		2,500 00

Item	Subtotal	Total
5. For clerk of courts, salary and expenses		\$103,062 51
1. Personal services	\$95,960 71	
2. Contractual services	3,150 00	
3. Supplies and materials	1,475 00	
4. Current charges and obligations	1,211 80	
5. Equipment	1,265 00	
6. For county treasurer, salaries and expenses		67,290 82
1. Personal services	55,740 82	
2. Contractual services	3,550 00	
3. Supplies and materials	6,300 00	
4. Current charges and obligations	1,700 00	
7. For sheriff, salary and expenses		29,986 00
1. Personal services	22,683 00	
2. Contractual services	2,115 00	
3. Supplies and materials	1,090 00	
4. Current charges and obligations	698 00	
5. Equipment	3,400 00	
8. For registry of deeds, salaries and expenses		826,825 78
1. Personal services	543,745 78	
2. Contractual services	177,000 00	
3. Supplies and materials	30,225 00	
4. Current charges and obligations	36,415 00	
5. Equipment	39,440 00	
8a. For registry of probate, salaries and expenses		8,410 29
2. Contractual services	1,911 00	
3. Supplies and materials	4,500 00	
4. Current charges and obligations	900 00	
5. Equipment	1,099 29	
9. For law library, salaries and expenses		25,327 80
1. Personal services	10,252 80	
3. Supplies and materials	75 00	
4. Current charges and obligations	15,000 00	
10. For highways, including state highways, bridges and land damages		65,166 41
2. Contractual services	30,166 41	
6. All other	35,000 00	
12. For superior court costs		408,359 15
1. Personal services	149,835 65	
2. Contractual services	243,400 00	
3. Supplies and materials	2,800 00	
4. Current charges and obligations	8,345 00	
5. Equipment	3,978 50	
13. For civil expenses in probate Court		21,833 16
1. Personal services	14,787 60	
2. Contractual services	5,100 00	
3. Supplies and materials	515 00	
4. Current charges and obligations	125 00	
5. Equipment	1,305 56	
14. For district courts, salaries and expenses		
First District Court of Barnstable		584,487 07
1. Personal services	530,377 17	
2. Contractual services	41,705 00	
3. Supplies and materials	4,735 00	
4. Current charges and obligations	2,130 00	
5. Equipment	5,539 90	

Item	Subtotal	Total
Second District Court of Barnstable.....		\$322,676 29
1. Personal services	\$284,130 49	
2. Contractual services	28,525 00	
3. Supplies and materials	6,050 00	
4. Current charges and obligations	1,630 00	
5. Equipment	2,340 80	
District Court — Appellate Division		650 00
1. Personal services	125 00	
2. Contractual services	350 00	
3. Supplies and materials	175 00	
15. For medical examiners and commitments of insane		21,505 00
16. For jail and house of correction, main- tenance and operation		860,408 95
1. Personal services	650,874 95	
2. Contractual services	65,000 00	
3. Supplies and materials	116,915 00	
4. Current charges and obligations	5,979 00	
5. Equipment	21,640 00	
18. For court houses and registry buildings, maintenance and operation		360,431 08
1. Personal services	186,602 44	
2. Contractual services	103,980 00	
3. Supplies and materials	56,777 00	
4. Current charges and obligations	3,789 39	
5. Equipment	9,282 25	
18a. For sewage system		9,689 34
20. For agricultural school or county co- operative extension service		132,153 95
1. Personal services	122,508 95	
2. Contractual services	6,500 00	
3. Supplies and materials	2,555 00	
4. Current charges and obligations	415 00	
5. Equipment	175 00	
22. For hospital		1,846,753 03
1. Personal services	1,333,754 20	
2. Contractual services	150,000 00	
3. Supplies and materials	190,635 00	
4. Current charges and obligations	114,650 83	
5. Equipment	57,713 00	
23. For health service		196,987 20
1. Personal services	177,262 70	
2. Contractual services	14,000 00	
3. Supplies and materials	3,007 50	
4. Current charges and obligations	1,100 00	
5. Equipment	1,617 00	
24. For noncontributory pensions		74,626 98
25. For contributory retirement systems and supervisory expenses		266,192 83
26. For miscellaneous and contingent expenses		70,680 33
27. For unpaid bills of previous years		33,085 86
28. For reserve fund		100,000 00
28d. For reserve for counsel for indigent defendants		54,000 00

Item	Total
29. For advertising recreational advantages of the county	\$ 187,500 00
31. For police radio system	175,779 33
32a. For maintenance, forest fire apparatus	2,000 00
33. For police training school and bureau of criminal investigation	142,180 36
35. For Cape Cod county planning and economic development commission	112,499 01
36. For police services building	12,217 00
37. For drug abuse information bureau	77,016 12
38. For county airplane	2,965 00
39. For group insurance	130,200 00
40. For advertising and promoting county fairs	500 00
41. For fire fighters' training school	8,415 07
Total amount of appropriations	\$8,147,164 30
Less estimated amount available for reduction of county tax	2,860,078 86
And the county commissioners of Barnstable County are hereby authorized to levy as the county tax of said county for said fiscal period, in the manner provided by law, the sum of	\$5,287,085 44

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1973.

Chap. 241. AN ACT MAKING CORRECTIVE CHANGES IN CERTAIN LAWS AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES TO PERSONS EIGHTEEN YEARS OF AGE OR OLDER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make corrective changes in laws authorizing the sale of alcoholic beverages to persons eighteen years of age or older, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of the first paragraph of section 12 of chapter 138 of the General Laws, as appearing in section 2 of chapter 207 of the acts of 1936, is hereby amended by striking out, in line 12, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 2. The third sentence of the fourth paragraph of section 12 of said chapter 138, as appearing in section 1 of chapter 468 of the acts of 1935, is hereby amended by striking out, in line 7, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 3. The second sentence of the first paragraph of section 14 of said chapter 138, as amended by chapter 253 of the acts of 1967, is hereby further amended by striking out, in line 6, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 4. This act shall take effect as of March first, nineteen hundred and seventy-three. *Approved May 4, 1973.*

Chap. 242. AN ACT PROVIDING FOR THE DESIGNATION OF THE CHAIRMAN OF THE PAROLE BOARD AS A MEMBER, EX OFFICIO, OF THE ADVISORY COMMITTEE IN THE DEPARTMENT OF YOUTH SERVICES.

Be it enacted, etc., as follows:

Section 9 of chapter 18A of the General Laws is hereby amended by inserting after the word "education", in line 3, as appearing in section 1 of chapter 838 of the acts of 1969, the words: — , the chairman of the parole board. *Approved May 4, 1973.*

Chap. 243. AN ACT INCREASING THE PENALTY FOR UNAUTHORIZED USE OF A MOTOR VEHICLE.

Be it enacted, etc., as follows:

Paragraph (a) of subdivision (2) of section 24 of chapter 90 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by chapter 111 of the acts of 1972, and inserting in place thereof the following sentence: — Whoever upon any way or in any place to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, operates a motor vehicle recklessly, or operates such a vehicle negligently so that the lives or safety of the public might be endangered, or upon a bet or wager or in a race, or whoever operates a motor vehicle for the purpose of making a record and thereby violates any provision of section seventeen or any regulation under section eighteen, or whoever without stopping and making known his name, residence and the register number of his motor vehicle goes away after knowingly colliding with or otherwise causing injury to any other vehicle or property, or whoever loans or knowingly permits his license or learner's permit to operate motor vehicles to be used by any person, or whoever makes false statements in an application for such a license or learner's permit or falsely impersonates the person named in such an application or procures such false impersonation whether of himself or of another, or whoever knowingly makes any false statement in an application for registration of a motor vehicle, shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars or by imprisonment for not less than two weeks nor more than two years, or both; and whoever uses a motor vehicle without authority

knowing that such use is unauthorized shall, for the first offense be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment for not less than thirty days nor more than two years, or both, and for a subsequent offense by imprisonment in the state prison for not more than five years or in a house of correction for not less than thirty days nor more than two and one half years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment; and whoever operates a motor vehicle upon any way or in any place to which the public have access as invitees or licensees, and, without stopping and making known his name, residence and the register number of his motor vehicle, goes away after knowingly colliding with or otherwise causing injury to any person shall be punished by imprisonment for not less than two months nor more than two years.

Approved May 4, 1973.

Chap. 244. AN ACT RELATIVE TO THE RETIREMENT ALLOWANCE OF JULIA M. CRITCHFIELD, A FORMER EMPLOYEE OF THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Cambridge is hereby authorized to increase the retirement allowance of Julia M. Critchfield, a former employee of the law department of said city, to a sum not exceeding forty-five hundred dollars.

SECTION 2. This act shall take effect upon its acceptance by the city of Cambridge and the increased retirement allowance authorized by section one of this act shall be paid on and after said effective date.

Approved May 4, 1973.

Chap. 245. AN ACT INCREASING THE PERIOD OF TIME THAT CITIES AND TOWNS MAY LEASE INDUSTRIAL DEVELOPMENT FACILITIES.

Be it enacted, etc., as follows:

Section 8 of chapter 40D of the General Laws, as appearing in section 1 of chapter 772 of the acts of 1967, is hereby amended by striking out clause (i) and inserting in place thereof the following clause: —

(i) be for a term not in excess of ninety-nine years;

Approved May 4, 1973.

Chap. 246. AN ACT DESIGNATING A CERTAIN OVERPASS ON COLUMBIA ROAD IN THE DORCHESTER DISTRICT OF THE CITY OF BOSTON AS THE STANISLAW R. J. SUCHECKI MEMORIAL OVERPASS.

Be it enacted, etc., as follows:

The overpass on Columbia Road outside the Massachusetts Bay Transit Authority subway station in the Dorchester district of the city of Boston shall be designated and known as the Stanislaw R. J. Suchecki Memorial overpass, in memory of Stanislaw R. J. Suchecki, a former assistant attorney general of the commonwealth. A suitable marker bearing said designation shall be attached thereto by the metropolitan district commission.

Approved May 4, 1973.

Chap. 247. AN ACT AUTHORIZING THE TOWN OF NORTHFIELD TO VOTE AT A SPECIAL ELECTION ON THE QUESTION OF GRANTING LICENSES FOR THE SALE IN SAID TOWN OF ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any limitations imposed by section eleven of chapter one hundred and thirty-eight of the General Laws as to the time for voting upon the questions therein set forth, the town clerk of the town of Northfield shall place upon the official ballot to be used at a special election called for this purpose the following subdivided question: —

A. Shall licenses be granted in this town for the sale therein of wines and malt beverages (wines and beer, ale and all other malt beverages) commencing May twenty-sixth, nineteen hundred and seventy-three to and including June third, nineteen hundred and seventy-three?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

B. Shall licenses be granted in this town for the sale therein of wines and malt beverages in packages, so called, not to be drunk on the premises commencing May twenty-sixth, nineteen hundred and seventy-three to and including June third, nineteen hundred and seventy-three?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes cast in said town in answer to subdivision A is not in the affirmative, but a majority thereof in answer to subdivision B is in the affirmative, the town shall be taken to have authorized, for said period, the retail sale therein of wines and malt beverages but only in packages, so called, not to be drunk on the premises where sold, in accordance with the provisions of said chapter one hundred and thirty-eight.

If a majority of the votes cast in said town in answer to subdivision B is not in the affirmative, but a majority thereof in answer to subdivision A is in the affirmative, the town shall be taken to have authorized, for said period, the retail sale therein of wines and malt beverages only to be drunk on and off the premises where sold,

in accordance with the provisions of said chapter one hundred and thirty-eight.

SECTION 2. This act shall take effect upon its passage.

Approved May 7, 1973.

Chap. 248. AN ACT INCREASING THE AMOUNT AND FURTHER REGULATING THE EXPENDITURE OF MONEY BY THE COUNTY COMMISSIONERS OF BRISTOL COUNTY FOR THE PURPOSE OF PROMOTING THE RECREATIONAL, VACATION AND CONVENTION, COMMERCIAL AND INDUSTRIAL RESOURCES OF SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 2 of chapter 48 of the acts of 1970, as most recently amended by chapter 13 of the acts of 1972, is hereby further amended by striking out, in line 5, the word "twenty-five" and inserting in place thereof the word: — fifty.

SECTION 2. Said section 2 of said chapter 48 is hereby further amended by inserting after the second sentence the following sentence: — Said commissioners may expend such sums to develop the industrial and commercial resources of said county, including but not limited to all forms of advertising, research activities, surveys, data collection and analysis, site surveys, seminars, industrial and commercial expositions and displays, and assistance to regional, city and town commissions and agencies engaged in commercial and industrial development and promotion.

SECTION 3. Section 3 of said chapter 48 is hereby amended by striking out, in line 1, the word "seventy" and inserting in place thereof the word: — seventy-three.

SECTION 4. This act shall take effect upon its passage.

Approved May 7, 1973.

Chap. 249. AN ACT FURTHER REGULATING THE SALE OF LAND TAKEN FOR TAXES BY CITIES AND TOWNS.

Be it enacted, etc., as follows:

Section 52 of chapter 60 of the General Laws, as most recently amended by section 1 of chapter 392 of the acts of 1936, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — The treasurer of any city or town holding a tax title may assign and transfer such tax title to the highest bidder after a public auction, after having given fourteen days' notice of the time and place of such public auction by publication, which notice shall conform to the requirements of section forty, and after having posted such notice in two or more convenient and public places in said city or town, provided that the sum so paid for such assignment is not less than the

amount necessary for redemption, and may execute and deliver on behalf of the city or town any instrument necessary therefor.

Approved May 7, 1973.

Chap. 250. AN ACT REQUIRING THAT SCHOOL BUSES HAVE TWO OPERABLE FRONT WINDSHIELD WIPERS.

Be it enacted, etc., as follows:

Section 7B of chapter 90 of the General Laws is hereby amended by adding after clause (8) the following clause: —

(9) Every school bus shall be equipped with two operable front windshield wipers.

Approved May 7, 1973.

Chap. 251. AN ACT RELATIVE TO THE ELIGIBILITY OF CERTAIN APPLICANTS FOR SECOND CLASS FIREMEN'S EXAMINATIONS.

Be it enacted, etc., as follows:

Section 50 of chapter 146 of the General Laws, as most recently amended by chapter 569 of the acts of 1970, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

To be eligible for examination for a second class fireman's license, a person must furnish evidence as to his previous training, and, except students attending all day state aided vocational high schools in the steam engineering course or students performing the duties of a first or second class fireman at said school, be at least eighteen years of age; provided, however, that no such license issued shall be used in employment by the holder thereof unless he is at least eighteen years of age.

Approved May 7, 1973.

Chap. 252. AN ACT DESIGNATING THE METROPOLITAN DISTRICT COMMISSION CHILDREN'S PLAY AREA ON DALE STREET IN THE ROSLINDALE SECTION OF THE CITY OF BOSTON AS THE CHARLES F. WEIDER PLAYGROUND.

Be it enacted, etc., as follows:

The children's play area being constructed by the metropolitan district commission on Dale street in the Roslindale section of the city of Boston shall upon completion be designated and known as the Charles F. Weider playground, in memory of Charles F. Weider of Roslindale, a community leader and veteran who served his country during World War I. A suitable marker bearing said designation shall be erected thereat by said commission.

Approved May 7, 1973.

Chap. 253. AN ACT FURTHER REGULATING THE HOLDING OF CERTAIN MOTOR VEHICLES TOWED FOR ILLEGAL PARKING IN THE CITY OF BOSTON UNTIL FINES HAVE BEEN PAID OR SECURITY FOR THEIR PAYMENT DEPOSITED.

Be it enacted, etc., as follows:

The fifth paragraph of section 2 of chapter 263 of the acts of 1929, as most recently amended by chapter 665 of the acts of 1971, is hereby further amended by striking out the last two sentences and inserting in place thereof the following two sentences: — If a vehicle is removed pursuant to a rule or regulation adopted under this section, such vehicle shall be held until all charges lawfully imposed for such removal and storage following the same have been paid, and, if in the calendar year in which such vehicle is so removed and in the preceding calendar year, five or more notices, in the aggregate, have been affixed to said vehicle as provided in section twenty C of chapter ninety of the General Laws, until due notice has been received that either the fines provided in such notices have been paid or security of the payment thereof has been deposited. In addition, a motor vehicle may in any calendar year, if in such year and in the calendar year immediately preceding five or more notices in the aggregate have been affixed to said vehicle as provided in said section twenty C and have not been disposed of, be removed to, and stored in, a convenient place in the city until all charges lawfully imposed for such removal and storage have been paid and due notice has been received that either the fines provided in such notices have been paid or security for the payment thereof has been deposited. *Approved May 7, 1973.*

Chap. 254. AN ACT DESIGNATING THE ICE SKATING RINK UNDER THE CONTROL OF THE DEPARTMENT OF NATURAL RESOURCES LOCATED IN THE CITY OF NEW BEDFORD AS THE MOBY DICK SKATING RINK.

Be it enacted, etc., as follows:

The ice skating rink under the control of the department of natural resources located in the city of New Bedford shall be known and designated as the Moby Dick skating rink. A suitable marker bearing said designation shall be attached thereto by said department. *Approved May 7, 1973.*

Chap. 255. AN ACT FURTHER REGULATING THE VOTER REGISTRATION OF PERSONS MOVING FROM ONE WARD OR PRECINCT TO ANOTHER IN THE SAME CITY OR TOWN.

Be it enacted, etc., as follows:

Section 3 of chapter 51 of the General Laws is hereby amended by striking out the first two sentences and inserting in place

thereof the following four sentences: — For all elections and primaries held prior to June first in any year, a person shall be registered and may vote in the ward or voting precinct where he resided on January first of the preceding year; provided, however, that if he makes written application in person to the city or town clerk no later than the close of registration, he shall be registered and may vote in another ward or precinct in the same city or town into which he may have moved. A new resident of the city or town who changes his residence after having first registered in the city or town may also, upon like application, be registered at the new address. For all elections and primaries held on or after June first in any year, a person shall be registered and may vote in the ward or voting precinct where he resided on January first of that year; provided, however, that if he makes written application in person to the city or town clerk no later than the close of registration, he shall be registered and may vote in another ward or precinct in the same city or town into which he may have moved. A new resident of the city or town who changes his residence after having first registered in the city or town may also, upon like application, be registered at the new address. *Approved May 7, 1973.*

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT STATE HOUSE

BOSTON, May 15, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY:

I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 255 of the Acts of 1973, entitled "AN ACT FURTHER REGULATING THE VOTER REGISTRATION OF PERSONS MOVING FROM ONE WARD OR PRECINCT TO ANOTHER IN THE SAME CITY OR TOWN." and the enactment of which received my approval on May 7, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

In order that the provisions of this act be made immediately available to certain persons who seek to assure their status as registered voters.

Sincerely,

FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, May 16, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachu-

setts at nine o'clock and fifty-five minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter two hundred and fifty-five of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 256. AN ACT ESTABLISHING A MINIMUM NOTICE PERIOD FOR TERMINATION OF TENANCIES AT WILL.

Be it enacted, etc., as follows:

SECTION 1. Section 12 of chapter 186 of the General Laws, as amended by chapter 202 of the acts of 1946, is hereby further amended by inserting after the word "payment", in line 6, the words: — or thirty days, whichever is longer.

SECTION 2. Section 13 of said chapter 186, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "payable", in lines 7 and 8, the words: — or thirty days, whichever is longer.

Approved May 7, 1973.

Chap. 257. AN ACT RELATIVE TO THE APPOINTMENT OF CERTAIN PERSONS TO COMMITTEES OF THE SOUTHEASTERN REGIONAL PLANNING AND ECONOMIC DEVELOPMENT COMMISSION.

Be it enacted, etc., as follows:

Section 15 of chapter 40B of the General Laws, as most recently amended by section 4 of chapter 755 of the acts of 1972, is hereby further amended by striking out the eighth paragraph and inserting in place thereof the following paragraph: —

The commission may appoint from among its members such other special and standing committees as it shall deem necessary and all such committees shall exercise such powers, discharge such responsibilities, and perform such duties as the commission may delegate thereto by vote or by its by-laws. The commission, at its discretion, may appoint additional persons to any such committee from outside the membership of the commission; provided, that in no case shall the number of such additional persons exceed two thirds of the number of commission members on such standing and special committees, and if the application of the two-thirds percentage results in a fractional number, in order to facilitate such appointment the number of such additional persons on said committees may be the next highest digit.

Approved May 8, 1973.

Chap. 258. AN ACT AUTHORIZING THE ISSUANCE OF CREDIT CARDS BY CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

Chapter 170 of the General Laws is hereby amended by inserting after section 32B, inserted by chapter 214 of the acts of 1972, under the caption CREDIT CARDS, the following section: —

Section 32C. Any such corporation may issue and honor credit cards subject to the conditions, limitations and requirements herein stated.

Any such corporation may issue credit cards for the purpose of making loans to one or more persons. Such loans shall be made by such means as the security committee shall determine including, but not limited to, means of paying to or for the account of any party the amount of any sales slip, voucher or other evidence of any transaction in which goods or services were sold or cash advanced to said party in reliance on a credit card issued by such corporation. Such corporation may advance cash to any person holding a credit card issued by said corporation or by any other person who, directly or indirectly, has agreed to pay to or for the account of such corporation the amount of cash advanced by it in reliance on credit cards issued by said other person. Such credit cards, loans, advances, and documents used in connection therewith shall be in such form and upon such terms and conditions as the security committee shall determine, including but not limited to terms and conditions as to revocation, rates of interest and other charges, maturity dates and security, if any. Such corporation may, subject to the requirements of section fifty-one B of chapter one hundred and sixty-seven and to the authorization or approval of the board of directors, become a stockholder or member of, or otherwise affiliated with, any other organization which in the opinion of said board will enable such corporation to exercise fully the powers granted by this section. Notwithstanding the limitations contained in section thirty-five of this chapter, such corporation may make payments pursuant to obligations arising by reason of such membership or affiliation.

The total obligation of any one person to any such corporation outstanding at any one time under the provisions of this section shall not exceed four thousand five hundred dollars, exclusive of interest or discount; and the aggregate balance of such loans and advances made by any such corporation, at any time outstanding, shall not exceed ten per cent of its deposits.

The provisions of sections eighty-six to one hundred and ten, inclusive, of chapter one hundred and forty shall not, except as provided in section one hundred and fourteen A of said chapter, apply to loans made under this section. *Approved May 8, 1973.*

Chap. 259. AN ACT DIRECTING THE COMMONWEALTH TO REIMBURSE THE TOWN OF MEDWAY FOR CERTAIN MONIES EXPENDED FOR VETERANS' BENEFITS.

Be it enacted, etc., as follows:

There shall be allowed and paid out of the state treasury to the

town of Medway, subject to appropriation and subject to the approval of the commissioner of veterans' services, such sum, not exceeding fifty-five thousand five hundred and fifty-four dollars and fifty-three cents, as said town would have been entitled to receive in reimbursement for veterans' benefits paid by it in the years nineteen hundred and sixty-eight through nineteen hundred and seventy-one, under the provisions of section six of chapter one hundred and fifteen of the General Laws, had said town made a proper and seasonable report thereof to said commissioner as required by said section six.

Approved May 8, 1973.

Chap. 260. AN ACT FURTHER REGULATING THE COLLECTION ON A MONTHLY BASIS OF A PROPORTIONATE PART OF TAXES AND BETTERMENT ASSESSMENTS BY CO-OPERATIVE BANKS ON CERTAIN LOANS.

Be it enacted, etc., as follows:

SECTION 1. Subsection 3A of section 24 of chapter 170 of the General Laws is hereby amended by striking out the third sentence, as appearing in chapter 146 of the acts of 1963.

SECTION 2. Subsection 3B of said section 24 of said chapter 170, inserted by chapter 315 of the acts of 1972, is hereby amended by striking out the third sentence.

SECTION 3. Said section 24 of said chapter 170 is hereby further amended by inserting after subsection 3B the following subsection: —

3C. A note or mortgage taken under subsection 3, 3A or 3B shall contain a provision requiring the payment each month of a proportionate part of the estimated real estate taxes and betterment assessments if the amount of the loan exceeds seventy per cent of the value of the real estate.

Approved, May 11, 1973.

Chap. 261. AN ACT AUTHORIZING THE TOWN OF AMESBURY TO APPOINT ROLAND R. PAGE AS A PERMANENT MEMBER OF THE FIRE DEPARTMENT OF SAID TOWN.

Be it enacted, etc., as follows:

Notwithstanding any law or rule to the contrary regulating the maximum age of firefighters, Roland R. Page may be appointed as a permanent firefighter in the town of Amesbury provided he passes a qualifying examination. Upon such appointment he shall become subject to the civil service law and rules, and his tenure of office shall be unlimited, subject, however to said law and rules.

Approved May 11, 1973.

- Chap. 262.** AN ACT AUTHORIZING CENTER FOR BLOOD RESEARCH, INC., THE SUCCESSOR CORPORATION TO BLOOD RESEARCH INSTITUTE, INC., TO ESTABLISH AND MAINTAIN A BLOOD BANK, SO-CALLED.

Be it enacted, etc., as follows:

Section 184B of chapter 111 of the General Laws, as most recently amended by chapter 528 of the acts of 1967, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — No blood banks, so-called, shall be established and maintained in this commonwealth except by a hospital licensed by the department under the provisions of section seventy-one or by the American Red Cross or by the Center for Blood Research, Inc. *Approved May 11, 1973.*

- Chap. 263.** AN ACT INCREASING THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE BARNSTABLE COUNTY HOSPITAL.

Be it enacted, etc., as follows:

Section 4 of chapter 153 of the General Acts of 1915, as amended by section 2 of chapter 379 of the acts of 1920, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — There shall be a board of trustees of the hospital consisting of the county commissioners of Barnstable county, the treasurer of said county, the county health officer for said county and six persons to be appointed by said commissioners who shall be residents of said county, three of whom shall be physicians and three of whom shall be persons not affiliated with the medical profession, provided that not more than one physician, nor more than one such nonmedical persons shall be from the same town. *Approved May 11, 1973.*

- Chap. 264.** AN ACT AMENDING THE CHARTER OF BOWDOIN COLLEGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to amend the charter of Bowdoin College to provide for terms of office for the trustees and overseers which are less than lifetime tenure and to allow more flexibility in the signing of deeds, which amendments, due to the provisions in the Articles of Separation of eighteen hundred and nineteen, require the enactments of the legislatures of Maine and Massachusetts, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 12 of the acts of 1794 is hereby amended by striking out the third and fourth enacting clauses and inserting in place thereof the following two clauses: —

And be it further enacted by the Authority aforesaid, that for

the more orderly conducting the Business of the said Corporation, the President and Trustees shall have full power and authority from time to time, to elect a Vice-President and Secretary of the said Corporation, and to declare the tenures and duties of their respective Offices; and to elect Trustees of said Corporation, for such terms and upon such conditions as they may from time to time determine, and also to remove any Trustee from the same Corporation, when in their Judgment he shall be incapable or shall neglect or refuse to perform the duties of his Office: *Provided nevertheless*, that the Number of the said Trustees, including the President and Treasurer of the said College, for the time being, shall never be greater than thirteen, nor less than seven.

And be it further enacted that the said Corporation may have one common Seal, which they may change, break or renew at their pleasure; and that all deeds signed and delivered by the Treasurer, or by such other officer as the Trustees may from time to time appoint, and sealed with their seal, by order of the President and Trustees, shall when made in their corporate name, be considered in Law as the deeds of the said Corporation; and that the said Corporation may sue and be sued in all actions, real, personal or mixed; and may prosecute and defend the same to final Judgment and Execution, by the name of the President and Trustees of Bowdoin College; and that the said Corporation shall be capable of having, holding and taking, in fee simple or any less estate, by Gift, Grant, Devise, or otherwise any lands, tenements, or other Estate, real or personal.

SECTION 2. Said chapter 12 is hereby further amended by striking out the eleventh enacting clause and inserting in place thereof the following clause: —

And be it further enacted by the Authority aforesaid, that for the orderly conducting the Business of the said last mentioned Corporation, the Members thereof shall have full power, from time to time, as they shall determine, to elect a President, Vice-President and Secretary, and to fix the tenures and duties of their respective Offices; and also to determine at what times and places their meetings shall be holden, and upon the manner of notifying the Overseers to convene at such meetings; and to provide for the election of persons for Overseers for such terms and upon such conditions as the Trustees, from time to time, shall determine subject to the agreement thereof by the Overseers pursuant to the seventh enacting clause hereof; and to remove any Overseer from the said Corporation when, in the judgment of the Overseers, he shall be rendered incapable, or shall neglect or refuse to perform the duties of his Office; and a majority of the members present at any legal meeting shall decide all questions which may properly come before the said Overseers: — *Provided nevertheless*, that the number of the said Overseers, including the President of the College, and the Secretary of the President and Trustees of Bowdoin College, shall never be greater than forty-five, nor less than twenty-five.

Approved May 14, 1973.

- Chap. 265.** AN ACT ELIMINATING THE REQUIREMENT THAT ORIGINAL CERTIFICATES OF LICENSURE ISSUED TO REGISTERED NURSES AND TO LICENSED PRACTICAL NURSES CONTAIN THE SIGNATURE OF THE CHAIRMAN AND SECRETARY OF THE BOARD OF REGISTRATION IN NURSING.

Be it enacted, etc., as follows:

SECTION 1. The third sentence of section 74 of chapter 112 of the General Laws is hereby amended by striking out, in line 7 as appearing in section 1 of chapter 603 of the acts of 1969, the words “, signed by its chairman and secretary”.

SECTION 2. The third sentence of section 74A of said chapter 112 is hereby amended by striking out, in lines 11 and 12 as appearing in section 2 of said chapter 603, the words “, signed by its chairman and secretary”.
Approved May 14, 1973.

- Chap. 266.** AN ACT PROVIDING INDEMNIFICATION FOR CERTAIN RETIRED POLICE OFFICERS AND FIRE FIGHTERS FOR CERTAIN HOSPITAL, MEDICAL, SURGICAL AND OTHER EXPENSES INCURRED WITHOUT THE COMMONWEALTH.

Be it enacted, etc., as follows:

Section 100B of chapter 41 of the General Laws, as most recently amended by chapter 317 of the acts of 1972, is hereby further amended by striking out, in line 17, the words “within the commonwealth”.
Approved May 14, 1973.

- Chap. 267.** AN ACT RELATIVE TO THE INCOME OF THE TRUSTEES OF THE LAWRENCE ACADEMY AT GROTON AND THE NUMBER AND TERMS OF OFFICE OF TRUSTEES THEREAT.

Be it enacted, etc., as follows:

SECTION 1. The second enacting clause of chapter 23 of the acts of 1793 is hereby amended by striking out, in lines 10 and 11, the words “, provided the annual income of the same shall not exceed five thousand dollars”.

SECTION 2. Said chapter 23 is hereby further amended by striking out the fifth enacting clause and inserting in place thereof the following enacting clause: —

Be it further Enacted by the authority aforesaid, that the number of said Trustees shall not at any one time be more than twenty-five nor less than nine, five of whom shall constitute a quorum for doing business, and a majority of the members present at any legal meeting shall decide all questions proper to come before the Trustees — that the major part of them shall consist of men who are not inhabitants of the town of Groton. The board of Trustees shall determine the terms of office of the Trustees.

Approved May 14, 1973.

Chap. 268. AN ACT PROVIDING THAT AN ELECTED REPRESENTATIVE IN CONGRESS SHALL ALSO SERVE AN EXISTING UNEXPIRED TERM.

Be it enacted, etc., as follows:

Section 140 of chapter 54 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding the following paragraph: —

If at the time a representative is elected at the biennial state election, there exists a vacancy in said office, said representative shall also be deemed to have been elected to serve out such vacancy.

Approved May 14, 1973.

Chap. 269. AN ACT PROVIDING THAT ANY PERSON ELECTED TO THE SCHOOL COMMITTEE IN THE CITY OF REVERE SHALL SERVE FOR A TERM OF TWO YEARS.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, at the biennial municipal election to be held in the city of Revere in the year nineteen hundred and seventy-five, the members of the school committee to be elected thereat shall be elected to hold office until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and seventy-seven. Beginning with the biennial municipal election to be held in the year nineteen hundred and seventy-seven, all members of the school committee shall be elected for terms of two years each.

Approved May 14, 1973.

Chap. 270. AN ACT RELATIVE TO COMPUTATION OF DIVIDENDS AND INTEREST BY CO-OPERATIVE BANKS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow depositors and shareholders in co-operative banks to obtain the maximum interest permissible under rate orders issued by the commissioner of banks, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 170 of the General Laws is hereby amended by inserting after section 37, under the caption RATE AND COMPUTATION OF DIVIDENDS AND INTEREST, the following section: —

Section 37A. Dividends and interest shall be at such rate as the directors determine and if the directors so determine may be computed as if such dividends had been declared and paid at uniform intervals, daily or otherwise, within the dividend period and the amount so paid for each such interval had been added to deposits for the succeeding interval. Dividends on term deposits shall be paid at such rates, at such times, and in such manner, as

may be provided in the plan or plans pursuant to which such term deposits were received as provided in subsection 3B of section thirteen.

Approved May 15, 1973.

Chap. 271. AN ACT FURTHER REGULATING THE WORK HOURS OF DIRECTORS OF ENGINEERING SERVICES AND DIRECTORS OF BUSINESS SERVICES AT SOLDIERS' HOMES.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by striking out section 30A, as most recently amended by section 1 of chapter 758 of the acts of 1970, and inserting in place thereof the following section: —

Section 30A. Notwithstanding any other provision of this chapter or other general or special law, the service of all persons employed by the commonwealth is hereby restricted to five tours of duty in any one work week, and to such hours in any one work week, not less than thirty-seven and one half hours, except in the case of part-time employment, nor more than forty hours, and with like hours for like tour of duty classes, as determined by the director of personnel and standardization, in accordance with section forty-five of chapter thirty, and the tour of duty is hereby restricted to eight hours, and such tour of duty shall be arranged to fall within a period not exceeding ten consecutive hours; provided, that this section shall not apply to the state police uniformed force and detectives, metropolitan district police, capitol police, conservation officers, coastal wardens, employees engaged in forest fire observation, investigators and examiners and other employees of the registry of motor vehicles having police powers under section twenty-nine of chapter ninety, labor relations examiners, teachers, armorers, elected officers, appointees of the governor, heads of departments and divisions and their deputies and assistants, confidential secretaries, scrub women, cleaners or incumbents of the positions of superintendents, assistant superintendents, wardens, deputy wardens, stewards, physicians, dentists, head farmers, business managers, chief power plant engineers at mental health, public health, public welfare and correction institutions, soldiers' homes in Massachusetts and agencies under the jurisdiction of the department of youth services; the manager of the boarding hall at the University of Massachusetts; the adjutant or assistant adjutants, directors of engineering services and directors of business services of the soldiers' homes in Massachusetts; the construction and maintenance supervisor at the reformatory for women; the state farm master at the state farm; and such other employees as may be exempted therefrom or any part thereof by a rule or rules of the director of personnel. The director of personnel and standardization is empowered to make rules and regulations, subject to the approval of the commission on administration and finance, to carry out the provisions of this section.

Approved May 15, 1973

Chap. 272. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL PERIOD FROM JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR, FOR THE MAINTENANCE OF THE COUNTY OF DUKES COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of the county of Dukes County, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four.

DUKES COUNTY.

Item	Subtotal	Total
1. For interest on county debt		\$7,290 00
2. For reduction of county debt		35,000 00
3. For county commissioners, salaries and expenses		24,134 55
1. Personal services	\$21,514 55	
2. Contractual services	675 00	
3. Supplies and materials	1,800 00	
4. Current charges and obligations	120 00	
5. Equipment	25 00	
4. For transportation and expenses of county and acting commissioners		750 00
5. For clerk of courts, salary and expenses		14,202 47
1. Personal services	13,049 37	
2. Contractual services	755 00	
3. Supplies and materials	375 00	
4. Current charges and obligations	23 10	
6. For county treasurer, salaries and expenses		15,435 20
1. Personal services	14,515 20	
2. Contractual services	325 00	
3. Supplies and materials	480 00	
4. Current charges and obligations	115 00	
7. For sheriff, salary and expenses		\$15,465 00
1. Personal services	12,945 00	
2. Contractual services	1,000 00	
3. Supplies and materials	600 00	
4. Current charges and obligations	60 00	
5. Equipment	860 00	
8. For registry of deeds, salaries and expenses		57,210 16
1. Personal services	44,329 66	
2. Contractual services	7,450 00	
3. Supplies and materials	3,000 00	
4. Current charges and obligations	35 00	
5. Equipment	2,395 50	

Item	Subtotal	Total
8a. For registry of probate, salaries and expenses		\$4,850 00
2. Contractual Services	\$3,300 00	
3. Supplies and materials	800 00	
4. Current charges and obligations	600 00	
5. Equipment	150 00	
9. For law library, salaries and expenses		3,328 00
1. Personal services	300 00	
3. Supplies and materials	28 00	
4. Current charges and obligations	3,000 00	
10. For highways, including state highways, bridges and land damages		33,000 00
6. All other	33,000 00	
12. For superior court costs		13,672 80
1. Personal services	1,422 80	
2. Contractual services	12,250 00	
13. For civil expenses in probate court		12,871 06
1. Personal services	1,221 06	
2. Contractual services	11,650 00	
14. For district courts, salaries and expenses		
District Court of Edgartown		85,043 37
1. Personal services	76,498 72	
2. Contractual services	5,359 00	
3. Supplies and materials	1,847 00	
4. Current charges and obligations	627 50	
5. Equipment	701 15	
15. For medical examiners and commitments of insane		3,000 00
16. For jail and house of correction, maintenance and operation		11,412 10
2. Contractual services	9,000 00	
3. Supplies and materials	1,777 10	
5. Equipment	635 00	
18. For court houses and registry buildings, maintenance and operation		23,522 40
1. Personal services	11,372 40	
2. Contractual services	8,150 00	
3. Supplies and materials	1,500 00	
5. Equipment	1,300 00	
6. All other	1,200 00	
19. For construction of county buildings and purchase of land		10,000 00
20. For agricultural school or county cooperative extension service		\$41,871 28
1. Personal services	33,546 28	
2. Contractual services	3,500 00	
3. Supplies and materials	2,115 00	
4. Current charges and obligations	2,710 00	
21a. For state reservation, maintenance and operation (Indian Burial Ground)		1,500 00
23a. For mental health program or tuberculosis clinic		7,000 00
23c. For public health program		6,000 00
24. For noncontributory pensions		7,831 43
25. For contributory retirement system and supervisory expenses		57,162 82
26. For miscellaneous and contingent expenses		37,629 88

Item	Subtotal	Total
27. For unpaid bills of previous years		\$695 06
28. For reserve fund		12,000 00
28d. For reserve for counsel for indigent defendants		2,000 00
29. For advertising recreational, industrial and agricultural advantages of the county		42,592 45
33. For police training school		750 00
35. For county planning or economic development commission		39,688 85
38. For county airport, maintenance and operation		133,402 75
1. Personal services	\$96,277 75	
2. Contractual services	12,600 00	
3. Supplies and materials	15,300 00	
4. Current charges and obligations	6,525 00	
5. Equipment	2,700 00	
39. For group insurance		38,300 00
42. For rodent control		19,032 28
43. For woodtick control		1,900 00
44. For communication system		61,386 05
Total amount of appropriations		\$880,929 96
Less estimated amount available for reduction of county tax		187,849 30
And the county commissioners of the County of Dukes County are hereby authorized to levy as the county tax of said county for said fiscal period, in the manner provided by law, the sum of		\$693,080 66

SECTION 2. This act shall take effect upon its passage.

Approved May 18, 1973.

Chap. 273. AN ACT RELATIVE TO THE COMPUTATION OF FINANCE CHARGES IN CONNECTION WITH CERTAIN OPEN END CREDIT ACCOUNTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prevent the partial curtailment of certain extensions of consumer credit, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 140 of the General Laws is hereby amended by striking out section 114B, inserted by section 1 of chapter 783 of the acts of 1972, and inserting in place thereof the following section: —

Section 114B. Notwithstanding the provisions of sections one hundred and one hundred and fourteen A, a creditor may charge a daily, monthly or other periodic rate of finance charge on the loans made pursuant to an open end credit plan as defined by subsection (r) of section one of chapter one hundred and forty C, equivalent to but not in excess of the following annual percentage rates determined in accordance with clause (i) of paragraph (1) of subsection

(a) of section four of chapter one hundred and forty C: — (a) On so much of the balance as does not exceed five hundred dollars, eighteen per cent; (b) On so much of the balance as exceeds five hundred dollars, twelve per cent. A finance charge not in excess of fifty cents for a monthly or longer billing cycle or the pro rata part of fifty cents for a billing cycle shorter than monthly may be assessed if the finance charge otherwise assessable is less than fifty cents. For the purpose of this section, a billing cycle shall be considered to be monthly if the billing dates are on the same day of each month or do not vary by more than four days therefrom.

SECTION 2. Section 1 of chapter 140C of the General Laws is hereby amended by inserting after clause (k) the following clause: —

(k $\frac{1}{2}$) "Credit card", any card, plate, or other like credit device existing for the purpose of obtaining money, property, labor or services on credit. The term does not include a note, check, draft, money order or other like negotiable instrument.

SECTION 3. Said chapter 140C is hereby further amended by striking out section 6B, inserted by section 2 of chapter 783 of the acts of 1972, and inserting in place thereof the following section: —

Section 6B. If a finance charge is imposed under an open end credit plan on balances resulting from the sale of goods or services at retail made in reliance on a credit card the finance charge applicable to said balances for any cycle may not be computed on any new sale reflected for the first time in the account during the cycle but otherwise shall be computed on (i) the previous balance after deducting all payments on account received by the creditor during the cycle and all credits to the account during the cycle applicable to any sale reflected in the previous balance; or (ii) the average daily balance determined by adding the daily balances on the account for each day in the billing cycle and dividing the total by the number of days in the billing cycle; or (iii) daily balances.

Payments received from an obligor under an open end credit plan by the creditor shall be credited promptly to the obligor's account but in any event no more than two business days after receipt thereof. A finance charge shall not be imposed on any obligor if said creditor has received the obligor's payment prior to the time indicated by said creditor by which such payment must be received to avoid the imposition of said finance charge.

SECTION 4. The second paragraph of paragraph (3) of subsection C of section 27 of chapter 255D of the General Laws, as appearing in section 3 of said chapter 783, is hereby amended by inserting after the word "two", in line 3, the word: — business.

SECTION 5. Section one of this act shall take effect on July first, nineteen hundred and seventy-three.

Approved May 18, 1973.

AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR, FOR THE CARE, MAINTENANCE AND REPAIR OF THE HAMPSHIRE COUNTY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Hampshire county are hereby authorized to expend for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four, the sums set forth in this act for the care, maintenance and repair of the county hospital and to assess the same in the manner set forth in section eighty-five of chapter one hundred and eleven of the General Laws.

HAMPSHIRE COUNTY.

Item		
1.	For personal services	\$1,220,138 05
2.	For contractual services	83,525 00
3.	For supplies and materials	234,375 00
4.	For current charges and obligations	107,380 30
8.	For debt and interest	303,750 00
11.	For reserve fund	25,000 00
12.	For group insurance	30,196 41
For total expenditures		\$2,004,364 76

SECTION 2. This act shall take effect upon its passage.

Approved May 18, 1973.

Chap. 275. AN ACT AUTHORIZING THE CITY OF CHICOPEE TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The city of Chicopee is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay, such of the unpaid bills incurred by said city and totaling twenty-eight thousand eight hundred ninety-seven dollars and twenty-four cents, as set forth in a list on file in the office of the director of accounts in the department of corporations and taxation, which bills are legally unenforceable against said city by reason of their being incurred in excess of available appropriations.

SECTION 2. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said city auditor, stating under the penalties of perjury that the goods, materials or services for which said bill has been submitted were ordered by an official or an employee of said city, and that such goods and materials were delivered to and actually received by said city, or that such services were rendered to said city, or both.

SECTION 3. Any person who knowingly files a certificate required by section two which is false, and who thereby receives payment for goods, materials or services which were not received by or rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its passage.

Approved May 18, 1973.

Chap. 276. AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, AN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The city of Pittsfield is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay, an unpaid bill incurred by said city in the sum of nine thousand nine hundred dollars to the New England Telephone and Telegraph Company, for installation of equipment and services rendered, said bill being legally unenforceable against said city, by reason of having been incurred by the school department of said city in excess of available appropriations.

SECTION 2. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said city auditor, stating under the penalties of perjury that the goods, materials or services for which said bill has been submitted were ordered by an official or an employee of said city, and that such goods and materials were delivered to and actually received by said city or that such services were rendered to said city, or both.

SECTION 3. Any person who knowingly files a certificate required by section two which is false, and who thereby receives payment for goods, materials or services which were not received by or rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars.

SECTION 4. This act shall take effect upon its passage.

Approved May 18, 1973.

Chap. 277. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL PERIOD FROM JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR, FOR THE MAINTENANCE OF FRANKLIN COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS,

FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET
CERTAIN REQUIREMENTS OF LAW AND GRANTING A
COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Franklin County, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four.

FRANKLIN COUNTY.

Item	Subtotal	Total
1. For interest on county debt		\$6,500 00
3. For county commissioners, salaries and expenses		25,564 61
1. Personal services	\$24,064 61	
2. Contractual services	755 00	
3. Supplies and materials	625 00	
4. Current charges and obligations	120 00	
4. For transportation and expenses of county and acting commissioners		1,400 00
5. For clerk of courts, salary and expenses		80,899 30
1. Personal services	76,763 30	
2. Contractual services	2,000 00	
3. Supplies and materials	1,170 00	
4. Current charges and obligations	471 00	
5. Equipment	495 00	
6. For county treasurer, salaries and expenses		39,138 50
1. Personal services	36,530 50	
2. Contractual services	1,550 00	
3. Supplies and materials	725 00	
4. Current charges and obligations	333 00	
7. For sheriff, salary and expenses		22,761 00
1. Personal services	21,750 00	
2. Contractual services	400 00	
3. Supplies and materials	100 00	
4. Current charges and obligations	286 00	
5. Equipment	225 00	
8. For registry of deeds, salaries and expenses		92,001 06
1. Personal services	77,269 06	
2. Contractual services	5,595 00	
3. Supplies and materials	6,225 00	
4. Current charges and obligations	772 00	
5. Equipment	2,140 00	
8a. For registry of probate, salaries and expenses		5,747 00
2. Contractual services	3,875 00	
3. Supplies and materials	1,000 00	
4. Current charges and obligations	872 00	
9. For law library, salaries and expenses		20,588 78
1. Personal services	5,793 78	
2. Contractual services	755 00	
3. Supplies and materials	140 00	
4. Current charges and obligations	13,650 00	
5. Equipment	250 00	

Item	Subtotal	Total
10. For highways, including state highways, bridges and land damages		\$278,075 00
2. Contractual services	\$12,500 00	
3. Supplies and materials	75 00	
6. All other	265,500 00	
12. For superior court costs		237,340 17
1. Personal services	68,555 22	
2. Contractual services	165,578 50	
3. Supplies and materials	2,075 00	
4. Current charges and obligations	1,053 50	
5. Equipment	77 95	
13. For civil expenses in probate court		8,817 50
1. Personal services	2,697 50	
2. Contractual services	5,250 00	
3. Supplies and materials	525 00	
4. Current charges and obligations	155 00	
5. Equipment	190 00	
14. For district courts, salaries and expenses		
District Court of Greenfield		217,005 46
1. Personal services	200,633 06	
2. Contractual services	10,800 00	
3. Supplies and materials	3,985 00	
4. Current charges and obligations	1,052 40	
5. Equipment	535 00	
District Court of Orange		68,997 67
1. Personal services	58,497 57	
2. Contractual services	3,744 50	
3. Supplies and materials	785 00	
4. Current charges and obligations	4,436 60	
5. Equipment	1,534 00	
15. For medical examiners and commitments of insane		10,137 00
16. For jail and house of correction, maintenance and operation		301,659 21
1. Personal services	301,659 21	
18. For court houses and registry buildings, maintenance and operation		77,776 67
1. Personal services	44,479 67	
2. Contractual services	22,325 00	
3. Supplies and materials	9,935 00	
4. Current charges and obligations	275 00	
5. Equipment	762 00	
19. For construction of county buildings and purchase of land		7,500 00
20. For agricultural school or county cooperative extension service		148,203 58
1. Personal services	133,888 58	
2. Contractual services	10,790 00	
3. Supplies and materials	2,485 00	
4. Current charges and obligations	535 00	
5. Equipment	505 00	
21. For state reservation, maintenance and operation (Mount Sugarloaf)		7,457 71
1. Personal services	4,399 21	
2. Contractual services	1,500 00	
3. Supplies and materials	790 00	
4. Current charges and obligations	35 00	
5. Equipment	133 50	
6. All other	600 00	

Item	Subtotal	Total
21a. For county reservation, maintenance and operation (Whately Recreation Area		\$13,600 00
1. Personal services	\$1,000 00	
2. Contractual services	5,500 00	
3. Supplies and materials	1,100 00	
6. All other	6,000 00	
23a. For mental health clinic		22,900 00
23b. For children's camp		4,500 00
23c. For public health study		4,000 00
24. For noncontributory pensions		3,351 48
25. For contributory retirement system and supervisory expenses		102,552 00
26. For miscellaneous and contingent expenses		25,105 05
27. For unpaid bills of previous years		9,862 62
28. For reserve fund		40,000 00
28d. For reserve counsel for indigent defendants		7,000 00
29. For advertising recreational, industrial and agricultural advantages of the county		30,000 00
31. For radio system for fire protection and police radio system		4,340 00
35. For county planning		35,904 17
36. For Dutch elm disease		5,000 00
37. For human services		34,000 00
39. For group insurance		43,050 00
Total amount of appropriations		\$2,042,735 54
Less estimated amount available for reduction of county tax		\$334,045 14
And the county commissioners of Franklin County are hereby authorized to levy as the county tax of said county for said fiscal period, in the manner provided by law, the sum of		\$1,708,690 40

SECTION 2. This act shall take effect upon its passage.

Approved May 18, 1973.

Chap. 278. AN ACT RELATIVE TO ELIGIBILITY FOR PAROLE OF CERTAIN PRISONERS SERVING LIFE SENTENCES.

Be it enacted, etc., as follows:

The third paragraph of section 133A of chapter 127 of the General Laws, as appearing in section 1 of chapter 766 of the acts of 1965, is hereby amended by striking out, in line 1 and in line 7, the words "four-fifths of all" and inserting in place thereof, in each instance, the words: — a majority of. *Approved May 18, 1973.*

Chap. 279. AN ACT PROVIDING THAT COMPENSATION PAID TO FIRE ALARM SIGNAL OPERATORS OR SIGNAL MAINTENANCE REPAIRMEN FOR HOLIDAYS SHALL BE INCLUDED AS REGULAR COMPENSATION FOR RETIREMENT PURPOSES.

Be it enacted, etc., as follows:

The definition of "Regular compensation" in section 1 of chapter 32 of the General Laws, as most recently amended by chapter 287 of the acts of 1971, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence: — In the case of police officers, firefighters and employees of a municipal department who are employed as fire alarm signal operators or signal maintenance repairmen, money paid for holidays shall be regarded as regular compensation rather than as overtime and shall be included in the salary on which deductions are to be paid to the annuity savings fund.

Approved May 18, 1973.

Chap. 280. AN ACT RELATIVE TO THE CENTRAL CREDIT UNION FUND, INC.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 216 of the acts of 1932, as amended by chapter 221 of the acts of 1934, is hereby further amended by striking out the first and second sentences and inserting in place thereof the following two sentences: — The Industrial Credit Union, the Gilco Credit Union, and the Progressive Workmen's Credit Union, their associates and successors, are hereby made a corporation by the name of Central Credit Union Fund, Inc., hereinafter referred to as the corporation, to be located in the commonwealth. It shall be the purpose of the corporation to assist such members thereof when they are temporarily in need of cash or holding investments which cannot be readily liquidated by making loans to them or any of them; and it shall have the rights and powers and be subject to the duties and obligations hereinafter provided.

SECTION 2. Said chapter 216 is hereby further amended by striking out sections 2 and 3 and inserting in place thereof the following two sections: —

Section 2. The capital of the corporation shall be unlimited and shall consist of classes of shares of the par value of ten dollars each. The said classes of shares and the variable rates of dividends or interest to be paid thereon shall be provided for in the by-laws, and the government of the corporation shall be vested in such officers and in a board of directors to consist of such numbers and to be chosen in such manner as said by-laws shall prescribe.

Section 3. All credit unions doing business in the commonwealth, the Massachusetts Credit Union Share Insurance Corporation, and such other Massachusetts credit union organizations as from time to time may be provided for in the by-laws of the corporation, may become a member of the corporation by subscribing for, purchasing, and holding not less than five shares in the corporation. No member shall invest in said shares more than fifteen per cent of its total assets, exclusive of interest accumulated

thereon. A member may withdraw from the corporation in such manner as the by-laws of the corporation shall prescribe.

SECTION 3. Section 4 of said chapter 216, as most recently amended by chapter 227 of the acts of 1961, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — The corporation may invest its funds in loans to members in such manner as its by-laws shall prescribe and may borrow money for said purpose.

Approved May 18, 1973.

Chap. 281. AN ACT PROVIDING FOR THE APPOINTMENT OF A FULL-TIME INSPECTOR OF HEALTH IN CERTAIN TOWNS.

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by inserting after section 102A the following section: —

Section 102B. In any town of five thousand inhabitants or more which accepts this section, the board of health shall appoint a full-time inspector of health who shall devote his time to the enforcement of the laws and regulations related to public health and such other duties as may be assigned by said board. This section shall not apply to any town which has formed a district pursuant to section twenty-seven A of chapter one hundred eleven.

Approved May 18, 1973.

Chap. 282. AN ACT REQUIRING FLASHING LIGHTS, BARRIERS OR OTHER PROTECTIVE MEASURES WHERE RAILROADS CROSS PUBLIC WAYS.

Be it enacted, etc., as follows:

Section 147 of chapter 160 of the General Laws is hereby amended by striking out the first sentence, as appearing in chapter 498 of the acts of 1947, and inserting in place thereof the following sentence: — Where a railroad and a public way or travelled place cross at the same level, the department, after notice to the interested parties and a hearing, shall order the crossing to be protected by gates, flagman, flashing light signals or such other protective measures as the department determines the better security of human life or the convenience of public travel requires, and the railroad corporation operating the railroad over the crossing shall install, maintain and operate the protection in compliance with such order.

Approved May 18, 1973.

Chap. 283. AN ACT PROVIDING FOR THE PRIORITY ON CIVIL TRIAL LISTS OF CERTAIN ACTIONS OR SUITS BROUGHT BY THE ATTORNEY GENERAL FOR ALLEGED DAMAGE TO THE ENVIRONMENT.

Be it enacted, etc., as follows:

Section 11D of chapter 12 of the General Laws, inserted by section 1 of chapter 781 of the acts of 1972, is hereby amended by adding the following paragraph: —

In any action at law or suit in equity brought by the attorney general in any court of the commonwealth involving alleged damage to the environment, whether or not a temporary restraining order or preliminary injunction is sought or granted, after a representation by the attorney general by affidavit that delay in the trial on the merits would prevent the attainment of a full and complete remedy to the alleged damage to the environment, the court, upon finding that the facts alleged in said affidavit are true, shall place said action or suit on the advanced section of the trial list in said court with such order of priority over other cases on said advanced section as the court shall deem appropriate.

Approved May 18, 1973.

Chap. 284. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO GRANT AN ANNUITY TO ELIZABETH GALLAGHER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law and for the purpose of promoting the public good and in consideration of the long and meritorious service of Francis M. Gallagher, former Deputy Chief in the Police Department, who died March 27, 1972, said city may grant to Elizabeth Gallagher widow of Francis M. Gallagher an annuity of two thousand dollars a year from the date of death. The annuity provided by this section shall be in lieu of any other annuity or pension payable to said widow under any other general or special law.

SECTION 2. This act shall take effect upon its acceptance during the current year by the City of Springfield.

Approved May 18, 1973.

Chap. 285. AN ACT FURTHER REGULATING THE EXPENDITURE OF MONEY BY A POLITICAL COMMITTEE AND AUTHORIZING SAID COMMITTEE TO PLACE ITS SURPLUS FUNDS IN A SAVINGS ACCOUNT AND EARN INTEREST THEREON.

Be it enacted, etc., as follows:

Chapter 55 of the General Laws is hereby amended by striking out section 5, inserted by section 10 of chapter 537 of the acts of 1946, and inserting in place thereof the following section: —

Section 5. Political committees, duly organized, may receive, pay and expend money or other things of value for the following purposes, and no others: advertising, writing, printing and distributing circulars or other publications, radio broadcasts or other forms of publicity, hire and maintenance of political headquarters,

and clerical hire incidental thereto, meetings, refreshments, cigars and tobacco, decorations and music, postage, stationery, printing, expressage, traveling expenses, telephone, telegraph and messenger service, and the hire of conveyances and workers at polling places.

Such committee may place surplus funds in a savings account in the same bank where it deposits its funds and may earn interest thereon but it may not invest its funds or other things of value in any other manner.

Such committee may contribute to other political committees and may contribute to the campaign fund of a candidate. A political committee or a candidate may hire conveyances or workers at primaries or elections, but not more than two persons at each polling place shall be hired to represent the same political party, candidate or principle.

Violations of any provision of this section shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars.

Approved May 18, 1973.

Chap. 286. AN ACT REQUIRING HOUSING AUTHORITIES TO BARGAIN COLLECTIVELY WITH LABOR ORGANIZATIONS REPRESENTING THEIR EMPLOYEES.

Be it enacted, etc., as follows:

The third paragraph of section 29 of chapter 121B of the General Laws, as appearing in section 1 of chapter 751 of the acts of 1969, is hereby amended by striking out, in line 1, the word "may" and inserting in place thereof the word: — shall.

Approved May 18, 1973.

Chap. 287. AN ACT REPEALING THE LAW PROHIBITING THE SALE AND DELIVERY OF ALCOHOLIC BEVERAGES TO PERSONS SUPPORTED BY PUBLIC CHARITY.

Be it enacted, etc., as follows:

Section 69 of chapter 138 of the General Laws, as appearing in section 2 of chapter 376 of the acts of 1933, is hereby amended by striking out, in lines 5 to 7, inclusive, the words "or to a person known to be supported in whole or in part by public charity".

Approved May 18, 1973.

Chap. 288. AN ACT REQUIRING CITIES AND TOWNS TO PROVIDE SLANTED CURBING ON SIDEWALKS IN ITS PUBLIC WAYS AT PEDESTRIAN CROSSWALKS.

Be it enacted, etc., as follows:

Section 25 of chapter 83 of the General Laws is hereby amended by adding the following sentence: — Each city and town shall provide a slanted curbing on sidewalks in its public ways at pedestrian crosswalks when new or replacement curbing is required at such locations.

Approved May 18, 1973.

Chap. 289. AN ACT REGULATING THE INDEMNIFICATION OF CERTAIN VOCATIONAL SCHOOL PERSONNEL FOR EXPENSES OR DAMAGES SUSTAINED BY REASON OF CERTAIN ACTIONS OR CLAIMS.

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by striking out section 100C, as most recently amended by section 1 of chapter 379 of the acts of 1971, and inserting in place thereof the following section: —

Section 100C. In addition to the indemnification provided in section one hundred A, a city, town or regional school district, acting by its school committee or local trustees for vocational education, shall, out of any funds appropriated for the purpose of this section which appropriation shall be made in the same manner as appropriations for general school purposes, indemnify any person in the employ of its school department in a capacity requiring certification under the provisions of section thirty-eight G of chapter seventy-one, instructional and administrative aides as referred to in section thirty-eight of chapter seventy-one, its civil service employees and all other employees of the school committee or local trustees for vocational education for expenses or damages sustained by him by reason of an action or claim against him arising out of his negligence or other act of his resulting in accidental bodily injury to or the death of any person or in accidental damage to or destruction of property, while acting in such capacity, and may indemnify such person in its employ for expenses or damages sustained by him by reason of an action or claim against him arising out of any other acts done by him while acting in such capacity; provided, in either case, that such person was at the time the cause of action or claim arose acting within the scope of his employment; and provided, further, that the defense or settlement of any action or claim for which indemnification is sought under this section shall have been made by the city solicitor, town counsel or legal counsel for the district upon request of the school committee or local trustees for vocational education or, if the town has no town counsel or the district has no legal counsel, by an attorney employed for the purpose by the school committee or local trustees for vocational education, or, if such solicitor or counsel upon such request or such attorney upon such employment fails or refuses to defend such action or claim, by an attorney employed by such person.

Approved May 18, 1973.

Chap. 290. AN ACT INCREASING THE PENALTY FOR ABANDONING A MOTOR VEHICLE.

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by striking out section 22B, inserted by chapter 525 of the acts of 1963, and inserting in place thereof the following section: —

Section 22B. Whoever abandons a motor vehicle registered or unregistered, upon any public or private way or upon any property other than his own without the permission of the owner or lessee of said property shall be punished by a fine of not less than one hundred nor more than five hundred dollars. A conviction of a violation of this section shall be reported forthwith by the court to the registrar, who may revoke, for a period not exceeding three months, the license of the person so convicted, and if the motor vehicle is registered in his name or was last registered in his name he shall be prohibited from registering another motor vehicle for one year, and no appeal, motion for new trial or exceptions shall operate to stay the revocation of the license or the prohibition of registration.

Approved May 18, 1973.

Chap. 291. AN ACT RELATIVE TO THE PURPOSES FOR WHICH THE COUNTY COMMISSIONERS OF BRISTOL COUNTY MAY BORROW MONEY FOR THE RENOVATION AND EQUIPPING OF THE SECOND DISTRICT COURT OF BRISTOL.

Be it enacted, etc., as follows:

Section 1 of chapter 683 of the acts of 1972 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: —

The county commissioners of Bristol county are hereby authorized to cause plans and specifications to be prepared for the alteration, addition, expansion, renovation and equipping of the second district court of Bristol, and to acquire by eminent domain or by purchase or otherwise of such land and buildings that may be necessary for the purposes of this act, including a sufficient area for the parking of motor vehicles of persons in attendance in said court; provided, that the total cost of such plans and specifications shall not exceed one hundred and fifty thousand dollars; and provided, further, that such plans and specifications shall be so drawn that the total cost for the alteration, addition, expansion, renovation and equipping of said facilities shall not exceed one million five hundred thousand dollars.

Approved May 18, 1973.

Chap. 292. AN ACT AUTHORIZING THE TOWN OF GAY HEAD TO PROVIDE A SCHOLARSHIP FUND FOR CERTAIN RESIDENTS OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Gay Head is hereby authorized to raise and appropriate the sum of five thousand dollars to provide a scholarship fund, to be designated and known as the Philbin Beach scholarship fund, the income of which may be used for the higher education of residents of said town who are high school graduates.

SECTION 2. Said town is hereby further authorized to provide, by vote of the town, for the election by the voters or the appointment by its selectmen of a board of trustees, consisting of such number of members as the town shall by vote determine, to administer said fund, which shall be held in the custody of the town treasurer, together with any contributions thereto from private sources, which contributions the town, or said trustees in its behalf, may from time to time receive. The town by vote may fix the terms of office of said trustees, and make other provisions in respect to the administering of said fund not inconsistent with the provisions of this act.

Approved May 18, 1973.

Chap. 293. AN ACT PROVIDING FOR THE TRANSFER AND CONVEYANCE TO THE TOWN OF WESTWOOD OF CERTAIN REAL ESTATE, RIGHTS AND EASEMENTS AT BUCKMASTER POND IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. All real estate, rights and easements acquired or held by the town of Norwood under the provisions of chapter eighty-two of the acts of eighteen hundred and eighty-five, or otherwise, located on Buckmaster pond between Pond and High streets in the town of Westwood, formerly a part of the town of Dedham, including the structures on said real estate but not including the well, well-house, water mains or pumping equipment, are hereby transferred and conveyed to the conservation commission of the town of Westwood.

Notwithstanding the provisions of the foregoing paragraph, the town of Norwood shall retain an easement to use, maintain and repair the well and well-house presently existing at said location, together with the pipelines presently used for the transmission of water from said well. Said easement shall extend fifty feet from the center of said well and twenty-five feet on each side from the center of the twelve inch water main presently used for transmission of water from said well. In addition to the aforesaid easement, the town of Norwood shall retain the right to use, maintain and repair the buildings presently standing on the real estate transferred and conveyed by this act.

If the department of public health detects any decline in the quality of water taken from the well presently existing at the aforesaid location, said department shall issue regulations controlling the recreational uses of said Buckmaster pond. In no event shall swimming in or boating with motors on said pond be permitted. If through any act of the town of Westwood the said well becomes contaminated, the town of Westwood shall be liable to any person injured thereby. Residents of the town of Norwood shall enjoy the same access to the recreational use of Buckmaster pond as residents of the town of Westwood.

SECTION 2. On or before December thirty-first, nineteen hundred and seventy-three, the county commissioners of Norfolk

county shall determine the fair market value of the land, not including the improvements thereto, now held by the town of Norwood which was conveyed to said town by deed of Samuel F. Allen dated June eleventh, eighteen hundred and eighty-five, and recorded in the registry of deeds in Norfolk county in Volume 569 at Page 628. Section one of this act shall take effect upon payment by the town of Westwood to the town of Norwood of a sum equal to the fair market value of such land as so determined by the county commissioners of Norfolk county.

Approved May 18, 1973.

Chap. 294. AN ACT PERMITTING A REGISTRAR OF VOTERS TO BECOME A CANDIDATE FOR ELECTION AS A MEMBER OF A HOME RULE CHARTER COMMISSION AND TO SERVE THEREON.

Be it enacted, etc., as follows:

Section 25 of chapter 51 of the General Laws, as amended by chapter 286 of the acts of 1961, is hereby further amended by adding the following sentence: — Nothing in this section shall prohibit a registrar or assistant registrar from becoming a candidate for election and serving as a member of a home rule charter commission.

Approved May 18, 1973.

Chap. 295. AN ACT FURTHER REGULATING THE ENFORCEMENT OF THE STATE SANITARY CODE IN CERTAIN HOUSING UNITS.

Be it enacted, etc., as follows:

The first paragraph of section 127B of chapter 111 of the General Laws is hereby amended by inserting after the sixth sentence, as appearing in section 3 of chapter 898 of the acts of 1965, the following five sentences: — No occupant of any residential premises may be removed, nor any order to vacate issued to any such occupant, unless the board of health has previously issued a written finding that the premises are unfit for human habitation. The board shall enter in said finding the material facts upon which such finding is based. No such finding shall be made before said occupants have been given written notice and an opportunity for a public hearing to be held not less than five days after receipt of such notice, unless the board of health determines in writing that the danger to the life or health of the occupants is so immediate that no delay may be permitted. In all other cases in which the board of health determines that residential premises are not unfit for human habitation but that conditions within such premises in violation of said code or rules and regulations may not be remedied unless the occupants are removed therefrom, it may bring an action to remove the occupants from the premises pursuant to chapter two hundred and thirty-nine. In any such action, the

court shall consider the matter according to the procedures and standards otherwise set forth in said chapter, and may grant a stay or stays of execution when appropriate.

Approved May 18, 1973.

Chap. 296. AN ACT PROHIBITING THE MEETING OF PLANNING BOARDS, ZONING BOARDS OF APPEAL AND HOUSING AUTHORITIES ON ELECTION DAYS.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 40A of the General Laws is hereby amended by inserting after the fourth sentence, as appearing in section 1 of chapter 201 of the acts of 1962, the following sentence: — No such hearing shall be held on any day on which a state or municipal election, caucus or primary is held in such city or town.

SECTION 2. Section 17 of said chapter 40A is hereby amended by inserting after the second sentence, inserted by chapter 336 of the acts of 1968, the following sentence: — No such hearing shall be held on any day on which a state or municipal election, caucus or primary is held in such city or town.

SECTION 3. The third paragraph of section 31 of chapter 121B of the General Laws, as appearing in section 1 of chapter 751 of the acts of 1969, is hereby amended by inserting after the third sentence the following sentence: — No such hearing shall be held on any day on which a state or municipal election, caucus or primary is held in such city or town.

SECTION 4. The second paragraph of section 8 of chapter 665 of the acts of 1956 is hereby amended by adding the following sentence: — No such hearing shall be held on any day on which a state or municipal election, preliminary election or primary is held in said city.

Approved May 18, 1973.

Chap. 297. AN ACT PROHIBITING BANKS FROM REQUIRING A BORROWER TO ENTER A PAYROLL SERVICES CONTRACT AS A CONDITION OF GRANTING A LOAN.

Be it enacted, etc., as follows:

Chapter 167 of the General Laws is hereby amended by inserting after section 62 the following section: —

Section 63. No bank shall require as a condition of granting a loan, that a borrower enter into a payroll services contract with the bank. Any bank violating the provisions of this section shall be liable in an action of tort for treble the amount of actual damages; provided, however, if there are no actual damages the court may assess special damages not to exceed two thousand dollars.

Approved May 18, 1973.

Chap. 298. AN ACT REQUIRING THAT COURSES IN PRACTICAL ARTS BE OFFERED TO PUBLIC SCHOOL STUDENTS OF EITHER SEX.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by striking out section 17, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 17. Every town of twenty thousand inhabitants shall maintain the teaching of a course in practical arts for all students without regard to sex, including in such course both manual training and household arts as part of both its elementary and its high school program of studies.

Approved May 18, 1973.

Chap. 299. AN ACT REQUIRING THE PAYMENT OF INTEREST BY MORTGAGEES ON CERTAIN REAL ESTATE TAX DEPOSITS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 183 of the General Laws is hereby amended by adding after section 60, inserted by chapter 115 of the acts of 1973, the following section: —

Section 61. A mortgagee doing business in the commonwealth and holding a first mortgage or lien on a dwelling house of four or fewer separate households occupied or to be occupied in whole or in part by the mortgagor who requires advance payments, deposits or other security by said mortgagor for the payment of real estate taxes on mortgaged property, shall pay interest to said mortgagor on any amounts so paid or deposited in advance. Interest shall be paid at least once a year at a rate and in a manner to be determined by the mortgagee.

Mortgagees required to pay such interest shall file annually with the commissioner of banks a statement showing the amount of net profit or loss from the investment of said deposits. Mortgagees showing a net loss from these investments may file with said commissioner a request for an exemption from the requirement that interest be paid to mortgagors. The commissioner shall maintain as a public record an annual report of interest rates paid to mortgagors as required by this section during the preceding annual period. The report shall list the mortgagees granted exemptions under this section during the preceding annual period.

SECTION 2. The provisions of section sixty-one of chapter one hundred and eighty-three of the General Laws, inserted by section one of this act, shall take effect on July first, nineteen hundred and seventy-five, and shall apply only to advance deposits for the payment of real estate taxes on mortgaged property made on or after that date.

Approved May 21, 1973.

Chap. 300. AN ACT FURTHER REGULATING THE INVESTMENTS OF CERTAIN RETIREMENT SYSTEMS.

Be it enacted, etc., as follows:

Paragraph (b) of subdivision (2) of section 23 of chapter 32 of the General Laws is hereby amended by striking out clause (i), as most recently amended by section 2 of chapter 343 of the acts of 1972, and inserting in place thereof the following clause: —

(i) In securities, other than mortgages or collateral loans, which are legal for the investment of funds of savings banks under the laws of the commonwealth; provided that: —

(A) Not more than twenty per cent of the assets of any such system shall be invested in railroad obligations, nor shall more than two per cent of said assets be invested in the obligations of any one operating railroad corporation, including its direct and assumed obligations and including the obligations of lessor railroad corporations which derive seventy-five per cent or more of their income from leases of their railroads to said operating railroad corporation.

(B) Not more than thirty-five per cent of the assets of any such system shall be invested in the bonds of the telephone companies, nor shall more than three and one-half per cent of such assets be invested in the bonds of any one telephone company.

(C) Not more than fifty per cent of the assets of any such system shall be invested in the bonds of public service companies, nor shall more than four per cent of such assets be invested in the bonds of any one such corporation.

(D) Not more than fifteen per cent of the assets of any such system shall be invested in obligations made eligible for investments by savings banks under the provisions of sections forty-nine and fifty of chapter one hundred and sixty-eight, nor shall more than one per cent of such assets be invested in the obligations of any one obligor so made eligible for investment.

(E) Not more than twenty-five per cent of the assets of any such system shall be invested in bank stocks, bank holding company stocks, and insurance companies stocks, nor shall more than two and one-half per cent of such assets be invested in the stock of any one bank or insurance company.

Approved May 21, 1973.

Chap. 301. AN ACT PROHIBITING THE OPERATION OF A MOTOR VEHICLE HAVING ANY TIRE WHICH FAILS TO COMPLY WITH THE THREAD DEPTH REGULATIONS PROMULGATED BY THE REGISTRAR OF MOTOR VEHICLES.

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by inserting after section 70 the following section: —

Section 7P. No person, knowing that any tire of a motor vehicle fails to comply with regulations promulgated by the registrar relative to the minimum standards for visual and thread depth, shall operate such vehicle upon any way; and no owner of a motor

vehicle, knowing that any tire of such vehicle fails to comply with such regulations, shall permit such vehicle to be so operated.

Approved May 21, 1973.

Chap. 302. AN ACT PERMITTING THE STATE LOTTERY COMMISSION TO SELL LOTTERY TICKETS DIRECTLY TO THE PUBLIC.

Be it enacted, etc., as follows:

The second paragraph of section 27 of chapter 10 of the General Laws, as appearing in section 2 of chapter 813 of the acts of 1971, is hereby amended by adding the following sentence: — Nothing in this section or any other section of this chapter shall be construed so as to prohibit the commission from designating certain of its agents and employees to sell lottery tickets directly to the public; provided, however, that none of said employees shall receive any remuneration or commission for such sale; and, provided further, that no lottery ticket shall be sold to persons committed to any state or county correctional facility, or any state hospital.

Approved May 21, 1973.

Chap. 303. AN ACT FURTHER PROVIDING FOR PAYMENT TO CITIES AND TOWNS OF THE COST OF INSTALLING CERTAIN SIGNS AND SAFETY IMPROVEMENTS AT HIGH-ACCIDENT LOCATIONS.

Be it enacted, etc., as follows:

Section 33B of chapter 90 of the General Laws is hereby amended by striking out the first paragraph, as amended by chapter 87 of the acts of 1972, and inserting in place thereof the following paragraph: —

The state treasurer is hereby authorized to pay the cost of installing suitable traffic control signs, or safety devices, and constructing necessary safety improvements at high-accident locations in cities and towns, in accordance with the following procedure:.

Approved May 21, 1973.

Chap. 304. AN ACT AUTHORIZING THE STATE TREASURER TO PURCHASE ANNUITIES FOR THE PAYMENT OF PRIZES UNDER THE STATE LOTTERY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow forthwith the state treasurer to purchase annuities for the payment of prizes under the state lottery, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 38 of chapter 29 of the General Laws is hereby amended by adding the following paragraph: —

The state treasurer may purchase with a portion of the State Lottery Fund, as established and defined in section thirty-five of chapter ten, from insurance companies lawfully doing business in the commonwealth, annuities payable to the commonwealth to be used for payment of lottery prizes. Such annuities shall not be subject to the provisions of section one hundred and eighteen of chapter one hundred and seventy-five limiting payment of annuities to individuals, and shall, to the extent that such annuities are payable to the commonwealth, be exempt from taxation under section twenty of chapter sixty-three. Contracts for the purchase of such annuities shall be subject to competitive bidding and shall be awarded to the lowest responsible bidder. All such bids and contracts shall be public records. *Approved May 22, 1973.*

Chap. 305. AN ACT REQUIRING CERTAIN EDUCATIONAL INSTITUTIONS WHICH CEASE TO EXIST TO TRANSFER ALL STUDENT RECORDS TO THE BOARD OF HIGHER EDUCATION.

Be it enacted, etc., as follows:

Chapter 69 of the General Laws is hereby amended by inserting after section 31A the following section: —

Section 31B. Any educational institution with power to grant degrees in the commonwealth which ceases to exist shall transfer all of its student records to the board of higher education.

Approved May 22, 1973.

Chap. 306. AN ACT REVISING THE LAW RELATIVE TO THE MASSACHUSETTS CREDIT UNION SHARE INSURANCE CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 294 of the acts of 1961 is hereby amended by striking out sections 1 to 6, inclusive, and inserting in place thereof the following six sections: —

Section 1. Creation, Purpose. — There is hereby constituted a corporation under the name of Massachusetts Credit Union Insurance Corporation, hereinafter referred to as the corporation, for the purpose of creating and maintaining a fund for the insurance of shares and deposits of members of those credit unions and the Central Credit Union Fund, Inc. established under the laws of the commonwealth which become members of the corporation, hereinafter referred to as members.

Section 2. Organization. — In the election of directors and, except as otherwise provided, in voting on any matter legally to come before a meeting each member by a delegate authorized by its board of directors shall have one vote; provided, that such delegate shall not vote by proxy nor shall any one delegate represent more than one member.

A quorum shall consist of a majority of the delegates entitled to vote or eleven delegates whichever is the smaller number.

Section 3. By-Laws. — The delegates to the corporation may, subject to the approval of the commissioner of banks, hereinafter referred to as the commissioner make such by-laws as they may deem necessary in order to carry out the provisions of this act.

Subject to the provisions of section five of this act the by-laws may be amended, altered or repealed in whole or in part by a thirty day written notice to all the members containing a notice of the time and place of the meeting and proposed changes; provided, that such alteration, amendment or repeal shall be by vote of two thirds of the delegates present and voting at the meeting.

Section 4. Officers. — There shall be a board of fifteen directors of the corporation, not more than five of whom at any one time shall represent members in any one county of the commonwealth, who shall be elected by the delegates of the members for the period ending with the first annual meeting of the corporation following the effective date of this act and thereafter as follows: —

Five directors shall be elected for a term of one year, five directors for a term of two years and five directors for a term of three years and thereafter at each annual election five directors shall be elected for a term of three years. All directors shall be sworn and hold office until their successors are qualified. If a person elected does not within thirty days thereafter take the oath of office, his office shall thereupon become vacant. The directors shall fill any vacancies on the board until the next annual meeting. The directors may from time to time adopt such rules and regulations as they may deem necessary to effect the purposes of this act; provided that such rules and regulations shall not become effective until they have been approved by the commissioner, and for such purposes the commissioner may confer and advise with the directors and furnish them with such information as they may request.

There shall be a president, vice-president, treasurer and clerk of the corporation and such other officers and committees thereof as the board of directors may deem necessary, which officers and committees shall be elected annually by the directors, at a meeting held not more than fifteen days following the adjournment of the annual delegates meeting. The president and vice-president shall be elected from the board of directors. The clerk of the corporation shall be clerk of the board of directors. The directors may fill any vacancies in said offices and committees until the next annual meeting and, for cause shown, may remove by a two thirds vote of all members of the board, any officer or committee member.

Section 5. Meetings. — The annual meeting of the corporation shall be held in the commonwealth in the month of October and shall be called by the clerk at a time and place to be designated by the directors. Special meetings of the corporation may be called by a majority of the members of the board of directors or

at the request of the commissioner. Such request shall be signed by said directors, shall state the proposed purposes and proposed date of the meeting, and shall be given to the clerk of the corporation at least forty-five days before the proposed date of the meeting. The call for such meeting shall state the time, place and purpose or purposes thereof and shall be mailed to each member at its place of business at least thirty days before the date of the meeting. If any of the purposes of the meeting are to adopt an amendment to the by-laws such request and the call for the meeting shall contain notice of the proposed amendment and a copy thereof.

The board of directors shall meet at least quarterly, once in the months of October, January, April and July. A quorum of the board of directors shall consist of not less than eight directors.

Section 6. Powers. — Whenever it shall appear to the commissioner that it is inadvisable or inexpedient for any member to continue to transact the business for which it was organized without receiving financial or other assistance, he may, in his discretion, so notify the directors of the corporation, and thereupon the directors of the corporation may take any action which in their opinion they deem necessary to reduce the risk or avert a threatened loss to the corporation, and notwithstanding any other provision of law may merge or consolidate such member or may facilitate the sale of assets of such member to and the assumption of its liabilities by one or more members. The directors may with the approval of the commissioner and in order to effect the purposes of this act, and without limiting the aforesaid powers of the corporation, do any one or more of the following: (a) purchase from such member the whole or any part of, or any equitable or any other interest in, its assets at the book value thereof, or at some other value mutually agreed upon by the directors of the member credit union and said directors of the corporation, notwithstanding that either of such values may exceed the market value of the assets so purchased, and upon such terms and conditions as said directors with the approval of the commissioner, may determine; (b) make loans to such member, and upon such terms and conditions, as said directors, with the approval of the commissioner, may determine; (c) pay to such member in accordance with an agreement entered into between such member and the corporation, with the approval of the commissioner, an amount not in excess of the difference between the book value of certain or all its assets and the fair value thereof as determined by said agreement, in consideration for which such member shall agree to write down such assets to such fair value and to pay over to the corporation so much of any net proceeds realized from the sale or other disposition of each and all such assets as is in excess of such fair value, such payment to be made in such amounts, at such times and upon such terms and conditions as said directors, with the approval of the commissioner, may determine; provided, that any amount paid by the corporation hereunder to such member and the agreement of such member to repay

the excess, as hereinbefore provided, shall constitute liabilities of such member only to the extent of any such excess from time to time actually realized; (d) deposit a sum of money into the guaranty fund or reserve account of such member in accordance with an agreement entered into between such member and the corporation, with the approval of the commissioner, such member being hereby authorized and empowered, notwithstanding any other provision of law, to repay such amount to the corporation at such time or times and in such manner as such agreement may prescribe; provided, that any such payment made by the corporation to such member, and any agreement of such member to repay the same shall constitute liabilities of such member only to the extent provided by said agreement. Such member, by vote of at least two thirds of its directors, may take any and all action necessary or advisable to enable it to carry out any or all provisions of this section.

At any time after ten years from the date financial assistance shall have been granted to a member under any of the provisions of this section, any unpaid balance thereof may be compromised or settled for such cash payment or other consideration as the directors and the member with the approval of the commissioner, may agree upon, and upon such compromise or settlement the member shall be deemed to be released and discharged from any further obligation to repay the unpaid balance of such financial assistance except to the extent provided by such agreement.

Notwithstanding the provisions of section twenty-nine of chapter one hundred and seventy-one of the General Laws relative to voluntary dissolution and liquidation of a credit union, in order to give effect to the purposes of this section and subject to the approval of the commissioner and of the corporation if a credit union is a member of the corporation such member credit union may be dissolved and liquidate its affairs if authorized by a vote of at least two thirds of its directors. A committee of four shall be appointed in the following manner: two members of the committee shall be appointed by the directors of the corporation and two members shall be appointed by the liquidating credit union, for the purpose of conserving and liquidating the assets, under the direction of the corporation and the commissioner. The supreme judicial court or any justice thereof shall have jurisdiction in equity to enforce provisions of this paragraph and to act upon all applications and in all proceedings thereunder.

Whenever it shall appear to the commissioner that any member is in an unsound or unsafe condition to transact the business for which it is organized he may so certify to the directors of the corporation and upon receipt of such certificate the directors on behalf of the corporation shall, by notice in writing to the commissioner and to the member, take possession and control forthwith of the property and business of such member and shall operate such member subject to such rules and regulations as the commissioner may prescribe until the member shall resume business or until its affairs shall finally be liquidated. The corporation may through its

directors, while thus carrying on such business, pay to such member out of the share insurance fund such sums as the directors of the corporation deem necessary for the protection of the member's shareholders and depositors, and may order the same to be repaid when no longer required for that purpose, or may purchase assets from said members to effect the purposes of this act on such terms and conditions and at such valuations as the directors, with the approval of the commissioner, may determine.

At any time after the directors of the corporation have taken over the control, possession and operation of any member as provided herein, they may with the approval of the commissioner turn back the control, possession and operation thereof to such member which may resume business free from any control by the corporation, subject to such conditions as the commissioner may approve. The directors of the corporation shall not thus turn back the control, possession and operation of any member until there has been repaid into the share insurance fund all sums paid out by it from such fund to such member or its shareholders or depositors or until it has received security for such repayment satisfactory to the directors of the corporation.

The directors of the corporation, with the approval of the commissioner, may, and at the request of the commissioner shall, at any time after they have taken over the control, possession and operation of any member, discontinue the business of such member and proceed to liquidate its affairs. The corporation shall in such event pay to the shareholders and depositors of such member the full amount of their shares or deposits authorized by the law that governs said members at the date of the discontinuance of the business of the member with interest from the last dividend date to the date of discontinuance at such rate, not exceeding three per cent per annum, as the directors of the corporation shall determine, such payments to be made within five years from such discontinuance and at such times and in such installments as said directors with the approval of the commissioner shall determine. For such purpose the directors shall use in addition to the assets of the member such sums as may be required from the share insurance fund. In case of liquidation the corporation shall be subject to such orders, rules and regulations as may be prescribed from time to time by the commissioner. The corporation shall take steps to collect all debts due and claims belonging to such members and with the approval of the commissioner may sell or compound all bad or doubtful debts, and with like approval may sell all or any part of the real or personal property or other assets of the member on such terms and conditions and at such valuation as the directors shall determine and to effect the purposes of this act the corporation may itself be the purchaser of any or all such sales. To execute and perform the powers and duties conferred upon the corporation, it may in the name of any such member prosecute and defend all suits and other legal proceedings and may in the name of the member execute, acknowledge and deliver all deeds, assignments,

leases and other instruments necessary and proper to effectuate any sale of real or personal property or other assets or any compromise approved by the commissioner, and any deed or other instrument executed pursuant to the authority hereby given shall be valid and effectual for all purposes to the same extent as though executed by the officers of the member by authority of its board of directors. The compensation of employées, counsel and other assistants employed by the directors of the corporation to liquidate the affairs of any member under this section, and all expenses incurred in connection with the liquidation of any such member, shall be fixed, subject to the control of the commissioner, by the directors of the corporation. The officers of the corporation and any other persons employed by its directors to liquidate the affairs of any member under this section shall give bond to the directors of the corporation for the faithful performance of their duties in relation to such liquidation in such amount and with such surety or sureties as the commissioner may approve. The persons appointed for the purpose of liquidating the affairs of any such member shall be subject to all the penalties to which agents appointed by the commissioner for the purpose of liquidating the affairs of a member are now or may hereafter be subject. All accounts for which no claimant can be found after six years following the discontinuance of the business of any such member shall, if no other provisions to care for said claim have been made, be turned over to the commissioner of corporations and taxation pursuant to the provisions of chapter two hundred A of the General Laws.

With the approval of the commissioner, and subject to such rules and regulations as he may prescribe, the directors of the corporation may appoint conservators or agents to assist it in the operation, management, liquidation and distribution of the assets of any member in its possession under this act, and wherever practicable such conservators and agents shall be members. With the approval of the commissioner, and subject to such rules and regulations as he may prescribe the directors of the corporation may appoint members as agents to assist it in the operation, management, and liquidation of assets purchased or otherwise acquired from members by the corporation under this act. Certificates of appointment of such conservators and agents shall be filed in the office of the commissioner. Notwithstanding any other provisions of law, all members are hereby authorized to act as such conservators and agents and to exercise the powers and perform the duties contemplated by this section.

For the purpose of carrying out the provisions of this act the corporation through its directors may exercise all the powers, rights and franchises of any member the control, possession and operation of which has been taken over by it under this act. Notwithstanding any other provisions of law, with the approval of the commissioner, any member may advance or loan upon, or purchase, (a) the whole or any part of the assets of any other member which is in possession of the corporation under this act or which has been

the subject of a notice from the commissioner to the corporation as provided herein, at such valuations and upon such terms and conditions as such members, by authorization of their boards of directors, may agree upon, and the member making such an advance, loan or purchase, for the purpose of effecting the same, may assume and agree to pay the whole or any part of the share, deposit and other liabilities of such other member such term and conditions and subject to such adjustments as may be approved by the commissioner, and (b) the whole or any part of the assets acquired or held by the corporation, and may participate in such an advance, loan or purchase with one or more other members, at such valuation and upon such terms and conditions as the corporation, through its directors, and such member or members with authorization of their boards of directors, may agree upon, and with like approval, the corporation may do any and all things and may take any and all action which its directors may deem necessary or advisable to give effect to this provision; provided, that the approval of the commissioner shall not be required in the case of the purchase hereunder by a member from the corporation of any mortgage for a sum equal to the unpaid balance thereof.

SECTION 2. Said chapter 294 is hereby further amended by striking out section 6A, inserted by chapter 332 of the acts of 1965, and inserting in place thereof the following section: —

Section 6A. Termination of membership. — Whenever it shall appear to the board of directors of the corporation and the commissioner that a member has conducted its business in an unsafe or unsound manner or has knowingly or negligently permitted any of its officers or agents to violate any provision of any law or regulation to which the member is subject, said board of directors and the commissioner shall give notice of their intention to terminate its insurance after a hearing, which hearing shall be held within thirty days of such notice. Said board of directors and the commissioner shall make such order and disposition as may be necessary to protect the stability and solvency of the corporation.

In the event of termination of said insurance the commissioner may order the member to give such notice to its shareholders and depositors as he may require. In the event of failure to give the notice required to said shareholders and depositors as herein provided, the commissioner is authorized to give such notice in such manner as he may determine and for such purpose the member shall provide a list of all names and addresses of its depositors and shareholders to the commissioner.

If any member shall fail to pay any assessment lawfully required under this act, the treasurer of the corporation shall notify the commissioner of such failure and the commissioner shall forthwith notify such member in writing. The failure of such member to make such payment within fifteen days after the notice from the commissioner shall constitute a violation of law within the meaning of section five of chapter one hundred and sixty-seven of the General Laws.

SECTION 3. Said chapter 294 is hereby further amended by inserting after section 6A the following section: —

Section 6B. Membership. — Any applicant shall first give notice in writing to the corporation of its intention to become a member and shall submit such preliminary financial statements and other information concerning its assets, liabilities and affairs as the commissioner and the directors of the corporation may determine.

An applicant, before admission to the corporation, shall be subject to such audit as the commissioner and the directors of the corporation determine to be necessary, the auditor to be approved by the directors of the corporation and the commissioner. The directors and the commissioner shall be the sole judges of the eligibility of each applicant for admission.

SECTION 4. Said chapter 294 is hereby further amended by striking out sections 7 to 10, inclusive, and inserting in place thereof the following four sections: —

Section 7. Assessments. — For the purpose of carrying out the provisions of this act, in addition to the assessments hereinafter provided for, the directors of the corporation shall require each new member to pay over in cash to the corporation one per cent of its total member share and deposit balances as shown by its most recent June thirtieth or December thirty-first statement. This assessment shall be made within ten days after the acceptance of a member by the corporation. Such assessments may be charged by the member to its guaranty fund, reserve account, undivided earnings, or established as an asset.

The directors of the corporation shall semiannually declare additional assessments of members so that the member assessment as provided for in this section shall always be maintained at one per cent of its share and deposit liabilities; provided, however, that the directors may, with the approval of the commissioner, reduce uniformly in whole or in part the amount of any such semiannual assessment in such a manner that any amount payable by a member for such an assessment shall represent a percentage of the amount which would be necessary to bring the aggregate of its assessments to one per cent of its share and deposit liabilities. The directors may, with the approval of the commissioner, pay to the members a dividend computed on the aggregate of assessments paid by each member pursuant to this section.

The corporation shall be subject to such examinations and audits to such extent and manner and at such times as the commissioner may determine. The cost of any such examination or audit, as well as the cost of administration of the fund, shall be borne by the corporation.

Section 8. Additional Assessments. — Within thirty days after June thirtieth and December thirty-first of each year, each member shall pay to the corporation an additional assessment equal to one twenty-fourth of one per cent of its share and deposit liabilities payable as shown on its financial statement as of said dates; provided, however, that the directors of the corporation may, with the

approval of the commissioner, prior to the semiannual assessment date, reduce uniformly the rate of said additional assessment or waive such additional assessment. The additional assessment referred to herein may be charged to the guaranty fund, reserve account, undivided earnings or operating expense.

The provisions of section seven and this section and all increments thereof shall constitute the share insurance fund.

Section 9. Financial Assistance. — The directors of the corporation may by their vote and with the approval of the commissioner borrow money for the purposes of the share insurance fund and may pledge any assets in which such fund is invested as security for such loans. The directors may have the right to buy reinsurance and bonds or participate in the capital structure of a corporation for the purpose of protecting and strengthening the share insurance fund, or make purchases of stock in a corporation formed for the purpose of reinsuring share insurance corporations. The corporation may evaluate and transfer funds to a regional or national share insurance corporation whose primary function is for the insurance of shares or the reinsurance of share insurance corporations.

Section 10. Dissolution of the Corporation. — The directors of the corporation at a special meeting called for this special purpose and held in accordance with the by-laws and section five of this act, may determine by vote of four fifths of all directors that as a fact the corporation is no longer needed for the insurance of shares and deposits of members and if such fact also is determined by the commissioner then, by vote of four fifths of all member delegates, at a meeting of delegates called for that special purpose, with the approval of the commissioner may dissolve and liquidate the corporation. When voting for the purpose provided in this section, each such member, by a delegate authorized by its board of directors, shall have one vote. Upon any dissolution and liquidation of the corporation, the directors of the corporation shall proceed to distribute to the then members the proceeds of the fund after payment of all losses, expenses and obligations of the corporation, in the following order of priority: First, in payment pro rata of the assessment referred to in section seven. Second, in payment pro rata of all assessments paid by the then members under section eight. Third, the balance, if any, of the proceeds from such dissolution and liquidation shall be distributed pro rata to the then members on the basis of the total payments described in clauses First and Second.

SECTION 5. Said chapter 294 is hereby further amended by striking out section 12 and inserting in place thereof the following section: —

Section 12. Investments. — Except as herein provided, any or all of the corporation funds may be invested by the directors of the corporation only in the cash, securities or investments which are legal for savings banks in the commonwealth.

Approved May 22, 1973

Chap. 307. AN ACT RELATIVE TO SEWERAGE FACILITIES AND BETTERMENTS IN THE TOWN OF MILLBURY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapters eighty and eighty-three of the General Laws, the town of Millbury shall hereinafter charge a permanent sewer privilege fee as established by this act. The fees established herein may be changed from time to time upon vote of the town at any annual town meeting.

SECTION 2. Whenever a connection is made, either directly or indirectly, to the town sewer system, or any connection already made, or whenever the use of a sewer previously connected is subsequently changed as hereinafter provided, a permanent sewer privilege fee shall be assessed. Such fee shall be that which is in effect at the time the connection is made; or, in case of a change in use of a sewer previously connected, then the fee in effect at the time an application for a building permit is filed; or if no such permit is required then at the time an occupancy permit is issued, or, if none, then at the time the new use begins.

SECTION 3. The permanent sewer privilege fee shall be at the rate of nine hundred dollars per unit. For the purpose of this act, the number of units to be assessed on each connection shall be as follows: —

A. Residential use.

1. Each single family building connected directly to the town sewer system shall be assessed as one unit.

2. Each dwelling unit in a multiple family dwelling, whether connected to the town sewer system directly or indirectly, shall be assessed one full unit and one-half unit for each additional unit in the dwelling. For the purpose of this section, multiple family dwellings shall be deemed to include, but not to be limited to, more than single family buildings, apartment houses, complexes, town houses, condominiums, or otherwise.

3. In the case of approved subdivisions, when branch or secondary mains are installed and paid for by developers, or by persons other than the town of Millbury each single family dwelling connected to the town sewer system shall be assessed one-half unit for a period of five years from the date of the original subdivision plan approval by the planning board. Paragraph 1 shall apply to all connections made after the original five-year period.

B. Other uses.

1. For uses other than residential, there shall be an assesment of a minimum of one unit, and an additional unit for every ten thousand square feet of floor space, or major portion thereof, exceeding an initial ten thousand square feet, up to a total of fifty thousand square feet of floor space; and an additional unit for every twenty-five thousand square feet of floor space, or major portion thereof exceeding the initial fifty thousand square feet.

2. In the case of approved commercial or industrial subdivisions, when branch or secondary mains are installed and paid for by

developers or by persons other than the town of Millbury the charges assessed shall be one-half of the charges described in paragraph 1 for a period of five years from the date of the original subdivision plan approval. Paragraph 1 shall apply to all connections made after the original five-year period.

C. Changes in use.

1. When a sewer has previously been connected, in residential uses when additional dwelling units are added, a fee of one-half unit per additional dwelling unit shall be assessed.

2. When a sewer has previously been connected, in uses other than residential when additional floor space is added, a fee shall be assessed of one unit for each additional ten thousand square feet of floor space, or major portion thereof, up to a total of fifty thousand square feet of total floor space of the building; and an additional unit for every twenty-five thousand square feet of floor space, or major portion thereof, exceeding the initial fifty thousand square feet.

SECTION 4. The owner or occupant of any building upon land abutting on a public or private way, in which there is a common sewer, shall connect the same therewith by a sufficient drain. If such land, by reason of its grade or level or any other cause, cannot be drained into such sewer, a variance from this requirement may be granted by the board of health until said incapacity is removed, provided that a private septic tank system is installed which meets the requirements of the board of health, said variance to be only for so long as said system continues to meet those requirements as they may be amended or revised.

SECTION 5. The fee under this act shall be assessed by the sewer commissioners upon the estate benefited thereby: Such assessment shall be made by filing with the board of assessors of the town a certificate, designating the way on which the premises connected lies, and giving the name or names of the owners of the estate for which such connection has been made and the amount of the assessment to be paid by such owner or owners. A copy or duplicate of this certificate shall, within thirty days after the filing of the same with the board of assessors, be recorded in the registry of deeds for the county of Worcester, or, in the case of registered land, filed in the office of the assistant recorder for the Worcester County Registry District. The board of assessors shall, upon receipt of such certificate, forthwith commit such assessment with this warrant to the collector of taxes, who shall forthwith make a demand in writing for the payment of such assessment, and every owner shall, within three months after such a demand is served upon him or on the occupant of such estate, or sent by mail to the last address of the owner known to the collector of taxes, pay to the collector of taxes the sum so assessed or charged.

SECTION 6. Except as herein provided, the provisions of the General Laws relative to the assessment, apportionment, division, reassessment, abatement, and collection of sewer assessments, to liens therefor, and to interest thereon shall apply to assessments

made under this act. In applying said provisions to assessments made under this act, the notice referred to herein shall be deemed to be the demand of the tax collector. The lien for any assessment made under this act shall attach upon the recording or filing for registration of the copy or duplicate of the certificate of assessment.

SECTION 7. In addition to the fees prescribed by this act, the owner shall pay the rates established from time to time for sewer usage and shall also pay for all service work, materials, and inspection from the main to the building or buildings serviced.

SECTION 8. This act shall take effect upon its passage.

Approved May 24, 1973.

Chap. 308. AN ACT AUTHORIZING THE TOWN OF MARBLEHEAD TO PAY
PAY A CERTAIN SUM OF MONEY TO VITALE & SONS CO., INC.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the town of Marblehead is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said town is hereby authorized to pay, an unpaid bill in the amount of seventeen thousand thirteen dollars and sixty-eight cents to Vitale & Sons Co., Inc. for work performed at the Marblehead Recycling Center in said town, said bill being legally unenforceable against said town.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1973.

Chap. 309. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL
PERIOD FROM JANUARY FIRST, NINETEEN HUNDRED
AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN
HUNDRED AND SEVENTY-FOUR, FOR THE MAINTENANCE
OF HAMPSHIRE COUNTY, ITS DEPARTMENTS, BOARDS,
COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER
SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS,
FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET
CERTAIN REQUIREMENTS OF LAW AND GRANTING A
COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Hampshire county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four.

HAMPSHIRE COUNTY.

Item	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt		\$120,000 00
3. For county commissioners, salaries and expenses.....		73,603 31
1. Personal services	\$66,493 31	
2. Contractual services	5,150 00	
3. Supplies and materials	1,500 00	
4. Current charges and obligations	460 00	
4. For transportation and expenses of county and acting commissioners		1,000 00
5. For clerk of courts, salary and expenses		97,645 50
1. Personal services	90,970 30	
2. Contractual services	3,849 50	
3. Supplies and materials	1,237 50	
4. Current charges and obligations	611 00	
5. Equipment	977 20	
6. For county treasurer, salaries and expenses		77,751 73
1. Personal services	67,573 73	
2. Contractual services	3,300 00	
3. Supplies and materials	1,625 00	
4. Current charges and obligations.....	1,163 00	
5. Equipment	4,090 00	
7. For sheriff, salary and expenses		26,525 29
1. Personal services	25,229 79	
2. Contractual services	750 00	
3. Supplies and materials	20 00	
4. Current charges and obligations	525 00	
8. For registry of deeds, salaries and expenses.....		156,787 42
1. Personal services	122,128 51	
2. Contractual services	20,085 00	
3. Supplies and materials	5,655 00	
4. Current charges and obligations	3,158 03	
5. Equipment	5,760 88	
8a. For registry of probate, salaries and expenses		9,760 00
2. Contractual services	4,950 00	
3. Supplies and materials	3,300 00	
4. Current charges and obligations	1,060 00	
5. Equipment	450 00	
9. For law library, salaries and expenses		43,417 90
1. Personal services	11,612 90	
2. Contractual services	2,160.00	

Item	Subtotal	Total
3. Supplies and materials	\$575 00	
4. Current charges and obligations	29,070 00	
10. For highways including state highways bridges and land damages		\$258,375 00
2. Contractual services	32,925 00	
6. All other	225,450 00	
12. For superior court costs		485,468 24
1. Personal services	135,313 24	
2. Contractual services	344,677 50	
3. Supplies and materials	2,400 00	
4. Current charges and obligations	2,442 50	
5. Equipment	635 00	
13. For civil expenses in probate court		31,418 00
1. Personal services	13,356 00	
2. Contractual services	16,192 00	
3. Supplies and materials	950 00	
4. Current charges and obligations	125 00	
5. Equipment	795 00	
14. For district courts, salaries and expenses		
District Court of Hampshire		471,967 33
1. Personal services	434,823 06	
2. Contractual services	22,420 32	
3. Supplies and materials	9,000 00	
4. Current charges and obligations	3,517 35	
5. Equipment	2,206 60	
District Court of Eastern Hampshire		60,239 38
1. Personal services	52,953 38	
2. Contractual services	2,395 00	
3. Supplies and materials	660 00	
4. Current charges and obligations	3,078 00	
5. Equipment	1,153 00	
15. For medical examiners and commitments of insane		32,399 00
16. For jail and house of correction, maintenance and operation		643,159 10
1. Personal services	461,030 10	
2. Contractual services	40,000 00	
3. Supplies and materials	125,000 00	
4. Current charges and obligations	7,323 00	
5. Equipment	9,806 00	
18. For court houses and registry buildings, maintenance and operation		77,072 36
1. Personal services	48,900 36	
2. Contractual services	11,985 00	

Item	Subtotal	Total
3. Supplies and materials	\$11,740 00	
4. Current charges and obligations.....	3,887 00	
5. Equipment	560 00	
20. For agricultural school or county cooperative extension services		\$150,737 73
1. Personal services	132,043 58	
2. Contractual services	13,105 00	
3. Supplies and materials	3,730 00	
4. Current charges and obligations	895 00	
5. Equipment	964 15	
21. For state reservation, maintenance and operation (Mount Tom)		22,265 58
21. For state reservation, maintenance and operation (Deer Hill)		1,000 00
24. For noncontributory pensions		32,576 64
25. For contributory retirement system and supervisory expenses		127,656 85
26. For miscellaneous and contingent expenses		4,857 92
27. For unpaid bills of previous years		6,442 62
28. For reserve fund		50,000 00
28d. For reserve counsel for indigent defendants		12,000 00
29. For advertising recreational, industrial and agricultural advantages of the county		22,500 00
31. For radio system for fire protection		700 00
32. For forest development		6,500 00
39. For group insurance		65,000 00
Total amount of appropriations		\$3,168,826 90
Less estimated amount available for reduction of county tax		477,362 28
And the county commissioners of Hampshire County are hereby authorized to levy as the county tax of said county for said fiscal period, in the manner provided by law, the sum of		\$2,691,464 62

SECTION 2. This act shall take effect upon its passage.

Approved, May 24, 1973.

Chap. 310. AN ACT PROVIDING FOR STUDENT REPRESENTATION ON THE SOUTHEASTERN MASSACHUSETTS UNIVERSITY BUILDING AUTHORITY.

Be it enacted, etc., as follows:

The second paragraph of section 2 of chapter 703 of the acts of 1964, as most recently amended by section 1 of chapter 346 of the acts of 1968, is hereby further amended by striking out the first four sentences and inserting in place thereof the following eight sentences: —

The Authority shall consist of thirteen members, nine to be appointed by the governor, of whom three members shall be appointive members of the trustees, and four to be elected by the students of the university. The members appointed from the appointive members of the trustees shall continue in office so long as they continue in office as trustees, and such dual membership shall not invalidate any action heretofore or hereafter taken by the Authority or by the trustees in which any such member has participated or may participate. Each member appointed other than from the appointive members of the trustees shall continue in office for a term expiring on June thirtieth in the sixth calendar year next after the calendar year in which his term of office began, except that a person appointed to fill a vacancy in any such membership shall serve only for the unexpired term. The term of office of the elected members of the Authority shall be one year, and elections shall be held at the same time as those for student government representatives or officers at the university. No person shall be eligible to be elected to the Authority unless at the time of his election he is enrolled as a student at the university. If at any time during his term of office said elected member ceases to be so enrolled, his membership on the Authority shall be terminated and his position shall be deemed vacant. A vacancy in the office of an elected member prior to the expiration of a term shall be filled for the remainder of the term in a manner to be determined by the student government representatives or officers at the university. Each member shall continue in office until his successor shall have been appointed or elected and qualified, but the term of office of a member appointed other than from the appointive members of the trustees shall be deemed to have commenced in the calendar year in which the stated term of office of his predecessor shall have expired.

Approved May 24, 1973.

Chap. 311. AN ACT VALIDATING CERTAIN PROCEEDINGS OF THE TOWN OF BOURNE, AUTHORIZING THE TOWN TO CONSTRUCT AN ARENA AND OTHER RECREATIONAL FACILITIES AND TO BORROW MONEY FOR SAID PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The vote passed by the town of Bourne on the eighth day of March, nineteen hundred and seventy-three, appropriating

the sum of one million dollars and authorizing the borrowing of one million dollars for acquiring land by purchase, eminent domain, lease or otherwise, constructing and originally equipping and furnishing an ice-skating arena and other recreational facilities is hereby validated, ratified and confirmed in all respects.

SECTION 2. Section 3 of chapter 820 of the acts of 1970 is hereby amended by striking out the second paragraph, as amended by chapter 780 of the acts of 1971, and inserting in place thereof the following paragraph: —

The Authority shall fix such fees under clause (h) as in its judgment are best adapted to insure sufficient income to meet the expenses of the Authority, including the payments into the debt service reserve fund required by section ten of this act; provided, however, that any fee assessed by the Authority for use of recreational facilities on land leased by the federal government to the town of Bourne or to the Authority shall require prior approval of the Secretary of the Army or his duly authorized representative. Except as otherwise provided by this act, all fees collected by the Authority together with all funds received from the town of Bourne shall be received and held by the treasurer of the town of Bourne in accordance with the directions of the board of selectmen, and payments shall be made therefrom by said treasurer only upon orders or warrants duly signed by the board of selectmen, setting forth the purposes for which such disbursements are required.

SECTION 3. Section 4 of said chapter 820 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Expenses, liabilities and obligations incurred in carrying out the provisions of this act shall not constitute a debt of the commonwealth or a pledge of the faith and credit of the commonwealth; and no expense, liability or obligation shall be incurred by the Authority under this act beyond the extent to which monies shall have been provided under the provisions of this act.

SECTION 4. Said chapter 820 is hereby further amended by striking out section 10 and inserting in place thereof the following section: —

Section 10. For the purpose of paying the town of Bourne's share of the cost of acquiring land for constructing and originally equipping and furnishing an ice-skating arena or other recreational facilities within the town of Bourne as described in the vote passed by the town of Bourne on the eighth day of March, nineteen hundred and seventy-three, the treasurer of the town of Bourne may, with the approval of the board of selectmen, borrow from time to time such sums as may be necessary, not exceeding in the aggregate one million dollars, and may issue bonds or notes therefor which shall bear on their face the words, "Bourne Recreational Facilities Loan, Act of 1970". Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under

this act shall be in excess of the statutory limit but shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of any limitation contained in section seven thereof.

The town of Bourne may accept state and federal aid for the purposes of this act, and in so doing may agree to be bound by any terms, conditions or restrictions which may be imposed in connection therewith.

The custody, control and management of the arena and any other recreational facilities, including equipment and furnishings, financed by the town of Bourne pursuant to this act shall be vested in the board of selectmen, acting on behalf of the town of Bourne.

The Authority shall pay to the town of Bourne prior to the date when any principal or interest on bonds or notes issued by the town under this act becomes due, an amount sufficient to cover such debt service.

As long as any bonds or notes of the town of Bourne issued pursuant to this act are outstanding, all fees collected by the Authority, except such part thereof as may be necessary to pay current maintenance, repair, administrative and operating expenses, and debt service required by the prior paragraph, shall be paid into a debt service reserve fund which is hereby charged with, but not pledged to, the payment of the principal and the interest on such bonds or notes as the same shall fall due in the event other receipts of the Authority are not sufficient for the purpose; provided, however, that any such bonds or notes shall be general obligations of the town, and in the event that funds raised by the Authority shall be insufficient to pay the principal thereof and interest thereon, the town shall have the power to levy unlimited ad valorem taxes on all taxable property in the town to pay such principal and interest. Said fund shall be held in the custody of the treasurer of the town of Bourne, separate from all other funds. No payment shall be required into the debt service reserve fund when it equals or exceeds the largest amount of interest and principal of such bonds or notes payable in the current or any single subsequent year.

Approved May 24, 1973.

Chap. 312. AN ACT PERMITTING REGISTRATION WITHOUT EXAMINATION OF A GRADUATE OF A PUERTO RICAN MEDICAL SCHOOL WHO HAS BEEN LICENSED BY EXAMINATION IN ANOTHER STATE.

Be it enacted, etc., as follows:

The fourth paragraph of section 2 of chapter 112 of the General Laws, as appearing in chapter 662 of the acts of 1971, is hereby amended by inserting after the word "States", in line 3, the words: —, the commonwealth of Puerto Rico. *Approved May 24, 1973.*

Chap. 313. AN ACT EXTENDING THE TIME FOR APPEALS TO THE
SUPERIOR COURT IN SUMMARY PROCESS ACTIONS.

Be it enacted, etc., as follows:

Section 97 of chapter 231 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Unless a written waiver of the right of appeal has been filed by all the parties, a party aggrieved by the judgment of a district court in a civil action which could not have been removed to the superior court may appeal therefrom to said court within six days after the entry thereof. *Approved May 24, 1973.*

Chap. 314. AN ACT PROHIBITING SMOKING OR THE CONSUMING
OF ALCOHOLIC BEVERAGES ON SCHOOL BUSES.

Be it enacted, etc., as follows:

Section 7B of chapter 90 of the General Laws is hereby amended by adding after clause (9), added by chapter 250 of the acts of 1973, the following clause: —

(10) No person shall smoke or consume alcoholic beverages on a school bus while such bus is being used to transport school children. *Approved May 24, 1973.*

Chap. 315 AN ACT AUTHORIZING THE PATHFINDER REGIONAL
VOCATIONAL TECHNICAL HIGH SCHOOL DISTRICT TO
CONVEY CERTAIN EASEMENTS TO THE TOWN OF
PALMER AND THE THREE RIVERS FIRE DISTRICT.

Be it enacted, etc., as follows:

The Pathfinder Regional Vocational Technical high school district may convey to the town of Palmer, upon such terms as said high school district deems advisable, an easement for the laying out, installation, construction, maintenance and repair of an interceptor sewer line over the property of said high school district. Said high school district may also convey to the Three Rivers Fire District an easement along the northerly boundary of said high school district's property for the purpose of protecting and preserving the purity of the water supply of said fire district as prescribed by the rules and regulations of the department of public health. *Approved May 24, 1973.*

Chap. 316. AN ACT PROHIBITING INSURANCE COMPANIES FROM REQUIRING OWNERS OF RESIDENTIAL PROPERTY TO CONTINUE OR RENEW FIRE INSURANCE POLICIES EXCEEDING THE AMOUNT OF OUTSTANDING MORTGAGE.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by inserting after section 95 the following section: —

Section 95A. No company, and no officer or agent thereof, and no insurance broker shall require an owner of residential property occupied by the insured to continue or renew a fire insurance policy on said property which exceeds the amount of the outstanding mortgage thereon.

Approved May 24, 1973.

Chap. 317. AN ACT AUTHORIZING CITIES AND TOWNS TO PROVIDE BY ORDINANCE OR BYLAW FOR THE ERECTION OF A FENCE OR BARRIER AROUND CERTAIN EXCAVATIONS AND THE GRADING OF SUCH AREAS.

Be it enacted, etc., as follows:

Clause (17) of section 21 of chapter 40 of the General Laws, as most recently amended by chapter 870 of the acts of 1967, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — For prohibiting or regulating the removal of soil, loam, sand or gravel from land not in public use in the whole or in specified districts of the town, and for requiring the erection of a fence or barrier around such area and the finished grading of the same.

Approved May 24, 1973.

Chapter 318. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW FURTHER REGULATING PROGRAMS FOR CHILDREN REQUIRING SPECIAL EDUCATION AND PROVIDING REIMBURSEMENT THEREFOR.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 71B of the General Laws, as appearing in section 11 of chapter 766 of the acts of 1972, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

A school committee which incurs costs or obligations under the provisions of this section shall include within its annual budget an amount of money to comply with said provisions. Said amount shall be added to the annual budget appropriation for school purposes in each city or town for the support of public schools for the purposes of, and enforceable pursuant to, section thirty-four of chapter seventy-one, notwithstanding any general or special laws or charter provisions which limit the amount of money that may be appropriated in any city or town for school purposes.

SECTION 2. Chapter 766 of the acts of 1972 is hereby amended by inserting after section 21 the following section: —

Section 21A. A school committee which incurs costs or obligations for the provision of special education, including, but not limited to, personnel, materials and equipment, tuition, room and board, transportation, rent and consultant services, shall include within its budget for the fiscal year beginning July first, nineteen hundred and seventy-four, an amount of money for the provision of such special education.

SECTION 3. Said chapter 766 is hereby further amended by striking out section 23 and inserting in place thereof the following section: —

Section 23. Sections one to twenty-one, inclusive, and section twenty-two of this act shall take effect on September first, nineteen hundred and seventy-four.

Approved May 24, 1973.

Chap. 319. AN ACT IN ADDITION TO THE GENERAL APPROPRIATION ACT MAKING APPROPRIATIONS TO SUPPLEMENT CERTAIN ITEMS CONTAINED THEREIN, AND FOR CERTAIN NEW ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and for certain new activities and projects, the sums set forth in section two for the several purposes and subject to the conditions specified therein are hereby appropriated from the General Fund unless specifically designated otherwise in the item, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two, for the fiscal year ending June thirtieth, nineteen hundred and seventy-three, or for such period as may be specified, the sums so appropriated to be in addition to any amounts at present available for the purposes.

SECTION 2.

		Legislature.
		<i>Senate.</i>
Item		
0115-0000	For administrative and legislative aides to the senators, prior appropriation continued	\$191,000
0116-0000	For secretarial and clerical assistance to the senators, prior appropriation continued	13,067
		<i>Sergeant-at-Arms.</i>
0132-0000	For the salaries of the doorkeepers, assistant doorkeepers, general court officers and pages of the senate and house of representatives, with the approval of the sergeant-at-arms, including not more than ninety-four permanent positions	\$10,000
0132-1000	For the salaries of clerks employed in the legislative document room, including not more than three permanent positions	9,761

Item		
0164-0010	For expenses of joint standing and special committees authorized by joint order to sit and travel during the session and recess of the general court, said funds to be allocated to committees only upon written approval of the president of the senate and the speaker of the house of representatives	\$25,000
0169-7301	For the expenses of a joint special committee established to plan and conduct a ceremony recognizing the citizens of the commonwealth who have returned home after being held prisoner of war during the Vietnam conflict, as authorized by an order of the general court adopted by the house on March twenty-seventh, nineteen hundred and seventy-three, and by the senate on March twenty-eighth, nineteen hundred and seventy-three	2,000

Special Investigations.

0181-5000	Item 0181-5000 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in lines 3 and 4, the words " appropriation expires June the thirtieth, nineteen hundred and seventy-three"	
0184-5000	For an investigation and study relative to the extent of the use of harmful, injurious or illegal drugs within the commonwealth, as authorized by chapter one hundred and sixty-four of the resolves of nineteen hundred and sixty-seven	\$50,000
0185-7103	For an investigation and study of the Massachusetts National Guard, as authorized by chapter twenty-five of the resolves of nineteen hundred and seventy-one	20,000
0185-7301	For an investigation and study relative to the human development of those confined within the correctional system of the commonwealth, as authorized by chapter seventy-three of the resolves of nineteen hundred and seventy-one	5,000

Judiciary.

Supreme Judicial Court.

0301-0700	Item 0301-0700 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 1, the word "four" and inserting in place thereof the word: - six.	
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Superior Court.

0302-003	For court expenses	\$56,072
0302-0301	For the compensation of justices of district courts while sitting in the superior court, prior appropriation continued ..	60,000
0302-0302	For expenses of justices of district courts while sitting in the superior court, prior appropriation continued	8,000
0302-0401	For the compensation of probation officers, including not more than ninety-three permanent positions	25,000

Probate and Insolvency Courts.

For the salaries of judges of probate, registers of probate, assistant registers and clerical assistance to registers of the several counties:

0305-6091	Middlesex, including not more than sixty permanent positions	\$11,645
0405-6101	Nantucket, including not more than three permanent positions	500

Board of Bar Examiners.

0310-0001	For the service of the board; provided that a certain prior year's	
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Item

expense may be allowed and paid from this item; including not more than six permanent positions. \$2,452

Executive.

Military Division.

Notwithstanding the provisions of chapter thirty of the General Laws, certain military personnel in the military division may be paid salaries according to military pay grades, so-called.

State Quartermaster.

- 0431-1110 Item 0431-1110 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 2, the word "four" and inserting in place thereof the word: - ten \$6,530
- 0431-1410 Item 0431-1410 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 2, the word "twenty-eight" and inserting in place thereof the word: - thirty-three .. 5,373

Secretary of the Commonwealth.

- 0523-0000 For services and expenses of the electoral college \$1,361

Treasurer and Receiver-General.

- 0610-0000 For the office of the treasurer and receiver-general, including not more than ninety-nine permanent positions \$889
- Highway Fund 30.0%
- General Fund 70.0%
- 0610-0604 For the reimbursement of cities and towns for the decennial census, as authorized by chapter eight hundred and twelve of the acts of nineteen hundred and seventy-one 1,385,000
- 0611-5000 For compensation to victims of violent crimes, as authorized by chapter two hundred and fifty-eight A of the General Laws 150,000

State Board of Retirement.

- 0612-1000 For the payment of the commonwealth's share in financing the state employees' retirement system, as provided by chapter thirty-two of the General Laws, prior appropriations continued; provided, that the amounts of all reimbursements received on account of retirement allowances paid and all contributions received from the federal government, authorities, agencies of the commonwealth and political subdivisions thereof on account of the retirement of employees are to be in addition to this item and to be available for expenditure without further appropriation \$6,869,287
- Highway Fund 15.0%
- General Fund 84.8%
- Inland Fisheries and Game Fund 2%
- 0612-2000 For the compensation of veterans who may be retired by the state board of retirement and for the cost of medical examinations in connection therewith 1,250,000
- Highway Fund 22.0%
- General Fund 78.0%
- 0612-4000 For the compensation of certain prison officers and instructors formerly in the service of the commonwealth, now retired 300
- 0612-5000 For retirement allowances of certain employees formerly in the service of the administrative division of the metropolitan dis-

Item

trict commission; provided, that the metropolitan district commission's share of this item shall be assessed by methods fixed by law \$1,100

MDC Sewerage District Fund 25.0%

MDC Water District Fund 25.0%

Highway Fund 25.0%

MDC Parks District Fund 25.0%

0612-6000 For retirement allowances of certain veterans and police officers formerly in the service of the metropolitan district commission; provided, that the commission's share of this item shall be assessed by methods fixed by law 50,000

Highway Fund 60.0%

MDC Parks District Fund 39.0%

General Fund 1.0%

0612-9000 For annuities for widows of certain former members of the uniformed branch of the state police 20,000

Highway Fund 66.0%

General Fund 34.0%

State Lottery Commission.

0640-0000 For the expenses of the operation and administration of the state lottery, as authorized by sections twenty-two to thirty-six, inclusive, of chapter ten of the General Laws; provided, that an amount equal to this appropriation shall be transferred from the State Lottery Fund to the General Fund; and provided further, that all the positions in this item shall not be subject to chapter thirty and chapter thirty-one of the General Laws; provided further, that the salary of the position of executive director for lottery and the position of assistant to the executive director for lottery may be established without reference to the general salary schedule; and provided further, that the director shall, so far as practicable in making appointments to such positions promote employees of the commonwealth serving in positions which are classified under chapter thirty-one; and in every instance of an employee so promoted from a position in which at the time of promotion he shall have tenure by reason of section nine A of chapter thirty, upon termination of his service in such unclassified supervisory position, the employee shall, if he shall so request, be restored to the classified position from which he shall have been promoted, or to a position equivalent thereto in salary grade in the same state agency without impairment of his civil service status or his tenure by reason of said section nine A or loss of the seniority, retirement and other rights to which uninterrupted service in the classified position would have entitled him; provided, however, that if his service in such unclassified supervisory position shall have been terminated for cause, his right to be so restored shall be determined by the civil service commission in accordance with the standards applied by said commission in administering chapter thirty-one; including not more than one hundred and twenty-four permanent positions \$1,275,018

Debt Service

0699-1800 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the State Recreation Areas Fund \$286,251

State Recreation Areas Fund 100.0%

0699-1900 For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to

Item	the State Recreation Areas Fund \$449,779 State Recreation Areas Fund 100.0%
0699-7800	For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Fund debt service reserve 1,224,892
<i>Auditor of the Commonwealth.</i>	
0710-0000	For the office of the auditor, including not more than one hundred and thirty permanent positions \$179,000 Highway Fund 30.0% General Fund 70.0%
<i>Department of the Attorney General.</i>	
0810-0000	For the office of the attorney general, including not more than fifty-three permanent positions, prior appropriation continued \$98,644
<i>Executive Office of Administration and Finance.</i>	
<i>Office of the Commissioner.</i>	
1100-9521	For the payment of a certain guaranteed deficit incurred by the National Rail Passenger Corporation, as authorized by chapter two hundred and fifty of the acts of nineteen hundred and seventy-one \$312,776
<i>Fiscal Affairs Division.</i>	
1101-2500	For other in-service training programs; provided, however, that to correct an improper charge, the sum of ten thousand six hundred and nine dollars shall be transferred from the General Fund to the Highway Fund \$10,609
<i>Central Services Division.</i>	
1102-3310	For the administration of the bureau of state buildings, and for the maintenance of the state house, including not more than one hundred and ninety-two permanent positions \$56,000
1102-3410	For the maintenance of the Leverett Saltonstall building, including not more than seventy-three permanent positions 44,000
1102-3710	For the operation, maintenance and security of the Charles F. Hurley Employment Security building; provided, that expenditures from this item shall not exceed the amount to be paid the commonwealth under the terms of the lease defined in section six of chapter six hundred and thirty-five of the acts of nineteen hundred and sixty, as amended, insofar as rental payments under the terms of said lease apply to the cost of operation, maintenance and repair; including not more than thirty-two permanent positions 108,000
8072-08	Item 8072-08 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by adding the words: - , and including the cost of furnishings and equipment.
1102-3915	For certain renovations in the state house, including necessary furnishings and equipment; appropriation expires June thirtieth, nineteen hundred and seventy-four 150,000

Department of Corporations and Taxation.

Bureau of Local Taxation.

Item		
1233-2000	For reimbursing cities and towns for abatements granted	\$2,445,789

Unassigned Accounts.

Miscellaneous.

1599-0047	For the payment of a judgment entered in Suffolk superior court, docket number 602185	\$3,775
1599-0048	For the payment of a certain claim, as authorized by chapter eighty-nine of the resolves of nineteen hundred and seventy-two	3,952
	MDC Parks District Fund	100.0%
1599-2021	For a reserve to meet the cost of salary adjustments for cost of living increases from December thirty-first, nineteen hundred and seventy-two, through June thirtieth, nineteen hundred and seventy-three; provided, that the governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated to other items of appropriation for the fiscal year nineteen hundred and seventy-three which are available in whole or in part for personal services such amounts as are necessary to meet the cost of said adjustments, to be in addition to amounts otherwise appropriated for said services for said fiscal year; and, provided further, that the governor, upon recommendation of the commissioner of administration, is further authorized to allocate the cost of such salary adjustments to the several state or other funds to which such items of appropriation are charged	\$9,000,000

Executive Office of Environmental Affairs.

Metropolitan District Commission.

Notwithstanding any other provision of any general or special law to the contrary, the salaries and expenses of all officers and employees of the commission shall be charged in full for the balance of the nineteen hundred and seventy-three fiscal year to appropriations authorized under the heading of Metropolitan District Commission, as appearing in chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two and this act.

Metropolitan Parks District.

2440-0010	For the maintenance of boulevards and parkways, including Bunker Hill and the adjacent property, and for the maintenance of parks, reservations and the Charles River basin, and for the payment of damages caused by defects in boulevards and parkways under the control of the commission with the approval of the attorney general, including payments to the state retirement system under the provisions of the General Laws; provided, that notwithstanding any provisions of chapter thirty-one of the General Laws, members of the metropolitan district commission police force may be temporarily allocated to special secondary ratings in accordance with the schedule approved by the joint committee on ways and means, a copy of which is on file with the director of personnel and standardization; and, provided further, that payments for court time for police officers not to exceed fifty thousand dollars may be paid from this item in ac-	
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Item

cordance with section fifty-three C of chapter two hundred and sixty-two of the General Laws, as amended; and including not more than one thousand four hundred and eleven positions.

			\$180,000
	Highway Fund	60.0%	
	MDC Parks District Fund	39.0%	
	General Fund	1.0%	
2450-1000	For the personal services and expenses related to employees previously paid from highway bond funds		109,700
	Highway Fund	100.0%	

Construction Division.

2460-1000	For the maintenance of the construction division, including the personal services and expenses relating to employees previously paid from metropolitan district commission water district bond funds		\$707,500
	MDC Sewerage District Fund	49.0%	
	MDC Water District Fund	49.0%	
	General Fund	2.0%	

*Department of Agriculture.**State Reclamation Board.*

2520-0100	For the office of the board, including not more than three permanent positions		\$3,500
	<i>For the expenses of the following mosquito control projects:</i>		
2520-0300	Cape Cod		\$22,000
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1100	Berkshire County		26,200
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1200	Norfolk County		20,916
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1300	Bristol County		15,121
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1400	Plymouth County		21,725
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1500	Essex County, city of Revere and town of Winthrop ..		18,245
	Mosquito and Greenhead Fly Control Fund	100.0%	

Department of Natural Resources.

2600-0100	For the office of the commissioner, including the expenses of the natural resources board; provided, that the position of deputy commissioner shall not be subject to the provisions of chapter thirty-one of the General Laws; including not more than forty-four permanent positions		\$20,000
	General Fund	89.2%	
	Public Access Fund	2.3%	

Item

State Recreation Areas Fund	5.1%
Marine Fisheries Fund	3.0%
Inland Fisheries and Game Fund	4%

Division of Forests and Parks.

2611-0100	For the office of the bureau of recreation, including not more than one hundred and sixty-five permanent positions	\$20,000
	State Recreation Areas Fund	100.0%

2611-2100	For the administration and maintenance of swimming pools and skating rinks; provided, that all the positions in this item shall not be subject to chapter thirty-one of the General Laws	191,517
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State Recreation Areas Fund	100.0%
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Division of Marine Fisheries.

2640-1363	For a research program to develop means of preventing paralytic shellfish poisoning; provided, that any federal funds received under this program shall be credited to the General Fund; appropriation expires June thirtieth, nineteen hundred and seventy-four	\$55,000
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Executive Office of Communities and Development.

Department of Community Affairs.

Division of Community Development.

3722-9005	Item 3722-9005 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by adding the words: - ; provided, that no payment shall be made from this item until the said deficiencies have been certified by the state comptroller; and, provided further, that from the unexpended balance remaining in item 3722-9003 of section two of this act, the sum of five hundred thousand dollars is hereby transferred and made available for the purpose of this item	\$1,046,049
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3722-9006	For reimbursements to housing authorities for certain operating deficits, including deficiencies caused by certain reduced rentals, as authorized by chapter one thousand one hundred and fourteen of the acts of nineteen hundred and seventy-one; provided that no payment shall be made from this item until the said deficiencies have been certified by the state comptroller	5,356,724
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3722-9007	For a reserve to meet the cost of extraordinary maintenance of a housing authority; provided, that any expenditure from this item shall be subject to the prior approval of the commissioner of administration and the house and senate committees on ways and means	3,000,000
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Executive Office of Human Services.

Massachusetts Commission for the Blind.

Bureau of Medical Care.

4110-1020	Item 4110-1020 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by adding the words: - , and including certain prior year's expenses	\$168,000
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4110-1030	Item 4110-1030 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by adding the words: - , and including certain prior year's expenses	2,800,000
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Bureau of Industrial Aid and Workshops.

Item		
4110-4050	Item 4110-4050 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by adding the words: - , and including certain prior year's expenses	\$4,900

*Massachusetts Rehabilitation Commission.**Soldiers' Home in Holyoke.*

4190-0100	For the maintenance of the home, including not more than three hundred and six permanent positions	\$92,000
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Department of Correction.

For the maintenance of and for certain improvements at the following institutions under the control of the department of correction:

4313-0001	Correctional institution at Walpole, including not more than three hundred and twenty-four permanent positions	\$106,442
4314-0001	Correctional institution at Concord, including not more than two hundred and eighty-four permanent positions	285,159
4316-0001	Correctional institution at Norfolk, including not more two hundred and eighty-three permanent positions	214,356

Department of Public Welfare.

4402-2000	For payments on account of medical assistance and old age assistance for recipients at Tewksbury hospital	\$13,200
4402-5000)	For a medical assistance program; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund; and provided further, that no expenditure or commitment made pursuant to this item or to any agreements authorized by chapter eight hundred of the acts of nineteen hundred and sixty-nine for the purpose of complying with the provisions of Public Law 89-97, Title XIX shall be incurred in excess of available funds which have been appropriated therefor; provided further, that the sum of fifteen million dollars in item 4405-2000 and the sum of five million dollars in item 4407-2000 are hereby transferred and made available for the purpose of this item and provided further, that expenses incurred in the months of April, May and June, nineteen hundred and seventy-two, may be paid from this item	31,600,000
4405-2000)		
4407-2000)		
4403-2000	For a program of aid to families with dependent children; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund	15,200,000
4406-2000	For a program of general relief; provided, that, notwithstanding the provisions of any law to the contrary, no increase in the budgetary standard allowance, so-called, shall be granted or paid unless such increase shall have been approved in advance by the commissioner of administration after certification by the budget director that funds are available for said increase; and, provided further, that said commissioner shall notify in writing the house and senate committees on ways and means thirty days prior to the effective date of said increase, and further provided that after October first, nineteen hundred and seventy-one, every person eligible for an assistance check under chapter one hundred and seventeen of the General Laws, determined by the department to be an employable person, shall receive such check from the nearest office of the division of employment security	6,000,000

Department of Public Health.
Bureau of Chronic Disease Control.

Item

- 4512-0100 Item 4512-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by inserting after the word "diseases," the words:- provided that twenty-eight thousand seven hundred and thirty dollars be expended for a coordination program of gonorrhea control program; and provided further, that said program shall be totally reimbursed by the federal government;.

For the maintenance of and for certain improvements at the following institutions under the control of the department of public health:

- 4533-0001 Massachusetts hospital school, including not more than three hundred and thirty-seven permanent positions \$45,835
- 4535-0001 Item 4535-0001 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by inserting after the word "hospital," in line 1, the words:- provided, that a certain prior year's expenses of five hundred and sixty dollars may be allowed and paid from this item;.

Department of Mental Health.

Region Two.

- 5294-0100 For the maintenance of the Monson state hospital, including not more than eight hundred and sixty-three permanent positions \$418,300

Region Three.

- 5363-0100 Item 5363-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by adding the words:- ; provided, that federal funds not exceeding two hundred and fifty thousand dollars may be expended for the purpose of this item, said federal funds to be in addition to the amount appropriated.

Region Five.

- 5521-0000 For mental health and retardation services, including not more than one hundred and twenty-four permanent positions. \$392,000

Region Six.

- 5662-0100 Item 5662-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by adding the words:- ; including not more than three permanent positions.

Region Seven.

- 5740-0010 For the maintenance of the Brockton Multi-Service Health center \$2,6000
- 5781-0000 For the maintenance of the Paul A. Dever school, including not more than nine hundred and twenty-nine permanent positions 157,600
- 5792-0100 For the maintenance of the Taunton state hospital, including not more than seven hundred and forty permanent positions 370,000

Executive Office of Transportation and Construction.

Massachusetts Aeronautics Commission.

- 6006-0052 For the reimbursement of the city of Worcester for the state's

Item

share of certain airport renovations at the Worcester airport, as provided in sections thirty-nine F and fifty-one K of chapter ninety of the General Laws, to be available for matching federal funds for the fiscal year nineteen hundred and seventy-three and succeeding years; provided, that this item shall not be subject to section twenty-two of chapter six A of the General Laws

\$108,000

Department of Public Works.

*Highway Activities.**Personal Services.*

- 6010-0001 Item 6010-0001 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by adding the words: - ; and provided further, that the amount of three hundred and forty-three dollars and thirty-eight cents shall be allowed and paid from this item for a certain salary earned but not paid for the period from December sixth, nineteen hundred and seventy-one, to May eighth, nineteen hundred and seventy-two.

Administrative and Engineering Expenses.

- 6020-1900 For the operation and maintenance of the public works building, including not more than eighty-five permanent positions

\$21,500

Highway Fund	96.8%
General Fund	3.2%

- 6020-2501 For certain administrative and engineering expenses of the commission, the office of the public works commissioner and the divisions of administrative services, highway engineering, highway maintenance, highway construction and the district and other highway activity offices

112,000

General Fund8%
Highway Fund	99.2%

- 6020-2801 For the compensation of certain retired employees .. 90

Highway Fund	100.0%
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- 6020-2903 For the payment of a certain claim, as authorized by chapter eighty of the resolves of nineteen hundred and seventy-two

5,300

Highway Fund	100.0%
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- 6020-2904 For the cost of the taking of certain land by eminent domain in the city of Boston, as authorized by chapter seven hundred and thirty-eight of the acts of nineteen hundred and seventy-two

65,000

Highway Fund	100.0%
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- 6020-2905 For the payment of a certain claim, as authorized by chapter ninety-two of the resolves of nineteen hundred and seventy-two

350

Highway Fund	100.0%
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Maintenance and Operations of State Highways and Bridges.
Appropriations under this heading may be expended for traffic safety and control on certain city or town ways:

- 6030-7601 For the maintenance and operation of state highways and bridges

\$65,500

Highway Fund	100.0%
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- 6031-0131 For a property management program

110,000

Highway Fund	100.0%
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Executive Office of Educational Affairs.

Office of the Secretary.

Item

- 7000-0100 For the office of the secretary of educational affairs, including not more than five permanent positions \$7,745

Department of Education.

Board of Education.

Board of Education and Commissioner's Office.

- 7010-0010 For certain payments for the use of the facilities of the museum of fine arts; provided, that children age sixteen years or under shall be admitted without charge \$5,000
- 7010-0011 For certain payments for the use of the facilities of the Alice G. Wallace Planetarium, Fitchburg; provided, that children sixteen years of age or under shall be admitted without charge 1,250
- 7010-0014 For the administration of the advisory council for experimental schools and the operation of one such school, including not more than eighteen permanent positions 145,000
- 7010-0016 For the expenses of a career opportunity program; provided, that expenditures from this item for said program shall be contingent upon assurances from the proper federal authorities that the federal allocation for said program shall not be less than seventy thousand dollars; and, provided further, that career employees under said program shall become employees of the commonwealth only after complying with the provisions of chapter thirty-one of the General Laws 15,000
- 7010-0032 For a study and the providing of technical assistance to certain model cities; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities for one hundred per cent reimbursement of the amount expended from this item; appropriation expires June thirtieth, nineteen hundred and seventy-four 50,000

Division of Administration and Personnel.

- 7021-0010 For the rental and maintenance of the Tremont street property, including not more than seven permanent positions \$20,000

Division of Occupational Education.

- 7027-0010 For reimbursement to certain municipalities and regional school districts of expenses for certain approved courses, as defined in section nine of chapter seventy-four of the General Laws, as amended \$7,055,439
- 7027-0011 For reimbursement to certain municipalities and regional school districts for certain tuition fees, as defined in section ten of chapter seventy-four of the General Laws, as amended 107,068
- 7027-0012 For reimbursement to certain municipalities or regional school districts for two thirds of the salaries of certain agricultural instructors, as defined in section twelve of chapter seventy of the General Laws 39,078
- 7027-0014 For the reimbursement of certain towns for the transportation of pupils 23,747

Division of Special Education.

- 7028-0701 For the educational expenses of certain deaf, blind and aphasic

Item	pupils, as defined in section twenty-six of chapter sixty-nine of the General Laws, including expenses for the prior year \$1,220,560
7028-0901	For the expenses of educating certain physically handicapped children, as provided in section forty-six M of chapter seventy-one of the General Laws 96,130
7028-2802	For the expenses of conducting a learning impairment program, as authorized by section forty-six L of chapter seventy-one of the General Laws, including necessary reimbursement of cities and towns 268,140
<i>Division of Curriculum and Instruction.</i>	
7030-0211	For reimbursement to cities and towns for educational television programs, as authorized by section thirteen F of chapter seventy-one of the General Laws \$115,000
7035-0004	For the reimbursement of certain towns and regional school districts for the transportation of pupils 16,787,550
<i>Division of Research and Development.</i>	
7044-1801	For certain payments for the use of facilities of the museum of science \$3,750
<i>State Recreation Areas Fund 100.0%</i>	
<i>Division of School Facilities and Related Services.</i>	
7052-0002	For reimbursement of certain cities and towns for part of the cost of construction of school projects \$20,000,000
<i>Division of State and Federal Assistance.</i>	
7061-0003	For the reimbursement of towns in regional school districts for fifteen per cent of the amount of school aid due under the provisions of section sixteen D of chapter seventy-one of the General Laws \$5,847,094
<i>Board of Higher Education.</i>	
7070-0014	For merit scholarships \$32,000
<i>Board of Trustees of State Colleges.</i>	
<i>For the administration and maintenance of and for certain improvements at state colleges and the boarding halls attached thereto and the Massachusetts maritime academy with the approval of the board of trustees.</i>	
7101-0001	Item 7101-0001 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 1, the word "thirty-four" and inserting in place thereof the word:- thirty-seven .. \$72,200
7105-0001	For the operation of a data processing system 20,000
7109-0100	State college at Bridgewater, including not more than four hundred and forty-nine permanent positions 25,000
8069-41	Item 8069-41 of section two of chapter four hundred and seventy-six of the acts of nineteen hundred and sixty-eight is hereby amended by inserting after the word "library," in line 1, the words:- including certain space adjustments and including language laboratory and renovations of the old library, and.
7110-0100	State college at Fitchburg; provided, that said college may expend a sum not to exceed seventy thousand dollars for the purpose of maintaining at said college a community college program, as authorized by chapter four hundred and seventy-seven of the acts

Item		
	of nineteen hundred and fifty-nine; and including not more than three hundred and sixty-two permanent positions	38,000
7111-0100	State college at Framingham, including not more than three hundred and six permanent positions	25,000
7112-0100	State college at Lowell, including not more than two hundred and sixty-nine permanent positions	6,500
7113-0100	State college at North Adams, including not more than one hundred and eighty-seven permanent positions	32,000
7114-0100	State college at Salem, including not more than five hundred and sixteen permanent positions	143,170
7114-9704	For the commonwealth's contribution toward federal student loan programs and federal work study programs	10,000
7115-0100	Item 7115-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by adding the words: - ; provided, that the amount of five hundred and fifty-nine dollars and forty-two cents earned but not paid in a prior year may be paid from this item	25,000
7116-0100	State college at Worcester, including not more than three hundred and forty permanent positions	93,500
7116-9711	Item 7116-9711 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by adding the following: - ; appropriation expires June thirtieth, nineteen hundred and seventy-four.	
7118-0100	Massachusetts maritime academy and ship, including not more than ninety-seven permanent positions	80,000
8070-60	Item 8070-60 of section two of chapter seven hundred and sixty-seven of the acts of nineteen hundred and sixty-nine is hereby amended by inserting after the word "campus", in line 3, the words: - , including necessary fencing and athletic field, maintenance equipment and facilities, and.	

Lowell Technological Institute of Massachusetts.

7210-0000	For the maintenance of the institute, with the approval of the trustees; provided, that said institute is hereby authorized to conduct a summer school at no expense to the commonwealth, and for said purpose the institute may receive and expend income derived therefrom; and including not more than five hundred and thirty-seven permanent positions	\$15,000
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Southeastern Massachusetts University.

7310-0000	For the maintenance of the university, with the approval of the trustees; provided, that the university is hereby authorized to conduct a summer school at no expense to the commonwealth, and for said purpose the university may receive and expend income derived therefrom; including not more than four hundred and fifty-four permanent positions	\$111,000
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University of Massachusetts.

7410-0000	For the maintenance of the university, with the approval of the trustees; provided, that the trustees may, in addition to the sums appropriated, receive and expend as university trust funds under section eleven of chapter seventy-five of the General Laws, at no net expense to the commonwealth, without appropriation, funds received from the operation of the boarding halls and from university health services; provided further, that there	
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Item

	shall be transferred from the receipts of said boarding halls the sum of two hundred and forty-five thousand dollars to the General Fund to meet the estimated cost of heat, light, power, rental of facilities at present available for the purpose and the estimated cost of certain employee fringe benefits to be furnished by the commonwealth; provided further, that the commonwealth shall furnish heat, light, power and necessary repairs to the infirmary building and pay the commonwealth's share of the cost of employee fringe benefits of the university health services trust fund; and, provided further, that the university health services trust fund shall furnish, without charge, health services required by law to be furnished at the university by the commonwealth; including not more than three thousand six hundred and seven positions	\$80,000
7411-1005	Item 7411-1005 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 3, the word "forty-five" and inserting in place thereof the word: - eighty-four	75,000
7414-1002	For expenses in connection with research projects for which the commonwealth shall be fully reimbursed, prior appropriation continued; provided, that on and after the effective date of this act the trustees may receive and expend, at no expense to the commonwealth, funds for such research projects without further appropriation.	
7416-1001	Item 7416-1001 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 2, the word "sixty-five" and inserting in place thereof the word: - eighty-three	35,000
7416-9103	For necessary expenses of moving the present facilities in Boston to the new campus site in Columbia Point, appropriation expires June thirtieth, nineteen hundred and seventy-four	130,000

Massachusetts Board of Regional Community Colleges:

For the administration and maintenance of and for certain improvements at community colleges with the approval of the board of regional community colleges:

7502-0100	Berkshire community college, including not more than one hundred and forty-six permanent positions	\$20,000
7503-0100	Bristol community college, including not more than one hundred and seventy-three permanent positions	108,755
7504-0100	Cape Cod community college, including not more than one hundred and forty permanent positions	97,300
7505-0100	Greenfield community college, including not more than one hundred and twenty-one permanent positions	3,000
7506-0100	Holyoke community college, including not more than two hundred and six permanent positions	6,000
7507-0100	Massachusetts Bay community college, including not more than one hundred and twenty-eight permanent positions	10,000
7508-0100	Massasoit community college, including not more than one hundred and fifty-three permanent positions	25,000
8072-67	Item 8072-67 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by inserting after the word "house", in line 2, the words: - including a natatorium.	
8072-68	Item 8072-68 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by inserting after the word "equipment", in line 2, the	

Item		
	words:- and including a physical education center with a natatorium.	
7510-0100	Northern Essex community college, including not more than two hundred and seven permanent positions	\$68,500
7511-0100	North Shore community college, including not more than one hundred and eighty-two permanent positions	12,000
7512-0100	Quinsigamond community college, including not more than one hundred and seventy-eight permanent positions	89,000
7512-9101	For the payment of certain prior years' taxes to the city of Worcester	3,823
7514-0100	Item 7514-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 2, the word "eighty-three" and inserting in place thereof the word:- eighty-four	4,000
8072-73	Item 8072-73 of section two chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by inserting after the word "equipment", in line 2, the words:- , and for plans for the campus utility distribution systems.	
7516-0100	Middlesex community college, including not more than one hundred permanent positions	34,516
8072-76	Item 8072-76 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by striking out, in lines 2 and 3, the words " , and for the installation of an elevator in Building #8, including the necessary building addition" and inserting in place thereof the words:- and general building renovations.	
7518-0100	Item 7518-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out the word "two" and inserting in place thereof the words:- one hundred and three	43,666

Executive Office of Public Safety.

Department of Public Safety.

Division of State Police.

8312-0100	Item 8312-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by inserting after the word "retired," in line 4, the words:- including certain prior year's expenses;	\$450,000
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Division of Fire Prevention.

8314-1000	For the administration of the division, including not more than twenty-five permanent positions	\$35,000
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Executive Office of Manpower Affairs.

Division of Industrial Accidents.

9050-1901	For expenses of impartial examinations, including previous fiscal years	\$40,800
9050-3000	For the compensation of certain public employees for injuries sustained in the course of their employment, including previous fiscal years	869,849
	Highway Fund	35.0%
	General Fund	65.0%

Executive Office of Elder Affairs.

Office of the Secretary.

Item		
9100-0100	For the office of the secretary of elder affairs, including not more than five permanent positions	\$18,254
9110-1630	Item 9110-1630 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in lines 2 to 5, inclusive, the words "expenditures made for this program shall be charged in the ratio of seventy-five percent to federal funds available for this purpose and twenty-five per cent to this item" and inserting in place thereof the words:— any expenditure from this item shall be contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such, as authorized under Titles I, IVA, X and XIV of the Social Security Act of nineteen hundred and sixty-seven shall be not less than seventy-five per cent of such expenditure.	
9110-9002	For a demonstration grant program for the elderly ..	2,500

Executive Office of Consumer Affairs.

Department of Banking and Insurance.

Division of Insurance.

9222-0100	Item 9222-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 4, the words "area legal counsel and assistant area legal counsel" and inserting in place thereof the words:— counsel I and counsel II.	
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Division of Registration.

9230-0001	For the administration of the division; provided, that the position of investigator of radio-television technicians shall not be subject to chapter thirty-one of the General Laws; including not more than eighty-five permanent positions	\$37,812
<i>For the services of the following agencies in the division:</i>		
9230-0500	Board of registration of nurses, including not more than twelve permanent positions	\$500
9230-0800	Board of registration in veterinary medicine, including not more than five permanent positions	475
9230-1000	Board of registration of architects, including not more than five permanent positions	3,730
9230-1100	Board of registration of professional engineers and land surveyors	8,000
9230-1300	State examiners of electricians, including not more than two permanent positions	1,500
9230-1400	State examiners of plumbers, including not more than three permanent positions	500
9230-1600	Board of registration of electrologists, including not more than three permanent positions	500
9230-1800	Board of registration of hairdressers, including not more than eighteen permanent positions	1,450
9230-2000	Board of registration of sanitarians, including not more than four	
9230-2300	Board of registration of health officers	400
	permanent positions	300

Deficiencies:

For deficiencies in certain appropriations for previous years, based upon schedules approved by the joint committee on ways and means:

Item		
1599-0013	General Fund	\$996,931
1599-0017	Highway Fund	149,756
2420-9999	Metropolitan District Commission Funds — Water District	7,972
2434-9999	Metropolitan District Commission Funds — Sewerage District	26,445
2440-9999	Metropolitan District Commission Funds — Parks District	21,002
2515-9999	Agricultural Purposes Fund	2,176
2670-0089	Inland Fisheries and Game Fund	599
8420-1009	Recreational Vehicle Fund	23

SECTION 3. Amounts appropriated from the general fund in section two of this act, first, for reimbursements to cities and towns and, second, for other items in the order in which they appear in said section two, shall be charged to federal funds received under the provisions of Public Law 92-512 to the extent that said funds are available, except for the following items:

0640-0000	4110-4050	4407-2000
0699-7800	4402-2000	7010-0032
4110-1020	4402-5000	7052-0002
4110-1030	4403-2000	7114-9704

SECTION 4. Chapter 514 of the acts of 1972 is hereby amended by inserting after section 13 the following section: —

Section 13A. No agency of the commonwealth shall occupy or otherwise use, or initiate any encumbrance or make any expenditure for the maintenance of, any land, buildings or other state owned facilities or other property under their control and jurisdiction as established by statute unless such use or expenditure has been explicitly authorized by the general court.

SECTION. 5. Notwithstanding any provision of law to the contrary, no funds authorized in this act shall be transferred unless specifically authorized by this act.

SECTION 5A. Sections two B and two C of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two shall not apply to chapter one hundred and eighteen of the acts of nineteen hundred and seventy-three or to this act.

SECTION 6. This act shall take effect upon its passage.

(This bill was returned May 25, 1973 by the Governor to the House of Representatives, the branch in which said bill originated, with his objections in writing to the following items therein: —

Items disapproved:

0132-0000	0310-0001	2640-1363
0132-1000	0710-0000	4190-0100
0164-0010	0810-0000	5740-0010
0169-7301	2520-0100	6006-0052
0184-5000	2520-0300	7010-0016
0185-7103	2520-1100	7105-0001
0185-7301	2520-1200	8069-41
0302-0401	2520-1300	8070-60
0305-6091	2520-1400	8072-67
0305-6101	2520-1500	8072-68

Item reduced:

7010-0014

The vote being taken by the House of Representatives on May 30, 1973 on the passage of said items, the objections of the Governor thereto were sustained on items 0185-7103, 0305-6091 and 6006-0052; and the remaining items were passed notwithstanding said objections with the Senate concurring on May 30, 1973.

The remainder of the bill was approved by the Governor May 25, 1973.

Chap. 320. AN ACT REGULATING REVIEWS OF AND APPEALS ON MARKINGS OF CIVIL SERVICE EXAMINATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 31 of the General Laws is hereby amended by striking out paragraph (b), as most recently amended by section 1 of chapter 15 of the acts of 1969, and inserting in place thereof the following paragraph: —

(b) Hear and decide appeals from decisions or actions of, or failures to act by, the director, except in matters relating to findings of the director relative to the grading of written, oral, or practical tests in a competitive examination, upon application of a person aggrieved thereby; provided, that no decision or action of the director shall be reversed or modified or action be taken, in case of failure of the director to act, except by three affirmative votes of the commission, and in each case the specific reasons therefor shall be stated in the records of the proceedings of the commission. Hearings on any appeal may be held before less than a majority of the commission or the chairman may assign a member or members to hold such hearings and to report his or their findings of fact and recommendations to the commission for action.

SECTION 2. Section 2A of said chapter 31 is hereby amended by

striking out paragraph (1), as appearing in section 2 of chapter 725 of the acts of 1945, and inserting in place thereof the following paragraph: —

(1) Decide in the first instance all reviews requested by applicants of markings of training and experience or findings that requirements for admission to examinations were not met; provided, however, that in the event of an error in the markings of examination papers the director shall have full authority to make any corrections he may deem necessary.

SECTION 3. Section 6B of said chapter 31 is hereby amended by striking out the third paragraph, inserted by section 1 of chapter 468 of the acts of 1970, and inserting in place thereof the following paragraph: —

Section twelve A shall not apply to examinations held under this section.

SECTION 4. The second paragraph of section 8A of said chapter 31 is hereby amended by striking out the third sentence, as amended by section 2 of said chapter 468, and inserting in place thereof the following sentence: — Section twelve A shall not apply to examinations held under this section.

SECTION 5. The second paragraph of section 8C of said chapter 31 is hereby amended by striking out the last sentence, added by section 3 of said chapter 468, and inserting in place thereof the following sentence: — Section twelve A shall not apply to examinations held under this section.

SECTION 6. The first paragraph of section 10 of said chapter 31, as most recently amended by chapter 76 of the acts of 1972, is hereby further amended by adding the following sentence: — In the grading of the subject of training and experience in any competitive examination, no credit shall be allowed in the marking for employment or experience in the position for which the examination is held, unless such employment or experience in the position was the result of an appointment or promotion after certification from an eligible list for the position.

SECTION 7. The first paragraph of section 12 of said chapter 31 is hereby amended by striking out the fourth sentence, as appearing in chapter 571 of the acts of 1955, and inserting in place thereof the following sentence: — All persons who have taken an examination shall be notified of the results thereof.

SECTION 8. Said chapter 31 is hereby further amended by striking out section 12A, as most recently amended by chapter 147 of the acts of 1972, and inserting in place thereof the following section: —

Section 12A. Not later than seventeen days after the mailing of the notice of the director to the applicant of the results of his examination or notice that he did not meet the requirements for admission to the examination, the applicant may file with the director a request for a review of the marking of his training and experience, a request for a review of the finding by the director that he did not meet the requirements for admission to the exami-

nation established by the director or a request that the computations of his general average mark be checked for error. Within six weeks after acceptance of the request, the director shall cause such marking or such finding to be reviewed, and shall transmit a copy of his decision to the applicant. Not later than seventeen days after the date of mailing of the notice of the decision of the director, the applicant may appeal to the commission by filing a petition in a form approved by it and containing a brief statement of the facts as presented to the director for his review. After the filing of such an appeal, the commission shall hold a hearing, render a decision and transmit a copy of such decision to the appellant and to the director. Nothing herein shall be construed to extend the time provided by law for the establishment of the eligible list based on such examination.

In the grading of the subject of training and experience in any competitive examination, no credit shall be allowed, either in the original marking of the examination, upon review of the original marking by the director, or by the commission, whether upon an appeal from the decision of the director or otherwise, for any training and employment or experience not fully stated in the training and experience sheet filed at the time of examination.

No request by an applicant for a review of the marking of his training or experience or finding by the director that he did not meet the requirements for admission to the examination shall be accepted by the commission, and no hearing or other action shall be taken relative thereto other than on an appeal from a decision of the director.

SECTION 9. Said chapter 31 is hereby further amended by striking out section 29, as most recently amended by chapter 234 of the acts of 1971, and inserting in place thereof the following section: —

Section 29. Records of the proceedings of the commission and of the director shall be kept on file and shall be open to public inspection under the rules of the commission. Applications and references may be inspected by the appointing authority in connection with a certification of names and shall be preserved for a period of at least two years, but may be destroyed thereafter. Examination papers, which shall mean the question and answer sheets, shall not be open for inspection and may be destroyed as the director determines.

Approved May 29, 1973.

Chap. 321. AN ACT FURTHER REGULATING THE TIME AT WHICH
SALARY INCREASES MAY BE GRANTED BY THE BOSTON
SCHOOL COMMITTEE.

Be it enacted, etc., as follows:

Section 5 of chapter 241 of the acts of 1875 is hereby amended by striking out the last sentence, as amended by section 4 of chapter 786 of the acts of 1963, and inserting in place thereof the following sentence: — The school committee may at any time in-

crease the salary of any person in the service of the school department or of any vacant office or position therein if a general appropriation for salary increases is available for the payment of such increase.

Approved May 29, 1973.

Chap. 322. AN ACT RELATIVE TO THE SEALING OF FILES IN CERTAIN CRIMINAL CASES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 276 of the General Laws is hereby amended by inserting after section 100B, inserted by chapter 404 of the acts of 1972, the following section: —

Section 100C. In any criminal case wherein the defendant has been found not guilty by the court or jury, or a no bill has been returned by the grand jury, or a finding of no probable cause has been made by the court, the defendant may, on a form furnished by the commissioner of probation, request that the commissioner seal said court appearance and disposition recorded in his files. The commissioner shall comply with such request and he shall notify forthwith the clerk and the probation officers of the courts in which the proceedings occurred or were initiated who shall likewise seal the records of the proceedings in their files.

In any criminal case wherein a nolle prosequi has been entered, or a dismissal has been entered by the court, except in cases in which an order of probation has been terminated, and it appears to the court that substantial justice would best be served, the court shall direct the clerk to seal the records of the proceedings in his files. The clerk shall forthwith notify the commissioner of probation and the probation officer of the courts in which the proceedings occurred or were initiated who shall likewise seal the records of the proceedings in their files.

Such sealed records shall not operate to disqualify a person in any examination, appointment or application for public employment in the service of the commonwealth or of any political subdivision thereof.

An application for employment used by an employer which seeks information concerning prior arrests or convictions of the applicant shall include in addition to the statement required under section one hundred A the following statement: "An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' with respect to an inquiry herein relative to prior arrests or criminal court appearances." The attorney general may enforce the provisions of this section by a suit in equity commenced in the superior court.

The commissioner, in response to inquiries by authorized persons other than any law enforcement agency or any court, shall in the case of a sealed record report that no record exists. After a finding or verdict of guilty on a subsequent offense such sealed record shall be made available to the probation officer and the same, with

the exception of a not guilty, a no bill, or a no probable cause, shall be made available to the court.. *Approved May 29, 1973.*

Chap. 323. AN ACT DIRECTING THE DEPARTMENT OF MENTAL HEALTH TO PERMIT THE FOXBOROUGH HOUSING AUTHORITY TO CONNECT ITS SEWAGE SYSTEM AND STORM DRAINAGE SYSTEM TO THE SEWERAGE SYSTEM OF THE FOXBOROUGH STATE HOSPITAL.

Be it enacted, etc., as follows:

The department of mental health is hereby authorized and directed on behalf of the commonwealth to enter into an agreement with the Foxborough housing authority authorizing said authority to connect the pipes of the sewage system and the existing storm drainage system of the authority with the pipes of the sewerage system of the Foxborough state hospital.

Approved May 29, 1973.

Chap. 324. AN ACT PROVIDING THAT CERTAIN CONSULTANTS SHALL NOT BE CONSIDERED EMPLOYEES OF THE COMMONWEALTH FOR THE PURPOSES OF RETIREMENT UNDER THE CONTRIBUTORY RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. The second sentence of the paragraph defining "Employee" in section 1 of chapter 32 of the General Laws, as appearing in section 1 of chapter 543 of the acts of 1951, is hereby amended by inserting after the word "judiciary", in line 13, the words: — , and excluding any person whose compensation for service rendered to the commonwealth is derived from the subsidiary account 03 of the appropriation of any department, agency, board, or commission of the commonwealth.

SECTION 2. The provisions of section one of this act shall not apply to any person who on the effective date of this act is a member of the contributory retirement system for public employees and who immediately prior to said effective date had rendered service to the commonwealth for which compensation was derived from the subsidiary account 03 of the appropriation of any department, agency, board, or commission of the commonwealth.

Approved May 29, 1973.

Chap. 325. AN ACT PROVIDING FOR RECOVERY OF DAMAGES FOR DISCRIMINATION BECAUSE OF SEX OR MARITAL STATUS IN THE FURNISHING OF CREDIT AND SERVICES.

Be it enacted, etc., as follows:

Subsection 14 of section 4 of chapter 151B of the General Laws, added by chapter 168 of the acts of 1973, is hereby amended by adding the following paragraph: —

Any person who violates the provisions of this subsection shall be liable in an action of contract for actual damages; provided, however, that, if there are no actual damages, the court may assess special damages to the aggrieved party not to exceed one thousand dollars; and provided further, that any person who has been found to violate a provision of this subsection by a court of competent jurisdiction shall be assessed the cost of reasonable legal fees actually incurred.

Approved May 29, 1973.

Chap. 326. AN ACT ESTABLISHING REPRESENTATIVE DISTRICTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 57 of the General Laws is hereby amended by striking out section 4, as most recently amended by section 3 of chapter 877 of the acts of 1967, and inserting in place thereof the following section: —

Section 4. For the purpose of choosing representatives to the general court until the next decennial apportionment, the commonwealth is divided, conformably with Article XCII of the Amendments to the constitution, into the following two hundred and forty representative districts: —

First Barnstable. — Consisting of the towns of Barnstable and Sandwich, in the county of Barnstable.

Second Barnstable. — Consisting of the towns of Chatham, Eastham, Harwich, Orleans, Provincetown, Truro and Wellfleet, all in the county of Barnstable.

Third Barnstable. — Consisting of precincts two, three and four of the town of Bourne and the towns of Falmouth and Mashpee, all in the county of Barnstable.

Fourth Barnstable. — Consisting of the towns of Brewster, Dennis and Yarmouth, all in the county of Barnstable.

First Berkshire. — Consisting of the city of North Adams, the towns of Clarksburg and Florida and precinct three of the town of Williamstown, all in the county of Berkshire.

Second Berkshire. — Consisting of the towns of Adams, Cheshire, Lanesborough, New Ashford, Savoy and precincts one and two of the town of Williamstown, all in the county of Berkshire.

Third Berkshire. — Consisting of all precincts of wards one, two and three of the city of Pittsfield, in the county of Berkshire.

Fourth Berkshire. — Consisting of all precincts of ward four of the city of Pittsfield and the towns of Lee and Lenox, all in the county of Berkshire.

Fifth Berkshire. — Consisting of all precincts of wards five, six and seven of the city of Pittsfield and the town of Hancock, both in the county of Berkshire.

Sixth Berkshire. — Consisting of the towns of Alford, Becket, Egremont, Great Barrington, Hinsdale, Monterey, Mount Washington, New Marlborough, Otis, Peru, Richmond, Sandisfield, Sheffield, Stockbridge, Tyringham, Washington and West Stockbridge, all in the county of Berkshire; and the town of Middlefield, in the county of Hampshire.

First Bristol. — Consisting of all precincts of ward one and precincts E, F, I, and J of ward two of the city of New Bedford, in the county of Bristol.

Second Bristol. — Consisting of precincts A, B, C, D, G and H of ward two and precincts A, B, C, D, E, F, G, H and I of ward three of the city of New Bedford, in the county of Bristol.

Third Bristol. — Consisting of precinct J of ward three, precincts A, B, C, D, E, F, G, and H of ward four, precinct F of ward five and precincts A, C, E, G and J of ward six of the city of New Bedford, in the county of Bristol.

Fourth Bristol. — Consisting of precinct I of ward four, precincts A, B, C, D, E, G, H and I of ward five and precincts B, D, F, H and I of ward six of the city of New Bedford, in the county of Bristol.

Fifth Bristol. — Consisting of the towns of Dartmouth and Freetown, both in the county of Bristol.

Sixth Bristol. — Consisting of the towns of Acushnet and Fairhaven, both in the county of Bristol.

Seventh Bristol. — Consisting of precinct C of ward three, precincts B, C, D and E of ward four, precincts A, C and D of ward five, all precincts of ward seven and precincts A, B, C, D and H of ward eight of the city of Fall River, in the county of Bristol.

Eighth Bristol. — Consisting of precinct B of ward five, and all precincts of ward six of the city of Fall River and the town of Westport, both in the county of Bristol.

Ninth Bristol. — Consisting of precincts E, F and G of ward eight and all precincts of ward nine of the city of Fall River and precinct four of the town of Somerset, both in the county of Bristol.

Tenth Bristol. — Consisting of the towns of Berkley and Dighton and precincts one, two and three of the town of Somerset, all in the county of Bristol; and the town of Lakeville, in the county of Plymouth.

Eleventh Bristol. — Consisting of precincts A and B of ward one, precincts A, B, C, F and G of ward two and precincts A, B and D of ward three of the city of Fall River and precinct five of the town of Somerset, both in the county of Bristol.

Twelfth Bristol. — Consisting of precincts C, D, E, F, G, H, I, J, K and L of ward one, precincts D and E of ward two and precincts A and F of ward four of the city of Fall River, in the county of Bristol.

Thirteenth Bristol. — Consisting of the towns of Seekonk and Swansea, both in the county of Bristol.

Fourteenth Bristol. — Consisting of precinct A of ward two and all precincts of wards three, five, seven and eight of the city of Taunton, in the county of Bristol.

Fifteenth Bristol. — Consisting of all precincts of ward one, precinct B of ward two and all precincts of wards four and six of the city of Taunton and the town of Rehoboth, both in the county of Bristol.

Sixteenth Bristol. — Consisting of precinct A of ward two and all precincts of ward three of the city of Attleboro and the town of North Attleborough, both in the county of Bristol.

Seventeenth Bristol. — Consisting of all precincts of ward one, precinct B of ward two and all precincts of wards four, five and six of the city of Attleboro, in the county of Bristol.

Eighteenth Bristol. — Consisting of the town of Easton, precinct three of the town of Mansfield and the town of Norton, all in the county of Bristol.

Dukes. — Consisting of the towns of Chilmark, Edgartown, Gay Head, Gosnold, Oak Bluffs, Tisbury and West Tisbury, all in the county of Dukes county.

First Essex. — Consisting of all precincts of wards one, two, three, four, six and seven of the city of Gloucester and the town of Rockport, both in the county of Essex.

Second Essex. — Consisting of all precincts of wards five and eight of the city of Gloucester and the towns of Essex, Ipswich and Rowley, all in the county of Essex.

Third Essex. — Consisting of all precincts of ward five and precinct one of ward six of the city of Beverly and the towns of Manchester and Wenham, all in the county of Essex.

Fourth Essex — Consisting of all precincts of wards one, two, three and four and precinct two of ward six of the city of Beverly, in the county of Essex.

Fifth Essex — Consisting of all precincts of wards one, two and three and precinct two of ward four of the city of Peabody, in the county of Essex.

Sixth Essex — Consisting of precinct one of ward four and all precincts of wards five and six of the city of Peabody, in the county of Essex.

Seventh Essex — Consisting of precincts one, two, three, four, five, six and seven of the town of Danvers, in the county of Essex.

Eighth Essex — Consisting of all precincts of wards one, two and five and precincts one, two and four of ward seven of the city of Salem and precincts five and six of the town of Swampscott, both in the county of Essex.

Ninth Essex — Consisting of all precincts of wards three, four and six and precinct three of ward seven of the city of Salem and precincts one and two of the town of Swampscott, both in the county of Essex.

Tenth Essex — Consisting of the town of Marblehead, in the county of Essex.

Eleventh Essex — Consisting of the town of Saugus, in the county of Essex.

Twelfth Essex — Consisting of the town of Boxford, precinct eight of the town of Danvers and the towns of Hamilton, Middleton and Topsfield, all in the county of Essex.

Thirteenth Essex — Consisting of the city of Newburyport and the towns of Newbury and Salisbury, all in the county of Essex.

Fourteenth Essex — Consisting of the towns of Amesbury, Georgetown, Groveland and West Newbury, all in the county of Essex.

Fifteenth Essex — Consisting of all precincts of wards three, five and seven of the city of Haverhill, in the county of Essex.

Sixteenth Essex — Consisting of all precincts of wards one, two, four and six of the city of Haverhill and the town of Merrimac, both in the county of Essex.

Seventeenth Essex — Consisting of the town of Lynnfield, in the county of Essex; and the town of North Reading, in the county of Middlesex.

Eighteenth Essex — Consisting of precincts one, three, five, seven, eight and nine of the town of Methuen, in the county of Essex.

Nineteenth Essex — Consisting of all precincts of ward two and precincts four, five, six, seven, eight, nine and ten of ward three of the city of Lynn, in the county of Essex.

Twentieth Essex — Consisting of precinct four of ward four, all precincts of ward five and precincts one, two, three, four, five, seven and nine of ward six of the city of Lynn, in the county of Essex.

Twenty-first Essex — Consisting of precincts one, two and three of ward three and precincts one, two, three, five, six, seven and eight of ward four of the city of Lynn, the town of Nahant and precincts three and four of the town of Swampscott, all in the county of Essex.

Twenty-second Essex — Consisting of all precincts of ward one, precincts six and eight of ward six and all precincts of ward seven of the city of Lynn, in the county of Essex.

Twenty-third Essex — Consisting of precincts four and six of ward one, precincts three, four and five of ward two, precincts three and four of ward three and precincts two, three and four of ward four of the city of Lawrence and precincts two and six of the town of Methuen, both in the county of Essex.

Twenty-fourth Essex — Consisting of precincts one and two of ward two, precincts one and two of ward three, precinct one of ward four and all precincts of ward five of the city of Lawrence and precinct four of the town of Methuen, both in the county of Essex.

Twenty-fifth Essex — Consisting of all precincts of ward six of the city of Lawrence, in the county of Essex.

Twenty-sixth Essex. — Consisting of precincts one, two, three and five of ward one of the city of Lawrence and the town of North Andover, both in the county of Essex.

Twenty-seventh Essex. — Consisting of the town of Andover, in the county of Essex.

First Franklin. — Consisting of the towns of Ashfield, Bernardston, Buckland, Charlemont, Colrain, Conway, Hawley, Heath, Leyden, Monroe, Rowe and Shelburne, all in the county of Franklin; the towns of Chesterfield, Cummington, Goshen, Plainfield, and Worthington, all in the county of Hampshire; and the towns of Dalton and Windsor, both in the county of Berkshire.

Second Franklin. — Consisting of the towns of Deerfield, Greenfield and Whately, all in the county of Franklin.

Third Franklin. — Consisting of the towns of Erving, Gill, Montague, Northfield, Orange, Sunderland, Warwick and Wendell, all in the county of Franklin.

First Hampden. — Consisting of the towns of Brimfield, Hampden, Monson, precincts A, B, and D of the town of Palmer and the town of Wales, all in the county of Hampden.

Second Hampden. — Consisting of precincts three, four and five of the town of East Longmeadow and the town of Longmeadow, both in the county of Hampden.

Third Hampden. — Consisting of the town of Agawam, in the county of Hampden.

Fourth Hampden. — Consisting of precincts one, two, three, four, six, seven and eight of the town of West Springfield, in the county of Hampden.

Fifth Hampden. — Consisting of all precincts of wards one, two and three and precinct A of ward five of the city of Westfield and the town of Montgomery, both in the county of Hampden; and the town of Southampton, in the county of Hampshire.

Sixth Hampden. — Consisting of all precincts of ward four and precinct B of ward five of the city of Westfield and the towns of Blandford, Chester, Granville, Russell, Southwick, and Tolland, all in the county of Hampden; and the town of Huntington, in the county of Hampshire.

Seventh Hampden. — Consisting of all precincts of ward three and precincts A, B and C of ward six of the city of Holyoke and precinct five of the town of West Springfield, both in the county of Hampden.

Eighth Hampden. — Consisting of all precincts of wards four and five, precincts D and E of ward six and all precincts of ward seven of the city of Holyoke, in the county of Hampden.

Ninth Hampden. — Consisting of precincts C, D, E, F, G, J, L and M of ward eight of the city of Springfield, in the county of Hampden.

Tenth Hampden. — Consisting of precincts H and I of ward eight of the city of Springfield and the town of Wilbraham, in the county of Hampden.

Eleventh Hampden. — Consisting of precincts C, E, F, G, K and L of ward two and precincts A, B, and K of ward eight of the city of Springfield, in the county of Hampden.

Twelfth Hampden. — Consisting of all precincts of ward one and precincts A, B, D, H, I and J of ward two of the city of Springfield, in the county of Hampden.

Thirteenth Hampden. — Consisting of precincts B, C, E and F of ward four and all precincts of ward five of the city of Springfield, in the county of Hampden.

Fourteenth Hampden. — Consisting of precincts A, E, F, G, H, J and K of ward three, precincts A and D of ward four, precinct H of ward six and precincts A, B, and D of ward seven of the city of Springfield, in the county of Hampden.

Fifteenth Hampden. — Consisting of precincts B, C, D, I and L of ward three, precincts A, B, C, D, E, F and G of ward six and precinct C of ward seven of the city of Springfield, in the county of Hampden.

Sixteenth Hampden. — Consisting of precincts E, F, G, H, I, J and K of ward seven of the city of Springfield and precincts one and two of the town of East Longmeadow, both in the county of Hampden.

Seventeenth Hampden. — Consisting of precinct C of ward three, all precincts of ward seven, precinct B of ward eight and precincts A and B of ward nine of the city of Chicopee and all precincts of wards one and two of the city of Holyoke, both in the county of Hampden.

Eighteenth Hampden. — Consisting of all precincts of ward one, precincts A and B of ward six, precinct A of ward eight and precinct C of ward nine of the city of Chicopee, in the county of Hampden.

Nineteenth Hampden. — Consisting of all precincts of ward two, precincts A and B of ward three, all precincts of wards four and five and precinct C of ward eight of the city of Chicopee, in the county of Hampden.

Twentieth Hampden. — Consisting of precinct C of ward six of the city of Chicopee, the town of Ludlow and precinct C of the town of Palmer, all in the county of Hampden.

First Hampshire. — Consisting of precinct A of ward one, precinct B of ward two, all precincts of ward three, four, five and six and precinct A of ward seven of the city of Northampton and the town of Hadley, both in the county of Hampshire.

Second Hampshire. — Consisting of precinct B of ward one, precinct A of ward two and precinct B of ward seven of the city of Northampton and the towns of Easthampton, Hatfield, Westhampton and Williamsburg, all in the county of Hampshire.

Third Hampshire. — Consisting of the towns of Belchertown and Granby, precinct A of the town of South Hadley and the town of Ware, all in the county of Hampshire.

Fourth Hampshire. — Consisting of the town of Amherst and precincts B, C, and D of the town of South Hadley, both in the county of Hampshire.

First Middlesex. — Consisting of all precincts of ward one, precincts one, two, three and four of ward two, precincts one and two of ward three and precincts one and two of ward six of the city of Cambridge, in the county of Middlesex.

Second Middlesex. — Consisting of precinct three of ward six, all precincts of wards seven and eight and precincts one, two, three and four of ward ten of the city of Cambridge, in the county of Middlesex.

Third Middlesex. — Consisting of all precincts of ward nine, precinct five of ward ten and all precincts of ward eleven of the city of Cambridge and precincts seven and eight of the town of Belmont, both in the county of Middlesex.

Fourth Middlesex. — Consisting of precinct five of ward two, precincts three, four and five of ward three, all precincts of wards four and five and precincts four and five of ward six of the city of Cambridge, in the county of Middlesex.

Fifth Middlesex. — Consisting of precincts two, three and five of ward six and precincts one, two and four of ward seven of the city of Somerville and precincts one, three and four of the town of Arlington, both in the county of Middlesex.

Sixth Middlesex. — Consisting of precincts three, five and six of ward four, precincts one, four and five of ward five, precincts one and four of ward six and precincts three and five of ward seven of the city of Somerville, in the county of Middlesex.

Seventh Middlesex. — Consisting of all precincts of ward one, precincts one and six of ward two, precinct one of ward three and precincts one, two and four of ward four of the city of Somerville, in the county of Middlesex.

Eighth Middlesex. — Consisting of precincts two, three, four and five of ward two, precincts two, three, four and five of ward three and precincts two, three and six of ward five of the city of Somerville, in the county of Middlesex.

Ninth Middlesex. — Consisting of precincts two, six, eight, ten, twelve, fourteen, sixteen, eighteen and twenty of the town of Arlington, in the county of Middlesex.

Tenth Middlesex. — Consisting of precincts five, seven, nine, eleven, thirteen, fifteen, seventeen, nineteen and twenty-one of the town of Arlington, in the county of Middlesex.

Eleventh Middlesex. — Consisting of all precincts in ward three of the city of Waltham and precincts one, two, three and four of the town of Belmont, both in the county of Middlesex.

Twelfth Middlesex. — Consisting of precincts six, seven, eight, nine, ten and eleven of the town of Watertown, in the county of Middlesex.

Thirteenth Middlesex. — Consisting of precincts five and six of the town Belmont and precincts one, two, three, four and five of the town of Watertown, both in the county of Middlesex.

Fourteenth Middlesex. — Consisting of all precincts of wards one, two, four and six of the city of Waltham, in the county of Middlesex.

Fifteenth Middlesex. — Consisting of all precincts of wards five, seven, eight and nine of the city of Waltham, in the county of Middlesex.

Sixteenth Middlesex. — Consisting of precinct four of ward two, all precincts of ward three and precincts one, three and four of ward four of the city of Newton, in the county of Middlesex.

Seventeenth Middlesex. — Consisting of all precincts of ward one, precincts one, two and three of ward two and precinct two of ward seven of the city of Newton, in the county of Middlesex.

Eighteenth Middlesex. — Consisting of precinct two of ward four, precincts one, two and four of ward five, precincts two and three of ward six and precincts three and four of ward eight of the city of Newton, in the county of Middlesex; and precinct H of the town of Needham, in the county of Norfolk.

Nineteenth Middlesex. — Consisting of precinct three of ward five, precincts one and four of ward six, precincts one, three and four of ward seven and precincts one and two of ward eight of the city of Newton, in the county of Middlesex.

Twentieth Middlesex. — Consisting of precinct three of ward three, precincts two and three of ward four, precincts one and two of ward five and all precincts of ward six of the city of Medford, in the county of Middlesex.

Twenty-first Middlesex. — Consisting of precinct two of ward three and precinct one of ward four of the city of Malden and precincts three and four of ward two, precincts one, two, four and five of ward three and precinct one of ward four of the city of Medford, both in the county of Middlesex.

Twenty-second Middlesex. — Consisting of all precincts of ward one, precincts one and two of ward two, precincts three, four and five of ward five and all precincts of ward seven of the city of Medford, in the county of Middlesex.

Twenty-third Middlesex. — Consisting of all precincts of wards one, two and three and precinct three of ward six of the city of Everett, in the county of Middlesex.

Twenty-fourth Middlesex. — Consisting of all precincts of wards four and five and precincts one and two of ward six of the city of Everett and precinct three of ward one and precinct two of ward seven of the city of Malden, both in the county of Middlesex.

Twenty-fifth Middlesex. — Consisting of all precincts of wards five, six and eight of the city of Malden, in the county of Middlesex.

Twenty-sixth Middlesex. — Consisting of precincts one and two of ward one, all precincts of ward two, precincts one, three and four of ward three, precinct two of ward four and precincts one and three of ward seven of the city of Malden, in the county of Middlesex.

Twenty-seventh Middlesex. — Consisting of the town of Winchester, in the county of Middlesex.

Twenty-eighth Middlesex. — Consisting of all precincts of wards two and four, precinct two of ward five and all precincts of wards six and seven of the city of Melrose, in the county of Middlesex.

Twenty-ninth Middlesex. — Consisting of all precincts of ward three and precinct one of ward five of the city of Melrose and all precincts of wards two, four and five of the city of Woburn and precinct six of the town of Stoneham, all in the county of Middlesex.

Thirtieth Middlesex. — Consisting of all precincts of ward one of the city of Melrose and precincts one, two, three, four and five of the town of Stoneham, both in the county of Middlesex.

Thirty-first Middlesex. — Consisting of the town of Wakefield, in the county of Middlesex.

Thirty-second Middlesex. — Consisting of the town of Reading, in the county of Middlesex.

Thirty-third Middlesex. — Consisting of all precincts of wards one, three, six and seven of the city of Woburn, in the county of Middlesex.

Thirty-fourth Middlesex. — Consisting of the town of Burlington, in the county of Middlesex.

Thirty-fifth Middlesex. — Consisting of precincts one, two, three, four, five and six of the town of Lexington, in the county of Middlesex.

Thirty-sixth Middlesex. — Consisting of precincts eleven and twelve of the town of Billerica and the town of Wilmington, both in the county of Middlesex.

Thirty-seventh Middlesex. — Consisting of precincts seven and ten of the town of Billerica, precincts seven and eight of the town of Lexington and the town of Bedford, all in the county of Middlesex.

Thirty-eighth Middlesex. — Consisting of precinct nine of the town of Lexington and the towns of Lincoln and Weston, all in the county of Middlesex; and precinct D of the town of Wellesley, in the county of Norfolk.

Thirty-ninth Middlesex. — Consisting of precincts one, two, three, four, five, six, eight, nine and thirteen of the town of Billerica, in the county of Middlesex.

Fortieth Middlesex. — Consisting of the towns of Carlisle and Concord and precinct one of the town of Sudbury, all in the county of Middlesex.

Forty-first Middlesex. — Consisting of the town of Tewksbury, in the county of Middlesex.

Forty-second Middlesex. — Consisting of the towns of Dracut and Tyngsborough, both in the county of Middlesex.

Forty-third Middlesex. — Consisting of precincts one, three, five, six, eight, nine, ten and twelve of the town of Chelmsford, in the county of Middlesex.

Forty-fourth Middlesex. — Consisting of all precincts of ward one, precincts two, three and four of ward five and all precincts of ward nine of the city of Lowell, in the county of Middlesex.

Forty-fifth Middlesex. — Consisting of all precincts of ward six and precincts two, three and four of ward eight of the city of Lowell and precincts two and seven of the town of Chelmsford, both in the county of Middlesex.

Forty-sixth Middlesex. — Consisting of precincts two, three and four of ward two, all precincts of ward three, precinct three of ward four, precinct one of ward five, all precincts of ward seven and precinct one of ward eight of the city of Lowell, in the county of Middlesex.

Forty-seventh Middlesex. — Consisting of precinct one of ward two, precincts one, two and four of ward four, all precincts of wards ten and eleven of the city of Lowell and precincts four and eleven of the town of Chelmsford, both in the county of Middlesex.

Forty-eighth Middlesex. — Consisting of the towns of Acton and Maynard, both in the county of Middlesex.

Forty-ninth Middlesex. — Consisting of the towns of Ayer, Littleton and Westford, all in the county of Middlesex.

Fiftieth Middlesex. — Consisting of the towns of Ashby, Dunstable, Groton, Pepperell, Shirley and Townsend, all in the county of Middlesex.

Fifty-first Middlesex. — Consisting of ward seven of the city of Marlborough and the towns of Hudson and Stow, all in the county of Middlesex.

Fifty-second Middlesex. — Consisting of all precincts of wards one, two, three, four, five and six of the city of Marlborough, in the county of Middlesex.

Fifty-third Middlesex. — Consisting of precincts two, three and four of the town of Sudbury and the town of Wayland, both in the county of Middlesex.

Fifty-fourth Middlesex. — Consisting of precinct ten of the town of Framingham and precincts one, two, four, seven and eight of the town of Natick, both in the county of Middlesex.

Fifty-fifth Middlesex. — Consisting of precinct three of the town of Framingham and precincts three, five and six of the town of Natick, both in the county of Middlesex.

Fifty-sixth Middlesex. — Consisting of precincts one, two and four of the town of Framingham, in the county of Middlesex.

Fifty-seventh Middlesex. — Consisting of precincts five, six, seven, eight and nine of the town of Framingham, in the county of Middlesex.

Fifty-eighth Middlesex. — Consisting of the towns of Holliston and Hopkinton in the county of Middlesex; and the town of Millis, in the county of Norfolk.

Fifty-ninth Middlesex. — Consisting of the towns of Ashland and Sherborn, in the county of Middlesex; and the town of Medfield, in the county of Norfolk.

Nantucket. — Consisting of the town of Nantucket, in the county of Nantucket.

First Norfolk. — Consisting of all precincts of ward two and precincts one, two and five of ward three of the city of Quincy and precincts one and eleven of the town of Weymouth, both in the county of Norfolk.

Second Norfolk. — Consisting of all precincts of ward one and precincts three and four of ward three of the city of Quincy, in the county of Norfolk.

Third Norfolk. — Consisting of precincts four, five and nine of ward five and precincts one, two, three, four, five, six and seven of ward six of the city of Quincy, in the county of Norfolk.

Fourth Norfolk. — Consisting of all precincts of ward four, precincts one, two, three, six, seven and eight of ward five and precinct eight of ward six of the city of Quincy, in the county of Norfolk.

Fifth Norfolk. — Consisting of precincts four, five, seven, nine and ten of the town of Weymouth, in the county of Norfolk.

Sixth Norfolk. — Consisting of precincts two, three, six, eight and twelve of the town of Weymouth, in the county of Norfolk.

Seventh Norfolk. — Consisting of precincts one, three, four, five, six, seven, eight and eleven of the town of Braintree, in the county of Norfolk.

Eighth Norfolk. — Consisting of precincts two, nine, ten and twelve of the town of Braintree and the town of Holbrook, both in the county of Norfolk.

Ninth Norfolk. — Consisting of precincts one, two, four, five, six and seven of the town of Milton, in the county of Norfolk.

Tenth Norfolk. — Consisting of precincts one, two, three, five and six of the town of Randolph, in the county of Norfolk.

Eleventh Norfolk. — Consisting of the town of Stoughton, in the county of Norfolk.

Twelfth Norfolk. — Consisting of the town of Canton and precinct four of the town of Randolph, both in the county of Norfolk.

Thirteenth Norfolk. — Consisting of precincts one, three, four, five and six of the town of Dedham, in the county of Norfolk.

Fourteenth Norfolk. — Consisting of precincts A, B, C, E, F, G, I and J of the town of Needham, in the county of Norfolk.

Fifteenth Norfolk. — Consisting of precincts A, B, C, E, F and G of the town of Wellesley, in the county of Norfolk.

Sixteenth Norfolk. — Consisting of the town of Dover, precinct D of the town of Needham and the town of Westwood, all in the county of Norfolk.

Seventeenth Norfolk. — Consisting of precincts A, B, D, E, and F of the town of Norwood, in the county of Norfolk.

Eighteenth Norfolk. — Consisting of precinct C of the town of Norwood and the town of Walpole, both in the county of Norfolk.

Nineteenth Norfolk. — Consisting of precincts one, two and three of the town of Foxborough and the town of Sharon, both in the county of Norfolk.

Twentieth Norfolk. — Consisting of precincts seven, ten, twelve, thirteen, fourteen, fifteen and sixteen of the town of Brookline, in the county of Norfolk.

Twenty-first Norfolk. — Consisting of precincts one, two, three, four, five, six and eight of the town of Brookline, in the county of Norfolk.

Twenty-second Norfolk. — Consisting of precinct four of the town of Foxborough and the towns of Plainville and Wrentham, all in the county of Norfolk; and precincts one and two of the town of Mansfield, in the county of Bristol.

Twenty-third Norfolk. — Consisting of the towns of Bellingham and Medway, both in the county of Norfolk; and precinct two of the town of Blackstone, in the county of Worcester.

Twenty-fourth Norfolk. — Consisting of the towns of Franklin and Norfolk, both in the county of Norfolk.

First Plymouth. — Consisting of precincts one, two, three and five of the town of Hingham and the town of Hull, both in the county of Plymouth.

Second Plymouth. — Consisting of precincts four and six of the town of Hingham, the town of Hanover and precinct two of the town of Rockland, all in the county of Plymouth.

Third Plymouth. — Consisting of the town of Scituate, in the county of Plymouth; and the town of Cohasset, in the county of Norfolk.

Fourth Plymouth. — Consisting of the town of Abington and precinct one of the town of Rockland, both in the county of Plymouth.

Fifth Plymouth. — Consisting of precincts two and three of the town of Duxbury and the towns of Hanson and Pembroke, all in the county of Plymouth.

Sixth Plymouth. — Consisting of the town of Plymouth, in the county of Plymouth; and precinct one of the town of Bourne, in the county of Barnstable.

Seventh Plymouth. — Consisting of the towns of Carver, Marion, Mattapoisett and Wareham, all in the county of Plymouth.

Eighth Plymouth. — Consisting of the towns of Bridgewater and Halifax, both in the county of Plymouth; and the town of Raynham, in the county of Bristol.

Ninth Plymouth. — Consisting of the towns of East Bridgewater and Whitman, both in the county of Plymouth.

Tenth Plymouth. — Consisting of the towns of Norwell and Marshfield, both in the county of Plymouth.

Eleventh Plymouth. — Consisting of precinct one of the town of Duxbury and the towns of Kingston, Middleborough, Plympton and Rochester, all in the county of Plymouth.

Twelfth Plymouth. — Consisting of precincts A, B, C, D and E of ward one, all precincts of ward two, precinct A of ward four, precinct A of ward five and precinct B of ward seven of the city of Brockton, in the county of Plymouth.

Thirteenth Plymouth. — Consisting of precincts B and C of ward four, precincts B, C and D of ward five and precincts B and E of ward six of the city of Brockton, in the county of Plymouth.

Fourteenth Plymouth. — Consisting of precinct F of ward one and all precincts of ward three of the city of Brockton and the town of West Bridgewater, both in the county of Plymouth.

Fifteenth Plymouth. — Consisting of precincts A, C and D of ward six and precincts A, C, D and E of ward seven of the city of Brockton, in the county of Plymouth; and the town of Avon, in the county of Norfolk.

First Suffolk. — Consisting of precincts two, three, four, five, six, ten, eleven, thirteen and fourteen of ward one of the city of Boston, in the county of Suffolk.

Second Suffolk. — Consisting of precincts seven, eight and nine of ward one and all precincts of ward two of the city of Boston, in the county of Suffolk.

Third Suffolk. — Consisting of all precincts of ward three and precinct one of ward eight of the city of Boston, in the county of Suffolk.

Fourth Suffolk. — Consisting of precincts one, two, three, four, five, six, seven, eight and nine of ward four and precinct one of ward nine of the city of Boston, in the county of Suffolk.

Fifth Suffolk. — Consisting of precincts one, three, four, five, six, seven and eight of ward five of the city of Boston, in the county of Suffolk.

Sixth Suffolk. — Consisting of precinct ten of ward four, precincts two, nine and ten of ward five and precincts one and two of ward twenty-one of the city of Boston, in the county of Suffolk.

Seventh Suffolk. — Consisting of precincts one, two, three, five, six, seven, eight, nine and ten of ward seven and precinct seven of ward thirteen of the city of Boston, in the county of Suffolk.

Eighth Suffolk. — Consisting of all precincts of ward six and precinct four of ward seven of the city of Boston, in the county of Suffolk.

Ninth Suffolk. — Consisting of precinct seven of ward eight and all precincts of ward twelve of the city of Boston, in the county of Suffolk.

Tenth Suffolk. — Consisting of precincts two, three, four, five and six of ward eight, precincts two, three, four and five of ward nine and precincts one and two of ward eleven of the city of Boston, in the county of Suffolk.

Eleventh Suffolk. — Consisting of all precincts of ward ten of the city of Boston, in the county of Suffolk.

Twelfth Suffolk. — Consisting of precincts nine and ten of ward eleven and precincts one, two, three, five, eight, nine, ten, eleven, twelve and thirteen of ward nineteen of the city of Boston, in the county of Suffolk.

Thirteenth Suffolk. — Consisting of precincts three, four, five, six, seven and eight of ward eleven and precincts four, six and seven of ward nineteen of the city of Boston, in the county of Suffolk.

Fourteenth Suffolk. — Consisting of precincts one, two, three, four, five, six, eight, nine and ten of ward thirteen, of the city of Boston, in the county of Suffolk.

Fifteenth Suffolk. — Consisting of precincts two, four, five, ten, twelve, thirteen and fourteen of ward fourteen and precinct one of ward seventeen of the city of Boston, in the county of Suffolk.

Sixteenth Suffolk. — Consisting of precincts one, three, six, seven, eight, nine and eleven of ward fourteen and precincts two and three of ward eighteen of the city of Boston, in the county of Suffolk.

Seventeenth Suffolk. — Consisting of all precincts of ward fifteen and precinct two of ward seventeen of the city of Boston, in the county of Suffolk.

Eighteenth Suffolk. — Consisting of precincts one, two, four, five, nine, ten, eleven and twelve of ward sixteen and precincts three and five of ward seventeen of the city of Boston, in the county of Suffolk.

Nineteenth Suffolk. — Consisting of precincts three, six, seven and eight of ward sixteen and precincts six, seven, eight, nine, ten and eleven of ward seventeen of the city of Boston, in the county of Suffolk.

Twentieth Suffolk. — Consisting of precincts four, twelve, thirteen and fourteen of ward seventeen and precincts one, four, five, seven and twenty-one of ward eighteen of the city of Boston, in the county of Suffolk; and precinct three of the town of Milton, in the county of Norfolk.

Twenty-first Suffolk. — Consisting of precincts six, eight, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and twenty-two of ward eighteen of the city of Boston, in the county of Suffolk.

Twenty-second Suffolk. — Consisting of precincts nine, ten, eleven, twelve, nineteen, twenty and twenty-three of ward eighteen and precinct two of ward twenty of the city of Boston, in the county of Suffolk.

Twenty-third Suffolk. — Consisting of precincts three, eight, nine, ten, eleven, twelve, fourteen, fifteen, sixteen and eighteen of ward twenty of the city of Boston, in the county of Suffolk.

Twenty-fourth Suffolk. — Consisting of precincts one, four, five, six, seven, thirteen, seventeen, nineteen and twenty of ward twenty of the city of Boston, in the county of Suffolk; and precinct two of the town of Dedham, in the county of Norfolk.

Twenty-fifth Suffolk. — Consisting of precincts seven, eight, ten, twelve, thirteen, fourteen, fifteen and sixteen of ward twenty-one of the city of Boston, in the county of Suffolk; and precincts nine and eleven of the town of Brookline, in the county of Norfolk.

Twenty-sixth Suffolk. — Consisting of precincts six, nine and eleven of ward twenty-one and precincts three, four, six, eight, nine and ten of ward twenty-two of the city of Boston, in the county of Suffolk.

Twenty-seventh Suffolk. — Consisting of precincts three, four and five of ward twenty-one and precincts one, two, five, seven, eleven, twelve and thirteen of ward twenty-two of the city of Boston, in the county of Suffolk.

Twenty-eighth Suffolk. — Consisting of all precincts of wards two and three, precincts three and four of ward four and all precincts of ward five of the city of Revere, in the county of Suffolk.

Twenty-ninth Suffolk. — Consisting of all precincts of ward three of the city of Chelsea; and all precincts of ward one, precincts one and two of ward four and all precincts of ward six of the city of Revere, both in the county of Suffolk.

Thirtieth Suffolk. — Consisting of precincts one and twelve of ward one of the city of Boston and the town of Winthrop, both in the county of Suffolk.

Thirty-first Suffolk. — Consisting of all precincts of wards one, two, four and five of the city of Chelsea, in the county of Suffolk.

First Worcester. — Consisting of the towns of Athol, Petersham, Phillipston, Royalston, and Winchendon, all in the county of Worcester; the towns of Leverett, New Salem and Shutesbury, all in the county of Franklin; and the town of Pelham, in the county of Hampshire.

Second Worcester. — Consisting of the towns of Barre, Hardwick, Hubbardston, New Braintree, Oakham, Rutland, Templeton and Westminster, all in the county of Worcester.

Third Worcester. — Consisting of precinct B of ward four of the city of Leominster and the towns of Holden, Princeton and West Boylston, all in the county of Worcester.

Fourth Worcester. — Consisting of the towns of Brookfield, East Brookfield, North Brookfield, Spencer, Warren and West Brookfield, all in the county of Worcester.

Fifth Worcester. — Consisting of the towns of Southbridge, and Sturbridge, both in the county of Worcester; and the town of Holland, in the county of Hampden.

Sixth Worcester. — Consisting of the towns of Dudley and Webster, both in the county of Worcester.

Seventh Worcester. — Consisting of precincts two and five of the town of Auburn and the towns of Charlton, Leicester and Paxton, all in the county of Worcester.

Eighth Worcester. — Consisting of the towns of Millbury and Oxford, both in the county of Worcester.

Ninth Worcester. — Consisting of precincts one and three of the town of Grafton and the towns of Northbridge and Sutton, all in the county of Worcester.

Tenth Worcester. — Consisting of precinct one of the town of Blackstone and the towns of Douglas, Hopedale, Mendon, Millville and Uxbridge, all in the county of Worcester.

Eleventh Worcester. — Consisting of the towns of Boylston and Shrewsbury, both in the county of Worcester.

Twelfth Worcester. — Consisting of all precincts of ward three of the city of Leominster and the towns of Clinton and Sterling, all in the county of Worcester.

Thirteenth Worcester. — Consisting of all precincts of wards one and two, precinct A of ward four and all precincts of ward five of the city of Leominster, in the county of Worcester.

Fourteenth Worcester. — Consisting of all precincts of ward four, five and six of the city of Fitchburg and the town of Lunenburg, both in the county of Worcester.

Fifteenth Worcester. — Consisting of all precincts of wards one, two and three of the city of Fitchburg, in the county of Worcester.

Sixteenth Worcester. — Consisting of the city of Gardner and the town of Ashburnham, both in the county of Worcester.

Seventeenth Worcester. — Consisting of the towns of Berlin, Bolton, Harvard, Lancaster and Northborough, all in the county of Worcester; and the town of Boxborough, in the county of Middlesex.

Eighteenth Worcester. — Consisting of precinct two of the town of Grafton and the towns of Southborough and Westborough, all in the county of Worcester.

Nineteenth Worcester. — Consisting of the towns of Milford and Upton, both in the county of Worcester.

Twentieth Worcester. — Consisting of precincts one, two, four, five, six, seven, eight and nine of ward one, precinct five of ward three and precincts five and seven of ward nine of the city of Worcester, in the county of Worcester.

Twenty-first Worcester. — Consisting of precincts one, two, three, four, six and eight of ward two and precincts one, two, three and four of ward three of the city of Worcester, in the county of Worcester.

Twenty-second Worcester. — Consisting of precincts five and seven of ward two, precincts six and seven of ward three, precincts two, four and five of ward four, precinct seven of ward five and precinct four of ward six of the city of Worcester, in the county of Worcester.

Twenty-third Worcester. — Consisting of precincts six, seven and eight of ward four, precincts one, two, three, five and six of ward five and precincts three and seven of ward six of the city of Worcester, in the county of Worcester.

Twenty-fourth Worcester. — Consisting of precincts one and three of ward four, precincts one, two, three and five of ward eight and precincts one, four, five and six of ward ten of the city of Worcester, in the county of Worcester.

Twenty-fifth Worcester. — Consisting of precinct four of ward five, precincts one, two, five, six and eight of ward six and precincts four and eight of ward eight of the city of Worcester and precincts one and three of the town of Auburn, both in the county of Worcester.

Twenty-sixth Worcester. — Consisting of precinct three of ward one, precinct one of ward seven, precincts one, two, three, four, six, eight and nine of ward nine and precincts two, three and seven of ward ten of the city of Worcester, in the county of Worcester.

Twenty-seventh Worcester. — Consisting of precincts two, three, four, five, six, seven and eight of ward seven and precincts six and seven of ward eight of the city of Worcester and precinct four of the town of Auburn, both in the county of Worcester.

SECTION 2. Section five of said chapter fifty-seven is hereby repealed.

SECTION 2A. Section five of chapter eight hundred and seventy-seven of the acts of nineteen hundred and sixty-seven is hereby repealed.

SECTION 3. The supreme judicial court shall have jurisdiction of any petition for a writ of mandamus relative to the establishment of two hundred and forty representative districts under section one of this act. Every such petition shall be filed in court within ten days after the effective date of this act.

SECTION 4. This act shall take effect upon its passage.

Approved May 31, 1973.

Chap. 327. AN ACT FURTHER REGULATING THE LICENSING OF HORSE RACING MEETINGS.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to provide forthwith for an increase in the number of race days for running horse racing meetings, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 128A of the General Laws is hereby amended by striking out clause (f), as most recently amended by section 2 of chapter 721 of the acts of 1971, and inserting in place thereof the following clause: —

(f) No license shall be issued for more than an aggregate of two hundred race days in any one year at all running horse racing meetings combined, not including running horse racing meetings held or conducted at state or county fairs.

SECTION 2. Applications for licenses to hold and conduct running horse racing meetings for the number of dates authorized by this act may be filed with the state racing commission within thirty days following the effective date of this act; and said commission is authorized to award such running horse racing dates and to issue licenses therefor upon applications so filed for such running horse racing meetings to be held or conducted in the calendar year nineteen hundred and seventy-three. Said commission's procedures for hearings upon all such applications shall be the same as the procedures on original applications for running horse racing meetings filed under chapter one hundred twenty-eight A of the General Laws.

Approved May 31, 1973.

Chap. 328. AN ACT FURTHER DEFINING THE RIGHTS OF CERTAIN INCAPACITATED PERSONS UNDER THE ALCOHOLISM TREATMENT AND REHABILITATION LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further regulate the treatment and rehabilitation of certain incapacitated persons in conformity with the effective date of the alcoholism treatment and rehabilitation law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted, etc., as follows:

SECTION 1. Chapter 111B of the General Laws is hereby amended by striking out section 8, as appearing in section 1 of chapter 1076 of the acts of 1971, and inserting in place thereof the following section: —

Section 8. Any person who is incapacitated may be assisted by a police officer with or without his consent to his residence, to a facility or to a police station. To determine for purposes of this chapter only whether or not such person is intoxicated, the police officer may request the person to submit to any reasonable test, including, but not limited to tests of his coordination, coherency of speech, and breath.

Any person assisted by a police officer to a facility or transferred to a facility from a police station pursuant to the provisions of this section shall receive treatment in accordance with section seven.

If any incapacitated person is assisted to a police station, the officer in charge or his designee shall notify forthwith the nearest facility that the person is being held in protective custody. If suitable treatment services are available at a facility, the department shall thereupon arrange for the transportation of the person to the facility in accordance with the provisions of section seven.

No person assisted to a police station pursuant to this section shall be held in protective custody against his will; provided however, if suitable treatment at a facility is not available, an incapacitated person may be held in protective custody at a police station until he is no longer incapacitated or for a period of not longer than twelve hours, whichever is shorter.

A police officer acting in accordance with the provisions of this section may use such force, as is reasonably necessary to carry out his authorized responsibilities. If the police officer reasonably believes that his safety or the safety of other persons present so requires, he may search such person and his immediate surroundings, but only to the extent necessary to discover and seize any dangerous weapons which may on that occasion be used against the officer or other person present; provided however that if such person is held in protective custody at a police station all valuables and all articles which may pose a danger to such person or to others may be taken from him for safekeeping and if so taken shall be inventoried.

A person assisted to a facility or held in protective custody by the police pursuant to the provisions of this section, shall not be considered to have been arrested or to have been charged with any crime; however, an entry of custody shall be made indicating the date, time, and place of custody, which record shall not be treated for any purposes as an arrest or criminal record.

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-three.

Approved May 31, 1973.

Chap. 329. AN ACT AUTHORIZING CERTAIN TOWN COMMITTEES TO ADD TO THEIR ELECTED MEMBERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow certain town committees to avail themselves in the current year of the full number of voting members authorized by law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any provision of chapter fifty-two of the General Laws to the contrary, the town committees elected in the year nineteen hundred and seventy-two in the towns of Braintree, Dedham and Somerset may add to their elected members; provided, that by so doing the total number of members shall not be made to exceed thirty-five.

Approved May 31, 1973.

Chap. 330. AN ACT PROHIBITING REAL ESTATE BROKERS FROM ACCEPTING NET LISTINGS, SO-CALLED.

Be it enacted, etc., as follows:

The first paragraph of section 87AAA of chapter 112 of the General Laws is hereby amended by striking out clauses (j) and (k), as appearing in chapter 973 of the acts of 1971, and inserting in place thereof the following three clauses: —

(j) committed any act expressly prohibited in sections eighty-seven RR to eighty-seven CCC, inclusive; (k) affirmatively solicited for sale, lease, or the listing for sale or lease, of residential property on the grounds of alleged change of value due to the presence or the prospective entry into the neighborhood of a person or persons of another race, economic level, religion or ethnic origin or distributes, or causes to be distributed, material or makes statements designated to induce a residential property owner to sell or lease his property due to such change in the neighborhood; or (l) accepted from a prospective seller a net listing, an agreement to sell real estate for a stated price which authorized the broker to keep as commission any amount of money received from the sale of said real estate in excess of the stated price.

Approved May 31, 1973.

Chap. 331. AN ACT AUTHORIZING CLERKS AND ASSISTANT CLERKS OF DISTRICT COURTS AND CERTAIN OTHER PERSONS TO ACCEPT PLEAS OF GUILTY AND PAYMENT OF FINES BY

CERTAIN PERSONS SUMMONSED FOR FAILURE TO PROPERLY RETURN PARKING VIOLATION NOTICES.

Be it enacted, etc., as follows:

Chapter 90C of the General Laws is hereby amended by striking out section 4A, inserted by section 1 of chapter 626 of the acts of 1964, and inserting in place thereof the following section: —

Section 4A. The clerk of a district court or an assistant clerk or other person designated by said clerk shall accept waiver of trial, plea of guilty, and payment of fine from any person summonsed to appear before such court on a complaint alleging violation of any law relating to the operation, parking or control of motor vehicles, for which the punishment is a fine or forfeiture not exceeding the sum of fifty dollars and does not include a sentence of imprisonment. Judgment shall be entered against any person filing such waiver of trial and plea of guilty. Such waivers and pleas shall be made in writing on forms which shall be established by the chief justice of the municipal court of the city of Boston for said court and by the chief justice of the district courts for all other district courts. Such forms shall also contain instruction to offenders as to procedure under this section, and shall, with respect to summonses other than for parking violations, contain information for the use of probation officers.

Fines under this section shall be in accordance with a schedule of fines which shall be established by the chief justice of the municipal court of the city of Boston for said court, and by the senior justice of each other district court, with the approval of the chief justice of the district courts, for each such other district court. A copy of such schedule of fines shall be so posted as to be plainly visible to the public in the office of the clerk of each district court. The fines listed on said schedule shall not exceed the maximum fines established by law for the particular type of violation.

No such waiver, plea, and payment of fine shall be accepted under this section unless made before said clerk, either personally or by an agent duly authorized in writing, or by mailing to such clerk, such payment, if by mail, to be made only by postal note, money order, or check made out to the clerk of the court.

This section shall not apply to any person summonsed to appear on a complaint alleging violation of any law relating to the operation and control of motor vehicles, other than a law pertaining to parking, who has been previously convicted, within a period of twelve months, of the violation of any such law relating to the operation or control of motor vehicles nor, without special permission of the chief justice of the municipal court of the city of Boston or the senior justice of each other district court, as the case may be, to any complaint wherein the court has issued a warrant for failure of the defendant to appear on a summons, properly served, nor to any delinquent child as described in section fifty-eight B of chapter one hundred and nineteen.

Approved May 31, 1973.

Chap. 332. AN ACT RELATIVE TO PERSONAL LOANS BY SAVINGS AND CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

SECTION 1. The fourth sentence of section 37 of chapter 168 of the General Laws, as appearing in chapter 877 of the acts of 1970, is hereby amended by striking out, in lines 7 and 8, the words "four thousand five hundred dollars, exclusive of interest or discount" and inserting in place thereof the words: — six thousand dollars, exclusive of interest or discount, provided that the excess of such total obligation over four thousand five hundred dollars shall be secured by a first lien on property of the borrower having a fair market value at least equal to the amount of such excess obligation.

SECTION 2. Subsection 8 of section 26 of chapter 170 of the General Laws, as most recently amended by chapter 400 of the acts of 1971, is hereby further amended by striking out, in lines 13 and 14, the words "four thousand five hundred dollars, exclusive of interest or discount" and inserting in place thereof the words: — six thousand dollars, exclusive of interest or discount, provided that the excess of such total obligation over four thousand five hundred dollars shall be secured by a first lien on property of the borrower having a fair market value at least equal to the amount of such excess obligation.

Approved May 31, 1973.

Chap. 333. AN ACT REQUIRING THAT NOTICES OF NON-RENEWAL OF CERTAIN INSURANCE POLICIES CONTAIN CERTAIN INFORMATION.

Be it enacted, etc., as follows:

Section 113F of chapter 175 of the General Laws, as most recently amended by chapter 545 of the acts of 1970, is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph: —

The insured or principal shall be advised in any such notice that he may obtain the coverages described in section one hundred and thirteen C through the plan established pursuant to section one hundred and thirteen H and shall be provided with any required application and information as prescribed by the commissioner to secure coverages from said plan. Any company failing to send notice as hereinbefore provided, or which sends notice and subsequently renews such policy or bond, shall upon the request of such insured or principal issue a new policy or execute a new bond as surety to at least the amount of coverages described in section one hundred and thirteen C covering said insured or principal and the same or replacement motor vehicle or vehicles and shall recognize the agent or broker designated by the insured in the same manner as provided by any contract, custom, or usage then in effect between such agent or broker and such company.

Approved May 31, 1973.

Chap. 334. AN ACT CHANGING THE DATE FOR FILING ANNUAL STATEMENTS OF MEMBERSHIP AND FINANCIAL CONDITION BY THE CREDIT UNION EMPLOYEES RETIREMENT ASSOCIATION.

Be it enacted, etc., as follows:

Section 32 of chapter 171 of the General Laws, as appearing in section 1 of chapter 509 of the acts of 1948, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — Such association shall annually, on or before February first, report to the commissioner such statements of its membership and financial transactions for the year ending on the preceding December thirty-first as the commissioner may consider necessary to show its business and standing.

Approved May 31, 1973.

Chap. 335. AN ACT INCREASING THE AMOUNT OF MONEY THE WOBURN POLICE RELIEF ASSOCIATION MAY PAY TO CERTAIN MEMBERS UPON THEIR RETIREMENT.

Be it enacted, etc., as follows:

Woburn Police Relief Association, a corporation duly established under the laws of the commonwealth, is hereby authorized, upon the retirement of any member in good standing from the police department of the city of Woburn, to pay such member, if such member so elects, not more than one-half the amount, as may be determined from time to time by vote of the said corporation, to which such member would be entitled if he had died while a member in good standing of said police department; provided that any amount so paid shall reduce the death benefit otherwise payable upon the death of such member.

Approved, May 31, 1973.

Chap. 336. AN ACT RELATIVE TO INVESTMENTS OF SAVINGS BANKS IN THE STOCK OF OTHER BANKS AND BANK HOLDING COMPANIES.

Be it enacted, etc., as follows:

SECTION 1. Section 47 of chapter 168 of the General Laws is hereby amended by striking out paragraph 2, as amended by section 1 of chapter 430 of the acts of 1968, and inserting in place thereof the following paragraph: —

2. *Other Bank Stocks.* — In the common stock of a national banking association or trust company doing business anywhere within the United States, which is a member of the federal reserve system and which has a combined total of capital stock, surplus, undivided profits, reserve for contingencies and capital notes equal to at least forty million dollars and also equal to at least six per cent of its aggregate deposit liability at the end of the calendar year

immediately preceding the date of such investment, and which in each of the five years immediately preceding the date of investment has paid dividends in cash of not less than thirty per cent of the net operating earnings before securities transactions; or in the common stock of a national banking association or trust company doing business anywhere within the United States, which is a member of the federal reserve system, and which has a combined total of capital stock, surplus, undivided profits, reserve for contingencies and capital notes equal to at least five hundred million dollars and also equal to at least five per cent of its aggregate deposit liability at the end of the calendar year immediately preceding the date of investment, and which in each of the five years immediately preceding the date of investment has paid dividends in cash of not less than thirty per cent of the net operating earnings before securities transactions.

SECTION 2. Said section 47 of said chapter 168 is hereby further amended by striking out paragraph 4, as most recently amended by chapter 204 of the acts of 1968, and inserting in place thereof the following paragraph: —

4. *Bank Holding Company Stocks.* — (a) In the common stock of a bank holding company, as defined in chapter one hundred and sixty-seven A, provided such stock is received pursuant to an offer made by such bank holding company to exchange shares of its common stock for shares of a trust company incorporated under the laws of this commonwealth or for shares of a national banking association doing business in this commonwealth, or provided that such stock is received pursuant to a plan for the merger or consolidation of such a trust company or of such a national banking association with or into, or the transfer, sale or exchange of property or of assets of such a trust company or of such a national banking association to or with, a trust company incorporated under the laws of this commonwealth or a national banking association doing business in this commonwealth the stock of which trust company or national banking association, as the case may be, is at the time owned by such bank holding company. (b) In the common stock of a bank holding company, as defined in chapter one hundred and sixty-seven A, acquired otherwise than as set forth in the foregoing provisions of subdivision (a) of this paragraph, or in the common stock of a bank holding company, as defined in the federal Bank Holding Company Act of 1956, provided in either case at least one bank in the holding company at the end of its fiscal year immediately preceding the date of investment is of the kind referred to in paragraph 1 or paragraph 2 of this section. Also the holding company shall own eighty per cent or more of the voting stock of the qualifying bank. If at any time after an investment in the common stock of any such bank holding company, no bank of such holding company meets the requirements of paragraph 1 or paragraph 2 of this section, such holding company's stock shall be disposed of within such reasonable time as the commissioner shall determine.

SECTION 3. Said section 47 of said chapter 168 is hereby further amended by striking out paragraph 5, added by chapter 824 of the acts of 1969, and inserting in place thereof the following paragraph: —

5. *One-Bank Holding Company Stocks.* — In the common stock of a company as defined in chapter one hundred and sixty-seven A or in the federal Bank Holding Company Act of 1956, which owns, controls, or holds with power to vote eighty per cent or more of the voting stock of a banking institution, as defined in said chapter, or a bank, as defined in said federal Bank Holding Company Act, provided such banking institution or bank is of the kind referred to in paragraph 1 or paragraph 2 and such stock of such banking institution or bank represents at least fifty per cent of such company's assets at book value at the end of its fiscal year immediately preceding the date of investment or at the date of investment in the case of a newly formed company. If at any time after an investment in the common stock of any such company at least fifty per cent of the assets of such company at book value shall cease to consist of such stock of such banking institution or bank, such company's stock shall be disposed of within such reasonable time as the commissioner shall determine. Nothing in this paragraph shall be construed as limiting the authority of such corporation to invest in the common stock of a bank holding company pursuant to paragraph 4 of this section.

Approved May 31, 1973.

Chap. 337. AN ACT INCREASING THE TERM OF THE LEASE FROM THE TOWN OF MARBLEHEAD TO THE MARY A. ALLEY HOSPITAL.

Be it enacted, etc., as follows:

Section 1 of chapter 590 of the acts of 1970 is hereby amended by striking out, in line 5, the word "thirty" and inserting in place thereof the word: — fifty.

Approved May 31, 1973.

Chap. 338. AN ACT REQUIRING THE DISCLOSURE OF CERTAIN INFORMATION RELATING TO MOTOR VEHICLE INSURANCE COVERAGES AND RATES AND PROVIDING FOR A STANDARD FORM FOR MOTOR VEHICLE INSURANCE APPLICATIONS.

Be it enacted, etc., as follows:

The fourth paragraph of section 113B of chapter 175 of the General Laws is hereby amended by inserting after the second sentence the following three sentences: — He shall annually, at the time he fixes and establishes premium charges and classifications of risks, establish rules requiring companies to provide an information sheet of the provisions of such policies or bonds which outlines the various choices of coverage available to motorists and

and approximation of the differences in cost between the various types of coverages. Every company, agent or broker shall forward this information sheet to every person it seeks to insure or renew at the time such person is provided with an application for such insurance. He shall promulgate a standard form of application to be used by companies for issuance and reissuance of such policies or bonds and all other coverages included within such policies or bonds, but any company issuing or reissuing said policies may do so without requiring such application.

Approved May 31, 1973.

Chap. 339. AN ACT DIRECTING THE COUNTY COMMISSIONERS OF PLYMOUTH COUNTY TO REIMBURSE THE CHIEF PROBATION OFFICER OF THE FOURTH DISTRICT COURT OF PLYMOUTH ON ACCOUNT OF MONEY STOLEN FROM HIS OFFICE.

Be it enacted, etc., as follows:

The county of Plymouth is hereby authorized and directed to reimburse the chief probation officer of the fourth district court of Plymouth in the amount of one hundred and fifty-five dollars, which was the sum stolen and not recovered in a burglary of the probation office on the night of October twentieth, nineteen hundred and seventy-one.

Approved May 31, 1973.

Chap. 340. AN ACT FURTHER REGULATING THE PLACEMENT OF THE NAMES OF CANDIDATES ON THE BALLOT IN THE MUNICIPAL ELECTIONS IN THE TOWN OF ARLINGTON.

Be it enacted, etc., as follows:

Chapter 31 of the acts of 1972 is hereby amended by inserting after the word "an", the second time it appears in line 7, the word: — elected.

Approved May 31, 1973.

Chap. 341. AN ACT PROVIDING THAT PREMIUM CHARGES FOR THE ISSUANCE OF MOTOR VEHICLE LIABILITY POLICIES OR BONDS SHALL BE PRORATED EQUALLY ACCORDING TO ACTUAL CALENDAR DAYS OF COVERAGE.

Be it enacted, etc., as follows:

SECTION 1. Provision (2) of section 113A of chapter 175 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 3 of chapter 939 of the acts of 1971, and inserting in place thereof the following sentence: — That, except as otherwise provided in provision (2)A and in section one hundred and thirteen D, no cancellation of the policy, whether by the company or by the insured, shall be valid unless

written notice thereof is given by the party proposing cancellation to the other party giving the specific reason or reasons for such cancellation at least twenty days in each case prior to the intended effective date thereof, which date shall be expressed in said notice, and that notice of cancellation sent by the company to the insured, by registered mail, postage prepaid, with a return receipt of the addressee requested, addressed to him at his residence or business address stated in the policy shall be a sufficient notice, and that an affidavit of any officer, agent or employee of the company, duly authorized for the purpose, that he has so sent such notice addressed as aforesaid shall be prima facie evidence of the sending thereof as aforesaid; together with a provision that, in the event of a cancellation by the insured or the company, that the insured shall if he has paid the premium on the policy to the company or to its agent who issued the policy or to the duly licensed insurance broker, if any, by whom the policy was negotiated, be entitled to receive a return premium calculated on a pro rata basis in accordance with the provisions of section one hundred and thirteen B, provided, that if the insured after the sending of a notice of cancellation by the company, or after giving such a notice to the company, files a new certificate under section thirty-four H of chapter ninety prior to the intended effective date of such cancellation, the filing of said certificate shall operate to terminate the policy on the date of said filing, and the return premium, if any, payable to the insured shall be computed as of the date of said filing, instead of the intended effective date of cancellation expressed in the notice thereof; and, provided further, that if the final effective date of a cancellation by the company is fixed by an order of the board of appeal on motor vehicle liability policies and bonds or of the superior court, or a justice thereof, as provided in section one hundred and thirteen D, the return premium, if any, payable to the insured shall be computed as of such final effective date; and, provided further, that said cancellation shall not become effective unless the company or an insurance premium finance agency duly licensed under the provisions of chapter two hundred and fifty-five C has, immediately upon the intended effective date of the cancellation of the policy, whether proposed by the company or by the insured, forwarded to the registrar of motor vehicles a notice, in such form as he may prescribe, containing such information to apprise the registrar of the particular motor vehicle registration on which the insurance is intended to be cancelled.

SECTION 2. The first paragraph of section 113B of said chapter 175 is hereby amended by striking out the second sentence, inserted by chapter 366 of the acts of 1972, and inserting in place thereof the following two sentences: — In fixing and establishing premium charges in accordance with the provisions of this section, the commissioner shall prorate equally all charges to the insured according to actual calendar days of coverage. The effective dates of procurement or cancellation of insurance from insurance com-

panies shall determine the cost to the insured for such coverage on an equal per diem basis established for the calendar year cost of insurance policies.

SECTION 3. This act shall take effect on January the first, nineteen hundred and seventy-four. *Approved May 31, 1973.*

Chap. 342. AN ACT EXEMPTING MUNICIPALITIES FROM THE PAYMENT OF A FEE TO CLERKS OF COURTS FOR THE FILING OF A PETITION TO THE COUNTY COMMISSIONERS.

Be it enacted, etc., as follows:

Section 4 of chapter 262 of the General Laws is hereby amended by striking out the sixth paragraph, as most recently amended by chapter 582 of the acts of 1954, and inserting in place thereof the following paragraph: —

For entry of an action or suit, or of a petition in the supreme judicial or superior court or for filing a petition to the county commissioners, five dollars, and for entry in the superior court of a libel for divorce or for affirming or annulling marriage, five dollars, each of which fees shall be paid by the party entering the same, and no other fee shall be charged for taxing costs, for issuing any subpoena or execution or for issuing any order of notice or other mesne, interlocutory or final order, rule, decree or process authorized by law, except an injunction or restraining order in cases not involving domestic relations, and for the issuance of such injunction or restraining order in the supreme judicial, superior, land or probate courts, five dollars; provided, however, that the court may, if it finds that the entering party is destitute and unable to pay, order the payment of such entry fee to be waived; and provided, further, that no fee shall be required from a municipality filing a petition to the county commissioners for the county wherein it is located.

Approved May 31, 1973.

Chap. 343. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BERKSHIRE COUNTY TO BORROW MONEY FOR THE LEASING, EQUIPPING AND FURNISHING OF SPACE IN THE NEW CITY HALL BEING CONSTRUCTED IN THE CITY OF NORTH ADAMS BY THE DISTRICT COURT OF NORTHERN BERKSHIRE.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing court house facilities for the district court of northern Berkshire, the county commissioners of Berkshire county may enter into a lease in perpetuity for space in the new city hall being constructed in the city of North Adams. Said space shall be constructed according to a plan furnished by said county commissioners. For said purpose and for a lease in perpetuity of suitable parking space and for the purpose of

equipping and furnishing said facilities said commissioners may expend such sums as may be necessary, not exceeding, in the aggregate, two hundred and twenty thousand dollars, and the consideration paid for such lease may be paid as a contribution by the county to the cost of construction of said city hall.

SECTION 2. For the purposes aforesaid, the treasurer of said county with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, two hundred twenty thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Berkshire County Court House Loan, District Court of Northern Berkshire, Act of 1973. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than ten years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Approved May 31, 1973.

Chap. 344. AN ACT PROVIDING FOR THE PROMPT PAYMENT OF CLAIMS UNDER ACCIDENT AND SICKNESS INSURANCE POLICIES.

Be it enacted, etc., as follows:

SECTION 1. Subdivision 4 of section 108 of chapter 175 of the General Laws, as appearing in section 1 of chapter 275 of the acts of 1954, is hereby amended by inserting after paragraph (b) the following paragraph: —

(c) Within fifteen days after an insurer's receipt of notice of claim by a claimant under a policy of accident and sickness insurance which is delivered or issued for delivery in the commonwealth, and which provides hospital expense and surgical expense insurance, the insurer shall furnish such forms as are usually furnished by it for filing proofs of loss. Within forty-five days from said receipt of notice if payment is not made the insurer shall notify the claimant in writing specifying the reasons for the nonpayment or what further documentation is necessary for payment of said claim within the terms of the policy.

SECTION 2. Section 110 of said chapter 175 is hereby amended by inserting after subdivision (F) the following subdivision: —

(G) For purposes of this section the term "notice of a claim" shall mean any notification whether in writing or otherwise, to an insurer or its authorized agent, by any person, firm, association, or corporation asserting right to payment under a policy of insurance which reasonably apprises the insurer of the existence of a claim.

Within fifteen days after the insurer's receipt of notice of a claim

by a claimant under a general or blanket policy as described in this section, which is delivered or issued for delivery in the commonwealth and which provides hospital expense and surgical expense insurance, the insurer shall furnish such forms as are usually furnished by it for filing proofs of loss. Within forty-five days from said receipt of notice, if payment is not made, the insurer shall notify the claimant in writing specifying the reasons for the non-payment or what further documentation is necessary for payment of said claim within the terms of the policy.

Approved May 31, 1973.

Chap. 345. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF ESSEX COUNTY TO BORROW MONEY FOR CONSTRUCTING AND EQUIPPING A COURT HOUSE IN THE CITY OF PEABODY FOR THE DISTRICT COURT OF PEABODY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Essex county are hereby authorized to construct and originally equip a court house, to provide suitable and adequate facilities for the district court of Peabody. Said commissioners may take by eminent domain or acquire by purchase or otherwise any land that may be necessary for the purposes of this act, including a sufficient area for the parking of the motor vehicles of persons in attendance upon said court. Said commissioners may expend for the purposes of this act, including the preparation of plans and specifications in connection therewith and for landscaping, such sums as may be necessary, not exceeding, in the aggregate, two million dollars. Any sums received from the federal government for the purposes of this act shall be included in, and considered a part of, the total amount authorized to be expended hereunder.

SECTION 2. For the purposes authorized by section one, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, two million dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Essex County Court House Loan, Act of 1973. Each authorized issue shall constitute a separate loan and such loans shall be payable not more than fifteen years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 3. This act shall take effect upon its passage.

Approved June 1, 1973.

Chap. 346. AN ACT AUTHORIZING THE CITY OF BROCKTON TO INCREASE THE PENSION PAYABLE TO RACHEL W. CARTLAND BY SAID CITY.

Be it enacted, etc., as follows:

For the purpose of promoting the public good, the city of Brockton is hereby authorized to recompute the pension of Rachel W. Cartland, a former city librarian of said city, so as to pay her an amount of pension equal to the amount of pension she would have received had she retired at an annual average rate of regular compensation as described in paragraph (a) of subdivision (2) of section five of chapter thirty-two of the General Laws of eleven thousand nine hundred dollars.

Approved June 1, 1973.

Chap. 347. AN ACT INCREASING THE MAXIMUM PENSION PAYABLE TO CERTAIN WIDOWS.

Be it enacted, etc., as follows:

Section 95A of chapter 32 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 4 of chapter 793 of the acts of 1972, and inserting in place thereof the following paragraph: —

For the purpose of promoting the public good and in consideration of the long and meritorious service of any official or employee who was retired or pensioned under the provisions of any non-contributory retirement law or who was qualified for retirement under the provisions of any such law but died before being retired, and who had no rights under any such law to elect that benefits thereunder be paid to a survivor, a county, a city or a town which accepts this section, in the manner hereinafter provided, shall grant an annuity to his surviving spouse, so long as such spouse survives and does not remarry, or, if there is no surviving spouse, to a legal guardian for the benefit of any surviving child who is unmarried and under age eighteen, in such amount as it may determine, but not to exceed one half of the regular annual compensation received by such official or employee or three thousand dollars; provided, that such official or employee had been permanently employed on a full time basis by such county, city or town for not less than fifteen years; and provided further, that such spouse or child is not receiving a retirement allowance or pension under the provisions of any general or special law other than a retirement allowance or pension based on the service of such spouse or child to the commonwealth or to any political subdivision thereof; and provided further, that any annuity granted hereunder to such spouse or for the benefit of any such child is less than fifteen hundred dollars, it may be increased to an amount not exceeding fifteen hundred dollars. In the case of a town, the board of selectmen shall, subject to subsequent disapproval or modification by the town meeting, grant such annuity and determine the amount. The annuity pro-

vided to be paid to a surviving spouse under this section shall be paid only to such surviving spouse as was married to such official or employee at the time of his retirement. *Approved June 1, 1973.*

Chap. 348. AN ACT FURTHER REGULATING POLITICAL CONTRIBUTIONS MADE BY CORPORATIONS RELATIVE TO CERTAIN QUESTIONS SUBMITTED TO THE VOTERS.

Be it enacted, etc., as follows:

The second sentence of section 7 of chapter 55 of the General Laws, inserted by chapter 458 of the acts of 1972, is hereby amended by inserting after the word "voters", in line 2, the word: — solely.

Approved June 1, 1973.

Chap. 349. AN ACT REQUIRING COMPANIES ISSUING FIRE INSURANCE POLICIES TO PAY INTEREST ON CERTAIN UNPAID CLAIMS.

Be it enacted, etc., as follows:

SECTION 1. The eighteenth paragraph of clause Twelfth of section 99 of chapter 175 of the General Laws, as appearing in section 1 of chapter 478 of the acts of 1951, is hereby amended by adding the following sentence: — The company shall be liable for the payment of interest to the insured at a rate of one per cent over the prime interest rate on the agreed figure commencing thirty days after the date an executed proof of loss for such figure is received by the company, said interest to continue so long as the claim remains unpaid.

SECTION 2. The provisions of the eighteenth paragraph of clause Twelfth of section ninety-nine of chapter one hundred and seventy-five of the General Laws, as amended by section one of this act, shall not apply to policies of fire insurance issued prior to the effective date of this act.

Approved June 1, 1973.

Chap. 350. AN ACT MAKING CORRECTIVE CHANGES IN THE LAW AUTHORIZING CO-OPERATIVE BANKS TO INVEST IN SECURITIES OF COUNTRIES FRIENDLY TO THE UNITED STATES.

Be it enacted, etc., as follows:

SECTION 1. Section 26 of chapter 170 of the General Laws is hereby amended by inserting after subsection 1 the following subsection: —

1A. In bonds, notes, or obligations issued by governments of foreign countries friendly to the United States, as defined by the United States Department of State.

SECTION 2. Subsection 7 of said chapter 170 is hereby amended by striking out the first sentence, as amended by chapter 206 of the acts of 1972, and inserting in place thereof the following sentence: — In such other loans on or in relation to real estate and in such other investments in interest bearing securities, to such extent and subject to such conditions and limitations as may be authorized by the commissioner pursuant to the following provisions: — Upon application by twenty-five such corporations to The Co-operative Central Bank, submitted in such form and under such regulations as its directors may require, requesting authority for co-operative banks to invest their funds in any loans or investments not otherwise authorized for investment by this chapter or by general or special law, said directors may request the commissioner, in such form and under such regulations as he may require, in his discretion, to authorize co-operative banks, notwithstanding any other provisions of this chapter or general or special law, to invest their funds in any such loans or investments.

Approved June 1, 1973.

Chap. 351. AN ACT RELATIVE TO AGE, HEIGHT AND WEIGHT REQUIREMENTS FOR CERTAIN POLICE OFFICERS AND FIRE FIGHTERS UNDER THE CIVIL SERVICE LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow appointments notwithstanding certain age, height and weight requirements for certain police and fire forces in the commonwealth in conjunction with forthcoming civil service examinations for said positions, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation for the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 5B of chapter 31 of the General Laws, as most recently amended by chapter 370 of the acts of 1971, is hereby further amended by striking out the first two paragraphs and inserting in place thereof the following two paragraphs: —

No person shall be ineligible for appointment and no person shall be denied employment as a fire fighter or police officer in a city or town, the metropolitan district police force, the Massachusetts Bay Transportation Authority police force or capitol police force because of failure to attain any certain height, unless the appointing authority has notified or shall notify the director that in his or its opinion a certain height is necessary for the performance of the duties of the position. In no case may this minimum height exceed five feet, six inches. In the case of a city or town said opinion of the appointing authority shall have the prior approval, before submission to the director, of the city council or selectmen, if said body is not the appointing authority. No such minimum height shall be in effect unless the appointing authority shall have sub-

mitted to the director, with said approval where required, a formal notification prior to the issuance of the examination announcement for the position and in the case of a change in minimum height, said change shall not apply except to an eligible list established on the basis of said announcement.

Each applicant for fire fighter or police officer in a city or town, the metropolitan district police force, the Massachusetts Bay Transportation Authority police force or capitol police force shall have reached his nineteenth birthday on the date of the application for examination.

SECTION 2. Said section 5B of said chapter 31 is hereby further amended by striking out the third paragraph, as appearing in section 2 of chapter 162 of the acts of 1970, and inserting in place thereof the following paragraph: —

No person shall be eligible to become an applicant for fire fighter or police officer in a city or town, the metropolitan district police force, the Massachusetts Bay Transportation Authority police force or capitol police force who has reached his thirty-second birthday on the date of application for the examination.

SECTION 3. Section twenty-two A of said chapter thirty-one is hereby repealed.

SECTION 4. The provisions of section two of this act shall take effect on January first, nineteen hundred and seventy-five.

Approved June 4, 1973.

Chap. 352. AN ACT RELATIVE TO THE MEMBERSHIP OF THE NORTH ADAMS INDUSTRIAL DEVELOPMENT COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 548 of the acts of 1953 is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following two paragraphs: —

The North Adams Industrial Development Commission shall consist of nine persons to be appointed by the mayor of the city of North Adams, subject to confirmation by the city council, the president of the North Adams city council, or such member of the city council as may be designated by said president, and the chairman of the North Adams Redevelopment Authority, or such members of said Authority as may be designated by said chairman. Three members of said commission shall be appointed for a term expiring May first, nineteen hundred and seventy-four, three shall be appointed for a term expiring May first, nineteen hundred and seventy-five, and three for a term expiring May first, nineteen hundred and seventy-six. Beginning in the year nineteen hundred and seventy-five, the mayor shall annually appoint three persons to serve as members of the commission for full three-year terms commencing on May first in each year. Members of the commission need not be residents of the city of North Adams.

As soon as it is convenient to do so upon the appointment of the full membership of the commission, it shall meet and elect a chairman, a treasurer, a secretary and such other officers as it may deem necessary and desirable. There shall be an executive committee which shall consist of the chairman, treasurer, secretary, and two other members of the commission who shall be elected at the same meeting at which the chairman, treasurer and secretary are elected. Five members of the commission shall constitute a quorum for the transaction of business. The terms of the chairman, treasurer, clerk and other officers, if any, shall be one year and until their successor shall be elected and qualified. Vacancies in the commission caused by any reason shall be filled by appointment by the mayor, subject to confirmation by the city council, for the unexpired term. Vacancies in the office of chairman, treasurer, clerk or other offices, if any, shall be filled by the executive committee and the person elected shall serve until the next annual meeting of the commission, which annual meeting shall be held on the first Wednesday of May in each year. Meetings of the full commission shall be fixed by the by-laws of the commission, but there shall be, at least four meetings of the full commission within each fiscal year. Between meetings the business of the commission shall be performed and questions of policy shall be determined by the executive committee.

SECTION 2. The terms of office of the members and officers of the North Adams Industrial Development Commission in office on the effective date of this act shall terminate upon the appointment of the members of the commission under the provisions of section one of this act.

SECTION 3. This act shall take effect upon its passage.

Approved June 4, 1973.

Chap. 353. AN ACT FURTHER REGULATING THE STANDARD FOR SAFETY GLAZING MATERIALS IN THE CONSTRUCTION OF CERTAIN BUILDINGS IN HAZARDOUS LOCATIONS.

Be it enacted, etc., as follows:

Section 3T of chapter 143 of the General Laws, as appearing in section 1 of chapter 837 of the acts of 1971, is hereby amended by striking out, in line 7, the words "Standard known as Z97-1" and inserting in place thereof the words: — Standards Institute standard ANSI Z-97.1-1972.

Approved June 4, 1973.

Chap. 354. AN ACT AUTHORIZING BRANDEIS UNIVERSITY TO FURTHER INCREASE THE MEMBERSHIP OF ITS BOARD OF TRUSTEES.

Be it enacted, etc., as follows:

Section 1 of chapter 326 of the acts of 1937 is hereby amended by striking out the last sentence, as most recently amended by

chapter 371 of the acts of 1968, and inserting in place thereof the following sentence: — Said trustees shall be self-perpetuating and shall have power, as shall be required, to elect a president, vice-president, secretary, treasurer and such other officers as may be necessary and to declare the duties and tenures of their respective offices; provided, nevertheless, that the number of the members shall not be greater than fifty.

Approved June 4, 1973.

Chap. 355. AN ACT AUTHORIZING THE CLERK OF THE COURTS FOR THE COUNTY OF ESSEX TO ENTER INTO A CONTRACT FOR THE PUBLISHING OF THE SALEM WITCHCRAFT PAPERS, SO-CALLED.

Be it enacted, etc., as follows:

The clerk of the courts for the county of Essex may, with the advice and consent of the county commissioners of Essex county, enter into a contract on behalf of said county granting the exclusive right to publish all or any portion of the Salem Witchcraft Papers, so-called, which are official records of the superior court for Essex county for a consideration to be determined by said county commissioners. Any funds received under said contract shall be paid into the county treasury and held in a separate fund which may be expended solely for the purpose of advertising and properly displaying said papers.

Approved June 4, 1973.

Chap. 356. AN ACT PROVIDING FOR AN ADDITIONAL JUSTICE IN THE THIRD DISTRICT COURT OF BRISTOL.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of the first paragraph of section 6 of chapter 218 of the General Laws, as most recently amended by section 4 of chapter 728 of the acts of 1972, is hereby further amended by inserting after the word "Brockton", in line 3, the words: — , the third district court of Bristol.

SECTION 2. Notwithstanding the provisions of the first paragraph of section six of chapter two hundred and eighteen of the General Laws, as amended by section one of this act, no additional special justice shall be appointed for the third district court of Bristol.

SECTION 3. This act shall take effect upon its passage.

Approved June 5, 1973.

Chap. 357. AN ACT REORGANIZING AND INCREASING THE SCOPE OF THE LAKE QUINSIGAMOND COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 294 of the Special Acts of 1916 is hereby amended by striking out section 1, as amended by chapter 181 of

the acts of 1936, and inserting in place thereof the following three sections: —

Section 1. There shall be an unpaid commission, to be known as the Lake Quinsigamond Commission, consisting of one person appointed by the county commissioners of the county of Worcester, the chief of police of the city of Worcester, ex officio, one member of the Worcester Conservation Commission to be appointed by the city manager thereof, one member of the Shrewsbury Conservation Commission, to be appointed by the moderator of said town, the Chief of police, ex officio, of the town of Shrewsbury, and one member of the Grafton Conservation Commission to be appointed by the moderator of said town. Said commission shall elect from its membership a chairman and shall meet quarterly or oftener at the call of the chairman. Upon the expiration of the term of any member his successor shall be appointed in like manner as in the case of the original appointment, for the term of three years. Vacancies in the commission caused otherwise than by the expiration of term of service shall be filled for the balance of the unexpired term in like manner as in the case of original appointments.

Section 1A. The commission shall assist town, city and state agencies by coordinating the water quality monitoring, pollution control activities, recreation management and fact-finding, in Lake Quinsigamond and its watershed, and shall cooperate with state agencies and conservation commissions by conducting research and fact-finding studies concerning said Lake and its watershed.

Section 1B. The commission may receive gifts of funds or appropriations from the city of Worcester, and the towns of Shrewsbury and Grafton, to pay for the expense of printing costs and studies incurred by the commission under authority of section two.

SECTION 2. Of the initial appointees to said commission, the appointee of the commissioners of the county of Worcester shall serve for three years, the appointee of the city manager of the city of Worcester shall serve for two years, the appointee of the moderator of the town of Shrewsbury shall serve for one year, and the appointee of the moderator of the town of Grafton shall serve for three years.

SECTION 3. The commission established by section one of this act shall in all respects be the lawful successor to the commission established by section one of chapter two hundred and ninety-four of the Special Acts of nineteen hundred and sixteen, as amended by chapter one hundred and eighty-one of the acts of nineteen hundred and thirty-six, and shall have and exercise all the powers and privileges, and be subject to all the duties and obligations of said original commission.

SECTION 4. The terms of office of the members of the commission in office on the effective date of this act shall terminate upon the appointment of the members of the commission under the provisions of section one of this act.

SECTION 5. This act shall take effect upon its passage.

Approved June 5, 1973.

Chap. 358. AN ACT VALIDATING THE ACTION OF THE TOWN OF ACUSHNET IN GRANTING RETROACTIVE SALARY INCREASES TO EMPLOYEES OF THE HIGHWAY AND WATER DEPARTMENTS OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the town of Acushnet may appropriate money for the payment of, and pay, salary increases to employees of the highway and water departments of said town, for the period from April the first, nineteen hundred and seventy-two to October the twenty-sixth, nineteen hundred and seventy-two.

SECTION 2. Any action taken by the town of Acushnet at the special town meeting held on October the twenty-sixth, nineteen hundred and seventy-two, shall be as valid and effective as though section one of this act had been in full force and effect at the time of the posting of the warrant for said meeting.

SECTION 3. This act shall take effect upon its passage.

Approved June 5, 1973.

Chap. 359. AN ACT AUTHORIZING THE TOWN OF BRAINTREE TO USE A PORTION OF THE POND STREET CEMETERY AND SOUTH PARISH CEMETERY TO WIDEN POND STREET.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of widening Pond street in the town of Braintree, said town is hereby authorized to use a portion of Pond Street Cemetery in said town consisting of a strip of land containing about four thousand three hundred and forty-seven square feet, bounded and described as follows: —

Beginning at a point on the street face of a granite post located at the north-western corner of the Town of Braintree Pond Street Cemetery, said post being the north-western of two posts marking the Cemetery driveway entrance from Pond street, the said post being also on the south-western line of Pond Street as defined by an existing masonry wall running along the north-eastern boundary of the said cemetery;

Thence South 68 degrees 30 minutes and 50 seconds East, following along the said masonry wall, for a distance of 276.20 feet to a point on the line dividing the Town of Braintree Pond Street Cemetery from the Town of Braintree South Parish Cemetery;

Thence South 4 degrees 30 minutes and 20 seconds West, following along the said dividing line, for a distance of 17.35 feet to a point;

Thence north-westerly by a curve-radius 860.00 feet to the right for a distance of 31.15 feet to a point;

Thence North 67 degrees 55 minutes and 40 seconds West for a distance of 228.89 feet to a point;

Thence continuing north-westerly by a curve-radius 700.00 feet

to the left for a distance of 17.57 feet to a point on a chain link fence marking the western boundary of the Town of Braintree Pond Street Cemetery;

Thence North 7 degrees and 15 minutes East, following along the said chain link fence for a distance of 14.99 feet, more or less, to the point of beginning.

SECTION 2. For the purpose of widening Pond street in the town of Braintree said town is hereby authorized to use a portion of South Parish Cemetery in said town consisting of a strip of land containing about one thousand nine hundred twelve square feet, bounded and described as follows: —

Beginning at a point on a masonry wall running along the south-westerly line of Pond street, where the said wall is intersected by the line dividing the town of Braintree South Parish Cemetery from the town of Braintree Pond Street Cemetery;

Thence south 73 degrees and 43 minutes east, following along the above mentioned masonry wall, for a distance of 104.81 feet to a point on the eastern boundary of the town of Braintree South Parish Cemetery;

Thence south 4 degrees 30 minutes and 20 seconds west, following along the said eastern boundary of the town of Braintree South Parish Cemetery, for a distance of 17.75 feet to a point;

Thence north-westerly by a curve-radius 860.00 feet — to the right for a distance of 104.96 feet to a point on the above mentioned dividing line between the town of Braintree South Parish Cemetery and the town of Braintree Pond Street Cemetery;

Thence north 4 degrees 30 minutes and 20 seconds east, following along the said dividing line, for a distance of 17.35 feet, more or less, to the point of beginning.

SECTION 3. This act shall take effect upon its passage.

Approved June 5, 1973.

Chap. 360. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF MIDDLESEX COUNTY TO SELL AND CONVEY CERTAIN LAND IN THE TOWN OF BILLERICA.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Middlesex county are hereby authorized to sell and convey at private sale, upon such terms and conditions as said commissioners deem reasonable and proper, certain parcels of land in the town of Billerica adjacent to state highway route 3, shown as parcels A and B on a plan of land entitled "Plan of Land in Billerica, Mass." dated March 25, 1971, drawn by Raymond Engineering Service; bounded and described as follows: —

PARCEL A

SOUTHEASTERLY by Treble Cove Road, 392.52 feet;

WESTERLY by land now or formerly of Graham Associates, Inc. as

shown on said plan, 598.23 feet;
NORTHEASTERLY by land of the Commonwealth of Massachusetts, shown as "Route 3 Ramp" on said plan, 296.84 feet; more or less; and

EASTERLY by a curve forming the junction of Treble Cove Road and said "Route 3 Ramp", 74.22 feet.

Containing 1.8 acres more or less according to said plan.

PARCEL B

EASTERLY by land of Commonwealth of Massachusetts shown as "Route 3 Ramp" on said plan, 644 feet, more or less;

SOUTHERLY by land now or formerly of Graham Associates, Inc., 249.69 feet;

WESTERLY and NORTHWESTERLY by five courses totalling 655.40 feet; and

NORTHEASTERLY by said land now or formerly of Graham Associates, Inc., 51.79 feet.

Containing 2.2 acres more or less according to said plan.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1973.

Chap. 361. AN ACT FURTHER REGULATING THE ISSUANCE OF LICENSES AND LEARNER'S PERMITS TO OPERATE MOTOR VEHICLES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 90 of the General Laws is hereby amended by striking out section 8 and inserting in place thereof the following section: —

Section 8. Application for a license to operate motor vehicles may be made by any person except a person who has been licensed and whose license is not in force because of revocation or suspension or whose right to operate is suspended by the registrar; but before such a license is granted, the applicant shall pass such examination as to his qualifications as the registrar, without discriminating as to age, shall require; and no license shall be issued until the registrar or his authorized agent is satisfied that the applicant is a proper person to receive it; and, except as hereinafter provided, no such license shall be issued to any person under eighteen years of age. Each applicant shall submit with his application a birth, baptismal or school certificate or such other satisfactory evidence of his age as the registrar may require.

A junior operator's license may, under rules and regulations established by the registrar, be issued to a minor under eighteen years of age who has attained age seventeen and such a license may be issued to a person under seventeen years of age if he is at least sixteen and one half years of age and has successfully completed a driver education and training course approved by the

registrar. Such license shall not entitle a licensee under eighteen years of age to operate a motor vehicle between the hours of one o'clock ante meridian and five o'clock ante meridian unless accompanied by a parent or legal guardian. The extent to which a holder of a junior operator's license may operate a motor vehicle thereunder shall be printed on each such license and any holder of such a license who operates a motor vehicle otherwise than as indicated on his license shall be deemed to be operating a motor vehicle without being duly licensed under this chapter.

If for any reason the registrar or his agents are unable to examine an applicant for a license promptly, the applicant may be issued a receipt for the fee paid, provided that the applicant shows that he is duly licensed in a state or country which state or country the registrar has finally determined prescribes and enforces standards of fitness for operators of motor vehicles substantially as high as those prescribed and enforced by this commonwealth. Said receipt shall be carried in lieu of the license, and for a period of sixty days from the date of its issue said receipt shall have the same force and effect given to the license by this chapter.

To each licensee shall be assigned some distinguishing number or mark, and the licenses issued shall be in such form as the registrar shall determine. They may contain special restrictions and limitations. They shall contain a photograph of the licensee, his name, his place of residence and address, a brief description of him for purposes of identification, and such other information as the registrar shall deem necessary.

A person to whom a license has been issued under this section shall not operate motor vehicles other than those for which such license has been made valid by the registrar.

Every person licensed to operate motor vehicles as aforesaid shall endorse his name in full in a legible manner on the margin of the license, in the space provided for the purpose, immediately upon receipt of said license, and such license shall not be valid until so endorsed.

A license or any renewal thereof issued to an operator shall expire on an anniversary of the operator's date of birth occurring more than twelve months but not more than forty-eight months after the effective date of such license. The license issued to an operator born on February twenty-ninth shall, for the purpose of this section, expire on March first.

Applications for licenses shall be in such form as may be prescribed by the registrar. Every application for an original license filed under this section shall be sworn to by the applicant before a justice of the peace or notary public and, if the applicant is under age eighteen, be accompanied by the written consent, in such form as the registrar shall determine, of a parent or guardian or other person standing in the place of a parent of the applicant.

Any applicant shall be permitted, at his request, to take any written examination in connection with the issuance of such license in a language other than English.

SECTION 2. The first paragraph of section 8B of said chapter 90, as most recently amended by chapter 187 of the acts of 1967, is hereby further amended by inserting after the first sentence the following sentence: — Each applicant shall submit with his application a birth, baptismal or school certificate or such other satisfactory evidence of his age as the registrar may require.

Approved June 5, 1973.

Chap. 362. AN ACT DESIGNATING THE SWIMMING POOL IN LAFAYETTE PARK IN THE CITY OF FALL RIVER AS THE VIETNAM VETERANS POOL.

Be it enacted, etc., as follows:

The swimming pool in Lafayette park in the city of Fall River shall be designated and known as the Vietnam Veterans pool, in memory of deceased veterans of the Vietnam Campaign. A suitable memorial marker bearing said designation and the names of each deceased veteran of the Vietnam Campaign from the city of Fall River and the towns of Berkley, Dartmouth, Dighton, Somerset, Swansea and Westport who died while in the service of his country shall be attached thereto by the department of natural resources.

Approved June 5, 1973.

Chap. 363. AN ACT FURTHER REGULATING THE APPOINTMENT AND SALARY OF THE COURT OFFICERS ATTENDING THE SUPREME JUDICIAL AND APPEALS COURTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize for the payment of the salaries of certain court officers as of August sixteenth, nineteen hundred and seventy-two, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 69 of chapter 221 of the General Laws, as amended by section 7 of chapter 740 of the acts of 1972, is hereby further amended by adding the following paragraph: —

The sheriff of Suffolk county shall appoint the court officers for attendance upon the sessions of the supreme judicial court and the appeals court in said county.

SECTION 2. Said chapter 221 is hereby further amended by striking out section 73, as most recently amended by section 11 of said chapter 740, and inserting in place thereof the following section: —

Section 73. Each officer in attendance upon the supreme judicial court in the county of Suffolk shall receive in full for all services performed by him such salary as shall be fixed by the justices of

the supreme judicial court, of which salary eight hundred and fifty dollars shall be paid by the commonwealth and the remainder by said county. Each officer in attendance upon the appeals court in the county of Suffolk shall receive in full for all services performed by him such salary as shall be fixed by the justices of the appeals court. Said salary shall be paid by Suffolk county, of which amount all except eight hundred and fifty dollars per officer shall annually be reimbursed to said county by the commonwealth. The officer in attendance upon the land court in said county shall receive in full for all services performed by him such salary as shall be fixed by the judges of said court. Each officer in attendance upon the probate court in said county shall receive in full for all services performed by him such salary as shall be fixed by the judges of said court.

SECTION 3. This act shall take effect as of August sixteenth, nineteen hundred and seventy-two. *Approved June 8, 1973.*

Chap. 364. AN ACT RELATIVE TO THE COMPENSATION OF CERTAIN EMPLOYEES OF CITIES, TOWNS AND DISTRICTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the payment to certain employees of cities, towns and districts out of surplus revenue accounts certain sums earned by them during the year nineteen hundred and seventy-one which were not paid due to the wage freeze imposed by executive order, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 2 of chapter 60 of the acts of 1972 is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following two paragraphs: —

If the balance in the surplus revenue account of the city, town or district, other than a regional school district, at the close of the nineteen hundred and seventy-two financial year is not sufficient for the purposes of this section, any additional amount required therefor shall be paid by the treasurer of the city, town, or district, other than a regional school district; and such additional amount shall be reported by the auditor or accountant or other officer having similar duties, or by the treasurer if there be no such officer, to the assessors, who shall include the amount so reported in the aggregate appropriations assessed in the determination of the next annual tax rate.

If the balance in the surplus revenue account of a regional school district at the close of the nineteen hundred and seventy-two financial year is not sufficient for the purposes of this section, any additional amount therefor shall be paid from any funds appropriated in the school district budget for the fiscal year commencing on January first, nineteen hundred and seventy-three.

Approved June 8, 1973.

Chap. 365. AN ACT AUTHORIZING AND DIRECTING THE TREASURER OF BRISTOL COUNTY TO PAY CERTAIN SUMS OF MONEY TO SAVIN BUSINESS MACHINE CORPORATION AND TO VINCENT FERNANDES D/B/A FERNANDES & SONS CONSTRUCTION OF THE CITY OF NEW BEDFORD.

Be it enacted, etc., as follows:

SECTION 1. The treasurer of Bristol county is hereby authorized to pay from available funds to Savin Business Machine Corporation, a corporation duly organized under the laws of the state of New York, an unpaid bill in the amount of one thousand three hundred and ninety-five dollars for the purchase of a copy machine for the office of the district attorney of the southern district in March, nineteen hundred and seventy-two, payment of which is unenforceable against said county because of failure to comply with the provisions of section seventeen of chapter thirty-four of the General Laws.

SECTION 2. Chapter 223 of the acts of 1973 is hereby amended by inserting after the word "thousand" the words: — seven hundred.

SECTION 3. Section one of this act shall take effect upon its passage.

SECTION 4. Section two of this act shall take effect on May twenty-seventh, nineteen hundred and seventy-three.

Approved June 8, 1973.

Chap. 366. AN ACT FURTHER REGULATING THE NAMES THAT MAY BE USED TO DESIGNATE PROFESSIONAL CORPORATIONS.

Be it enacted, etc., as follows:

Chapter 156A of the General Laws is hereby amended by striking out section 5 and inserting in place thereof the following section: —

Section 5. The corporate name of every professional corporation shall end with the word "Professional Corporation", "Corporation" or "Incorporated" or the abbreviation "P.C.", "Corp." or "Inc."; provided, that a regulating board may by rule adopt further requirements as to the names of professional corporations organized to render a professional service within the jurisdiction of such regulating board.

Approved June 8, 1973.

Chap. 367. AN ACT PROVIDING THAT REGISTERED PSYCHOLOGISTS MAY ORGANIZE PROFESSIONAL CORPORATIONS.

Be it enacted, etc., as follows:

Paragraph (b) of section 1 of chapter 156A of the General Laws, as most recently amended by chapter 142 of the acts of 1972, is hereby further amended by inserting after the word "therapists", in line 3, the word: — , psychologists. *Approved June 8, 1973.*

Chap. 368. AN ACT FURTHER REGULATING THE FEES CHARGED BY THE BOARD OF REGISTRATION OF HAIRDRESSERS.

Be it enacted, etc., as follows:

Section 87CC of chapter 112 of the General Laws is hereby amended by striking out the third paragraph, as amended by section 50 of chapter 684 of the acts of 1972, and inserting in place thereof the following paragraph: —

The following fees shall be paid to the board by applicants before a certificate of registration, or any renewal thereof, shall be issued to them: —

Applicant	Original	Renewal
School	\$200.00	\$100.00
Beauty Shop	20.00	15.00
Booth Renter	25.00	50.00
Manicure Shop	20.00	10.00
Hairdressers ¹	20.00	8.00
Hairdressers ²	25.00	8.00
Hairdressers (Nonresidents)	70.00	8.00
Hairdressers (Re-examination)	15.00	8.00
Operators	25.00	8.00
Operators (Re-examination)	15.00	8.00
Operators (Nonresidents)	60.00	8.00
Manicurist	15.00	8.00
Manicurist (Re-examination)	8.00	8.00
Manicurist (Nonresidents)	20.00	8.00
Instructors	60.00	8.00
Instructors (Re-examination)	25.00	8.00
Demonstrators	15.00	8.00
Duplicate certificate of registration, \$2.00.		
New Certificate of registration to registered show owners upon change of location, \$10.00.		
Temporary license for operator (Nonresident), \$5.00.		
Temporary license for hairdresser (Nonresident), \$10.00.		
Temporary license for instructor, \$15.00.		
Temporary license for manicurist, \$5.00.		
Temporary license for nonresident manicurist, \$5.00.		
Hairdresser forfeiture, \$20.00.		
Temporary license for hairdresser forfeiture, \$5.00.		
Operator forfeiture, \$25.00.		
Temporary license for operator forfeiture, \$5.00.		

¹ \$20.00 fee applies to operators who have paid the \$15.00 fee for examination or the nonresident operators, who have paid the \$25.00 fee.

² \$25.00 fee applies to operators who have paid only \$10.00 for the operator's examination, or a \$20.00 fee for the nonresident operator's examination.

Approved June 8, 1973.

Chap. 369. AN ACT INCLUDING CERTAIN MEMBERS OF THE STATE POLICE IN THE DEPARTMENT OF PUBLIC SAFETY IN THE CAREER INCENTIVE PAY PROGRAM.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 108L of chapter 41 of the General Laws, as appearing in chapter 835 of the acts of 1970, is hereby amended by striking out, in lines 3 and 4, the words "the division of state police in the department of public safety" and inserting in place thereof the words: — members of the uniformed branch of the division of state police appointed under section nine A of chapter twenty-two and state police detectives appointed under section six of chapter twenty-two serving in any division in the department of public safety.

SECTION 2. The fourth paragraph of said section 108L of said chapter 41, as so appearing, is hereby amended by striking out, in line 11 and in line 14, the words "state police" and inserting in place thereof, in each instance, the words: — members of the uniformed branch of the division of state police appointed under section nine A of chapter twenty-two and state police detectives appointed under section six of chapter twenty-two serving in any division in the department of public safety.

SECTION 3. This act shall take effect as of November twenty-sixth, nineteen hundred and seventy. *Approved June 8, 1973.*

Chap. 370. AN ACT REGULATING THE LAW RELATIVE TO TIPS OR GRATUITIES RECEIVED BY PERSONS CHECKING ARTICLES AND SELLING CIGARETTES AND OTHER MERCHANDISE.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by striking out section 159A, inserted by section 1 of chapter 342 of the acts of 1937, and inserting in place thereof the following section: —

Section 159A. No licensee under chapter one hundred and thirty-eight or chapter one hundred and forty or under any special licensing law, and no holder of a concession on the licensed premises, and no owner or operator of any restaurant, hotel or motel nor any holder of a concession on such premises, shall require any person employed in or upon such premises, or in or upon such part of such premises as is under his control, as the case may be, to check or care for articles of clothing or baggage or to sell cigarettes, cigars, tobacco or other articles of merchandise, to pay over or account for the whole or any portion of the tips or gratuities which are received by the person so employed, unless there is displayed in a conspicuous place, where such service is rendered, in plain view of all persons, a sign upon which shall be stated the percentage of the tips or gratuities given to persons so employed which such persons are permitted to retain, or, if no percentage is permitted to be retained, that such persons are not permitted to

retain any percentage of such tips or gratuities. The department may make, amend, and annul rules and regulations necessary to carry out the purposes of this section, and shall be responsible for its enforcement.

Whoever violates the provisions of this section shall be punished by a fine of not more than two hundred dollars.

Approved June 8, 1973.

Chap. 371. AN ACT AUTHORIZING THE MASSACHUSETTS BOARD OF REGIONAL COMMUNITY COLLEGES TO TRANSFER CARE, CONTROL AND MAINTENANCE OVER CERTAIN LAND IN THE CHARLESTOWN DISTRICT OF THE CITY OF BOSTON TO THE DEPARTMENT OF PUBLIC WORKS FOR RECONSTRUCTION OF THE PRISON POINT BRIDGE, SO-CALLED.

Be it enacted, etc., as follows:

The Massachusetts board of regional community colleges is hereby authorized to transfer the care, control and maintenance to the department of public works of three parcels of land for the purpose of reconstruction of the so-called Prison Point bridge, in the Charlestown district of the city of Boston, as shown on a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Park Engineering, Prison Point Bridge, Boston & Cambridge, Plan of Takings & Easements, Scale 1" = 40', May 15, 1972, Mason J. Condon, Director of Park Engineering, consisting of two sheets (47321 V.T. and 47322 V.T.), which plan is recorded with the registry of deeds in Suffolk county with Book 8540, Page 651, and being bounded and described as follows:

Parcel One

A parcel of land located on the northwesterly side of Austin Street, adjoining the northeasterly location line of Interstate Route 695, as established by the August 9, 1967 State Highway layout (Layout No. 5700) bounded by a line described as follows:

Beginning at a point on the existing northwesterly street line of Austin Street and extending thence, following said street line, south 45° 26' 02" west 97.70 feet; thence leaving said street line and extending north 60° 00' 00" west 4.5 feet to a point on said State highway location line; thence following said location line north 26° 38' 13" east 9.56 feet; thence northwesterly by a curve to the left of 2024.00 feet radius 1.71 feet; thence leaving said location line and extending northeasterly by a curve to the right of 614.83 feet radius 90.93 feet to the point of beginning; containing about 558 square feet.

Parcel Two

A parcel of land located on the northwesterly side of Austin Street at the westerly corner of the intersection of Rutherford Avenue therewith, bounded by a line described as follows:

Beginning at a point on the existing northwesterly street line

of Austin Street and extending thence, following said street line, southwesterly by a curve to the right of 130 feet radius 97.56 feet; thence south $67^{\circ} 14' 06''$ west 63.16 feet; thence south $67^{\circ} 35' 52''$ west 95.38 feet; thence leaving said street line and extending northeasterly by a curve to the right of 616.00 feet radius 82.65 feet; thence north $65^{\circ} 50' 25''$ east 106.67 feet; thence by a curve to the left of 90.00 feet radius 65.35 feet to the point of beginning; containing about 1,550 square feet.

Parcel Three

A parcel of land 10 feet in width adjoining the proposed northwesterly street line of Austin Street and the northeasterly location line of Interstate Route 695, as established by the August 9, 1967 State highway Layout (Layout No. 5700), bounded as follows:

Southeasterly by said street line about 139 feet;

Southwesterly by said State Highway location line about 11 feet; and Northwesterly and Northeasterly by other land now or formerly of Massachusetts Bay Community College about 147 feet and about 11 feet respectively; containing about 1,430 square feet.

Approved June 8, 1973.

Chap. 372. AN ACT INCREASING THE FEE OF SHERIFFS, DEPUTY SHERIFFS, AND CONSTABLES FOR THE SERVICE OF AN ORIGINAL SUMMONS OR SCIRE FACIAS.

Be it enacted, etc., as follows:

Section 8 of chapter 262 of the General Laws, as appearing in paragraph (1) of subdivision A of section 1 of chapter 594 of the acts of 1964, is hereby further amended by striking out, in line 5, the word "four" and inserting in place thereof the word: — five.

Approved June 8, 1973.

Chap. 373. AN ACT AUTHORIZING THE TOWN OF LUDLOW TO USE FOR TOWN OFFICE BUILDING PURPOSES CERTAIN LAND NOW HELD BY IT FOR PARK PURPOSES.

Be it enacted, etc., as follows:

The town of Ludlow is hereby authorized to use for town office building purposes and for the erection thereon of such town office buildings as said town may determine, certain land in said town now held by it for public park purposes, said land being located on the northerly side of Chapin street in said town and being part of land known as "Veterans Park" bounded and described as follows: —

Beginning at a point in the Northerly line of said Chapin Street, said point being about 100. feet Westerly of the Southwest corner of land supposed to belong to Harold and Delores Labier, thence

running *Westerly* along said Northerly line of Chapin Street about 400. feet to a point; thence turning a right angle and running *Northerly* about 250. feet to a point; thence turning a right angle and running *Easterly* about 400. feet to a point; thence turning a right angle and running *Southerly* about 250. feet to the point of beginning, the first and last described courses also forming a right angle. Containing about 2.3 acres of land. Pass any vote or take any action relative thereto. Submitted by the Town Hall Site Location Committee.

Approved June 8, 1973.

Chap. 374. AN ACT AUTHORIZING THE TOWN OF WEBSTER TO CONVEY CERTAIN LAND IN SAID TOWN TO WILFRED AND IRENE PELLETIER IN CONSIDERATION OF THE CONVEYANCE BY SAID WILFRED AND IRENE PELLETIER OF CERTAIN OTHER LAND TO SAID TOWN.

Be it enacted; etc., as follows:

SECTION 1. In consideration of the conveyance to the town of Webster by Wilfred and Irene Pelletier of certain land as provided in section two, said town is hereby authorized to convey to said Wilfred and Irene Pelletier all its rights, titles and interest in and to a certain parcel of land located in said town of Webster, bounded and described as follows:

Beginning at a State Highway Bound marking the northeasterly corner of said tract and in the westerly side line of Route #52;

Thence southerly by Route #52 185 feet to a stake;

Thence westerly about 84 feet by land of Town of Webster to the land of Pelletier;

Thence northerly about 105.00 feet by land of Wilfred and Irene Pelletier to an iron pipe;

Thence northeasterly by land of said Pelletier about 119.9 feet to the point of beginning.

Subject to survey.

SECTION 2. In consideration of the conveyance to the town of Webster of certain land as provided in section one, said town is hereby authorized to convey to said Wilfred and Irene Pelletier all its rights, titles and interest in and to a certain parcel of land located in said town on the easterly side of Thompson Road, bounded and described as follows:

Beginning at an iron pin at the northwesterly corner of the Fire and Police Station Lot;

Thence easterly about 140 feet;

Thence northerly about 35 feet;

Thence westerly about 140 feet;

Thence southerly by the easterly side line of Thompson Road about 35 feet.

Approved June 8, 1973.

Chap. 375. AN ACT PROHIBITING THE EXCLUSION OF CERTAIN CHILDREN FROM PUBLIC SCHOOLS PRIOR TO MEETINGS WITH SCHOOL COMMITTEES.

Be it enacted, etc., as follows:

Chapter 76 of the General Laws is hereby amended by adding the following section: —

Section 18. No child sixteen years of age or older shall be considered to have been permanently excluded from the public schools unless an administrator of the school which such child last attended has sent notice within ten days from the day of such child's fifteenth consecutive absence to the person in control of such child in both the primary language of such person and English, stating that such child and such person may, within ten days of the sending of said notice, meet with the school committee or its designated representatives. The time for such meeting may be extended at the request of the person in control of such child and with consent of the school committee or its designated representatives, provided no extension shall be for longer than fourteen days. Such meeting shall be for the purpose of discussing the reasons for the child being permanently excluded from school and educational or other alternatives to such exclusion.

The superintendent of every city, town or regional school district shall annually report to the department of education the number of children sixteen years of age or older who have been permanently excluded from public school, the reasons for such exclusion and any educational or other alternatives to such exclusion.

The provisions of this section shall not apply to children who have completed the regular course of public school education, or to children whose absences have been excused, nor shall this section be construed to permanently exclude a child who wishes to resume his education.

Approved June 8, 1973.

Chap. 376. AN ACT AUTHORIZING THE CITY OF SOMERVILLE TO USE LINCOLN PARK FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The city of Somerville is hereby authorized to use for the erection of a public school building and other school purposes, and for all purposes incidental thereto, land now held by said city for park and playground purposes and known as Lincoln Park, inclusive of the wading pool area south of Lincoln Parkway, and consisting of 7.12 acres, more or less; provided, however, that no more than 1.5 acres of said park, as hereinabove described, shall be used for the construction of said school building, said 1.5 acres being the most northerly portion of said park and is bounded and described as follows: Northerly in two courses by Washington street and land now or formerly of the Boston and Maine Railroad; Easterly by land now or formerly of McLane and by Clark street;

Southerly by the remaining portion of said park; and Westerly by land now or formerly of O'Callahan, Coyne, O'Connor and Kelly. The Southerly boundary is one hundred and fifty (150) feet distant from the Northerly boundaries and parallel therewith.

The remainder of said park is to be used as two baseball diamonds, basketball courts, recreation areas, tot lots, playground areas and open areas under the control of the department of public works.

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1973.

Chap. 377. AN ACT VALIDATING THE ACTS AND PROCEEDINGS AT THE ADJOURNED SESSION OF THE ANNUAL TOWN MEETING OF THE TOWN OF MEDFIELD IN THE YEAR NINETEEN HUNDRED AND SEVENTY-THREE.

Be it enacted, etc., as follows:

SECTION 1. The acts and proceedings of the town of Medfield at the adjourned session of the annual town meeting, held on March thirteenth in the current year, and all acts done in pursuance thereof, are hereby confirmed and declared valid, notwithstanding the failure to give notice of the adjournment as required by the General Laws and the by-laws of said town, to the same extent as if the said adjourned session had been called, held, conducted and adjourned in compliance with the General Laws and said by-laws.

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1973.

Chap. 378. AN ACT FURTHER REGULATING THE CANCELLATION OF CERTAIN FIRE INSURANCE POLICIES AND CONTRACTS AND REQUIRING NOTICE OF THE NONRENEWAL THEREOF.

Be it enacted, etc., as follows:

SECTION 1. Clause Twelfth of section 99 of chapter 175 of the General Laws is hereby amended by striking out the fourteenth paragraph, as amended by section 1 of chapter 425 of the acts of 1969, and inserting in place thereof the following paragraph: —

This policy shall be cancelled at any time at the request of the insured, in which case this company shall, upon demand and surrender of this policy, refund the excess of paid premium above the customary short rates for the expired time. This policy may be

cancelled by this company by giving to the insured and to any mortgagee to whom this policy is payable twenty days' written notice of cancellation with or without tender of the excess paid premium above the pro rata premium for the expired time, which excess, if not tendered, shall be refunded on demand. Notice of cancellation shall state that said excess premium (if not tendered) will be refunded on demand and shall state or be accompanied by a statement of the specific reason or reasons for such cancellation. After this policy has been in effect for sixty days, no notice of cancellation shall be effective unless it is based on the occurrence, after the effective date of the policy, of one or more of the following: (1) nonpayment of premium; (2) conviction of a crime arising out of acts increasing the hazard insured against; (3) discovery of fraud or material misrepresentation by the insured in obtaining the policy; (4) discovery of willful or reckless acts or omissions by the insured increasing the hazard insured against; (5) physical changes in the property insured which result in the property becoming uninsurable; or (6) a determination by the commissioner that continuation of the policy would violate or place the insurer in violation of the law. Where the stated reason is nonpayment of premium, the insured may continue the coverage and avoid the effect of the cancellation by payment within fifteen days of his receipt of the notice of cancellation.

SECTION 2. Said chapter 175 is hereby further amended by adding the following section: —

Section 193P. Except as otherwise specifically provided in this chapter, no policy providing protection against loss by reason of fire to a dwelling or contents thereof shall be issued unless it contains a provision that the insurer will give written notice of its intent not to renew or reissue a policy to the insured at least forty-five days prior to the expiration of the policy which notice shall state or be accompanied by a writing stating the specific reasons for such decision. A copy of any such notice shall be forwarded to the commissioner.

The notice so required shall, except as hereinafter provided, be sent or delivered either to the named insured at the mailing address shown in the policy or to the insurance agent of the company or the insurance broker who negotiated the issuance of the policy. If the policy was executed on behalf of the company, in whole or in part, by or on behalf of an insurance agent or broker of the company, such notice shall be sent to such insurance agent or broker. Every such insurance agent or broker receiving such notice shall, within fifteen days of its receipt, send a copy to the insured or the principal unless such agent or broker has replaced the insurance. Any company which fails to send such notice, or which sends such notice and subsequently renews such policy, shall recognize the agent or broker designated by the insured in the same manner as provided by any contract, custom, or usage then in effect between such agent or broker and such company.

Approved June 12, 1973.

Chap. 379. AN ACT RELATING TO THE RESUMPTION OF FORMER NAME BY A WOMAN AFTER DIVORCE.

Be it enacted, etc., as follows:

Chapter 208 of the General Laws is hereby amended by striking out section 23, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 23. The court granting a divorce may allow a woman to resume her maiden name or that of a former husband.

Approved June 12, 1973.

Chap. 380. AN ACT PROVIDING CERTAIN MOTOR VEHICLE INSURANCE COVERAGE FOR PERSONS WHO ARE INJURED BY OTHER PERSONS WHO HAVE INSUFFICIENT INSURANCE TO COMPENSATE FOR SUCH INJURIES.

Be it enacted, etc., as follows:

Paragraph (1) of section 113L of chapter 175 of the General Laws, as appearing in section 5 of chapter 643 of the acts of 1968, is hereby amended by inserting after the word "therefrom", in line 10, the words: — , and, further at the option of such policyholder coverage, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of insured motor vehicles, trailers or semitrailers, whose policies or bonds are insufficient in limits of liability to satisfy said damages, to the extent that said damages exceed said limits of liability subject to the terms of the policy.

Approved June 12, 1973.

Chap. 381. AN ACT AUTHORIZING THE DIVISION OF INDUSTRIAL ACCIDENTS TO GRANT HEARINGS TO PARTIES FAILING TO REQUEST THE SAME WITHIN THE TIME FIXED BY LAW.

Be it enacted, etc., as follows:

Chapter 152 of the General Laws is hereby amended by striking out section 8A, as most recently amended by section 3 of chapter 742 of the acts of 1972, and inserting in place thereof the following section: —

Section 8A. A party who has by accident, mistake or through other reasonable cause, omitted to request a hearing from a written order filed under section seven within the time limited therein may, within thirty days from the filing of such order, petition the division for leave to request such hearing and the division may grant such petition and permit such hearing to be requested if it finds justice and equity require it, notwithstanding a decree has previously been rendered on such order as provided in section eleven.

A party who has by accident, mistake or through other reasonable cause, omitted to claim a review from a decision rendered

under section eight within the time limited under section ten, may, within two years from the filing of such decision with the division, petition the superior court for the county in which the injury occurred, or for the county of Suffolk or the municipal court of the city of Boston, if the injury occurred in Suffolk county, for leave to claim such review, and the court may grant such petition and permit such claim to be filed if it finds that justice and equity require it, notwithstanding that a decree has previously been rendered on such decision as provided in section eleven.

Approved June 12, 1973.

Chap. 382. AN ACT PROVIDING AN APPEAL PERIOD FOR THE FILING OF A PETITION FOR REVIEW OF A FINAL ORDER OF THE STATE LABOR RELATIONS COMMISSION.

Be it enacted, etc., as follows:

Subsection (f) of section 6 of chapter 150A of the General Laws is hereby amended by inserting after the first sentence, as appearing in section 2 of chapter 345 of the acts of 1938, the following two sentences: — Such petition shall be filed in said court within thirty days after receipt of notice of said final order or, if a petition for rehearing has been timely filed with the commission, within thirty days after receipt of notice of a denial by the commission of such petition for rehearing. The court may for good cause shown extend the time for filing the petition upon application made within the thirty-day period or any extension thereof.

Approved June 12, 1973.

Chap. 383. AN ACT REPEALING CERTAIN LAWS REGULATING THE LICENSING OF MANUFACTURERS OF SAUSAGES AND CHOPPED MEAT.

Be it enacted, etc., as follows:

Sections one hundred and forty-four and one hundred and forty-five of chapter ninety-four of the General Laws are hereby repealed.

Approved June 12, 1973.

Chap. 384. AN ACT PROVIDING FOR THE DESIGNATION OF AN ASSISTANT CLERK OF THE COURTS FOR THE COUNTY OF PLYMOUTH TO PERFORM THE DUTIES OF THE CLERK PERTAINING TO EQUITY PROCEEDINGS IN THE SUPERIOR COURT FOR SAID COUNTY.

Be it enacted, etc., as follows:

Chapter 221 of the General Laws is hereby amended by inserting after section 6H the following section: —

Section 6I. The justices of the superior court may designate, for

a term of three years from the date of such designation, one of the assistant clerks for the county of Plymouth, appointed under section four, to perform, under the direction of the clerk of courts for the county of Plymouth, the duties of clerk pertaining to the equity proceedings of said court, who shall receive from said county, in addition to the salary paid to him as an assistant clerk under section four, a sum equivalent to five per cent of the salary of the clerk.

Approved June 12, 1973.

Chap. 385. AN ACT RELATIVE TO THE ENFORCEMENT OF THE LAW REGULATING MULTI-LEVEL DISTRIBUTION COMPANIES.

Be it enacted, etc., as follows:

Section 69 of chapter 93 of the General Laws, added by chapter 1025 of the acts of 1971, is hereby amended by striking out clause (g) and inserting in place thereof the following clause: —

(g) Any violation of the provisions of this section shall constitute an unlawful method, act or practice within the meaning of clause (a) of section two of chapter ninety-three A.

Approved June 12, 1973.

Chap. 386. AN ACT REGULATING THE LATERAL PROJECTION OF TIRES ON CERTAIN MOTOR VEHICLES.

Be it enacted, etc., as follows:

Section 19 of chapter 90 of the General Laws is hereby amended by inserting after the first sentence, as most recently amended by chapter 307 of the acts of 1969, the following sentence: — Notwithstanding the provisions of the preceding sentence, no passenger motor vehicle shall be operated on any way if such vehicle has the side wall or thread of any tire projecting outward beyond the outer portion of the fender or side body panel, unless such vehicle is equipped with four-wheel drive or is otherwise modified and intended for off-the-way use.

Approved June 12, 1973.

Chap. 387. AN ACT DIRECTING THE DEPARTMENT OF EDUCATION TO CONTRACT WITH THE U.S.S. MASSACHUSETTS MEMORIAL COMMITTEE, INCORPORATED TO PROVIDE FREE ADMISSION TO THE BATTLESHIP MASSACHUSETTS AND THE SUBMARINE LIONFISH FOR ORGANIZED SCHOOL GROUPS AND TEACHERS.

Be it enacted, etc., as follows:

The department of education, in the name and on behalf of the commonwealth, is hereby authorized and directed to contract with the U.S.S. Massachusetts Memorial Committee, Incorporated for the purpose of furnishing free admission to the Battleship Massa-

chusetts and the Submarine Lionfish for all organized school groups and teachers of all schools located in the commonwealth. For said purposes, the department may expend such sums as may be appropriated therefor.

Approved June 12, 1973.

Chap. 388. AN ACT PROVIDING THAT PUBLIC GARAGES AND PREMISES USED BY EXPRESS, TRUCKING AND TRANSPORTATION COMPANIES IN WHICH PERSONS ARE EMPLOYED SHALL BE PROPERLY LIGHTED, VENTILATED AND KEPT CLEAN.

Be it enacted, etc., as follows:

Section 113 of chapter 149 of the General Laws, as most recently amended by chapter 114 of the acts of 1969, is hereby further amended by inserting after the word "terminal", in line 3, the words: — , public garages and premises used by express, trucking and transportation companies.

Approved June 12, 1973.

Chap. 389. AN ACT ESTABLISHING THE SELECTMEN-ADMINISTRATOR FORM OF GOVERNMENT IN THE TOWN OF WEST SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. Board of Selectmen: There shall be five selectmen in the town of West Springfield. The selectmen in office at the time of the first election shall continue in office until their successors are elected and qualified. At the first town election following the acceptance of this act the registered voters of the town of West Springfield shall elect three selectmen of whom one shall serve for a term of three years, one for a term of two years, and one for a term of one year. At each annual town election thereafter the voters shall elect in place of those selectmen whose terms are about to expire a like number of selectmen to serve for terms of three years. If, for any reason, a vacancy or vacancies occur in the membership of the board of selectmen, the remaining members shall call a special town election to fill the vacancy or vacancies for the unexpired term or terms, except that if such vacancy or vacancies occur less than five months prior to the annual election and not less than three selectmen remain in office, the vacancy or vacancies shall remain unfilled until such annual election.

SECTION 2. By-Laws: All laws, by-laws, rules and regulations in force in the town of West Springfield on the effective date of this act, not inconsistent with its provisions, whether enacted by authority of the town, or any other authority, shall continue in full force and effect until otherwise provided by law, by-law or vote.

SECTION 3. Powers of Selectmen: The selectmen shall appoint by four-fifths vote of the entire board, and may remove by four-fifths vote of the entire board, a town administrator. By majority

vote the selectmen shall appoint for such terms as is provided by law or by by-law, and may remove for cause, the town accountant, members of the law department, seven members of the planning board, with not more than two members from any one precinct, members of the board of appeals, and such miscellaneous committees as the selectmen shall deem necessary. The selectmen shall act as the board of health, the board of water commissioners, police commissioners and fire commissioners. They shall make suitable regulations governing the respective departments and officers and employees thereof designated herein, and, subject to the provisions of chapter thirty-one of the General Laws shall exercise the power of appointment and removal of said officers and employees. The chiefs of the fire and police departments shall be in immediate control of all town property used by their respective departments and of the officers thereof, who shall obey their orders.

SECTION 4. *Other Elective Officials:* The town shall continue to elect a moderator who shall serve for a term of three years, a school committee, a housing authority, and members of the representative town meeting established under chapter three hundred and eleven of the acts of nineteen hundred and twenty-two, as amended. The term of office of any officer, members of a board or commission so continued shall not be interrupted.

Every other elective office, board or commission shall be terminated as hereinafter provided, notwithstanding any other provision of law to the contrary.

The term of office of any person elected to any office, board or commission existing at the time of the acceptance of this act and terminated hereunder shall continue until the first town election after the acceptance of this act and until the appointment and qualification of his successor, if any. Thereafter, the said offices, boards and commissions shall be abolished and all powers, duties and obligations conferred or imposed thereon by law, except as provided by this act, shall be conferred and imposed upon the selectmen and exercised by the town administrator to the extent hereinafter provided.

SECTION 5. *Membership, Terms, Powers, Duties and Responsibilities:* The number of members of boards, commissions and committees appointed under this act, the length of the term of each member thereof and of officers so appointed, and the powers, duties and responsibilities of the same, shall be as now or hereafter provided by any applicable law, by-law, or vote of the town, except as herein otherwise provided. Upon appointment and qualification of the various officials as provided in this act, the term of office and all powers and duties of each person theretofore holding each such office shall cease and be terminated.

Officers, boards, commissions and committees appointed by the town administrator shall possess all the powers and rights and shall be subject to all the duties and liabilities specifically conferred or imposed by any applicable provision of law upon them or upon officers, boards, commissions or committees having corresponding

powers and duties, but in the performance thereof they shall be subject to the general supervision of the town administrator. They shall be sworn to the faithful performance of their duties by the town clerk.

SECTION 6. *Multiple Offices:* A member of the board of selectmen or of the school committee, or of the finance committee shall, during the term for which he was elected or appointed, be ineligible to simultaneously hold any other town office with compensation. Any person appointed by the town administrator to any town office under the provisions of this act or any general or special law shall be eligible, during the term of said office, to election or appointment to any other town office, except that the town accountant shall not be eligible to hold the position of town treasurer-collector. The town administrator, with the approval of the selectmen, subject to any applicable provision of the General Laws relating thereto, may assume the duties of any office which he is authorized to fill by appointment, but shall receive no additional compensation therefor.

SECTION 7. *Appointment of Town Administrator:* The selectmen shall appoint as soon as practicable, a town administrator, who shall be a person especially fitted by training and experience to perform the duties of the office. The town administrator shall be appointed without regard to his political affiliation. He need not be a resident of the town or of the commonwealth when appointed, but shall be a resident of the town during the term of his office. Before entering upon the duties of his office he shall be sworn to the faithful and impartial performance thereof by the town clerk. He shall execute a bond in favor of the town for the faithful performance of his duties in such sum and with such surety as may be fixed or approved by the selectmen. This office shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 8. *Appointment of Temporary Administrator:* Any vacancy in the office of the town administrator shall be filled as soon as possible by a majority vote of the selectmen. Pending appointment of a town administrator or the filling of a vacancy, the selectmen may appoint a suitable person to perform the duties of the office of town administrator. No person so appointed shall serve a term longer than six months or succeed himself in the office, except by a four-fifths vote of the entire board of selectmen.

SECTION 9. *Removal of Town Administrator:* The selectmen, by a vote of four-fifths of the entire board, may remove the town administrator. At least thirty days before such removal shall become effective, the selectmen shall file a preliminary written resolution with the town clerk, setting forth in detail the specific reasons for the proposed removal, a copy of which resolution shall be delivered to the town administrator. The administrator may reply in writing to the resolution and may request a public hearing. If the administrator requests a public hearing, the board of selectmen shall hold a said hearing not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if any, or upon the expiration of thirty days follow-

ing the filing of the preliminary resolution, the selectmen, by a vote of four or more members of the board, may adopt a final resolution of removal. In the preliminary resolution the selectmen may suspend the administrator from duty, but the selectmen shall in any case cause to be paid to said administrator any unpaid balance of his salary plus his salary until adoption of said final resolution of removal.

SECTION 10. *Compensation of the Administrator:* The town administrator shall receive such compensation for his services as the selectmen shall determine, but not to exceed the amount appropriated therefor by the town meeting.

SECTION 11. *Powers and Duties of the Administrator:* In addition to the specific powers and duties provided in this act, the town administrator shall have the following powers and duties:

(a) The town administrator shall supervise and direct the administration of the personnel of all departments, commissions, boards and offices of the town, except those elected by the voters or appointed by the moderator.

(b) The town administrator, with the approval of the selectmen, in accordance with the provisions of this act and except as otherwise expressly prohibited by the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under his direction and supervision, in whole or in part, may establish such new departments, commissions, boards or offices as he deems necessary, and may transfer the duties and powers, and, so far as possible in accordance with the vote of the town, the appropriations of one department, commission, board or office to another.

(c) Except as otherwise provided by this act, the town administrator shall appoint for such term as is provided by law or by by-law upon merit and fitness alone, and subject to the provisions of chapter thirty-one of the General Laws where applicable, may remove, a town clerk, a town treasurer who shall act as town collector and who shall collect and receive all monies due the town, a board of assessors, a board of recreation which shall assume the duties of the park commissioners with the exception of park maintenance, a board of retirement, an industrial development commission, a sealer of weights and measures, a veterans service agent, a civil defense director, a dog officer and a board of library trustees. He may in like manner appoint and remove such other officers and employees as he deems necessary to carry out the powers and duties imposed upon him by this act and shall in like manner appoint and remove such other officers and employees as required by any applicable law, by-law or vote of the town, except as herein otherwise provided. He shall make suitable regulations governing the respective departments and officers and employees thereof designated herein. Permanent officers and employees not subject to chapter thirty-one of the General Laws shall not be removed by the town administrator except on ten days' notice in writing setting forth the reason for such removal. Any officer and employee so removed may appeal such removal to the board of selectmen within

such ten day period. All appointments and removals by the town administrator shall be subject to the approval by majority vote of the board of selectmen.

(d) The town administrator shall fix the compensation of all town officers and employees appointed by him, subject to any applicable provisions of chapter thirty-one or of section one hundred and eight A of chapter forty-one of the General Laws and vote of the town meeting.

(e) It shall be the duty of the town administrator to attend all meetings of the board of selectmen, except meetings at which his removal is being considered.

(f) The town administrator shall keep full and complete records of his office, and shall render as often as may be required by the selectmen a full report of activities under his supervision.

(g) The town administrator shall keep the selectmen fully advised as to the needs of the town and shall recommend to the selectmen for adoption such measures requiring action by them or by the town as he may deem necessary or expedient.

(h) The town administrator shall purchase all supplies, materials and equipment, and shall award all contracts for all departments and activities of the town, except the school department and housing authority, unless requested by them. The town administrator shall also act as personnel officer of the town.

(i) The town administrator shall administer, either directly or through a person or persons appointed by him in accordance with this act and consistent with other provisions of this act, all provisions of general and special laws applicable to the town, all by-laws, and all regulations established by the selectmen.

(j) The town administrator shall, with the approval of the selectmen, have authority to prosecute, defend and compromise all litigation to which the town is a party, and to employ special counsel whenever in his judgment it may be necessary, subject to an appropriation therefor.

(k) The town administrator shall perform such other duties consistent with his office, as may be required of him by the by-laws or by vote of the selectmen.

(l) The town administrator shall have access to all town books and papers for information necessary for the proper performance of his duties and may without notice cause the affairs of any department or activity under his control or the conduct of any officer or employee appointed by him to be examined.

(m) The town administrator shall act as secretary to the police and fire commissions and, as such, shall carry out the policies of these commissions.

SECTION 12. Acting Administrator: The town administrator shall, by a letter filed with the town clerk, designate a qualified officer of the town subject to the approval of the selectmen, to perform his duties during his temporary absence or disability. In the event that the town administrator should fail to make such a designation, the selectmen shall so designate, by majority vote, a

qualified town officer to perform the duties of the town administrator until he shall return or his disability shall cease or he shall be removed in accordance with section nine hereof.

SECTION 13. *Annual Budget:* All officers, boards and commissions of the town shall submit to the town administrator in writing detailed estimates of their appropriations required for the efficient and proper conduct of their respective offices and departments and such further information, in such form and at such times as the town administrator may require. On or before such date in each year as the town may by by-law prescribe, the town administrator shall prepare and after review by the board of selectmen submit to the finance committee a budget for the ensuing year and all supplementary information in such form and detail as they may deem necessary or the town may require by by-law.

SECTION 14. *Approval of Warrants:* The town administrator shall be the chief fiscal officer of the town. Warrants for the payment of town funds, prepared by the town accountant, in accordance with the provisions of section fifty-six of chapter forty-one of the General Laws, shall be submitted to the town administrator. The approval of any such warrant by the town administrator shall be sufficient authority to authorize payment by the town treasurer, but the selectmen shall approve all warrants in the event of the absence of the town administrator or a vacancy in the office of the town administrator.

SECTION 15. This act shall be submitted to the registered voters of the town of West Springfield for their acceptance at the next annual town election or a special town election in the form of the following question which shall be placed upon the official ballot: "Shall an act passed by the general court in the year nineteen hundred and seventy-three, entitled 'An Act establishing the Selectmen-Administrator form of government in the Town of West Springfield' be accepted?" If a majority of the voters present and voting thereon vote in the affirmative in answer to said question this act shall be deemed accepted, but not otherwise.

SECTION 16. This act shall take full effect upon its acceptance by the town as herein provided, except that the business of the town shall continue to be conducted under its present system of government until the first election of officials as herein provided.

SECTION 17. All provisions of chapter three hundred and eleven of the acts of nineteen hundred and twenty-two, as amended, insofar as the same shall be inconsistent with the provisions of this act, are hereby repealed.

Approved June 12, 1973.

Chap. 390. AN ACT AUTHORIZING THE CITY OF MALDEN TO MAKE EMERGENCY REPAIRS TO A CERTAIN RETAINING WALL IN THE LANARK ROAD AREA OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. In order to eliminate a hazardous condition and

protect the safety of the public, the city of Malden is hereby authorized to make emergency repairs to a retaining wall on private property in the Lanark road area of said city. For such purposes said city may expend a sum not to exceed fifty thousand dollars.

SECTION 2. The cost of said repairs incurred by said city may, if the mayor and city council so elect, constitute a lien upon the land on which said retaining wall is located and which needed said repairs. Said lien may be enforced in an action of contract.

Approved June 12, 1973.

Chap. 391. AN ACT RELATIVE TO THE REPORTING OF CAMPAIGN EXPENSES BY CANDIDATES FOR CERTAIN OFFICES.

Be it enacted, etc., as follows:

The fifth paragraph of section 17A of chapter 55 of the General Laws, as appearing in section 1 of chapter 810 of the acts of 1972, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — The state secretary shall check such account, and if the state secretary finds a candidate has exceeded the limits set by this section for campaign expenses, he shall immediately turn over such information together with any and all proofs, to the attorney general.

Approved June 12, 1973.

Chap. 392. AN ACT AUTHORIZING THE LOWELL FIREMEN'S FUND ASSOCIATION TO PAY CERTAIN BENEFITS TO ITS MEMBERS UPON THEIR RETIREMENT FROM THE FIRE DEPARTMENT OF THE CITY OF LOWELL.

Be it enacted, etc., as follows:

The Lowell Firemen's Fund Association, a corporation duly established and incorporated under the provisions of chapter four hundred and forty-two of the acts of eighteen hundred and ninety-nine, is hereby authorized to maintain and administer a retirement fund, and upon retirement from the fire department of the city of Lowell of any member in good standing, to pay such member such sum not exceeding one thousand dollars, as may be authorized by the by-laws of said corporation at the time of such retirement and approved by a vote of the board of directors. Any amount so paid shall be in addition to any rights which the member may have to death benefits.

Approved June 12, 1973.

Chap. 393. AN ACT AUTHORIZING ALIENS TO OBTAIN LICENSES TO TAKE LOBSTERS AND EDIBLE CRABS UNDER CERTAIN CONDITIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 38 of chapter 130 of the General Laws is hereby amended by striking out the second paragraph, as appear-

ing in chapter 642 of the acts of 1960.

SECTION 2. The third paragraph of said section 38 of said chapter 130 is hereby amended by striking out the first and second sentences, as so appearing, and inserting in place thereof the following two sentences: — A nonresident temporarily residing or intending temporarily to reside in any coastal city or town may in any year, upon payment of the fee required by this section, obtain a license to take lobsters or edible crabs during June, July, August and September of such year, for consumption only by the licensee and his family who are so residing. Licenses hereunder, except those granted to nonresidents, shall expire on December thirty-first next succeeding the granting of the same unless sooner made void as provided in this chapter.

Approved June 12, 1973.

Chap. 394. AN ACT DESIGNATING THE BRIDGE ON THE MASSACHUSETTS TURNPIKE OVER GRATTAN STREET AND GRANBY ROAD IN THE CITY OF CHICOPEE AS THE MARINE CORPORAL ROBERT R. TOLPA MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The bridge on the Massachusetts turnpike over Grattan street and Granby road in the city of Chicopee shall be designated and known as the Marine Corporal Robert R. Tolpa Memorial Bridge, in memory of Marine Corporal Robert R. Tolpa who was killed in action while a member of the armed forces of the United States during the Vietnam campaign. A suitable marker bearing said designation shall be attached thereto by the Massachusetts Turnpike Authority; provided, however, that the cost of said marker is paid for by any interested party other than said Authority.

SECTION 2. This act shall take effect upon its acceptance by the Massachusetts Turnpike Authority

Approved June 12, 1973.

Chap. 395. AN ACT REQUIRING THE INSTALLATION OF SPRINKLER SYSTEMS IN HIGH RISE BUILDINGS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 148 of the General Laws is hereby amended by inserting after section 26 the following section: —

Section 26A. Every building or structure of more than seventy feet in height above the mean grade shall be protected throughout with complete system of automatic sprinklers as hereinafter provided, except that sprinklers shall not be required to be installed in patient rooms in hospitals.

(a) Such a system shall conform to the requirements of the most recent edition of National Fire Code Standard #13 for the installation of automatic sprinkler systems adopted by the National Fire Protection Association.

(b) Such a system shall be provided with a distinct supervisory signal to indicate a condition that will impair the satisfactory operation of the sprinkler system. This shall include but need not be limited to the monitoring of control valves, fire pump power supply and running condition, and other components necessary for satisfactory operation of the sprinkler system.

(c) Such a system shall be equipped with a separate waterflow device that shall be connected to an alarm system in such a manner that the operation of one sprinkler will actuate the alarm system and the location of the operating flow device will be indicated on an annunciator or register. Such annunciator or register shall be located at grade level at the normal point of fire department access at a signal control center.

(d) Such a system shall be so arranged that when water flows in the sprinkler system, an alarm shall be automatically transmitted to the fire department that is legally committed to serve in the area in which the building is located by the most direct and reliable method, as approved by the head of the fire department as such term is defined in section one.

(e) Such a system shall be arranged to sound an audible alarm on the floor on which the sprinkler operates and one floor immediately above.

(f) In such buildings or structures or in certain areas of such buildings or structures where the discharge of water would be undesirable, the head of the fire department as such term is defined in said section one may permit the installation of a special extinguishing system in lieu of automatic sprinklers.

(g) Alarm and supervisory systems in connection with the automatic sprinkler system shall be installed in accordance with the most recent provisions of Central Station Protective Signalling Systems, National Fire Protection Association #71, or Remote Station Protective Signalling Systems, National Fire Protection Association #72C, or Proprietary Protective Signalling Systems, National Fire Protection Association #72D.

The head of the fire department as defined in said section one shall enforce the provisions of this section.

SECTION 2. Section 27 of said chapter 148, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 2, the words "the preceding section" and inserting in place thereof the words: — section twenty-six.

SECTION 3. This act shall apply to buildings or structures construction of which is begun after March first, nineteen hundred and seventy-four.

(This Bill, returned by the Governor, to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, June 7, 1973, and, in concurrence, by the Senate, June 12, 1973, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 396. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL PERIOD FROM JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR, FOR THE MAINTENANCE OF BERKSHIRE COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Berkshire county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four.

BERKSHIRE COUNTY.

Item	Subtotal	Total
1. For interest on county debt		\$15,000 00
2. For reduction of county debt		65,000 00
3. For county commissioners, salaries and expenses		44,584 68
1. Personal services	\$41,303 88	
2. Contractual services	1,575 00	
3. Supplies and materials	800 00	
4. Current charges and obligations	650 00	
5. Equipment	255 80	
4. For transportation and expenses of county and acting commissioners		2,000 00
5. For clerk of courts, salaries and expenses		85,930 60
1. Personal services	76,891 60	
2. Contractual services	2,000 00	
3. Supplies and materials	4,500 00	
4. Current charges and obligations.....	744 00	
5. Equipment	1,795 00	
6. For county treasurer, salaries and expenses		97,173 80
1. Personal services	62,134 20	
2. Contractual services	2,300 00	
3. Supplies and materials	1,492 50	
4. Current charges and obligations	748 00	
5. Equipment	30,499 10	
7. For sheriff, salary and expenses		25,265 50
1. Personal services	23,490 50	
2. Contractual services	1,575 00	
4. Current charges and obligations	200 00	

Item	Subtotal	Total
8. For registry of deeds, salaries and expenses		
Northern District		\$93,889 00
1. Personal services	\$81,579 00	
2. Contractual services	6,260 00	
3. Supplies and materials	2,800 00	
4. Current charges and obligations	1,700 00	
5. Equipment	1,550 00	
For registry of deeds, salaries and expenses		
Middle District		137,290 62
1. Personal services	118,400 62	
2. Contractual services	8,000 00	
3. Supplies and materials	6,000 00	
4. Current charges and obligations	4,890 00	
For registry of deeds, salaries and expenses		
Southern District		38,783 70
1. Personal services	33,640 70	
2. Contractual services	3,930 00	
3. Supplies and materials	1,105 00	
4. Current charges and obligations	108 00	
8a. For registry of probate, salaries and expenses		11,923 75
2. Contractual services	7,125 00	
3. Supplies and materials	3,270 50	
4. Current charges and obligations	650 00	
5. Equipment	878 25	
9. For law library, salaries and expenses		33,824 60
1. Personal services	14,484 60	
2. Contractual services	1,100 00	
3. Supplies and materials	920 00	
4. Current charges and obligations	15,000 00	
5. Equipment	2,320 00	
10. For highways, including state highways,		
bridges and land damages		658,971 98
1. Personal services	156,639 98	
2. Contractual services	6,000 00	
3. Supplies and materials	5,000 00	
4. Current charges and obligations	2,425 00	
5. Equipment	4,532 00	
6. All other	484,375 00	
12. For superior court costs		485,355 36
1. Personal services	129,668 76	
2. Contractual services	346,400 00	
3. Supplies and materials	6,305 00	
4. Current charges and obligations	1,150 00	
5. Equipment	1,831 60	
13. For civil expenses in probate court		20,950 00
1. Personal services	7,250 00	
2. Contractual services	12,700 00	
4. Current charges and obligations	1,000 00	
14. For district courts, salaries and expenses		
District Court of Northern Berkshire		102,554 61
1. Personal services	87,305 21	
2. Contractual services	2,760 00	
3. Supplies and materials	6,380 00	
4. Current charges and obligations	5,627 90	
5. Equipment	481 50	

Item	Subtotal	Total
District Court of Central Berkshire		\$287,358 66
1. Personal services	\$261,669 66	
2. Contractual services	17,434 00	
3. Supplies and materials	4,725 00	
4. Current charges and obligations	2,200 00	
5. Equipment	1,330 00	
District Court of Southern Berkshire		69,409 15
1. Personal services	63,065 95	
2. Contractual services	3,482 50	
3. Supplies and materials	1,620 00	
4. Current charges and obligations	1,240 70	
Fourth District Court of Berkshire		84,928 75
1. Personal services	76,463 75	
2. Contractual services	3,900 00	
3. Supplies and materials	2,850 00	
4. Current charges and obligations	1,615 00	
5. Equipment	100 00	
District Court of Lee		84,409 80
1. Personal services	72,482 60	
2. Contractual services	2,650 00	
3. Supplies and materials	5,350 00	
4. Current charges and obligations	3,375 70	
5. Equipment	551 50	
District Court of Williamstown		68,155 41
1. Personal services	60,520 41	
2. Contractual services	1,325 00	
3. Supplies and materials	2,085 00	
4. Current charges and obligations	4,225 00	
District Court — Juvenile Division		68,722 09
1. Personal services	58,969 49	
2. Contractual services	8,000 00	
3. Supplies and materials	1,050 00	
4. Current charges and obligations	240 00	
5. Equipment	462 60	
District Court — Appellate Division		75 00
2. Contractual services	75 00	
15. For medical examiners and commitments of insane		45,000 00
16. For jail and house of correction, maintenance and operation		
1. Personal services		
2. Contractual services		
3. Supplies and materials (Federal Revenue Sharing Funds)		
4. Current charges and obligations		
5. Equipment		
6. All other		
18. For court houses and registry buildings, maintenance and operation		107,567 50
1. Personal services	67,922 70	
2. Contractual services	30,000 00	
3. Supplies and materials	6,330 00	
4. Current charges and obligations	1,700 00	
5. Equipment	1,614 80	
20. For agricultural school or county cooperative extension service		143,484 76
1. Personal services	124,459 76	

Item	Subtotal	Total
2. Contractual services	\$11,045 00	
3. Supplies and materials	2,400 00	
4. Current charges and obligations	4,915 00	
5. Equipment	665 00	
21. For state reservation, maintenance and operation (Mount Everett)		\$17,708 10
1. Personal services	12,068 10	
2. Contractual services	390 00	
3. Supplies and materials	600 00	
4. Current charges and obligations	4,650 00	
23a. For tuberculosis clinic		101,482 45
23c. For Mental Health Association		10,000 00
24. For noncontributory pensions		26,000 00
25. For contributory retirement system and supervisory expenses		147,932 85
26. For miscellaneous and contingent expenses		47,510 24
27. For unpaid bills of previous years		2,033 95
28. For reserve fund		45,000 00
28d. For reserve-counsel for indigent defendants		14,000 00
29. For advertising recreational, industrial and agricultural advantages of the county		90,000 00
31. For radio system for fire protection		8,021 16
32. For forest development		4,000 00
35. For industrial development commission		91,274 60
36. For Dutch elm disease		5,000 00
37. For drug program		2,000 00
39. For group insurance		81,800 00
42. For youth resources bureau		10,000 00
45. For community action council		15,600 00
Total amount of appropriations		\$3,596,972 67
Less estimated amount available for reduction of county tax		746,188 54

And the county commissioners of Berkshire county are hereby authorized to levy as the county tax rate of said county for said fiscal period, in the manner provided by law, the sum of \$2,850,784 13

SECTION 2. This act shall take effect upon its passage.

Approved June 13, 1973.

Chap. 397. AN ACT FURTHER REGULATING THE PROCEDURE FOR THE SUMMONING OF JURORS AND THE IMPANELLING OF JURIES.

Be it enacted, etc., as follows:

SECTION 1. Section 24A of chapter 234 of the General Laws, inserted by chapter 367 of the acts of 1972, is hereby amended by

inserting after the word "by", in line 7, the words: — first class mail or.

SECTION 2. Section 25 of said chapter 234 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — On the day when jurors are summoned to attend at court for the trial of civil or criminal cases, except capital cases, the clerk of the court shall cause the name, together with the information provided for in sections four and five, of each person so summoned to be written on separate ballots, substantially of uniform size, and shall cause them to be placed in a box provided therefor, unless such information is otherwise available in the courtroom on a list prepared for that purpose.

Approved June 13, 1973.

Chap. 398. AN ACT DIRECTING THE COMMONWEALTH TO REIMBURSE THE TOWN OF SUDBURY FOR CERTAIN MONIES EXPENDED FOR VETERANS' BENEFITS.

Be it enacted, etc., as follows:

There shall be allowed and paid out of the state treasury to the town of Sudbury, subject to appropriation and subject to the approval of the commissioner of veterans' services, such sum, not exceeding ten thousand four hundred and forty-eight dollars and forty-three cents, as said town would have been entitled to receive in reimbursement for veterans' benefits paid by it in the months of October, November and December in the year nineteen hundred and sixty-nine and in the year nineteen hundred and seventy, under the provisions of section six of chapter one hundred and fifteen of the General Laws, had said town made a proper and seasonable report thereof to said commissioner as required by said section six.

Approved June 13, 1973.

Chap. 399: AN ACT AUTHORIZING THE MARBLEHEAD POLICE RELIEF ASSOCIATION TO PAY CERTAIN BENEFITS TO ITS MEMBERS UPON THEIR RETIREMENT.

Be it enacted, etc., as follows:

Any member in good standing of the Marblehead Police Relief Association, a corporation duly established under the provisions of section seven of chapter one hundred and seventy-six of the General Laws, who has retired after having served as a regular police officer of the town of Marblehead for a total of at least ten years immediately preceding the date of such retirement, shall, if he so elects by a writing filed by him with the secretary of the Association within sixty days after his retirement, or in the case of a member who has retired before the effective date of this act, then within ninety days of said effective date, in lieu of the death benefit as provided in the by-laws, receive from the death fund of the

Association a sum equal to and in lieu of the death benefit provided by the by-laws of the Association and he shall thereupon cease to be a member of the Association or be entitled to or to receive any benefits therefrom; or receive from the death fund of the Association as a retirement payment a sum equal to one half of the death benefit in effect at the time, in which event he shall remain a member subject to members' obligations and be entitled to members' benefits except that upon his death the death benefit payable to his beneficiaries shall be the difference between the amount of the death benefit existing at the time of his death, and the amount he received as his retirement payment. *Approved June 13, 1973.*

Chap. 400. AN ACT AUTHORIZING THE DEPARTMENT OF MENTAL HEALTH TO CONVEY THREE PARCELS OF PROPERTY LOCATED IN THE TOWN OF BELCHERTOWN TO THE SAID TOWN OF BELCHERTOWN FOR SEWER AND WATER PURPOSES.

Be it enacted, etc., as follows:

The department of mental health, in the name and on behalf of the commonwealth, is hereby authorized to convey without cost to the town of Belchertown, by a deed approved as to form by the attorney general, all of the right title and interest of the commonwealth in and to three parcels of land located in the town of Belchertown, said parcels being bounded and described as follows: —

PARCEL NUMBER ONE

Beginning at a point at the northeasterly corner of the parcel herein described, said point being along the southerly sideline of George Hannum Street and said point being along the westerly sideline of the Canadian National Railroad; thence S 18°-23'-02" E along said Canadian National Railroad a distance of 850.24' to an iron pin; thence S 55°-22'-09" W along land of the Commonwealth of Massachusetts Belchertown State School a distance of 399.24' to an iron pin on the northeasterly sideline of Jackson Street; thence N 38°-13'-08" W a distance of 271.22' to a point; thence N 39°-48'-55" W a distance of 641.00' to a point; thence N 43°-11'-50" W a distance of 180.27' to an iron pin at the intersection of said Jackson Street and George Hannum Street; the last three courses being along Jackson Street; thence N 46°-48'-10" E a distance of 46.74' to a point; thence N 58°-32'-09" E a distance of 325.00' to a point; thence N 83°-13'-17" E a distance of 84.19' to a point; thence S 88°-07'-42" E a distance of 250.00' to a point; thence N 81°-03'-21" E a distance of 101.84' to an iron pin and the point of beginning, the last five courses being along George Hannum Street. Containing 13.353 acres more or less.

PARCEL NUMBER TWO

Beginning at a point at the southwesterly corner of the parcel herein described, said point being along the easterly sideline of land

of now or formerly the Boston & Maine Railroad, Massachusetts Central Division; thence N 18°-23'-02" W along said now or formerly Boston & Maine Railroad a distance of 398.26' to an iron pin; thence N 87°-45'-08" E along land of Raymond C. & Marie C. Browner a distance of 588.33' to a point; thence N 89°-10'-44" E a distance of 431.34' along land of said Browner to a concrete bound; thence S 33°-15'-20" E along land of Wendell C. & Alice A. McGinnis a distance of 234.92 feet to an iron pin; thence continuing along the same course and along land of said McGinnis a distance of 2.63' to a point, said point being the southeasterly corner of the parcel herein described and being on George Hannum Street; thence S 85°-03'-09" W a distance of 114.39' to a point; thence S 80°-59'-28" W a distance of 419.58' to a point, thence S 77°-01'-02" W a distance of 216.42' to a point; thence S 75°-13'-18" W a distance of 297.24' to an iron pin and the point of beginning, the last four courses being along said George Hannum Street. Containing 6.690 acres more or less.

PARCEL NUMBER THREE

Beginning at a point on the southerly sideline of George Hannum Street and along the easterly sideline of now or formerly the Boston & Maine Railroad, Massachusetts Central Division, said point being the northwesterly corner of the parcel herein described; thence N 75°-13'-18" E a distance of 294.64' to a point; thence N 77°-01'-02" E a distance of 214.76' to a point; thence N 80°-59'-28" E a distance of 417.27' to a 30" maple; thence N 85°-03'-09" E a distance of 124.68' to a concrete bound, the last four courses being along George Hannum Street; thence S 31°-47'-15" E along land of Wendell C. & Alice A. McGinnis a distance of 386.36' to a concrete bound; thence S 87°-25'-38" W along land of now or formerly Harry Dodge a distance of 744.88' to a point; thence S 85°-30'-56" W a distance of 426.16' to a concrete bound on the easterly side of land now or formerly the Boston & Maine Railroad; thence N 18°-23'-02" W a distance of 206.19' along said now or formerly Boston & Maine Railroad to an iron pin and the point of beginning. Containing 7.389 acres more or less.

Said conveyance shall be subject to the reservation of any easement or easements in the commonwealth as the commissioner of mental health may deem advisable for sewer and drain purposes, and to such further conditions and restrictions as he may deem advisable including a provision that title to the aforesaid premises shall revert to the commonwealth if such conditions and restrictions are not complied with within a period of five years after the date of said conveyance.

Approved June 13, 1973.

Chap. 401. AN ACT AUTHORIZING CITIES AND TOWNS TO BORROW MONEY FOR PUBLIC LIGHTING INSTALLATIONS.

Be it enacted, etc., as follows:

Clause (14) of section 7 of chapter 44 of the General Laws, as

amended by chapter 100 of the acts of 1953, is hereby further amended by inserting after the word "signal", in line 1, the words: — or public lighting installations. *Approved June 13, 1973.*

Chap. 402. AN ACT RELATIVE TO THE LAW SHOOTING ON COMMERCIAL SHOOTING PRESERVES ON CERTAIN SUNDAYS.

Be it enacted, etc., as follows:

The second sentence of section 57 of chapter 131 of the General Laws, as appearing in section 1 of chapter 802 of the acts of 1967, is hereby amended by inserting after the word "four", in line 2, the word: — , thirty-one. *Approved June 13, 1973.*

Chap. 403. AN ACT PROVIDING THAT INSURERS SHALL NOT BE REQUIRED TO NOTIFY THE DIVISION OF INDUSTRIAL ACCIDENTS OF THE RENEWAL OF WORKMEN'S COMPENSATION POLICIES.

Be it enacted, etc., as follows:

Section 63 of chapter 152 of the General Laws, as amended by section 6 of chapter 314 of the acts of 1953, is hereby further amended by inserting after the first sentence the following three sentences: — Notice of issuance of a policy of insurance insuring employers under this chapter shall be given to the division of industrial accidents by the company issuing such policy within five days after the date of issuance thereof. No further notice need be filed in case such insurance is renewed, extended or otherwise continued by such company. Such insurance shall not be cancelled or shall not be otherwise terminated until ten days after written notice of such cancellation or termination is given to the division or until a notice has been received by said division that the employer has secured insurance from another insurance company or has otherwise insured the payment of compensation provided for by this chapter. *Approved June 13, 1973.*

Chap. 404. AN ACT AUTHORIZING THE ADVISORY COUNCIL ON EDUCATION TO RECEIVE FUNDS FROM FEDERAL AGENCIES AND FOUNDATIONS.

Be it enacted, etc., as follows:

Section 1H of chapter 15 of the General Laws is hereby amended by adding the following paragraph: —

At the direction of the council, the director of research may seek, accept and administer specific grants from private foundations and federal agencies; provided that such applications for federal grants shall be subject to the approval of the commissioner of administration. Said grants shall be kept in a separate fund in the state

treasury and shall be disbursed by the state treasurer at the direction of the council for the purposes for which such grants may be made.

Approved June 13, 1973.

Chap. 405. AN ACT FURTHER REGULATING THE CANCELLATION OF MOTOR VEHICLE INSURANCE POLICIES FOR NON-PAYMENT OF PREMIUMS.

Be it enacted, etc., as follows:

Provision (2) of section 113A of chapter 175 of the General Laws, as most recently amended by section 1 of chapter 341 of the acts of 1973, is hereby further amended by adding the following two sentences: — If the reason for cancellation is for nonpayment of premium, the notice of cancellation provided for in this provision shall state the amount of the deficiency of the premium owed the company for all the insurance provided and shall state in substance that the cancellation will not be effective if the insured pays the full amount of such deficiency on or prior to the effective date of the cancellation. The fact that an insurance agent or broker has paid the full premium to the company but has himself not been paid by the insured shall not operate to prevent cancellation for nonpayment of premium.

Approved June 13, 1973.

Chap. 406. AN ACT AUTHORIZING THE CONTINUED EMPLOYMENT OF HARRY F. LOFTON AS FIRST ASSISTANT CHIEF PROBATION OFFICER OF THE MUNICIPAL COURT OF THE ROXBURY DISTRICT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the employment of Harry F. Lofton as the first assistant chief probation officer of the municipal court of the Roxbury district may be continued until September the fourteenth, nineteen hundred and seventy-four, provided however, that there shall be deducted from his compensation for services rendered as aforesaid an amount equal to the retirement allowance or pension received by him.

Approved June 13, 1973.

Chap. 407. AN ACT FURTHER REGULATING THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE BEDFORD FREE PUBLIC LIBRARY CORPORATION.

Be it enacted, etc., as follows:

Chapter 198 of the acts of 1952 is hereby amended by striking out section 2 and inserting in place thereof the following section: —

Section 2. The inhabitants of the town of Bedford are authorized to elect nine members of the board of trustees of the Bedford Free

Public Library Corporation in such manner that one third thereof shall be elected for one year, one third for two years, one third for three years and thereafter one third shall be elected annually for a term of three years; and said members shall constitute the board of trustees of the Bedford Free Public Library Corporation with all the powers appertaining thereto or to the trustees of a free public library. The election of any trustee of the free public library at any town meeting held before the effective date of this act is hereby ratified and confirmed as the election of said trustee as a trustee of the Bedford Free Public Library Corporation. The board of trustees of the Bedford Free Public Library Corporation is authorized to fill vacancies among the elected members of the board until the next ensuing annual town meeting. The board shall, from its own number, annually choose a chairman and a secretary. The town treasurer shall act as treasurer of the Bedford Free Public Library Corporation.

Approved June 13, 1973.

Chap. 408. AN ACT REQUIRING THE PAYMENT UPON DEMAND OF REFUNDS WITHIN THIRTY DAYS TO INSURED AS THE RESULT OF THE CANCELLATION OF CERTAIN MOTOR VEHICLE INSURANCE POLICIES.

Be it enacted, etc., as follows:

The first paragraph of section 22C of chapter 175 of the General Laws, as appearing in chapter 387 of the acts of 1970, is hereby amended by adding the following two sentences: — Every company cancelling an insurance policy under authority of this paragraph shall, upon demand, refund within thirty days all money due to the insured as the result of such cancellation. Any company violating the provisions of the preceding sentence shall be liable to the insured in an action of contract for double the amount of the refund plus reasonable legal fees.

Approved June 13, 1973.

Chap. 409. AN ACT AUTHORIZING THE TOWN OF AGAWAM TO PAY A CERTAIN SUM OF MONEY TO LAWRENCE J. SCHERPA.

Be it enacted, etc., as follows:

For the purpose of discharging a moral obligation, the town of Agawam is hereby authorized to appropriate money for the payment of and after such appropriation the treasurer of said town is authorized to pay the sum of two hundred dollars to Lawrence J. Scherpa as reimbursement for money expended by him for the construction of a certain sidewalk in said town.

Approved June 13, 1973.

Chap. 410. AN ACT AUTHORIZING THE TOWN OF STONEHAM TO PAY CERTAIN MEDICAL EXPENSES OF GEORGE E. GRAFTON.

Be it enacted, etc., as follows:

Notwithstanding any contrary provisions of law and for the purpose of discharging a moral obligation, the town of Stoneham is hereby authorized to appropriate the sum of four hundred and twenty-six dollars and fifty cents and after such appropriation, the treasurer of said town is authorized to pay the hospital, medical and surgical expenses incurred by George E. Grafton, arising out of the natural and proximate results of injuries received by said George E. Grafton while in the line of duty as a firefighter for said town.

Approved June 13, 1973.

Chap. 411. AN ACT AUTHORIZING THE TOWN OF EASTHAM TO ESTABLISH THE MAURICE W. WILEY SCHOLARSHIP FUND FOR THE BENEFIT OF RESIDENTS OF SAID TOWN.

Be it enacted, etc., as follows:

Notwithstanding any provisions of law to the contrary, the town of Eastham is hereby authorized to hold funds donated in memory of Maurice W. Wiley, a former selectman of said town, and all income earned from such funds in a special account to be designated and known as the Maurice W. Wiley scholarship fund. Said fund shall be held by the treasurer of said town and administered by the board of selectmen of said town and shall be used for the purpose of aiding in the higher education of residents of said town.

Approved June 13, 1973.

Chap. 412. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BRISTOL COUNTY TO HAVE PLANS AND SPECIFICATIONS MADE TO TAKE LAND FOR THE CONSTRUCTION OF A NEW JAIL HOUSE OF CORRECTION AND SHERIFF'S QUARTERS FOR SAID COUNTY AND TO BORROW MONEY THEREFOR.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of constructing a new jail, house of correction and sheriff's quarters in Bristol County, the county commissioners of said county may erect on land acquired for such purpose, a suitable building or buildings, and may originally equip and furnish the same.

SECTION 2. For the purposes of section one, the county commissioners of Bristol county may take by eminent domain, after a public hearing, or acquire by purchase or otherwise any land and buildings that may be necessary for said purposes. Said commissioners are further authorized to cause plans and specifications to be prepared for the construction of such facilities; provided, that the total cost of such plans and specifications shall not exceed one hundred and twenty-five thousand dollars; and provided, further, that such plans and specifications shall be so drawn that the total

cost of the project, the preparation of plans and specifications and the construction and originally equipping of said facilities shall not exceed seven million three hundred and fifty thousand dollars. Any sums received from the federal government for the purposes of this act shall be included in, and considered a part of, the total amount authorized hereunder.

SECTION 3. For the purposes set forth in section one, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, seven million three hundred and fifty thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Bristol County Jail and House of Correction Loan, Act of 1973. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than twenty years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 4. This act shall take effect upon its passage.

Approved June 14, 1973.

Chap. 413. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL PERIOD FROM JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR, FOR THE CARE, MAINTENANCE AND REPAIR OF THE NORFOLK COUNTY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Norfolk county are hereby authorized to expend for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four, the sums set forth in this act for the care, maintenance and repair of the county hospital and to assess the same in the manner set forth in section eighty-five of chapter one hundred and eleven of the General Laws.

NORFOLK COUNTY.

Item

1. For personal services	\$2,258,370 88
2. For contractual services	95,000 00
3. For supplies and materials	400,000 00
4. For current charges and obligations	170,000 00
5. For equipment	82,004 55

Item

8. For debt and interest	\$ 30,000 00
10. For unpaid bills of previous years	2,150 85
11. For reserve fund	15,000 00
12. For group insurance	88,000 00
For total expenditures	\$3,140,526 28

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1973.

Chap. 414. AN ACT EXTENDING THE EXPIRATION DATE OF THE ELIGIBLE LIST FOR CHIEF ACCOUNTANT IN THE DEPARTMENT OF THE STATE AUDITOR.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate appointments of chief accountants in the department of the state auditor, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, the eligible list for chief accountant in the department of the state auditor which would expire on May twentieth, nineteen hundred and seventy-three, shall expire on December thirty-first, nineteen hundred and seventy-three.

Approved June 14, 1973.

Chap. 415. AN ACT FURTHER REGULATING THE VENUE OF LIBELS FOR DIVORCE.

Be it enacted, etc., as follows:

Chapter 208 of the General Laws is hereby amended by striking out section 6, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 6. Libels for divorce shall be filed, heard and determined in the superior court or probate court, held for the county where one of the parties lives, except that if either party still resides in the county where the parties last lived together, the libel shall be heard and determined in a court held for that county.

Approved June 14, 1973.

Chap. 416. AN ACT PROVIDING THAT THE CONVEYANCE, TRANSFER OR LEASING OF PROPERTY OCCUPIED FOR DWELLING PURPOSES SHALL NOT AUTOMATICALLY TERMINATE TENANCIES AT WILL.

Be it enacted, etc., as follows:

Section 13 of chapter 186 of the General Laws is hereby amended by adding the following sentence: — A tenancy at will of property occupied for dwelling purposes shall not be terminated by operation of law by the conveyance, transfer or leasing of the premises by the owner or landlord thereof.

Approved June 14, 1973.

Chap. 417. AN ACT PROVIDING THAT THE MEMBERS OF LOCAL LICENSING AUTHORITIES IN CITIES BE RESIDENTS THEREOF.

Be it enacted, etc., as follows:

Section 10 of chapter 138 of the General Laws, as most recently amended by chapter 440 of the acts of 1935, is hereby further amended by adding the following sentence: — Members of such licensing boards or commissions shall be residents of the city in which they serve.

Approved June 14, 1973.

Chap. 418. AN ACT PROVIDING THAT PLANS AND SPECIFICATIONS FOR THE ERECTION OR ALTERATION OF PUBLIC BUILDINGS CONFORM TO RULES AND REGULATIONS ISSUED BY THE BOARD TO FACILITATE THE USE OF PUBLIC BUILDINGS BY THE PHYSICALLY HANDICAPPED.

Be it enacted, etc., as follows:

Chapter 143 of the General Laws is hereby amended by inserting after section 3V the following section: —

Section 3W. In issuing a certificate of approval for the erection or alteration of a public building under section fifteen, a supervisor of plans shall, in addition to any other requirements of this chapter, determine that the plans and specifications required to be filed under said section fifteen conform to the rules and regulations issued by the board to facilitate the use of public buildings by the physically handicapped, established by section thirteen A of chapter twenty-two, or if a specification of requirements for the erection or alteration of a public building is issued under said section fifteen, such specification shall, in addition to any other requirements of this chapter, require that the aforesaid plans and specifications conform to such rules and regulations.

Approved June 14, 1973.

Chap. 419. AN ACT EXEMPTING THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF METHUEN FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Upon the completion of service of Christopher

Devine, incumbent of the office of chief of police of the town of Methuen, said office shall be exempt from the provisions of the civil service law and rules.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Methuen at the annual town election to be held in the year nineteen hundred and seventy-four in the form of the following question which shall be placed upon the official ballot to be used at such election: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-three entitled 'An Act exempting the office of chief of police of the town of Methuen from the provisions of the civil service law', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take effect, but not otherwise.

Approved June 14, 1973.

Chap. 420. AN ACT EXEMPTING THE OFFICE OF TOWN ACCOUNTANT OF THE TOWN OF METHUEN FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The office of the town accountant of the town of Methuen shall, on the effective date of this act, be exempt from the provisions of the civil service law and rules.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Methuen at the annual town election to be held in the year nineteen hundred and seventy-four in the form of the following question, which shall be placed upon the official ballot to be used at such election: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-three, entitled 'An Act exempting the office of the town accountant of the town of Methuen from the provisions of the civil service law', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take effect, but not otherwise.

Approved June 14, 1973.

Chap. 421. AN ACT RELATIVE TO THE EMPLOYMENT AND DUTIES OF PUBLIC SCHOOL PRINCIPALS.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by inserting after section 59A the following section: —

Section 59B. The school committee of a city or town and the school committee of a regional school district shall employ a principal for each public school and fix his compensation. A principal employed under this section shall be the administrator of said school subject to the supervision and direction of the superintendent and subject to the regulations and policies of the school committee, and shall be assigned such duties as are determined by

the superintendent of schools which may include but not be limited to the supervision of the operation and management of said school and said school property during school hours. He shall plan, manage, operate and evaluate educational programs and services. He may recommend to the superintendent or his designee appointments, assignments, promotions and dismissals of professional personnel within his school. The provisions of this section shall not prevent one person from serving as the principal of two or more elementary schools or the use of a teaching principal in such schools.

Approved June 14, 1973.

Chap. 422. AN ACT PERMITTING PACKAGE STORES, SO CALLED, TO DISPLAY IN THEIR WINDOWS OR CERTAIN OTHER PLACES PRICE LISTS OF ALL ALCOHOLIC BEVERAGES SOLD THEREIN.

Be it enacted, etc., as follows:

The first paragraph of section 15 of chapter 138 of the General Laws, as amended by section 12 of chapter 440 of the acts of 1935, is hereby further amended by striking out the sixth sentence and inserting in place thereof the following sentence: — Every licensee hereunder shall keep conspicuously posted in each room where any alcoholic beverages are sold a price list of such beverages.

Approved June 14, 1973.

Chap. 423. AN ACT FURTHER REGULATING THE PERIODIC INSPECTION OF SCHOOL BUSES.

Be it enacted, etc., as follows:

The first sentence of section 7A of chapter 90 of the General Laws is hereby amended by striking out, in line 12, as appearing in chapter 136 of the acts of 1971, the words “, May, August and November” and inserting in place thereof the words: — and May, during the period from August first to September fifteenth, but in any event before a vehicle is used as a school bus, and during the month of November.

Approved June 14, 1973.

Chap. 424. AN ACT EXTENDING THE TIME WITHIN WHICH THE HOLDERS OF CERTAIN LICENSES TO SELL ALCOHOLIC BEVERAGES MAY RESERVE SUCH LICENSES FOR TRANSFER TO ANOTHER LOCATION.

Be it enacted, etc., as follows:

Section 23B of chapter 138 of the General Laws, as most recently amended by chapter 514 of the acts of 1958, is hereby further

amended by striking out the second sentence and inserting in place thereof the following sentence: — Such licensee may apply to the local licensing authorities for a transfer of the license to another location, and in the event that a suitable location is not available which is approved by the licensing authorities, said license shall be reserved for the licensee until such time as a suitable location is approved, but in no event shall such license be reserved for a period longer than four years from the date the premises are actually vacated by the owner, or the date said authority actually takes possession of the premises, whichever period is longer.

Approved June 14, 1973.

Chap. 425. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTIES OF HAMPDEN, HAMPSHIRE, FRANKLIN AND BERKSHIRE, ACTING AS A JOINT BOARD, TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE NEED OF A REGIONAL JAIL AND HOUSE OF CORRECTION FOR SAID COUNTIES.

Be it enacted, etc., as follows:

The county commissioners of the counties of Hampden, Hampshire, Franklin and Berkshire, acting as a joint board, are hereby authorized to make an investigation and study relative to the feasibility and need for establishing a regional jail and house of correction for the use of said counties. Said joint board may employ a clerk, and each of said counties may contribute such sum as may be appropriated therefor towards the payment of the salary of said clerk.

Approved June 14, 1973.

Chap. 426. AN ACT TO PROVIDE COST OF LIVING SALARY ADJUSTMENTS FOR CERTAIN EMPLOYEES OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for cost of living salary adjustments for certain employees of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (1) of section 46 of chapter 30 of the General Laws is hereby amended by striking out the salary schedule, as most recently amended by section 1 of chapter 300 of the acts of 1972, and inserting in place thereof the following: —

GENERAL SALARY SCHEDULE

Effective December 31, 1972.
(Weekly Rates on total cash basis.)

Job Group	Step 1 Minimum.	Step 2.	Step 3.	Step 4.	Step 5.	Step 6.	Step 7 Maximum.
I	\$100.90	\$104.15	\$107.40	\$110.65	\$113.90	\$117.15	\$120.40
II	103.80	107.05	110.30	113.55	116.80	120.05	123.30
III	107.15	110.80	114.45	118.10	121.75	125.40	129.05
IV	111.45	115.10	118.75	122.40	126.05	129.70	133.35
V	114.75	118.75	122.75	126.75	130.75	134.75	138.75
VI	120.65	124.65	128.55	132.65	136.65	140.55	144.55
VII	125.60	129.95	134.30	138.65	143.00	147.35	151.70
VIII	130.35	135.10	139.85	144.60	149.35	154.10	158.85
IX	137.95	143.00	148.05	153.10	158.15	163.20	168.25
X	145.60	151.00	156.40	161.80	167.20	172.60	178.00
XI	153.20	159.05	164.90	170.75	176.60	182.45	188.30
XII	162.35	168.50	174.65	180.80	186.95	193.10	199.25
XIII	174.25	180.75	187.25	193.75	200.25	206.75	213.25
XIV	185.20	192.80	200.40	208.00	215.60	223.20	230.80
XV	197.15	205.45	213.75	222.05	230.35	238.65	246.95
XVI	209.60	218.80	228.10	237.40	246.70	256.00	265.30
XVII	224.05	233.80	243.55	253.30	263.05	272.80	282.55
XVIII	236.90	246.85	257.40	267.95	278.50	289.05	299.60
XIX	250.15	261.50	272.85	284.20	295.55	306.90	318.25
XX	265.25	276.95	288.65	300.35	312.05	323.75	335.45
XI	279.05	291.65	304.25	316.85	329.45	342.05	354.65
XXII	294.60	307.95	321.40	334.85	348.30	361.75	375.20
XXIII	311.15	325.00	338.85	352.70	366.55	380.40	394.25
XXIV	326.65	341.25	355.85	370.45	385.05	399.65	414.25
XXV	342.10	357.55	373.00	388.45	403.90	419.35	434.80
XXVI	355.90	372.10	388.30	404.50	420.70	436.90	453.10
XXVII	372.60	389.30	406.00	422.70	439.40	456.10	472.80
XXVIII	388.10	405.60	423.10	440.60	458.10	475.60	493.10
XXIX	405.10	423.40	441.70	460.00	478.30	496.60	514.90
XXX	423.80	442.90	462.00	481.10	500.20	519.30	538.40
XXXI	440.90	460.85	480.80	500.75	520.70	540.65	560.60
XXXII	459.65	480.40	501.15	521.90	542.65	563.40	584.15
XXXIII	478.35	499.90	521.45	543.00	564.55	586.10	607.65

SECTION 2. The salaries of all employees in the service of the commonwealth and paid from the treasury thereof, including wages paid to blind workers by the Massachusetts commission for the blind as provided in section one hundred and forty-three of chapter six of the General Laws, but excluding salaries fixed by statute, and excluding salaries payable to employees holding offices or positions which are allocated to the salary schedule appearing in paragraph (1) of section forty-six of chapter thirty of the General Laws, and excluding compensation payable to persons whose services are coded in accordance with the expenditure code manual under the subsidiary title "03" Services — Non-Employees", shall be increased over the rates payable as of December thirtieth, nineteen hundred and seventy-two, by an amount equal to three and three-tenths per cent thereof.

SECTION 3. The first sentence of the first paragraph of section 22 of chapter 6 of the General Laws is hereby amended by striking out the words "seventeen thousand six hundred and eighty-nine", inserted by section 3 of chapter 300 of the acts of 1972, and inserting in place thereof the words: — eighteen thousand two hundred and seventy-three.

SECTION 4. The sixth sentence of section 43 of said chapter 6 is

hereby amended by striking out the words: — “twelve thousand six hundred and three”, inserted by section 4 of said chapter 300, and inserting in place thereof the words: — thirteen thousand and nineteen —, and by striking out the words “ten thousand seven hundred and twenty-four”, as so inserted, and inserting in place thereof the words: — eleven thousand and seventy-eight.

SECTION 5. The first sentence of the third paragraph of section 48 of said chapter 6 is hereby amended by striking out the words “ten thousand and sixty”, inserted by section 5 of said chapter 300, and inserting in place thereof the words: — ten thousand three hundred and ninety-two, — and by striking out the words “eight thousand five hundred and twelve”, as so inserted, and inserting in place thereof the words: — eight thousand seven hundred and ninety-three.

SECTION 6. The first sentence of the third paragraph of section 56 of said chapter 6 is hereby amended by striking out the words “seventeen thousand five hundred and seventy-eight”, inserted by section 6 of said chapter 300, and inserting in place thereof the words: — eighteen thousand one hundred and fifty-eight —, and by striking out the words “eight thousand six hundred and twenty-three”, as so inserted, and inserting in place thereof the words: — eight thousand nine hundred and eight.

SECTION 7. The second sentence of section 75 of said chapter 6 is hereby amended by striking out the words “nineteen thousand and fifteen”, inserted by section 7 of said chapter 300, and inserting in place thereof the words: — nineteen thousand six hundred and forty-two.

SECTION 8. The second sentence of the second paragraph of section 129 of said chapter 6 is hereby amended by striking out the words “seventeen thousand six hundred and eighty-nine”, inserted by section 8 of said chapter 300, and inserting in place thereof the words: — eighteen thousand two hundred and seventy-three.

SECTION 9. The sixth sentence of section 159 of said chapter 6, is hereby amended by striking out the words “sixteen thousand six hundred and eighty-eight”, inserted by section 8A of said chapter 300, and inserting in place thereof the words: — seventeen thousand two hundred and thirty-nine.

SECTION 10. The first sentence of the first paragraph of section 4A of chapter 7 of the General Laws is hereby amended by striking out the words “twenty-five thousand nine hundred and eighty-one”, inserted by section 9 of said chapter 300, and inserting in place thereof the words: — twenty-six thousand eight hundred and thirty-eight —, and by striking out the words “twenty-five thousand nine hundred and eighty-one”, as so inserted, and inserting in place thereof the words: — twenty-six thousand eight hundred and thirty-eight.

SECTION 11. The fifth sentence of the second paragraph of section 2 of chapter 13 of the General Laws is hereby amended by striking out the words “twenty-nine thousand four hundred and one”, inserted by section 10 of said chapter 300, and inserting in

place thereof the words: — thirty thousand three hundred and seventy-one.

SECTION 12. The fourth sentence of section 2A of said chapter 13 is hereby amended by striking out the words "fourteen thousand three hundred and seventy-two", inserted by section 11 of said chapter 300, and inserting in place thereof the words: — fourteen thousand eight hundred and forty-six, and by striking out the words "thirteen thousand three hundred and twenty-nine", as so inserted, and inserting in place thereof the words: — thirteen thousand seven hundred and sixty-nine.

SECTION 13. Section 8 of said chapter 13 is hereby amended by striking out the second sentence, as appearing in section 18 of chapter 704 of the acts of 1969, and inserting in place thereof the following sentence: — Said director shall receive such salary, not exceeding ten thousand three hundred and ninety-two dollars, as the governor may determine, and shall devote his full time during business hours to the duties of his office.

SECTION 14. The second sentence of section 41 of said chapter 13 is hereby amended by striking out the words "seven thousand and seventy-five", inserted by section 13 of chapter 300 of the acts of 1972, and inserting in place thereof the words: — seven thousand three hundred and eight, — by striking out the words "six thousand three hundred and one", as so inserted and inserting in place thereof the words: — six thousand five hundred and nine.

SECTION 14A. Said section 41 of said chapter 13, as most recently amended by said section 13 of said chapter 300, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence: — The secretary of the board shall receive a salary of six thousand five hundred and nine dollars.

SECTION 15. The first sentence of section 44 of said chapter 13 is hereby amended by striking out the words "eight thousand six hundred and twenty-three", inserted by section 14 of said chapter 300, and inserting in place thereof the words: — eight thousand nine hundred and eight —, and by striking out the words "seven thousand eight hundred and forty-nine", as so inserted, and inserting in place thereof the words: — eight thousand one hundred and eight.

SECTION 16. The second sentence of the third paragraph of section 2 of chapter 14 of the General Laws is hereby amended by striking out the words "twenty-five thousand nine hundred and eighty-one", inserted by section 15 of said chapter 300, and inserting in place thereof the words: — twenty-six thousand eight hundred and thirty-eight —, and by striking out the words "twenty thousand one hundred and twenty-one", as so inserted, and inserting in place thereof the words: — twenty thousand seven hundred and eighty-five.

SECTION 17. The seventh sentence of section 1 of chapter 16 of the General Laws is hereby amended by striking out the words "twenty-eight thousand eight hundred and eighty-five", inserted by section 16 of said chapter 300, and inserting in place thereof

the words: — twenty-nine thousand eight hundred and thirty-eight — , and by striking out the words “twenty-two thousand six hundred and sixty-four”, as so inserted, and inserting in place thereof the words: — twenty-three thousand four hundred and twelve.

SECTION 18. The third sentence of section 9 of said chapter 16 is hereby amended by striking out the words “twenty-two thousand and one”, inserted by section 17 of said chapter 300, and inserting in place thereof the words: — twenty-two thousand seven hundred and twenty-seven.

SECTION 19. The third sentence of section 12 of said chapter 16 is hereby amended by striking out the words “sixteen thousand one hundred and forty-one”, inserted by section 18 of said chapter 300, and inserting in place thereof the words: — sixteen thousand six hundred and seventy-four.

SECTION 20. The third sentence of the first paragraph of section 2 of chapter 17 of the General Laws is hereby amended by striking out the words “thirty-one thousand seven hundred and thirty”, inserted by section 19 of said chapter 300, and inserting in place thereof the words: — thirty-two thousand seven hundred and seventy-seven.

SECTION 21. The fourth sentence of section 3 of chapter 18 of the General Laws is hereby amended by striking out the words “thirty-one thousand five hundred and nine”, inserted by section 20 of said chapter 300, and inserting in place thereof the words :— thirty-two thousand five hundred and forty-nine.

SECTION 22. The first paragraph of section 4 of said chapter 18 is hereby amended by striking out the third sentence, as appearing in section 3 of chapter 885 of the acts of 1969, and inserting in place thereof the following sentence: — The deputy commissioner shall receive a salary of twenty-eight thousand six hundred and sixty-six dollars.

SECTION 22A. The second paragraph of said section 4 of said chapter 18 is hereby amended by striking out the second sentence, as so appearing, and inserting in place thereof the following sentence: — The assistant commissioner for research and planning shall receive a salary of twenty-three thousand four hundred and twelve dollars.

SECTION 22B. The third paragraph of said section 4 of said chapter 18 is hereby amended by striking out the second sentence, as so appearing, and inserting in place thereof the following sentence: — He shall receive a salary of twenty-three thousand four hundred and twelve dollars.

SECTION 22C. The fourth paragraph of said section 4 of said chapter 18 is hereby amended by striking out the second sentence, as so appearing, and inserting in place thereof the following sentence: — The assistant commissioner of field operations shall receive a salary of twenty-three thousand four hundred and twelve dollars.

SECTION 22D. The fifth paragraph of said section 4 of said chapter 18 is hereby amended by striking out the second sentence,

as so appearing, and inserting in place thereof the following sentence: — The assistant commissioner for social services shall receive a salary of twenty-three thousand four hundred and twelve dollars.

SECTION 22E. The sixth paragraph of said section 4 of said chapter 18 is hereby amended by striking out the second sentence, as so appearing, and inserting in place thereof the following sentence: — The assistant commissioner for medical assistance shall receive a salary of twenty-three thousand four hundred and twelve dollars.

SECTION 23. The fourth sentence of section 1 of chapter 18A of the General Laws is hereby amended by striking out the words "twenty-six thousand and seventy-five", inserted by section 19A of chapter 300 of the acts of 1972, and inserting in place thereof the words: — twenty-six thousand nine hundred and thirty-five.

SECTION 24. The sixth paragraph of section 2 of chapter 19 of the General Laws is hereby amended by striking out the words "forty thousand nine hundred and six", inserted by section 21A of said chapter 300, and inserting in place thereof the words: — forty-two thousand two hundred and fifty-six.

SECTION 25. The second sentence of section 2 of chapter 20 of the General Laws is hereby amended by striking out the words "eighteen thousand and twenty", inserted by section 22 of said chapter 300, and inserting in place thereof the words: — eighteen thousand six hundred and twenty-five.

SECTION 26. Section 5 of said chapter 20 is hereby amended by striking out the words "fourteen thousand six hundred and two", inserted by section 23 of said chapter 300, and inserting in place thereof the words: — fifteen thousand and eighty-four.

SECTION 27. The second sentence of section 3A of chapter 21 of the General Laws is hereby amended by striking out the words "twenty-two thousand six hundred and sixty-four", inserted by section 24 of said chapter 300, and inserting in place thereof the words: — twenty-three thousand four hundred and twelve.

SECTION 28. The second sentence of section 2 of chapter 22 of the General Laws is hereby amended by striking out the words "twenty-two thousand and one", inserted by section 25 of said chapter 300, and inserting in place thereof the words: — twenty-two thousand seven hundred and twenty-seven.

SECTION 29. The second sentence of section 2 of chapter 23 of the General Laws is hereby amended by striking out the words "twenty thousand and ten", inserted by section 26 of said chapter 300, and inserting in place thereof the words: — twenty thousand six hundred and seventy —, and by striking out the words "eleven thousand nine hundred and forty", as so inserted, and inserting in place thereof the words: — twelve thousand three hundred and thirty-four.

SECTION 30. Paragraph (b) of section 9I of said chapter 23 is hereby amended by striking out the words "twenty-three thousand eight hundred and eighty", inserted by section 27 of said chapter

300, and inserting in place thereof the words: — twenty-four thousand six hundred and sixty-eight.

SECTION 31. The eighth sentence of paragraph (b) of section 9N of said chapter 23 is hereby amended by striking out the words "fifteen thousand one hundred and forty-six", inserted by section 28 of said chapter 300, and inserting in place thereof the words: — fifteen thousand six hundred and forty-six — , and by striking out the words "thirteen thousand nine hundred and twenty-six", as so inserted, and inserting in place thereof the words: — fourteen thousand three hundred and eighty-six.

SECTION 32. The first sentence of section 9P of said chapter 23 is hereby amended by striking out the words "eighteen thousand and twenty", inserted by section 29 of said chapter 300 and inserting in place thereof the words: — eighteen thousand six hundred and fifteen — , and by striking out the words "eleven thousand three hundred and eighty-seven", as so inserted, and inserting in place thereof the words: — eleven thousand seven hundred and sixty-three.

SECTION 33. The second sentence of the first paragraph of section 15 of said chapter 23 is hereby amended by striking out the words "twenty thousand one hundred and twenty-one", inserted by section 30 of said chapter 300, and inserting in place thereof the words: — twenty thousand seven hundred and eighty-five, — and by striking out the words "eighteen thousand nine hundred and five", as so inserted, and inserting in place thereof the words: — nineteen thousand five hundred and twenty-nine.

SECTION 34. The fourth sentence of the first paragraph of section 1 of chapter 23A of the General Laws is hereby amended by striking out the words "twenty-five thousand two hundred and seven", inserted by section 31 of said chapter 300, and inserting in place thereof the words: — twenty-six thousand and thirty-nine.

SECTION 35. The fourth sentence of section 1 of chapter 23B of the General Laws is hereby amended by striking out the words "twenty-three thousand eight hundred and eighty", inserted by section 32 of said chapter 300, and inserting in place thereof the words: — twenty-four thousand six hundred and sixty-eight.

SECTION 36. The fifth sentence of section 2 of chapter 25 of the General Laws is hereby amended by striking out the words "twenty thousand and ten", inserted by section 33 of said chapter 300, and inserting in place thereof the words: — twenty thousand six hundred and seventy — , and by striking out the words "fourteen thousand four hundred and eighty-three, as so inserted, and inserting in place thereof the words: — fourteen thousand nine hundred and sixty-one.

SECTION 37. The second sentence of section 2 of chapter 26 of the General Laws is hereby amended by striking out the words "twenty-two thousand and one", inserted by section 34 of said chapter 300, and inserting in place thereof the words: — twenty-two thousand seven hundred and twenty-seven.

SECTION 38. The second sentence of section 6 of said chapter

26 is hereby amended by striking out the words "twenty-two thousand nine hundred and ninety-six", inserted by section 35 of said chapter 300, and inserting in place thereof the words: — twenty-three thousand seven hundred and fifty-five.

SECTION 39. The third sentence of section 1 of chapter 27 of the General Laws is hereby amended by striking out the words "twenty-five thousand nine hundred and eighty-one", inserted by section 36 of said chapter 300, and inserting in place thereof the words: — twenty-six thousand eight hundred and thirty-eight.

SECTION 40. The first sentence of the first paragraph of section 2 of said chapter 27, as most recently amended by section 1 of chapter 777 of the acts of 1972, is hereby further amended by striking out, in line 6, the words "nineteen thousand five hundred and four" and inserting in place thereof the words: — twenty thousand one hundred and forty-eight.

SECTION 41. The first sentence of the fourth paragraph of section 4 of said chapter 27 is hereby amended by striking out the words "twenty-two thousand and one", inserted by section 38 of chapter 300 of the acts of 1972, and inserting in place thereof the words: — twenty-two thousand seven hundred and twenty-seven —, and by striking out the words "seventeen thousand and twenty-five", as so inserted, and inserting in place thereof the words: — seventeen thousand five hundred and eighty-seven.

SECTION 42. Section 2 of chapter 28 of the General Laws is hereby amended by striking out the words "twenty-five thousand nine hundred and eighty-one", inserted by section 39 of said chapter 300, and inserting in place thereof the words: — twenty-six thousand eight hundred and thirty-eight —, and by striking out the words "eight thousand four hundred and two", as so inserted, and inserting in place thereof the words: — eight thousand six hundred and seventy-nine.

SECTION 43. The fourth sentence of the first paragraph of section 1 of chapter 58A of the General Laws is hereby amended by striking out the words "twenty-two thousand and one", inserted by section 40 of said chapter 300, and inserting in place thereof the words: — twenty-two thousand seven hundred and twenty-seven —, and by striking out the words "seventeen thousand six hundred and eighty-nine", as so inserted, and inserting in place thereof the words: — eighteen thousand two hundred and seventy-three.

SECTION 44. The second sentence of the fourth paragraph of section 3 of chapter 354 of the acts of 1952 is hereby amended by striking out the words "thirty-three thousand three hundred and seventy-six", inserted by section 40A of said chapter 300, and inserting in place thereof the words: — thirty-four thousand four hundred and seventy-seven —, and by striking out the words "eighteen thousand seven hundred and seventy-four", as so inserted, and inserting in place thereof the words: — nineteen thousand three hundred and ninety-four.

SECTION 45. The last paragraph of section 4 of chapter 598 of the acts of 1958 is hereby amended by striking out, line line 4, the

words "eighteen thousand" and inserting in place thereof the words: — eight thousand six hundred and nineteen and by striking out, in line 5, the words "two thousand" and inserting in place thereof the words: — two thousand one hundred and fifty-five.

SECTION 46. Section 2 of chapter 635 of the acts of 1960 is hereby amended by striking out the words "eleven thousand eight hundred and twenty-nine", inserted by section 41 of chapter 300 of the acts of 1972, and inserting in place thereof the words: — twelve thousand two hundred and nineteen —, and by striking out the words "seven thousand nine hundred and sixty", as so inserted, and inserting in place thereof the words: — eight thousand two hundred and twenty-three.

SECTION 47. The third sentence of section 3 of said chapter 635 is hereby amended by striking out the words "twenty-one thousand four hundred and forty-eight", inserted by section 42 of said chapter 300, and inserting in place thereof the words: — twenty-two thousand one hundred and fifty-six.

SECTION 48. Notwithstanding any provisions of this act to the contrary, the provisions of section twenty-two, forty-three, forty-eight, fifty-six, seventy-five, one hundred and twenty-nine and one hundred and fifty-nine of chapter six, section four A of chapter seven, sections two, two A, eight, forty-one and forty-four of chapter thirteen, section two of chapter fourteen, sections one, nine and twelve of chapter sixteen, section two of chapter seventeen, section one of chapter eighteen A, sections three and four of chapter eighteen, section two of chapter nineteen, sections two and five of chapter twenty, section three A of chapter twenty-one, section two of chapter twenty-two, sections two, nine I, nine N, nine P and fifteen of chapter twenty-three, section one of chapter twenty-three A, section one of chapter twenty-three B, section two of chapter twenty-five, sections two and six of chapter twenty-six, sections one, two and four of chapter twenty-seven, section two of chapter twenty-eight and section one of chapter fifty-eight A of the General Laws and the provisions of section three of chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two, section four of chapter five hundred and ninety-eight of the acts of nineteen hundred and fifty-eight and of sections two and three of chapter six hundred and thirty-five of the acts of nineteen hundred and sixty, in effect immediately prior to the effective date of this act, shall remain in effect and apply to appointments to the offices referred to therein which are made on or after said effective date.

SECTION 49. Sections one and two of this act shall take effect as of December thirty-first, nineteen hundred and seventy-two.

SECTION 50. Sections three to forty-eight, inclusive, shall take effect as of January first, nineteen hundred and seventy-three.

Approved June 15, 1973.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate the tax on thoroughbred horse racing; therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. During the nineteen hundred and seventy-three, nineteen hundred and seventy-four and nineteen hundred and seventy-five calendar years, each licensee conducting a running horse racing meeting, except at a state or county fair, under the provisions of section five of chapter one hundred and twenty-eight A shall return to the winning patrons in the manner provided by said section all sums deposited as wagers on the speed or ability of running horses, less the breaks, as defined in said section, and less an amount not to exceed nineteen per cent of the total amount so deposited.

SECTION 2. In order that the effect of this act, the intent of which is to provide funds to improve the quality of running horse racing meetings in the commonwealth and thereby to increase the activities at such horse racing meetings and the revenue therefrom, can be determined at the earliest possible date, each person licensed to conduct such running horse racing meetings and required to pay over to the state racing commission the sums required under the provisions of section five of chapter one hundred and twenty-eight A of the General Laws, shall file with said commission no later than January fifteenth, nineteen hundred and seventy-four, January fifteenth, nineteen hundred and seventy-five and January fifteenth, nineteen hundred and seventy-six, respectively, a statement of operations for the previous calendar year which shall contain:

(1) A statement of the total amount withheld from all sums wagered and not returned to winning patrons, less the breaks, during said calendar year under the provisions of section one of this act;

(2) A statement of the total amount which would have been withheld from all sums wagered and not returned to winning patrons, less the breaks, for the comparable period under the provisions of section five of chapter one hundred and twenty-eight A in effect immediately prior to the passage of this act;

(3) A statement of the amount retained by the licensee under the provisions of this act, which shall be the difference between (1) and (2) above;

(4) A detailed analysis of the disposition made by such licensee of the amount shown in (3) above, including allocations to specific accounts, together with an explanation as to the manner in which such disposition or dispositions shall improve the quality of running horse racing meetings in the commonwealth; and

(5) Such other information as the said commission shall deem necessary in order to accomplish the aforementioned purpose.

The statement of operations required by this section shall be

in addition to all other statements or reports required of such licensee, and a copy of said statement shall, immediately upon receipt, be transmitted to the governor, the president of the senate and the speaker of the house of representatives.

Approved June 15, 1973.

Chap. 428. AN ACT RELATIVE TO THE COMPENSATION OF THE JUSTICES OF THE COURTS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of paragraph (1) of section 46 of chapter 30 of the General Laws, inserted by section 1 of chapter 66 of the acts of 1971, is hereby amended by adding the following sentence: — Whenever such determination indicates a percentum increase of at least three percentum, as hereinbefore described, such report shall be accompanied by a recommendation of legislation to provide a corresponding percentum increase in the salaries of the chief justice and associate justices of the supreme judicial court, the appeals court, the superior court and the municipal court of the city of Boston, the judges and associate judges of the land court, the chief judge and the judges of probate and insolvency, the chief justice and the justices of the district courts other than the municipal court of the city of Boston, the justices and special justices of the Boston juvenile court, the justices of the Worcester, Bristol county and Springfield juvenile courts, and special justices of the district courts, including the municipal court of the city of Boston, such increase to take effect as of the beginning of the first payroll period of the year in which such report is submitted.

SECTION 2. Section 14 of chapter 185 of the General Laws is hereby amended by striking out the first sentence, as amended by section 1 of chapter 845 of the acts of 1969, and inserting in place thereof the following sentence: — The judge and associate judges of the land court shall each receive a salary of thirty-three thousand dollars and each shall annually receive, upon the certificate of the judge, the amount of expenses incurred by him in the discharge of his duties, to be paid by the commonwealth.

SECTION 3. Chapter 211 of the General Laws is hereby amended by striking out section 22, as most recently amended by section 2 of said chapter 845, and inserting in place thereof the following section: —

Section 22. The chief justice of the court shall receive a salary of thirty-eight thousand, five hundred dollars and each associate justice a salary of thirty-seven thousand, one hundred and eighty dollars, and the chief justice and each associate justice shall annually receive from the commonwealth, upon certificate of the chief justice, the amount of expenses incurred by them in the discharge of their duties. Such justices shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

SECTION 4. Section 2 of chapter 211A of the General Laws, as

appearing in section 1 of chapter 740 of the acts of 1972, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The chief justice shall receive a salary of thirty-five thousand, seven hundred and fifty dollars and each associate justice a salary of thirty-four thousand, four hundred and thirty dollars, and the chief justice and each associate justice shall annually receive from the commonwealth, upon the certificate of the chief justice, the amount of the expenses incurred by them in the discharge of their duties.

SECTION 5. The first sentence of section 14E of chapter 212 of the General Laws is hereby amended by striking out the words "one hundred", inserted by chapter 728 of the acts of 1970, and inserting in place thereof the words: — one hundred and ten.

SECTION. 6. Said chapter 212 is hereby further amended by striking out section 27, as most recently amended by section 3 of chapter 845 of the acts of 1969, and inserting in place thereof the following section: —

Section 27. The chief justice shall receive a salary of thirty-four thousand, four hundred and thirty dollars and each associate justice a salary of thirty-three thousand dollars, and the chief justice and each associate justice shall annually receive from the commonwealth, upon the certificate of the chief justice, the amount of the expenses incurred by them in the discharge of their duties. Such justices shall devote their entire time during business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

SECTION 7. Chapter 217 of the General Laws is hereby amended by striking out section 34, as most recently amended by section 2 of chapter 680 of the acts of 1971, and inserting in place thereof the following section: —

Section 34. The salaries of all judges of probate shall be paid by the commonwealth and except for the salary of the judge of probate designated under section two A to have and perform the duties described in section eight, are hereby established as follows: —

COUNTY	SALARIES
Suffolk	\$28,930
Middlesex	28,930
Norfolk	28,930
Essex	28,930
Hampden	28,930
Worcester	28,930
Bristol	28,930
Plymouth	28,930
Barnstable	28,930
Berkshire	28,930
Franklin	28,930
Hampshire	28,930
Nantucket	28,930
Dukes	10,340

The judge designated under section two A shall, irrespective of the county in which he serves as a judge of probate, receive a salary of thirty thousand and thirty dollars for his combined services as chief judge and judge of probate.

SECTION 8. Section 35A of said chapter 217 is hereby amended by striking out the second sentence, as most recently amended by section 2 of chapter 435 of the acts of 1971, and inserting in place thereof the following sentence: — The salaries of the registers of probate in the counties of Dukes County and Nantucket shall be eight thousand four hundred and seventy dollars.

SECTION 9. The second paragraph of section 6 of chapter 218 of the General Laws is hereby amended by striking out the second sentence, as amended by section 6 of chapter 845 of the acts of 1969, and inserting in place thereof the following sentence: — He shall receive a salary of twenty-eight thousand, nine hundred and thirty dollars for his combined services as chief justice and as justice of the court to which he was appointed.

SECTION 10. The fourth paragraph of said section 6 of said chapter 218 is hereby amended by striking out the first sentence, as appearing in section 1 of chapter 810 of the acts of 1963, and inserting in place thereof the following sentence: — Special justices of the district courts other than the municipal court of the city of Boston, and special justices of the Boston juvenile court shall be paid by the county fifty-five dollars for each day's services, or at the rate by the day of the salary of the justices of the same court, whichever is the greater amount.

SECTION 11. Said chapter 218 is hereby further amended by striking out section 75, as most recently amended by section 7 of chapter 845 of the acts of 1969, and inserting in place thereof the following section: —

Section 75. The salary of the chief justice of the municipal court of the city of Boston shall be twenty-eight thousand, nine hundred and thirty dollars and the salary of each of the associate justices shall be twenty-seven thousand, five hundred dollars.

SECTION 12. Said chapter 218 is hereby further amended by striking out section 76, as most recently amended by section 8 of said chapter 845, and inserting in place thereof the following section: —

Section 76. The salary of the justice of the Boston juvenile court shall be twenty-eight thousand, nine hundred and thirty dollars.

SECTION 13. Said chapter 218 is hereby further amended by striking out section 76A, as most recently amended by section 18 of chapter 731 of the acts of 1972, and inserting in place thereof the following section: —

Section 76A. The salary of the justices of the Worcester juvenile court, the Bristol county juvenile court and the Springfield juvenile court shall be twenty-four thousand, two hundred dollars.

SECTION 14. Section 77A of said chapter 218 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

first district court of Barnstable,
 second district court of Barnstable,
 district court of central Berkshire,
 first district court of Bristol,
 second district court of Bristol,
 third district court of Bristol,
 fourth district court of Bristol,
 district court of Franklin,
 district court of Lawrence,
 first district court of Essex,
 district court of eastern Essex,
 district court of southern Essex,
 central district court of northern Essex,
 district court of Peabody,
 district court of Springfield,
 district court of western Hampden,
 district court of Holyoke,
 district court of eastern Hampden
 district court of Hampshire,
 first district court of eastern Middlesex,
 second district court of eastern Middlesex,
 third district court of eastern Middlesex,
 fourth district court of eastern Middlesex,
 first district court of southern Middlesex,
 district court of Lowell,
 district court of central Middlesex,
 first district court of northern Middlesex,
 district court of Marlborough,
 district court of Newton,
 district court of Somerville,
 municipal court of Brookline,
 district court of southern Norfolk,
 district court of northern Norfolk,
 district court of East Norfolk,
 district court of western Norfolk
 district court of Brockton,
 second district court of Plymouth,
 third district court of Plymouth,
 fourth district court of Plymouth,
 municipal court of the Brighton district,
 municipal court of the Charlestown district,
 district court of Chelsea,
 municipal court of the Dorchester district,
 East Boston district court,
 municipal court of the Roxbury district,
 municipal court of the South Boston district,
 municipal court of the West Roxbury district,
 central district court of Worcester,
 first district court of eastern Worcester,
 second district court of eastern Worcester,

first district court of southern Worcester,
second district court of southern Worcester,
third district court of southern Worcester,
first district court of northern Worcester,
and district court of Fitchburg

shall be twenty-seven thousand, five hundred dollars each.

SECTION 15. Section 77B of said chapter 218 is hereby amended by striking out the second paragraph, as amended by section 11 of said chapter 845, and inserting in place thereof the following paragraph: —

Special justices, when sitting at the order of the chief justice of the district courts, shall receive from the county in which they sit payment computed at the rate by the day of the salary of the justice of the district court in which they sit, or fifty-five dollars per day, whichever is greater.

SECTION 16. Section 78 of said chapter 218 is hereby amended by striking out the first paragraph, as most recently amended by section 10 of chapter 845 of the acts of 1969, and inserting in place thereof the following paragraph: —

The salary of the justice of each of the following district courts
district court of Newburyport,
district court of Chicopee,
shall be eleven thousand, one hundred and ten dollars;

the salary of the justice of each of the following district courts
district court of Leominster,
district court of northern Berkshire,
district court of Natick,
district court of western Worcester.
second district court of Essex,
fourth district court of Berkshire,
district court of eastern Hampshire,
district court of southern Berkshire,
district court of Lee,
shall be nine thousand, six hundred and eighty dollars;

the salary of the justice of each of the following district courts
third district court of Essex,
district court of Winchendon,
district court of eastern Franklin,
district court of Williamstown,
shall be eight thousand, three hundred and sixty dollars;

and the salary of the justices of each of the following district courts
district court of Nantucket,
district court of Dukes County,
shall be nine thousand, one hundred and thirty dollars.

SECTION 17. The provisions of the first paragraph of paragraph (1) of section forty-six of chapter thirty of the General Laws, as amended by section one of this act, shall apply to any percentum increase determined for the year ending December thirty-first, nineteen hundred and seventy-two.

SECTION 18. Notwithstanding any provisions of this act to the contrary, the provisions of paragraph (1) of section forty-six of chapter thirty, section fourteen of chapter one hundred and eighty-five, section twenty-two of chapter two hundred and eleven, section two of chapter two hundred and eleven A, sections fourteen E and twenty-seven of chapter two hundred and twelve, sections thirty-four and thirty-five A of chapter two hundred and seventeen, sections, six, seventy-five, seventy-six, seventy-six A, seventy-seven A, seventy-seven B, and seventy-eight of chapter two hundred and eighteen of the General Laws in effect immediately prior to the effective date of this act, shall remain in effect and apply to appointments to the offices referred to therein which are made on or after said effective date.

SECTION 19. This act shall take effect as of January first, nineteen hundred and seventy-three. *Approved June 15, 1973.*

Chap. 429 **AN ACT REPEALING THE LAW PROVIDING FOR PRE-PRIMARY CONVENTIONS OF POLITICAL PARTIES.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 52 of the General Laws is hereby amended by striking out section 9, as most recently amended by section 1 of chapter 920 of the acts of 1971, and inserting in place thereof the following section: —

Section 9. City and town committees, respectively, shall fix the number of members of ward and town committees to be elected at the presidential primaries, not less than three nor more than thirty-five for each ward and each town. Notice of the number of committee members to be elected shall be given by the city or town committee, as the case may be, to the state secretary on or before the second Tuesday in January of the year in which such persons are to be elected. In case a city or town committee fails to fix the number of members of a ward or town committee and to give such notice, the number of members of such ward or town committee to be elected shall not exceed ten.

SECTION 1A. The first sentence of section 2 of chapter 53 of the General Laws, as most recently amended by section 1 of chapter 407 of the acts of 1966, is hereby amended by striking out, in lines 3 and 4, the words "and except as provided in section fifty-four."

SECTION 2. Said chapter 53 is hereby amended by striking out section 5, as most recently amended by section 1 of chapter 56 of the acts of 1966, and inserting in place thereof the following section: —

Section 5. Every certificate of nomination shall state such facts

as are required by section eight and shall be signed and sworn to by the presiding officer and by the secretary of the caucus or convention, who shall add to their signatures their residences. The secretary shall within the seventy-two hours succeeding five o'clock in the afternoon of the day upon which the caucus was held or the session of the convention terminated, and within the time specified in section ten, file such certificate at the place specified in section nine.

No such certificate of nomination, except for presidential electors, shall be received or be valid unless the written acceptance of the candidates thereby nominated shall be filed therewith.

SECTION 3. Said chapter 53 is hereby further amended by striking out section 34, as most recently amended by chapter 41 of the acts of 1970, and inserting in place thereof the following section: —

Section 34. At the top of each ballot shall be printed the words "Official ballot of the (here shall follow the party name)". On the back of each ballot when folded shall be printed the same words, followed by the number of the precinct and ward or the name of the town for which the ballot is prepared, the date of the primary and for state primaries a facsimile of the signature of the state secretary and for city or town primaries a facsimile of the signature of the city or town clerk. Names of candidates for each elective office shall be arranged alphabetically according to their surnames except as otherwise provided.

Names of candidates for nomination for all offices to be voted for at a state primary of which they are the elected incumbents or the incumbents chosen by the senate and house of representatives, or appointed by the governor, or appointed by the justices of the supreme judicial or superior court, or appointed by the county commissioners, or appointed by the county commissioners and the clerk of the courts for a county, shall be placed first in alphabetical order and names of other candidates shall follow in like order.

Names of candidates for state committee who are either elected or appointed incumbents shall be placed first in alphabetical order, and names of other candidates for said office shall follow in like order.

Names of candidates for ward or town committees and for delegates to national conventions shall be arranged in groups in such order as may be determined by lot, under the direction of the state secretary, who shall notify each state committee and give a representative of each such committee an opportunity to be present. When necessary, groups may be printed on the ballot in two or more columns; provided, however that only one heading designating the number of members to be elected to such committee or as delegates to such convention shall be printed.

Against the name of a candidate for an elective office, for delegate or alternate delegate to a national convention, for a ward or town committee, or for state committee, shall be printed the street and number, if any, of his residence.

Against the name of a candidate for an elective office shall be printed the statement contained in the nomination paper placing him in nomination, except where vacancies caused by death, withdrawal or physical disability are filled.

Except where vacancies caused by death, withdrawal or physical disability are filled, no names shall be printed on a ballot other than those presented on nomination papers. On ballots at city and town primaries, and preliminary elections except where city charters provide otherwise, names of candidates for offices of which they are elected incumbents, or the incumbents chosen by vote of the board of aldermen or city council in a city, or the incumbents chosen by joint convention of the board of aldermen or city council and school committee, shall be placed first in alphabetical order according to their surnames, to be followed by the names of all other candidates for such offices in alphabetical order. Against the name of each such candidate there shall be printed, if the candidate requests, a statement in not more than eight words setting forth the public offices which he holds or has held, showing clearly that he is a former incumbent thereof if such is the case and, if he is an elected incumbent of an office for which he seeks renomination, that he is a candidate for such renomination; and if he is a veteran, as defined in section twenty-one of chapter thirty-one, the word "veteran" may be used. Immediately following the names of candidates on ballots at city and town primaries, and preliminary elections except where city charters provide otherwise, blank spaces equal to the number of persons to be chosen shall be provided for the insertion of other names. Immediately following the names of candidates on ballots at state and presidential primaries, where there are fewer names than there are persons to be chosen, blank spaces shall be provided, equal in number to the deficiency, for the insertion of other names.

The number of persons to be voted for the different offices shall be stated on the ballot.

The form of ballots and the arrangement of printed matter thereon shall be in general the same as that of the official state ballots, except as otherwise provided in this chapter.

SECTION 4. Section 44 of said chapter 53 is hereby amended by striking out the first and second sentences and inserting in place thereof the following two sentences: —

The nomination of candidates for nomination at state primaries shall be by nomination papers. In the case of offices to be filled by all the voters of the commonwealth, nomination papers shall be signed in the aggregate by at least ten thousand voters.

SECTION 5. Sections fifty-four, fifty-four C and fifty-four D of said chapter fifty-three are hereby repealed.

(This bill, returned by the Governor, to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, June 19, 1973, and, in concurrence, by the Senate, June 19, 1973, the objections

of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 430. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN CERTAIN GENERAL AND SPECIAL LAWS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make forthwith certain corrective changes in certain general and special laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of the first paragraph of section 12 of chapter 32A of the General Laws, as most recently amended by section 4 of chapter 763 of the acts of 1972, is hereby further amended by inserting after the word "dollars", in line 8, the words: — and two thousand dollars.

SECTION 2. Section 9F of chapter 32B of the General Laws, inserted by section 2 of said chapter 763, is hereby amended by inserting after the word "insurance," in line 25, the word: — to.

SECTION 2A. Chapter 35 of the General Laws is hereby amended by striking out section 56, inserted by section 4 of chapter 807 of the acts of 1972, and inserting in place thereof the following section: —

Section 57. The treasurer of any county may contract with an employee to defer a portion of that employee's income and may subsequently with the consent of the employee, purchase a life insurance or annuity contract, for the purpose of funding a deferred compensation program for the employee, from any life underwriter duly licensed by the commonwealth who represents an insurance company licensed to contract business in the commonwealth. As used in this section, the word "employee" shall have the same meaning as "employee", "employee of the general court", and "head of his department", as defined in section one of chapter thirty-two. In no event shall the total of the premiums paid for the purchase of said life insurance contract or annuity contract and the employee's nondeferred income for any year exceed the total annual salary or compensation under the existing salary schedule or classification plan applicable to such employee in such year.

Such a deferred compensation program shall exist and serve in addition to, and shall not be a part of any retirement or pension system as provided in chapter thirty-two and any other benefit program provided by law for employees of the county. Any income deferred under such a plan shall continue to be included as regular compensation, as defined in section one of chapter thirty-two, for the purpose of computing the retirement and pension benefits earned by any employee but any sum so deducted shall not be included in the computation of any taxes withheld for any such employee.

SECTION 3. Section 12 of chapter 40B of the General Laws, is

hereby amended by striking out the sentence added by section 3 of chapter 755 of the acts of 1972.

SECTION 4. Section 14 of said chapter 40B, as appearing in chapter 663 of the acts of 1968, is hereby amended by adding the following paragraph: —

Said district may not authorize debt in anticipation of revenue to be received by the district unless the regional planning and economic development commission of said district so votes in accordance with section eight.

SECTION 5. Chapter 71 of the General Laws is hereby amended by striking out section 37G, inserted by chapter 467 of the acts of 1972, and inserting in place thereof the following section: —

Section 37H. The school committee of every city, town or district shall publish its rules or regulations pertaining to the conduct of teachers or students which have been adopted. Copies of the rules or regulations shall be provided to any person upon request and without cost by the principal or headmaster of every school within each city, town or district. Such rules or regulations shall not become effective until filed with the commissioner of education accompanied by a certification by the committee that copies of the rules or regulations are available as previously set forth.

SECTION 6. Section 21B of chapter 94B of the General Laws is hereby amended by striking out the second paragraph, as most recently amended by section 1 of chapter 608 of the acts of 1972, and inserting in place thereof the following paragraph: —

The board may authorize in writing agencies of the commonwealth or its political subdivisions whose duties involved the use of pesticides, and the commissioner shall have authority to authorize and direct any local board of health, or other legal authority constituted for such purposes, to carry out the provisions of section twenty-one C and the rules and regulations adopted thereunder. In carrying out said provisions and said rules and regulations adopted thereunder, employees of said agencies may enter, pass through or over private property, excluding a dwelling house and shall not be subject to prosecution for trespass. Nothing in said section twenty-one C shall divest any agency, or employee thereof, of the authority to carry out any provisions of law, except that in the application of pesticides said agency or employee shall conform to rules and regulations adopted by the board. Any local board of health or other legal authority constituted for such purposes which, as a result of the commissioner directing it to perform certain activities pursuant to this section, incurs additional expense, may apply to the department for reimbursement. The department shall reimburse such board or legal authority for any such additional expense reasonably incurred under this section from such funds as may be appropriated therefor.

SECTION 7. The second paragraph of section 21C of said chapter 94B is hereby amended by striking out the two sentences inserted by section 2 of said chapter 608.

SECTION 8. Paragraph (b) of section 202 of chapter 110A of the

General Laws, as appearing in section 1 of chapter 694 of the acts of 1972, is hereby amended by striking out, in line 2, the word "one" and inserting in place thereof the word: — two.

SECTION 8A. Section 12E of chapter 112 of the General Laws, inserted by chapter 816 of the acts of 1970, is hereby amended by striking out, in line 8, the words "one hundred and forty-one" and inserting in place thereof the words: — fifty-four of chapter one hundred and twenty-three.

SECTION 9. Paragraph (d) of section 1 of chapter 124 of the General Laws, as appearing in section 5 of chapter 777 of the acts of 1972, is hereby amended by striking out in line 3, the word "fifteen" and inserting in place thereof the word: — one.

SECTION 10. The seventh paragraph of section 11 of chapter 131 of the General Laws, as appearing in section 1 of chapter 706 of the acts of 1972, is hereby amended by striking out, in line 3, the word "anterless" and inserting in place thereof the word: — antlerless.

SECTION 10A. The definition of "Tavern" in section 1 of chapter 138 of the General Laws is hereby amended by striking out the second sentence, as appearing in section 1 of chapter 253 of the acts of 1935.

SECTION 11. The second sentence of the second paragraph of section 15B of chapter 186 of the General Laws, as appearing in section 1 of chapter 639 of the acts of 1972, is hereby amended by striking out, in lines 8 and 9, the words "of any increase in real estate taxes levied against the property".

SECTION 11A. Section 9A of chapter 197 of the General Laws, inserted by chapter 298 of the acts of 1972, is hereby amended by striking out, in line 2, the word "six" and inserting in place thereof the word: — nine.

SECTION 12. Section 1 of chapter 339 of the acts of 1925 is hereby amended by striking out the introductory paragraph, as most recently amended by section 1 of chapter 643 of the acts of 1972, and inserting in place thereof the following paragraph: —

A sewerage district to be known as the South Essex Sewerage District, hereinafter called the district, is hereby created and shall include all of the territory of the cities of Salem, Peabody and Beverly and of the towns of Marblehead and Danvers, and two parcels of land situated in the town of Middleton consisting of approximately one hundred and seventy-eight acres more or less and known as Ferncroft Village and bounded and described as follows:.

SECTION 13. Section 5 of chapter 803 of the acts of 1972 is hereby amended by striking out, in line 13, the word "forty-one" and inserting in place thereof the word: — fifty-one.

SECTION 14. Section eleven A of this act shall take effect as of August sixteenth, nineteen hundred and seventy-two.

Approved June 19, 1973.

- Chap. 431.** AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF WORCESTER COUNTY TO PREPARE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF FACILITIES FOR THE WORCESTER JUVENILE COURT AND OTHER COUNTY OFFICES.

Be it enacted, etc., as follows:

The county commissioners of Worcester county are hereby authorized to cause plans and specifications to be prepared for the construction of such county facilities as the county commissioners deem necessary, including facilities for the Worcester juvenile court; provided that the total cost of such plans and specifications shall not exceed thirty-five thousand dollars.

Approved June 20, 1973.

- Chap. 432.** AN ACT IMPOSING A PENALTY FOR THROWING OR DROPPING OBJECTS ONTO ANY PUBLIC WAY, THE MASSACHUSETTS TURNPIKE, AND THE SUMNER AND CALLAHAN TUNNELS.

Be it enacted, etc., as follows:

Section 35 of chapter 265 of the General Laws, added by chapter 139 of the acts of 1968, is hereby amended by striking out, in lines 2 and 3, the words "from any bridge or overpass".

Approved June 20, 1973.

- Chap. 433.** AN ACT PERMITTING A PERSON PROVIDING FOSTER CARE FOR A CHILD TO BE CONSIDERED AS A PROSPECTIVE ADOPTIVE PARENT IF THE CHILD BECOMES ELIGIBLE FOR ADOPTION.

Be it enacted, etc., as follows:

Subsection F of section 23 of chapter 119 of the General Laws, inserted by chapter 825 of the acts of 1970, is hereby amended by adding the following sentence: — Any person in whose home such child has been placed by the division shall also be informed by the department if such child has become eligible for adoption, and such person may request consideration as a prospective adoptive parent.

Approved June 20, 1973.

- Chap. 434.** AN ACT RELATIVE TO REIMBURSEMENT TO THE TOWN OF PALMER FOR CERTAIN EXPENSES INCURRED ON ACCOUNT OF DAMAGES TO THE WATER SUPPLY IN THE BONDSVILLE SECTION OF SAID TOWN.

Be it enacted, etc., as follows:

Chapter 1006 of the acts of 1971 is hereby amended by striking out section 1 and inserting in place thereof the following section: —

Section 1. The commonwealth shall, subject to the approval of the board established by section two of chapter six hundred and

eighty-four of the acts of nineteen hundred and sixty-eight, reimburse the town of Palmer a sum not exceeding six thousand and forty-three dollars and forty-eight cents on account of expenses incurred in repairing damages caused when a breakdown of the private water supply system resulted in the residents in the Bondsville section of the town of Palmer being without a water supply.

Approved June 20, 1973.

Chap. 435. AN ACT INCREASING THE PENALTY FOR CERTAIN ACTS CAUSING INJURY TO RAILROADS.

Be it enacted, etc., as follows:

Chapter 160 of the General Laws is hereby amended by striking out section 225, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 225. Whoever maliciously injures a railroad, or anything pertaining thereto, or any materials or implements for the construction or use thereof, or aids or abets in such trespass, shall be punished by a fine of not more than five thousand dollars or by imprisonment in jail for not more than one year, or both, and shall for each offense forfeit to the use of the corporation treble the amount of damages which it has sustained thereby.

Approved June 20, 1973.

Chap. 436. AN ACT AUTHORIZING THE CLERK OF THE DISTRICT COURT OF LOWELL TO DESIGNATE ONE OF HIS ASSISTANT CLERKS AS ASSISTANT CLERK IN CHARGE OF SIX MAN JURY SESSIONS.

Be it enacted, etc., as follows:

The tenth paragraph of section 10 of chapter 218 of the General Laws, as appearing in section 1 of chapter 75 of the acts of 1973, is hereby amended by striking out the line reading "third district court of eastern Middlesex" and inserting in place thereof the following two lines: —

Third district court of eastern Middlesex, and district court of Lowell.

Approved June 20, 1973.

Chap. 437. AN ACT FURTHER REGULATING THE DISCHARGE OF OIL AT OIL TERMINAL WHARFS.

Be it enacted, etc., as follows:

Chapter 21 of the General Laws is hereby amended by striking out section 50A, inserted by chapter 823 of the acts of 1969, and inserting in place thereof the following section: —

Section 50A. Notwithstanding the provisions of section fifty, every owner or operator of an oil terminal or wharf shall employ a trained crew and have a boom, on terminal property or readily available under a plan with other persons complying with the law

or rules and regulations of the division and of a design approved by the division, which is capable of encircling any ship or vessel depositing oil into tanks or other receptacles at such terminal or wharf, and which is designed to prevent seepage, overflow or excess oil from polluting or contaminating any lake, river, harbor, tidal water or flats. If the director finds that because of the negligence of such owner, operator or one of his agents or servants repeated seepage, overflow or excess oil has contaminated any lake, river, harbor, tidal water or flats, he shall require every such owner or operator to encircle every ship or vessel depositing oil at his wharf or terminal with such a boom. The authority granted to the director under the preceding sentence shall not be construed to diminish his powers to regulate and control oil spillage, including his power to require the use of booms, granted by section fifty. The owner or operator of any such wharf or terminal shall remove any oil held within such boom prior to a ship or vessel leaving the same. Whoever violates the provisions of this section shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, and each day such violation continues shall constitute a separate offense, punishable by a like fine. A license issued under section fifty to operate a terminal may be revoked for violation of any of the provisions of this section.

Approved June 20, 1973.

Chap. 438. AN ACT PROVIDING A PENALTY FOR FAILURE TO FILE CERTAIN REPORTS WITH THE DIVISION OF INDUSTRIAL ACCIDENTS.

Be it enacted, etc., as follows:

The third paragraph of section 19 of chapter 152 of the General Laws, as most recently amended by section 6 of chapter 314 of the acts of 1953, is hereby further amended by adding the following sentence: — Whoever, without reasonable cause, refuses or neglects to file or make any report required by this section shall be punished by a fine of not more than one hundred dollars.

Approved June 20, 1973.

Chap. 439. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-THREE TO SUPPLEMENT CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN NEW ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and for certain new activities and projects, the sums set forth in section two of this act are hereby appropriated from the General Fund unless specifically designated otherwise in the item, subject to the provisions of law regulating

the disbursement of public funds and the conditions pertaining to appropriations in chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two, for the fiscal year ending June thirtieth, nineteen hundred and seventy-three, or for such period as may be specified, the sums so appropriated to be in addition to any amounts at present available for the purposes.

SECTION 2.

Legislature.

*House of Representatives.**Special Investigations.*

Item		
0185-7207	For an investigation and study relative to the authorization of savings banks to accept demand deposits, as authorized by chapter seventy-two of the resolves of nineteen hundred and seventy-one	\$10,000
0185-7302	For an investigation and study relative to the needs of the handicapped, as authorized by chapter eighty-six of the resolves of nineteen hundred and seventy two	5,000
0185-7306	For an investigation and study relative to federal base conversion as authorized by chapter nineteen of the resolves of nineteen hundred and seventy-three, to be in addition to any federal funds available for the purpose	58,000

Judiciary.

Probate and Insolvency Courts.

For the salaries of the judges of probate, register of probate, assistant registers and clerical assistance to the register of the following county:

0305-6091	Item 0305-6091 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 2, the word "sixty" and inserting in place thereof the word: — sixty-four	\$1,800
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Secretary of the Commonwealth.

0517-0000	For the expense of printing various public documents, prior appropriation continued	\$37,854
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Treasurer and Receiver-General

0610-0000	For the office of the treasurer and receiver-general, provided that there shall be paid from this item certain prior year's salaries earned but not paid, including not more than ninety-nine permanent positions	\$40,439
	Highway Fund	30.0%
	General Fund	70.0%

*Executive Office of Administration and Finance.**Office of the Commissioner.*

1100-1701	Item 1100-1701 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by adding the words: — , including not more than five permanent positions.	
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Rate Setting Commission.

1106-1000	Item 1106-1000 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by inserting, after the word "commission," in line 1, the words: — provided, that the executive secretary shall be removed only for cause;	\$2,500
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Department of Corporations and Taxation.

Item

- 1201-0100 Item 1201-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by inserting after the word "provided," in line 1, the words: — and, provided further, that, notwithstanding any general or special law to the contrary, each employee of the department of corporations and taxation who held any position classified as tax examiner, senior tax examiner, principal tax examiner, tax supervisor, assistant chief of bureau, chief of bureau or deputy commissioner in such department between February first, nineteen hundred and sixty-four, and July first, nineteen hundred and sixty-five, shall be entitled to receive an amount equal to the difference between the salary actually received and the salary which would have been due under the provisions of section three of chapter seven hundred and seventy-five of the acts of nineteen hundred and sixty-three, if such position had been classified as "professional" under the said chapter seven hundred and seventy-five: — , and by striking out, in line 3, the word "two" and inserting in place thereof the word: — three.
- 1201-2630 For the payment of interest in accordance with a court judgment, 284 N.E. 2d 618, in favor of William Kirkpatrick et al. \$37,709

Bureau of Local Taxation.

- 1233-1000 For reimbursing cities and towns for loss of taxes on land used for state institutions and certain other state activities, as certified by the commissioner of corporations and taxation for the year nineteen hundred and seventy-two, and for reimbursement of certain towns \$8,900,000

Division of Civil Service.

- 1411-0100 For the office of the division, including the compensation of the members of the commission and including the expense of hearings; provided, that, notwithstanding the provisions of any law to the contrary, the total annual compensation received by certain former employees may be increased to four thousand dollars; including not more than three hundred and sixty permanent positions \$10,105
- Highway Fund 15.0%
- General Fund 85.0%

Unassigned Accounts.

Miscellaneous.

For deficiencies in certain appropriations for previous years, based on schedules approved by the joint committee on ways and means:

- 1599-0013 General Fund \$14,108
- 1599-0017 Highway Fund 44,055
- 1599-0060 For an annuity, as authorized by chapter thirty-nine of the resolves of nineteen hundred and seventy-one..... 1,500
- Highway Fund 100.0%
- 1599-2013 Item 1599-2013 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by inserting after the number "1970", in line 4, the words: — and to meet the cost resulting from insufficient appropriations in the subsidiary accounts titled "01-salaries permanent positions" and "02-salaries other".

- Item
1599-2021 Item 1599-2021 of section two of chapter three hundred and nineteen of the acts of nineteen hundred and seventy-three is hereby amended by striking out the wording and inserting in place thereof the following: —
For the cost of salary adjustments for the period beginning December thirty-first, nineteen hundred and seventy-two, and ending June thirtieth, nineteen hundred and seventy-three, as authorized by chapter
of the acts of nineteen hundred and seventy-three; provided, that the comptroller shall allocate to the several state or other funds the amounts necessary to meet the cost of such salary adjustments properly chargeable to said funds; appropriation expires June thirtieth, nineteen hundred and seventy-four.

Executive Office of Environmental Affairs.

Metropolitan District Commission.

Metropolitan Water System.

- 2420-0100 For the maintenance and operation of the metropolitan water system, including payments to the state retirement system under the provisions of the General Laws, and including not more than six hundred and eighteen permanent positions
\$450,000

MDC Water District Fund 100.0%

Metropolitan Parks District.

- 2440-0010 Item 2440-0010 of section two of chapter five hundred and fourteen is hereby amended by inserting after the word "amended," in line 16, the words: — and provided further, that certain accounts payable in the amount of ninety-three thousand four hundred and fifty-eight dollars and eighty cents reserved for the payment of encumbrances in this item are hereby extended to June thirtieth, nineteen hundred and seventy-three; \$750,000

- 2444-9002 Item 2444-9002 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by adding the words: — ; provided, that certain accounts payable in the amount of eighty-seven thousand four hundred and six dollars and forty-six cents reserved for the payment of encumbrances in this item are hereby extended to June thirtieth, nineteen hundred and seventy-three.

- 2444-9004 For the maintenance and use of Trailside museum, including operation of new and enlarged facilities at Trailside museum and at Chickatawbut hill; appropriation expires June thirtieth, nineteen hundred and seventy-four 48,500

MDC Parks District Fund 100.0%

- 2444-9008 For certain recreation repairs and renovations at Camp Meigs and Moynihan and Colella playgrounds, to be in addition to any other federal or state funds or assistance which may be made available 400,000

MDC Parks District Fund 100.0%

- 2444-9028 For the rehabilitation and improvement of certain facilities in the Blue Hills reservation; provided, that, prior to any other expenditures from this item, the sum of three hundred twelve thousand five hundred and thirty-six dollars, as approved by the comptroller, shall be reimbursed to Citizenship Training Group, Inc., subject to the prior approval of the state comptroller and the state auditor, for improvements and expenses on metropolitan district commission property; appropriation expires June thirtieth, nineteen hundred and seventy-four
750,000

MDC Parks District Fund 100.0%

Department of Natural Resources.

Division of Marine Fisheries.

Item		
2640-1351	For a study of off-shore dredging and its effect on the fishing and lobster industry; appropriation expires June thirtieth, nineteen hundred and seventy-four	\$23,025
	Marine Fisheries Fund	100.0%

Executive Office of Communities and Development.

Department of Community Affairs.

Division of Community Development.

3722-9201	Item 3722-9201 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by adding the words: — ; prior appropriation continued.	
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Executive Office of Human Services.

Department of Correction.

For the maintenance of and for certain improvements at the following institution under the control of the department of correction:

4313-0011	For certain overtime expenses of permanent personnel	\$612,275
4314-0011	For certain overtime expenses of the prior year	73,610

Department of Public Welfare.

4402-5012	For expenses of prior fiscal years for a medical assistance program; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund; and provided further, that no expenditure or commitment made pursuant to this item or to any agreements authorized by chapter eight hundred of the acts of nineteen hundred and sixty-nine for the purpose of complying with the provisions of Public Law 89-97, Title XIX shall be incurred in excess of available funds which have been appropriated therefor	\$15,300,000
4403-2001	For the expenses of prior years for a program of aid to families with dependent children; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund	1,200,000
4403-2002	For a program of aid to families with dependent children; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund; and, provided further, that the department shall immediately increase the total budget of each eligible recipient by three and eighty-four hundredths per cent retroactive to January first, nineteen hundred and seventy-three; appropriation expires December thirty-first, nineteen hundred and seventy-three	4,800,000
4405-2001	For the expense of prior years for an old age assistance program; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund	500,000
4406-2001	For the expenses of prior years for a program of general relief; provided, that, notwithstanding the provisions of any law to the contrary, no increase in the budgetary standard allowance, so-called, shall be granted or paid unless such increase shall have been approved in advance by the commissioner of administra-	

Item

tion after certification by the budget director that funds are available for said increase; provided further, that said commissioner shall notify in writing the house and senate committees on ways and means thirty days prior to the effective date of said increase; and provided further, that after October first, nineteen hundred and seventy-one, every person eligible for an assistance check under chapter one hundred and seventeen of the General Laws, who is determined by the department to be an employable person, shall receive such check from the nearest office of the division of employment security

\$10,000,000

- 4406-2002 For a program of general relief; provided, that the department shall immediately increase the total budget of each eligible recipient by three and eighty-four hundredths per cent retroactive to January first, nineteen hundred and seventy-three; and, provided further, that notwithstanding the provisions of any law to the contrary, no increase in the budgetary standard allowance, so-called, shall be granted or paid unless such increase shall have been approved in advance by the commissioner of administration after certification by the budget director that funds are available for said increase; and, provided further, that said commissioner shall notify in writing the house and senate committees on ways and means thirty days prior to the effective date of said increase; and, provided further, that after October first, nineteen hundred and seventy-one, every person eligible for an assistance check under chapter one hundred and seventeen of the General Laws, determined by the department to be an employable person, shall receive such check from the nearest office of the division of employment security; appropriation expires December thirty-first, nineteen hundred and seventy-three **700,000**
- 4407-2001 For the expenses of prior years for a totally and permanently disabled persons program; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund **300,000**
- 4407-2002 For a totally and permanently disabled persons program; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund; and, provided further, that the department shall immediately increase the total budget of each eligible recipient by three and eighty-four hundredths per cent retroactive to January first, nineteen hundred and seventy-three; appropriation expires December thirty-first, nineteen hundred and seventy-three **800,000**

Department of Public Health.

Bureau of Administration.

- 4510-0150 For a program on paralytic shellfish poisoning; provided, that any federal funds received under this program shall be credited to the General Fund; appropriation expires June thirtieth, nineteen hundred and seventy-four **\$130,000**

Bureau of Environmental Sanitation.

- 4511-0100 Item 4511-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by inserting after the word "bureau," in line 1, the words: — provided, that the amount of four hundred and seventy-nine dollars shall be allowed and paid from this item for a certain salary earned but not paid for the period from May thirteenth, nineteen hundred and seventy, to July twenty-seventh, nineteen hundred and seventy-one.

- Item
4511-9004 For an aquatic and weed control program on Congamond lake in the town of Southwick \$5,000

Bureau of Chronic Disease Control.

- 4512-0160} From the unexpended balance remaining in item 4512-0160 of
4512-0120} section two of chapter five hundred and fourteen of nineteen hundred and seventy-two the amount of one hundred thousand dollars is hereby transferred and made available for the purposes of item 4512-0120 of said section two of said chapter five hundred and fourteen.

For the maintenance of and for certain improvements at the following institution under the control of the department of public health:

- 4536-9003} For the replacement of steam turbine prime mover, appropriation expires June thirtieth, nineteen hundred and seventy-three \$17,500

Department of Mental Health.

Region Three.

- 5362-0100 Item 5362-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 7, the word "seven" and inserting in place thereof the word: — thirty-three.

- 5391-0000} From the balance remaining in item 5391-0000 of section two of
5362-0100} chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two the amount of sixty-one thousand ninety-eight dollars is hereby transferred and made available for the purpose of item 5362-0100 of said section two of said chapter five hundred and fourteen.

- 5391-0000 Item 5391-0000 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 2, the word "sixty-one" and inserting in place thereof the word: — thirty-five.

Executive Office of Transportation and Construction.

Department of Public Works.

Highway Activities.

Personal Services.

- 6010-0001 Item 6010-0001 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two, as amended by section two of chapter three hundred and nineteen of the acts of nineteen hundred and seventy-three, is hereby further amended by adding the words: — , and that the amount of two hundred and twenty-five dollars shall be allowed and paid from this item for certain salaries earned but not paid for the period from April third, nineteen hundred and seventy-two, to June twenty-fourth, nineteen hundred and seventy-two.

Waterways Activities.

The salaries of all officers and employees of the department engaged in projects or activities authorized by bond issue or otherwise shall be charged in full to appropriations authorized under this heading in this act.

Division of Waterways.

- 6032-2020 For an investigation and study of methods to control flooding in and about Congamond lake, a great pond in the town of Southwick, and Bliss pond, a great pond in the town of Ludlow \$30,000

Executive Office of Educational Affairs.

New England Board of Higher Education.

- Item
7000-0812 For payments to certain universities on acceptance of certain Massachusetts students into physical and occupational therapy programs, as authorized by chapter five hundred and eighty-nine of the acts of nineteen hundred and fifty-four; provided, that the contracts negotiated are approved by the Massachusetts chancellor of higher education; and provided further, that a report on details of said contracts and verification of continued need for the contracts are submitted to the senate and house committees on ways and means on or before May first, nineteen hundred and seventy-four; appropriation expires June thirtieth, nineteen hundred and seventy-four
- \$132,000**

Board of Education.

Division of Administration and Personnel.

- 7025-9003} From the unexpended balance remaining in item 7025-9003 of
7025-9004} section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two the sum of one million six hundred seventy-three thousand six hundred and sixty-eight dollars is hereby transferred and made available for the purposes of item 7025-9004 of said section two of said chapter five hundred and fourteen.

Division of Occupational Education.

- 7027-1001 For the administration of a fire fighting academy and training program, to be in addition to any federal funds available for the purpose; including not more than four permanent positions
- \$5,000**

Division of School Facilities and Related Services.

- 7053-1907 Item 7053-1907 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by inserting after the word "allowed," in line 12, the words: — and provided further, that said limitation may be exceeded during the months of May and June in the year nineteen hundred and seventy-three;
- 7053-1909 Item 7053-1909 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by inserting after the word "allowed," in line 11, the words: — and provided further, that said limitation may be exceeded during the months of May and June in the year nineteen hundred and seventy-three;

Division of State and Federal Assistance.

- 7065-0001 Item 7065-0001 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out the wording after the word "accepted", in line 4, and inserting the following: — and allocated to the commonwealth under the provisions of public laws to supplement existing education programs or initiating new programs requiring matching effort; provided, that the department may use for matching such federal funds other state-appropriated funds or any public or private funds that may be available in addition to the amount made available by this item.

Board of Higher Education.

Board of Trustees of State Colleges.

For the administration and maintenance of and for certain improvements at state colleges and the boarding halls attached thereto and the Massachusetts maritime academy with the approval of the board of trustees:

- | Item | | |
|-----------|---|----------|
| 7101-0001 | Item 7101-0001 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out the word "thirty-seven", inserted by section two of chapter three hundred and nineteen of the acts of nineteen hundred and seventy-three, and inserting in place thereof the word: — thirty-nine | \$29,500 |
| 7109-0100 | Item 7109-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 2, the word "forty-nine" and inserting in place thereof the word: — sixty-nine. | |
| 7110-0100 | Item 7110-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 6, the word "sixty-two" and inserting in place thereof the word: — ninety-one. | |
| 7111-0100 | Item 7111-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 2, the word "six" and inserting in place thereof the word: — twenty-five. | |
| 7112-0100 | Item 7112-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 2, the word "sixty-nine" and inserting in place thereof the word: — eighty-one. | |
| 7113-0100 | Item 7113-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 2, the word "eighty-seven" and inserting in place thereof the word: — ninety-eight. | |
| 7114-0100 | Item 7114-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 1, the word "sixteen" and inserting in place thereof the word: — twenty-four. | |
| 7116-0100 | Item 7116-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 2, the word "forty" and inserting in place thereof the word: — forty-five. | |
| 7118-0100 | Item 7118-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 2, the word "ninety-seven" and inserting in place thereof the words: — one hundred and eighteen. | |

Southeastern Massachusetts University.

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|-----------|--|----------|
| 7310-0000 | Item 7310-0000 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 5, the words "four hundred and fifty-four" and inserting in place thereof the words: — five hundred and five | \$45,000 |
|-----------|--|----------|

University of Massachusetts.

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|-----------|--|--|
| 7410-0000 | Item 7410-0000 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 19, the word "seven" and inserting in place thereof the word: — thirty-four. | |
|-----------|--|--|

- Item
7416-1001 Item 7416-1001 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out the words "five hundred and eighty-three", in line 2 as amended by section two of chapter three hundred and nineteen of the acts of nineteen hundred and seventy-three, and inserting in place thereof the words: — six hundred and forty-nine.

Massachusetts Board of Regional Community Colleges.

For the administration, maintenance of and for certain improvements at community colleges with the approval of the board of regional community colleges:

- 7502-0100 Item 7502-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 2, the word "forty-six" and inserting in place thereof the word: — fifty.
- 7505-0100 Item 7505-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 2, the word "twenty-one" and inserting in place thereof the word: — twenty-five.
- 7507-0100 Item 7507-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 2, the word "twenty-eight" and inserting in place thereof the word: — thirty-five.
- 7508-0100 Item 7508-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 3, the word "fifty-three" and inserting in place thereof the word: — fifty-six.
- 7509-0100 Mount Wachusett community college, including not more than one hundred and eleven permanent positions \$3,500
- 7512-0100 Item 7512-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 2, the word "seventy-eight" and inserting in place thereof the word: — eighty-five.
12,000
- 7514-0100 Item 7514-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out the word "eighty-four", inserted by section two of chapter three hundred and nineteen of the acts of nineteen hundred and seventy-three, and inserting in place thereof the word "ninety-five". 48,000
- 7515-0100 Item 7515-0100 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by striking out, in line 1, the word "two" and inserting in place thereof the word: — forty-seven.
- 8071-75 Item 8071-75 of section two of chapter six hundred and thirty-three of the acts of nineteen hundred and seventy is hereby amended by striking out the wording and inserting in place thereof the following:
For land acquisition and preliminary plans for a new community college in Roxbury.

Executive Office of Consumer Affairs.

Alcoholic Beverage Control Commission.

- 9212-0001 Item 9212-0001 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by inserting after the word "commission", in line 1, the words: — provided, that the amount of sixteen

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thousand three hundred and fifty-seven dollars shall be allowed and paid from this item for a certain loss of compensation for the period from January twenty-second, nineteen hundred and seventy-one, to June thirtieth, nineteen hundred and seventy-one \$16,357

Department of Banking and Insurance.

Division of Registration.

For the services of the following agency in the division:

9230-1300 Item 9230-1300 of section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two is hereby amended by inserting after the word "electricians," in line 1, the words: — including certain prior year's expenses; \$168

SECTION 2A. For the purpose of making available for expenditure in the fiscal year nineteen hundred and seventy-four certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and seventy-three, the unexpended balances of the items shown below are hereby reappropriated for the fiscal year nineteen hundred and seventy-four:

0526-0101	2444-9027	5691-9004
1102-3909	2449-7020	5691-9007
1102-3911	2449-7050	5792-9005
1102-3914	2449-7120	6008-9011
1120-3000	2449-7150	6008-9012
1201-1301	2449-7240	6008-9013
2423-3002	2449-7260	6008-9014
2425-9001	2449-7270	6008-9015
2425-9002	2449-7280	6031-0131
2425-9003	2449-7290	6032-2012
2429-7100	2640-0011	6032-2016
2430-9001	2681-0809	6032-2017
2434-9001	4190-9019	6032-2018
2434-9009	4221-1933	6032-4022
2434-9010	4234-1916	6032-4023
2442-9004	4235-1932	6032-4030
2442-9011	4312-0905	6032-5003
2442-9030	4312-0908	6032-7100
2442-9032	4312-9019	6033-1004
2442-9033	4313-9030	6033-1006
2442-9034	4536-9003	6033-1007
2444-5511	5191-9003	6033-1009
2444-9001	5294-9001	6033-1010
2444-9007	5294-9002	6033-1011
2444-9013	5381-9009	6033-1024
2444-9018	5391-9008	6033-1025
2444-9019	5491-9007	6033-1026
2444-9020	5491-9008	6034-0001
2444-9024	5491-9010	6034-0003
2444-9026	5592-9005	6050-0010

7109-9103	8312-9001	8400-0029
7117-9101	8312-9007	

SECTION 2B. For the purpose of making available for expenditure in the fiscal year nineteen hundred and seventy-four certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and seventy-three, the unexpended balances of the items shown below are hereby reappropriated for the fiscal year nineteen hundred and seventy-four; provided, that unexpended balances in any other items of appropriation included by reference in the accounts listed below are not reappropriated:

1102-8632	4534-8692	7108-8681
1102-8671	4537-8651	7108-8691
2611-9022	4537-8681	7108-8692
2630-8681	5164-8641	7109-8662
2640-8691	5164-8681	7109-8691
2681-9011	5293-8691	7110-8661
2681-9012	5294-8661	7110-8671
2681-9013	5294-8691	7110-8681
2681-9020	5362-8691	7111-8661
2681-9024	5381-8663	7112-8671
2681-9025	5481-8671	7116-8621
4180-8663	5491-8632	7116-8681
4180-8693	5592-8671	7117-8661
4190-9022	5651-8671	7118-8683
4190-9023	5781-8651	7118-8691
4231-8671	5791-8681	7250-8671
4231-8691	6004-8673	7390-8651
4233-8691	6004-8681	7390-8652
4312-8611	6004-8692	7390-8662
4312-8651	6004-8693	7390-8663
4312-8671	6004-8694	7390-8681
4316-8691	6006-0052	7490-8684
4501-8691	6032-8573	7490-8697
4532-8682	6032-8611	7503-8663
4532-8691	6032-8641	7504-8661
4533-8661	6032-8671	7504-8692
4533-8691	6032-8691	7507-8671

SECTION 2C. The first paragraph of section 1 of chapter 725 of the acts of 1970 is hereby amended by inserting after the words "and related athletic facilities", inserted by section 2C of chapter 976 of the acts of 1971, the words: — and the construction, reconstruction and upgrading of recreational facilities in the Constitution beach area.

SECTION 3. Section 2B of chapter 514 of the acts of 1972 is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following two paragraphs: —

The comptroller shall reduce each item of appropriation in this act by transferring from the subsidiary accounts within said items

established as provided in section twenty-seven of chapter twenty-nine of the General Laws to the Special Reserve Account amounts determined in accordance with the following schedule:

Twenty-five per cent of all sums designated for (03) services nonemployees;

Four per cent of all sums designated for (07) laboratory and medical supplies;

Ten per cent of all sums designated for (10) travel and automotive expense;

Ten per cent of all sums designated for (11) advertising and printing;

Fifty per cent of all sums designated for (12) maintenance, repairs and replacements;

Five per cent of all sums designated for (13) special supplies and expenses; and

Fifty per cent of all sums designated for (15) equipment; provided, however, that amounts designated for financial aid for students and amounts appropriated to the department of welfare in items 4402-5000, 4403-2000, 4405-2000 and 4406-2000 for categorical assistance shall not be reduced by such transfer, and provided further, that transfers made under this section shall not limit any action transferring amounts between subsidiary accounts as authorized by section fifteen of this act.

Thirty per cent of all amounts transferred to the Special Reserve Account under this section shall be available for any of the several purposes for which they were appropriated, subject, however, to the conditions established in the following paragraph. The balance remaining in said account shall revert to the general revenues of the commonwealth at the end of the nineteen hundred and seventy-three fiscal year. The commissioner of administration shall file forthwith, on the approval of any such transfer, a copy of the authorization with the house and senate committees on ways and means.

SECTION 4. Chapter 319 of the acts of 1973 is hereby amended by striking out section 3 and inserting in place thereof the following section: —

Section 3. Cash disbursement from amounts appropriated from the General Fund in section two of this act and, for the same accounts, in section two of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two shall be charged to federal funds received under the provisions of Public Law 92-512, first, for reimbursements to cities and towns, and second, for other items in the order in which they appear in said section two of this act and said section two of said chapter five hundred and fourteen, to the extent that said funds are available, except for the following items:

0640-0000

0699-7800

4110-1020

4110-1030

4110-4050

4402-2000

4402-5000

7010-0032

4403-2000

7052-0002

4407-2000

7114-9704

SECTION 5. Said chapter 514 is hereby further amended by striking out section 13A, inserted by section 4 of chapter 319 of the acts of 1973, and inserting in place thereof the following section: —

Section 13A. No department of the commonwealth shall occupy or otherwise use, or initiate any encumbrance on or make any expenditure for the maintenance of, any land, buildings or other state-owned or state-occupied facilities or other property other than that under its control or jurisdiction, and no department shall authorize or otherwise allow the use by any private agency of such land, buildings or facilities under its control or jurisdiction, unless such use or expenditure has been explicitly authorized by the general court.

SECTION 6. Section 9 of chapter 514 of the acts of 1972 is hereby amended by striking out, in line 8 and in line 11, the words: "four hundred" and inserting in place thereof, in each instance, the words: — five hundred and fifty.

SECTION 7. Notwithstanding the provisions of section twenty-nine of chapter twenty-nine of the General Laws, no funds appropriated under section two of this act shall be transferred unless specifically authorized therein.

SECTION 7A. The provisions of sections two B and two C of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two shall not apply to funds appropriated under section two of this act.

SECTION 8. This act shall take effect upon its passage.

Approved June 22, 1973.

Chap. 440.

AN ACT AUTHORIZING THE CITY OF SOMERVILLE TO
SELL AND CONVEY CERTAIN PARK LAND IN SAID CITY
TO MARIA GONCALVES.

Be it enacted, etc., as follows:

SECTION 1. The city of Somerville is hereby authorized to sell and convey to Maria Goncalves of said city, for such consideration as the board of aldermen and the mayor deem sufficient, a certain parcel of park land, being a section of park land known as Lincoln Park, located in said city and bounded and described as follows: —

EASTERLY along a public way known as Lincoln Parkway on the southerly side of said parkway starting at a point four (4) feet from the northwesterly corner of a certain parcel known as Lot 1 shown on a plan recorded in Pl. Bk. 117, Pl. 22, Middlesex South Registry of Deeds, and continuing along said southerly side of Lincoln Parkway, four (4.0) feet to corner of said Lot 1; thereupon turning SOUTHERLY and running, seventy and 92/100 (70.92) feet along the westerly side of said Lot 1; thereupon turning SOUTH-

WESTERLY along the northerly section of Lots 22, 23 and 24 of the plan described above and running, thirteen and 50/100 (13.50) feet along the said lot line and thereupon turning NORTHEASTERLY, seventy-three and 06/100 (73.06) feet to point of origin. Containing 612 square feet more or less, as shown on a plan entitled: "City of Somerville Lincoln Park Proposed Lot Transfer December 5, 1972, Frank A. Sestito, Commissioner of Public Works".

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1973.

Chap. 441. AN ACT PROVIDING TENURE OF OFFICE FOR FRANK D. KORKOSZ, INCUMBENT OF THE OFFICE OF DIRECTOR OF THE SPRINGFIELD MUSEUM OF SCIENCE IN THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, Frank D. Korkosz, incumbent of the position of director of the Springfield Museum of Science in the city of Springfield, shall hold said position until he reaches ages seventy-two, unless incapacitated by physical or mental disability from performing the duties thereof, but he may be removed therefrom for cause after hearing in the manner provided by section forty-three of chapter thirty-one of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1973.

Chap. 442. AN ACT RELATIVE TO SALES OF BRAND NAME ALCOHOLIC BEVERAGES TO LICENSED WHOLESALERS BY MANUFACTURERS, IMPORTERS OR WHOLESALERS OF MALT BEVERAGES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make certain immediate regulatory changes in the sales of brand name alcoholic beverages to licensed wholesalers by manufacturers, importers or wholesalers of malt beverages, therefore it is hereby declared to be an emergency law necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The first paragraph of section 25E of chapter 138 of the General Laws, inserted by chapter 833 of the acts of 1971, is hereby amended by striking out, in line 3, the words "except malt beverages".

Approved June 22, 1973.

Chap. 443. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL PERIOD FROM JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN

HUNDRED AND SEVENTY-FOUR, FOR THE MAINTENANCE OF NORFOLK COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Norfolk county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four.

NORFOLK COUNTY.

Item	Subtotal	Total
1. For interest on county debt		\$206,150 00
2. For reduction of county debt		415,000 00
3. For county commissioners, salaries and expenses		167,290 00
1. Personal services	\$160,460 00	
2. Contractual services	4,500 00	
3. Supplies and materials	1,405 00	
4. Current charges and obligations	250 00	
5. Equipment	675 00	
4. For transportation and expenses of county and acting commissioners		3,800 00
5. For clerk of courts, salaries and expenses		422,886 96
1. Personal services	384,152 27	
2. Contractual services	20,417 81	
3. Supplies and materials	13,482 68	
4. Current charges and obligations	3,817 05	
5. Equipment	1,017 15	
6. For county treasurer, salaries and expenses		219,444 63
1. Personal services	181,393 18	
2. Contractual services	19,821 00	
3. Supplies and materials	4,000 00	
4. Current charges and obligations	3,335 50	
5. Equipment	10,894 95	
7. For sheriff, salary and expenses		29,507 90
1. Personal services	28,092 90	
2. Contractual services	100 00	
3. Supplies and materials	950 00	
4. Current charges and obligations	240 00	
5. Equipment	125 00	
8. For registry of deeds, salaries and expenses		961,776 51
1. Personal services	805,607 51	
2. Contractual services	65,650 00	
3. Supplies and materials	37,130 00	
4. Current charges and obligations	49,499 00	
5. Equipment	3,890 00	

Item	Subtotal	Total
8a. For registry of probate, salaries and expenses		\$92,625 00
1. Personal services	\$5,000 00	
2. Contractual services	25,415 00	
3. Supplies and materials	33,500 00	
4. Current charges and obligations	13,130 00	
5. Equipment	15,580 00	
9. For law library, salaries and expenses		29,862 20
1. Personal services	12,422 20	
2. Contractual services	80 00	
3. Supplies and materials	360 00	
4. Current charges and obligations	17,000 00	
10. For highways, including state highways, bridges and land damages		845,892 57
1. Personal services	309,188 57	
2. Contractual services	65,000 00	
3. Supplies and materials	10,270 00	
4. Current charges and obligations	750 00	
5. Equipment	15,434 00	
6. All other	445,250 00	
12. For superior court costs		1,731,001 85
1. Personal services	890,766 65	
2. Contractual services	783,632 50	
3. Supplies and materials	34,490 00	
4. Current charges and obligations	17,375 00	
5. Equipment	4,737 70	
13. For civil expenses in probate court		176,841 60
1. Personal services	104,935 60	
2. Contractual services	64,700 00	
3. Supplies and materials	3,761 00	
4. Current charges and obligations	700 00	
5. Equipment	2,745 00	
14. For district courts, salaries and expenses		
District Court of Northern Norfolk		478,067 04
1. Personal services	432,393 21	
2. Contractual services	27,337 55	
3. Supplies and materials	8,918 10	
4. Current charges and obligations	5,453 18	
5. Equipment	3,965 00	
District Court of East Norfolk		1,152,940 20
1. Personal services	1,050,897 90	
2. Contractual services	59,602 50	
3. Supplies and materials	22,760 00	
4. Current charges and obligations	9,352 20	
5. Equipment	10,327 60	
District Court of Western Norfolk		469,373 18
1. Personal services	410,214 38	
2. Contractual services	22,975 00	
3. Supplies and materials	12,875 00	
4. Current charges and obligations	3,607 40	
5. Equipment	6,401 40	
6. All other	13,300 00	
District Court of Southern Norfolk		317,683 94
1. Personal services	282,038 44	
2. Contractual services	24,150 00	
3. Supplies and materials	6,156 00	
4. Current charges and obligations	2,355 00	
5. Equipment	2,984 50	

Item	Subtotal	Total
Municipal Court of Brookline		\$351,860 92
1. Personal services	\$311,345 92	
2. Contractual services	25,130 00	
3. Supplies and materials	11,400 00	
4. Current charges and obligations	3,985 00	
District Court — Juvenile Division		195,498 67
1. Personal services	178,448 67	
2. Contractual services	14,900 00	
3. Supplies and materials	1,195 00	
4. Current charges and obligations	580 00	
5. Equipment	375 00	
District Court — Appellate Division		1,720 00
1. Personal services	800 00	
2. Contractual services	400 00	
3. Supplies and materials	500 00	
5. Equipment	20 00	
15. For medical examiners and commitments of insane		75,000 00
16. For jail and house of correction, maintenance and operation		237,192 40
1. Personal services	Revenue Sharing	
2. Contractual services	39,255 00	
3. Supplies and materials	180,000 00	
4. Current charges and obligations	7,960 00	
5. Equipment	9,977 40	
6. All other	Revenue Sharing	
17. For training school		5,000 00
18. For court houses and registry of buildings, maintenance and operation		1,110,489 53
1. Personal services	589,412 53	
2. Contractual services	250,500 00	
3. Supplies and materials	173,375 00	
4. Current charges and obligations	6,101 00	
5. Equipment	16,101 00	
6. All other	75,000 00	
19. For construction of county buildings and purchase of land		90,000 00
20. For agricultural school or county cooperative extension service		1,220,518 08
1. Personal services	918,597 08	
2. Contractual services	115,750 00	
3. Supplies and materials	129,325 00	
4. Current charges and obligations	10,900 00	
5. Equipment	18,173 00	
6. All other	27,770 00	
24. For noncontributory pensions		325,000 00
25. For contributory retirement system and supervisory expenses		497,643 94
26. For miscellaneous and contingent expenses		107,979 46
27. For unpaid bills of previous years		102,477 77
28. For reserve fund		75,000 00
28d. For reserve for counsel for indigent defendants		250,000 00
29. For advertising recreational, industrial and agricultural advantages of the county		75,000 00

Item	Total
39. For group insurance	\$335,000 00
Total amount of appropriations	\$12,775,521 35
Less estimated amount available for reduction of county tax	3,353,090 02
And the county commissioners of Norfolk county are hereby authorized to levy as the county tax of said county for said fiscal period, in the manner provided by law, the sum of	\$9,422,431 33

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1973.

Chap. 444. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL PERIOD FROM JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR, FOR THE MAINTENANCE OF HAMPDEN COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Hampden county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four.

HAMPDEN COUNTY.

Item	Subtotal	Total
1. For interest on county debt		\$125,000 00
2. For reduction of county debt		280,000 00
3. For county commissioners, salaries and expenses		104,967 19
1. Personal services	\$79,982 19	
2. Contractual services	2,075 00	
3. Supplies and materials	2,250 00	
4. Current charges and obligations	20,270 00	
5. Equipment	390 00	
4. For transportation and expenses of county and acting commissioners		1,000 00
5. For clerk of courts, salaries and expenses		383,497 74
1. Personal services	358,645 74	

Item	Subtotal	Total
2. Contractual services	\$11,816 00	
3. Supplies and materials	7,830 00	
4. Current charges and obligations	3,370 00	
5. Equipment	1,836 00	
6. For county treasurer, salaries and expenses		\$113,534 56
1. Personal services	90,173 56	
2. Contractual services	5,250 00	
3. Supplies and materials	2,500 00	
4. Current charges and obligations	14,985 50	
5. Equipment	625 50	
7. For sheriff, salary and expenses		28,918 00
1. Personal services	28,093 00	
2. Contractual services	335 00	
4. Current charges and obligations	490 00	
8. For registry of deeds, salaries and expenses		625,847 52
1. Personal services	521,784 82	
2. Contractual services	43,000 00	
3. Supplies and materials	40,550 00	
4. Current charges and obligations	15,212 70	
5. Equipment	5,300 00	
8a. For registry of probate, salaries and expenses		44,035 00
2. Contractual services	18,305 00	
3. Supplies and materials	8,630 00	
4. Current charges and obligations	4,178 50	
5. Equipment	12,921 50	
9. For law library, salaries and expenses		66,905 80
1. Personal services	41,108 60	
2. Contractual services	2,400 00	
3. Supplies and materials	700 00	
4. Current charges and obligations	22,000 00	
5. Equipment	697 20	
10. For highways, including state highways, bridges and land damages		383,125 00
2. Contractual services	5,000 00	
3. Supplies and materials	675 00	
6. All other	377,450 00	
12. For superior court costs		1,544,034 39
1. Personal services	674,492 33	
2. Contractual services	816,450 00	
3. Supplies and materials	8,600 00	
4. Current charges and obligations	38,024 00	
5. Equipment	6,568 06	
13. For civil expenses in probate court		75,515 10
1. Personal services	60,004 10	
2. Contractual services	8,950 00	
3. Supplies and materials	4,300 00	
4. Current charges and obligations	1,736 00	
5. Equipment	525 00	
14. For district courts, salaries and expenses District Court of Chicopee		226,579 66
1. Personal services	202,990 66	
2. Contractual services	7,025 00	
3. Supplies and materials	5,290 00	
4. Current charges and obligations	9,446 00	
5. Equipment	1,828 00	

Item	Subtotal	Total
District Court of Holyoke		\$350,775 02
1. Personal services	\$323,244 82	
2. Contractual services	12,450 00	
3. Supplies and materials	5,500 00	
4. Current charges and obligations	8,475 00	
5. Equipment	1,105 20	
District Court of Eastern Hampden		250,536 06
1. Personal services	211,136 09	
2. Contractual services	17,850 00	
3. Supplies and materials	5,820 00	
4. Current charges and obligations	13,344 00	
5. Equipment	2,385 97	
District Court of Springfield		1,564,214 85
1. Personal services	1,380,829 17	
2. Contractual services	107,881 10	
3. Supplies and materials	48,075 00	
4. Current charges and obligations	18,493 00	
5. Equipment	8,936 58	
District Court of Western Hampden		262,105 01
1. Personal services	229,327 45	
2. Contractual services	14,862 77	
3. Supplies and materials	7,196 42	
4. Current charges and obligations	8,937 00	
5. Equipment	1,781 37	
Springfield Juvenile Court		565,616 41
1. Personal services	409,722 41	
2. Contractual services	65,875 00	
3. Supplies and materials	11,350 00	
4. Current charges and obligations	73,595 00	
5. Equipment	5,074 00	
District Court — Appellate Division		665 00
2. Contractual services	665 00	
15. For medical examiners and commitments of insane		125,000 00
16. For jail and house of correction, maintenance and operation		368,561 60
1. Personal services	87,018 20	
2. Contractual services	263,425 00	
3. Supplies and materials	12,850 00	
4. Current charges and obligations	3,468 40	
5. Equipment	1,800 00	
17. For training school		13,325 00
1. Personal services	5,500 00	
2. Contractual services	2,600 00	
3. Supplies and materials	5,025 00	
4. Current charges and obligations	200 00	
18. For court houses and registry buildings, maintenance and operation		484,064 15
1. Personal services	362,808 15	
2. Contractual services	102,255 00	
3. Supplies and materials	14,161 00	
4. Current charges and obligations	1,090 00	
5. Equipment	3,750 00	
20. For agricultural or county cooperative extension service		382,005 11
1. Personal services	360,697 11	
2. Contractual services	16,995 00	

Item	Subtotal	Total
3. Supplies and materials	\$3,190 00	
4. Current charges and obligations	478 00	
5. Equipment	645 00	
21. For state reservation, maintenance and operation (Mount Tom)		\$113,664 84
24. For noncontributory pensions		103,023 48
25. For contributory retirement system and supervisory expenses		417,904 21
26. For miscellaneous and contingent expenses		36,915 60
27. For unpaid bills of previous years		18,777 29
28. For reserve fund		80,000 00
28d. For reserve for counsel for indigent defendants		75,651 10
29. For advertising recreational, industrial and agricultural advantages of the county		12,567 65
31. For radio system for fire protection		2,775 00
39. For group insurance		230,000 00
Total amount of appropriations		\$9,471,107 34
Less estimated amount available for reduction of county tax		1,872,326 23
And the county commissioners of Hampden county are hereby authorized to levy as the county tax of said county for said fiscal period, in the manner provided by law, the sum of		\$7,598,781 11

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1973.

Chap. 445. AN ACT FURTHER INCREASING THE FEES CHARGED FOR REGISTRATION AS AN ARCHITECT.

Be it enacted, etc., as follows:

Section 60B of chapter 112 of the General Laws is hereby amended by striking out the second paragraph, as amended by section 30 of chapter 684 of the acts of 1972, and inserting in place thereof the following paragraph: —

Every applicant for registration as an architect shall pay to the board, upon filing his original application therefore, a fee of seventy-five dollars. Every applicant for registration as an architect who files an additional application shall pay to the board, upon filing such application, a fee of seventy-five dollars. Every applicant for registration by the National Council of Architectural Registration Boards, who is required by said council to submit to a standard junior or senior examination to be conducted by the board, shall pay to the board a fee of twenty-five dollars.

Approved June 22, 1973.

Chap. 446. AN ACT DESIGNATING THE ADMISSIONS AND TREATMENT BUILDING AT WESTBOROUGH STATE HOSPITAL AS THE DR. MORRIS L. SHARP BUILDING.

Be it enacted, etc., as follows:

The admissions and treatment building at Westborough state hospital shall be designated and known as the Dr. Morris L. Sharp building, in honor of Dr. Morris L. Sharp, a former superintendent of said hospital. A suitable marker bearing said designation shall be attached thereto by the department of mental health.

Approved June 22, 1973.

Chap. 447. AN ACT AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES TO CONVEY CERTAIN LAND IN THE TOWN OF UPTON TO THE MENDON-UPTON REGIONAL SCHOOL DISTRICT IN EXCHANGE FOR CERTAIN LAND OF EQUAL VALUE TO BE ACQUIRED BY SAID DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The department of natural resources, hereinafter called the department, in the name and on behalf of the commonwealth, is hereby authorized to convey, by a deed or successive deeds approved as to form by the attorney general, to the Mendon-Upton Regional School District, hereinafter called the district, to be used for school purposes, the land of the commonwealth under the control of the department or portions thereof, located in the town of Upton, and bounded and described as follows:

Parcel 1. A certain parcel of land situated in said Upton on the south side of County Road leading from Upton to Northbridge and bounded as follows: Commencing at the northeast corner of the premises by land now or formerly of Velorous Taft and on south side of the Old Vailes Road, so called; thence by land now or formerly of Velorous Taft south 24° west ten (10) rods to an angle; thence by land now or formerly of Velorous Taft south 12° west nine (9) rods fourteen (14) links to an angle; thence by land now or formerly of Velorous Taft south 17° west thirty-seven (37) rods twenty-one (21) links to angle; thence by land now or formerly of Velorous Taft south 18° 30' west fifteen (15) rods to an angle; thence by land now or formerly of Knowlton Farms, Inc. south 45° 15' west thirty-seven (37) rods to an angle; thence by land now or formerly of Knowlton Farms, Inc. north 28½° west about sixty-four (64) rods to the Northbridge Road; thence along said Northbridge Road or Old "Vailes Road" eighty-six (86) rods to the point of beginning. Containing nineteen and six-tenths (19.6) acres.

Parcel 2. A certain parcel of land situated in Upton on the east side of the road leading from Upton to Northbridge and known as the "Plain Lot" and bounded and described as follows: Beginning at a bound on "Northbridge Road" thence south 24° west ten (10) rods; thence south 13° west nine (9) rods fourteen (14) links; thence south 17° west thirty-seven (37) rods eleven (11) links; thence south 20° west fifteen (15) rods to a bound; thence south 72° east fifty (50) rods seventeen (17) links; thence north 44°

east forty-seven (47) rods twenty-one (21) links; thence north 65° west sixteen (16) rods to the brook; thence on said brook about thirty-eight (38) rods to a yellow birch tree; thence north 12° west ten (10) rods to a white oak tree; thence north 8° west twelve (12) rods; thence north 65° 45' west twenty-one (21) rods six (6) links to said Northbridge Road; thence on said road nineteen (19) rods to the place of departure. Containing twenty-eight (28) acres fifty (50) rods.

Parcel 1 and 2 being a portion of the premises conveyed to the commonwealth for conservation purposes by Knowlton Farms, Inc. by deed dated July 2, 1935 and recorded with the Worcester district registry of deeds at Book 2646, Page 150.

The consideration for the conveyance of said land by the commonwealth shall be the conveyance of land of equal value, as determined by the department, by the district to the commonwealth to be used for the conservation and recreation purposes specified in chapter one hundred and thirty-two A of the General Laws.

SECTION 2. The district is hereby authorized to acquire properties within the towns comprising the district by purchase, gift, or eminent domain under the provisions of chapter seventy-nine of the General Laws for the purpose of conveying said properties to the department in exchange for and in consideration of a conveyance or successive conveyances by the department, as authorized by section one of this act, of the premises described in said section one or portions thereof. The district is hereby authorized to convey such properties to the department by a deed or deeds approved as to form by the attorney general. *Approved June 22, 1973.*

Chap. 448. AN ACT AUTHORIZING THE REMOVAL OF GRAVESTONES AND OTHER MEMORIALS FOR THE DEAD FOR THE PURPOSE OF REPAIR OR REPRODUCTION.

Be it enacted, etc., as follows:

Chapter 272 of the General Laws is hereby amended by inserting after section 73 the following section: —

Section 73A. In any city or town which accepts this section, the provisions of section seventy-three shall not prohibit the removal, in accordance with rules and regulations promulgated by the state secretary, of a gravestone or other structure or thing which is placed or designed as a memorial for the dead, for the purpose of repair or reproduction thereof by community sponsored, educationally oriented, and professionally directed repair teams.

Approved June 22, 1973.

Chap. 449. AN ACT PROVIDING FOR RETROACTIVE COMPENSATION OF CERTAIN EMPLOYEES AND RETIRED EMPLOYEES OF THE POLICE DEPARTMENT OF THE TOWN OF BROOKLINE.

Be it enacted, etc., as follows:

Notwithstanding any by-law of the town of Brookline or any general or special law to the contrary, said town may, subject to the federal wage-price guidelines, raise and appropriate, or appropriate from available funds, the sum of two thousand five hundred dollars and thirty-two cents to pay to current employees and certain retired employees of the police department of said town, with respect to the period from April first, nineteen hundred and seventy-two, to December thirty-first, nineteen hundred and seventy-two, inclusive, additional compensation on account of accumulated and unused sick leave, specialty duties, and for work performed temporarily in classifications higher than the respective permanent classifications of such employees, pursuant to the collective bargaining agreement between said town and the Brookline Police Association dated February twelfth, nineteen hundred and seventy-three.

Approved June 22, 1973.

Chap. 450. AN ACT PROVIDING FOR RETROACTIVE COMPENSATION OF CERTAIN EMPLOYEES AND RETIRED EMPLOYEES OF THE FIRE DEPARTMENT OF THE TOWN OF BROOKLINE.

Be it enacted, etc., as follows:

Notwithstanding any by-law of the town of Brookline or any general or special law to the contrary, said town may, subject to the federal wage-price guidelines, raise and appropriate, or appropriate from available funds, the sum of ten thousand two hundred and twenty-eight dollars and twenty cents to pay certain current employees and certain retired employees of the fire department of said town as compensation for holidays and for skeleton days declared by said town during the period from April first, nineteen hundred and seventy-one, to March thirty-first, nineteen hundred and seventy-two, inclusive, pursuant to the collective bargaining agreements between said town and Local 950, International Association of Fire Fighters, dated April twenty-sixth, nineteen hundred and seventy-one, and dated August seventh, nineteen hundred and seventy-two, respectively.

Approved June 22, 1973.

Chap. 451. AN ACT DESIGNATING THE BRIDGE ON THE MASSACHUSETTS TURNPIKE OVER GRATTAN STREET IN THE CITY OF CHICOPEE AS THE SPECIALIST FOURTH CLASS THOMAS J. WILK MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The bridge on the Massachusetts turnpike over Grattan street in the city of Chicopee shall be designated and known as the Specialist Fourth Class Thomas J. Wilk Memorial bridge, in memory of Thomas J. Wilk who was killed in action while a member of the armed forces of the United States during the

Vietnam campaign. A suitable marker bearing said designation shall be attached thereto by the Massachusetts Turnpike Authority; provided, however, that the cost of said marker is paid for by any interested party other than said Authority.

SECTION 2. This act shall take effect upon its acceptance by the Massachusetts Turnpike Authority. *Approved June 22, 1973.*

Chap. 452. AN ACT AUTHORIZING THE CITY OF HOLYOKE TO REDRAW WARD LINES FOR CERTAIN MUNICIPAL ELECTIONS.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, the city of Holyoke may redraw the lines in its seven wards in order to establish that the population within the said wards may be as nearly equal as possible, provided, (1) that existing precincts be used for the forming of such wards, (2) that such redrawn ward lines shall become effective for the municipal election only in said city to be held in the year nineteen hundred and seventy-five and all subsequent municipal elections, and (3) that the local election district review commission shall review the redrawn ward lines as applicable to wards only as provided under the provisions of section one of chapter fifty-four of the General Laws.

Approved June 22, 1973.

Chap. 453. AN ACT REPEALING THE REQUIREMENT THAT THE DIRECTOR OF PUBLIC HEALTH IN THE TOWN OF BROOKLINE BE A MEDICAL DOCTOR QUALIFIED TO PRACTICE MEDICINE UNDER THE LAWS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 345 of the acts of 1945 is hereby amended by striking out section 1, as most recently amended by chapter 506 of the acts of 1970, and inserting in place thereof the following section: —

Section 1. There shall be in the town of Brookline a health department under a director of public health who shall be appointed by the selectmen and who shall have the powers, perform the duties and be subject to the obligations of boards of health in towns. The person so appointed shall be a citizen of the United States and shall have had not less than three years' full time experience in public health administration, or not less than one year's full time experience in public health administration and a graduate degree in public health from a recognized school of public health. Said director shall devote such time to the performance of his duties and the supervision of the employees of the department as shall be determined by the selectmen. He shall be appointed in April

for the term of three years from the first day of May following and until the qualification of his successor. He may be removed by the selectmen for cause and the vacancy filled by appointment for the remainder of the unexpired term in the same manner as in the case of an original appointment. His salary or compensation shall be such as the selectmen may from time to time vote. The school committee may appoint and may revoke the appointment of the director of public health as the director of school health services. As director of school health services he shall, subject to the approval and under the continued supervision of the school committee, have the powers, perform the duties, and be subject to the obligations of school physicians under section fifty-three of chapter seventy-one of the General Laws. The director, subject to the approval of the selectmen, may make rules and regulations for the government of the health department and its officers, agents and employees. Subject to appropriation, he may also appoint and employ such officers, agents, assistants and employees and make such contracts as may be necessary to execute the health laws, rules and regulations. All officers, agents, assistants and employees appointed or employed, and all contracts made, by the director pertaining in any manner to school health services shall be subject to the approval and continued supervision of the school committee. The positions or offices of director of public health and director of school health services shall not be subject to the laws, rules and regulations pertaining to civil service.

SECTION 2. This act shall take effect upon its passage.

Approved June 26, 1973.

Chap. 454. AN ACT PROVIDING FOR THE REINSTATEMENT OF CERTAIN LIFE INSURANCE POLICIES HAVING NON-FORFEITURE VALUES WHICH LAPSE DURING AN AUTHORIZED STRIKE OF INSURANCE AGENTS WHO NORMALLY COLLECT THE PREMIUM PAYMENTS DUE ON SAID POLICIES.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by inserting after section 187F the following section: —

Section 187G. Any life insurance policy having nonforfeiture values, which is ineligible for an automatic premium loan or does not have an authorization for an automatic premium loan, that is now or hereafter in force and for which policy premiums are normally collected by insurance agents employed by the insurer, which lapses during the time such insurance agents are on an authorized strike, shall be entitled to reinstatement without evidence of insurability within thirty-one days of the authorized termination of the strike, and the provisions of such policy shall also provide for the manner of repayment of premiums due by such insured plus interest, if any.

Approved June 26, 1973.

Chap. 455. AN ACT REGULATING CERTAIN ASSETS IN FINANCIAL STATEMENTS OF NON-PROFIT HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE CORPORATIONS, AND DENTAL SERVICE CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 176A of the General Laws is hereby amended by inserting after section 18 the following section: —

Section 18A. In an account of its financial condition, a non-profit hospital service corporation may include as an asset available for the payment of losses electronic data processing equipment, provided that the cost of such equipment at the time of acquisition is at least one hundred thousand dollars and that said cost is to be amortized in full over a period not to exceed ten years.

SECTION 2. Chapter 176B of the General Laws is hereby amended by inserting after section 8 the following section: —

Section 8A. In an account of its financial condition, a medical service corporation may include as an asset available for the payment of losses electronic data processing equipment, provided that the cost of such equipment at the time of acquisition is at least one hundred thousand dollars and that said cost is to be amortized in full over a period not to exceed ten years.

SECTION 3. Chapter 176E of the General Laws is hereby amended by inserting after section 8 the following section: —

Section 8A. In an account of its financial condition, a dental service corporation may include as an asset available for the payment of losses electronic data processing equipment, provided that the cost of such equipment at the time of acquisition is at least one hundred thousand dollars and that said cost is to be amortized in full over a period not to exceed ten years.

Approved June 26, 1973.

Chap. 456. AN ACT PROVIDING A CIVIL REMEDY FOR PERSONS DEFRAUDED BY THE TAMPERING WITH AUTOMOBILE ODOMETERS, AND INCREASING THE CRIMINAL PENALTY FOR SUCH TAMPERING.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by striking out section 141, inserted by chapter 468 of the acts of 1966, and inserting in place thereof the following two sections: —

Section 141. Whoever advertises for sale, sells, uses, installs or has installed any device which causes an odometer to register any mileage other than the true mileage driven, or whoever resets, or alters the odometer of any motor vehicle with the intent to change the number of miles indicated thereon, or whoever, with the intent to defraud, operates a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected to non-functional, shall be liable in a civil action of tort or contract in an

amount equal to the sum of three times the amount of actual damages sustained or one thousand five hundred dollars, whichever is the greater, plus the costs of the action together with reasonable attorney fees as determined by the court.

A violation of the provisions of this section shall constitute an unfair method of competition under chapter ninety-three A.

For the purposes of this section, the true mileage driven shall be that mileage traveled by the motor vehicle as registered by the odometer within the manufacturer's designed tolerance.

The term "odometer", as used in this section and in section one hundred and forty-one A, shall mean, an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.

Nothing in this section and section one hundred and forty-one A shall prevent the service, repair or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced.

Section 141A. Whoever, with the intent to misrepresent to a prospective or eventual purchaser the number of miles traveled by a motor vehicle, turns back or readjusts the speedometer or odometer thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars. In a prosecution under this section, evidence that a dealer, as defined in section one of chapter ninety, or a person required to be licensed under the provisions of section fifty-nine of chapter one hundred and forty, by himself or by another turned back or readjusted the speedometer or odometer shall constitute prima facie evidence of such intent to misrepresent.

Approved June 26, 1973.

Chap. 457. AN ACT PROVIDING A PENALTY FOR FALSELY MAKING, ALTERING, FORGING, UTTERING OR PUBLISHING PARI-MUTUEL BETTING TICKETS.

Be it enacted, etc., as follows:

Chapter 128A of the General Laws is hereby amended by inserting after section 10A, inserted by chapter 102 of the acts of 1960, the following section: —

Section 10B. Whoever, with intent to defraud, falsely makes, alters or forges a pari-mutuel betting ticket issued under the provisions of section five, or whoever, with intent to defraud, utters and publishes as true a false, forged or altered pari-mutuel betting

ticket issued under the provisions of said section five, knowing the same to be false, forged or altered, shall be punished by a fine of not more than one thousand dollars or by imprisonment in the state prison for not more than five years or in a jail for not more than two years.

Approved June 26, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, June 27, 1973

The Honorable JOHN F. X. DAVOREN
Secretary of the Commonwealth
State House
Boston, Massachusetts

DEAR MR. SECRETARY: — I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being chapter 457 of the Acts of 1973, entitled "AN ACT PROVIDING A PENALTY FOR FALSELY MAKING, ALTERING, FORGING, UTTERING OR PUBLISHING PARI-MUTUEL BETTING TICKETS," and the enactment of which received my approval on June 26, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

In order to further protect the general welfare it is important that the provisions of this act become effective immediately.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, June 27, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at eleven o'clock, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter four hundred and fifty-seven of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 458. AN ACT DESIGNATING A CERTAIN BRIDGE ON STATE HIGHWAY ROUTE 116 IN THE CITY OF CHICOPEE AS THE JOSEPH E. PRESNAL MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge on state highway route 116 over the Boston and Maine Railroad in the city of Chicopee shall be known and designated as the Joseph E. Presnal Memorial bridge in memory of Joseph E. Presnal, a veteran of the Vietnam campaign who was killed while working on the construction of said bridge. A suitable marker bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department.

Approved June 26, 1973.

Chap. 459. AN ACT CLASSIFYING THE SUBSTANCE METHAQUALONE UNDER THE CONTROLLED SUBSTANCES ACT.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (d) of Class B of section 31 of chapter 94C of the General Laws, as appearing in section 1 of chapter 1071 of the acts of 1971, is hereby amended by adding the following clause: —

(2) Any substance which contains any quantity of methaqualone, or any salt or derivative of methaqualone.

SECTION 2. The commissioner of public health shall place the drug "methaqualone" in a schedule of abuse liability corresponding to or greater than its designation in the corresponding federal schedules.

Approved June 26, 1973.

Chap. 460. AN ACT AUTHORIZING CERTAIN COUNTY COMMISSIONERS TO PAY CERTAIN EXPENSES PRIOR TO THE REGULAR APPROPRIATIONS FOR THE CURRENT YEAR.

Be it enacted, etc., as follows:

SECTION 1. Until the regular appropriation for a county has been made by the general court in the current year, the county commissioners of each county and other officers authorized to incur liabilities payable by each of such counties may incur liability for general maintenance and operation of regular county activities at a rate of expenditure which does not exceed in any month the sum spent for a similar purpose in any one month in the preceding year; provided, that said commissioners or officers may expend in any one month for any office or board created by law an amount not exceeding one twelfth of the estimated cost for said year for said office or board. Payments therefor may be made from any available funds in the county treasury, to be charged to the regular appropriation when made.

SECTION 2. This act shall take effect upon its passage.

Approved June 29, 1973.

Chap. 461. AN ACT AUTHORIZING ARREST WITHOUT WARRANT FOR CERTAIN MOTOR VEHICLE OFFENSES NOT COMMITTED IN THE PRESENCE OF THE ARRESTING OFFICER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize the arrests without warrant for certain motor vehicle offenses not committed in the presence of arresting officers on and after the effective date of the law abolishing the crime of public intoxication, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 90 of the General Laws is hereby amended by striking out section 21, as most recently amended by section 32 of chapter 806 of the acts of 1972, and inserting in place thereof the following section: —

Section 21. Any officer authorized to make arrests may arrest without warrant and keep in custody for not more than twenty-four hours, unless Sunday intervenes, any person operating a motor vehicle on any way who does not have in his possession a license to operate motor vehicles granted to him by the registrar, and who violates any statute, by-law, ordinance or regulation relating to the operation or control of motor vehicles and any officer authorized to make arrests, provided such officer is in uniform or conspicuously displaying his badge of office, may arrest without warrant any person, regardless of whether or not such person has in his possession a license to operate motor vehicles issued by the registrar, if such person upon any way or in any place to which the public has the right of access, or upon any way or in any place to which members of the public have access as invitees, operates a motor vehicle after his license or right to operate motor vehicles in this state has been suspended or revoked by the registrar, or whoever upon any way or place to which the public has the right of access, or upon any way or in any place to which members of the public have access as invitees, or who the officer has probable cause to believe has operated or is operating a motor vehicle while under the influence of intoxicating liquor, marihuana or narcotic drugs, or depressant or stimulant substances, all as defined in section one of chapter ninety-four C, or under the influence of the vapors of glue, carbon tetrachloride, acetone, ethylene, dichloride, toluene, chloroform, xylene or any combination thereof, or whoever uses a motor vehicle without authority knowing that such use is unauthorized, or any person who, while operating or in charge of a motor vehicle, shall refuse, when requested by such police officer, to give his name and address or the name and address of the owner of such motor vehicle, or who shall refuse on demand of such police officer, to produce his license to operate such vehicle or the certificate of registration for such vehicle for examination by such officer, or whoever operates a motor vehicle upon any way or in any place to which members of the public have a right of access as invitees or

licensees and without stopping and making known his name, residence and the register number of his motor vehicle goes away after knowingly colliding with or otherwise causing injury to any person; and at or before the expiration of said period of time such person shall be brought before a magistrate and proceeded against according to law. An investigator or examiner appointed under section twenty-nine, may arrest without warrant, keep in custody for a like period, bring before a magistrate and proceed against in like manner, any person operating a motor vehicle while under the influence of intoxicating liquor or marihuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter ninety-four C, irrespective of his possession of such license.

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-three.

Approved June 29, 1973.

Chap. 462. AN ACT AUTHORIZING THE TOWN OF WILMINGTON TO PAY WALTER H. WILCOX, INC. A SUM OF MONEY.

Be it enacted, etc., as follows:

SECTION 1. The town of Wilmington is hereby authorized to appropriate and to pay the amount of ninety-one dollars and fifty cents to Walter H. Wilcox, Inc., which sum was the motor vehicle excise levied for the year nineteen hundred and seventy by the assessors of said town on an automobile owned by said corporation, for which said corporation was erroneously assessed twice.

SECTION 2. This act shall take effect upon its passage.

Approved June 29, 1973.

Chap. 463. AN ACT AUTHORIZING THE TOWN OF AGAWAM TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The town of Agawam is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said town is hereby authorized to pay, such of the unpaid bills incurred by said town and totalling twenty-three thousand three hundred and fifteen dollars and thirty-seven cents, as set forth in the list on file in the office of the director of accounts in the department of corporations and taxation and are legally unenforceable against said town by reason of their being incurred in excess of available appropriations or not being submitted for payment on time.

SECTION 2. No bill shall be approved by the town accountant of said town or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said town accountant stating under the penalties of perjury that the materials and services for which said bill has been submitted were ordered by an official or an employee of said town and that such

materials were delivered and actually received by said town or that such services were rendered to said town, or both.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for materials or services which were not received by or rendered to said town shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its passage.

Approved June 29, 1973.

Chap. 464. AN ACT PROVIDING THAT GRAND JURORS IN HAMPDEN COUNTY SHALL SERVE FOR A TERM OF FOUR MONTHS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 277 of the General Laws, as most recently amended by section 1 of chapter 415 of the acts of 1966, is hereby further amended by striking out, in lines 1 and 2, the words "Suffolk and Middlesex" and inserting in place thereof the words: — Suffolk, Middlesex and Hampden.

SECTION 2. Said chapter 277 is hereby further amended by inserting after section 2B the following section: —

Section 2C. The clerk of the court for Hampden county shall, not less than twenty-eight days before the first Mondays of January and May, and the second Monday of September respectively, issue writs of venire facias for thirty-five veniremen from whom the court shall select twenty-three grand jurors to serve in said court, who shall serve for each sitting thereof for four months and until another grand jury has been impanelled in their stead.

SECTION 3. Section 3A of said chapter 277, inserted by section 5 of chapter 415 of the acts of 1966, is hereby amended by striking out, in line 2, the words "or section two B" and inserting in place thereof the words: —, section two B or section two C.

SECTION 4. This act shall be applicable to the impanelling of grand jurors in Hampden county for the year nineteen hundred and seventy-four and subsequent years, and the grand jury impanelled in said county under section one of chapter two hundred and seventy-seven of the General Laws shall continue to serve until the first regular sitting of the year nineteen hundred and seventy-four, and until the grand jury provided under section two C of said chapter two hundred and seventy-seven, inserted by section two of this act, has been impanelled in its stead.

SECTION 5. The clerk of courts for Hampden county shall issue writs of venire facias for thirty-five veniremen from whom the court shall select twenty-three grand jurors for service as a special grand jury during the period of September through December of the current year. Said jurors shall be drawn, summoned and returned in the same manner, and shall have the same powers and receive the same compensation as grand jurors summoned for service

under sections one and two of chapter two hundred and seventy-seven of the General Laws, and the provisions of sections four to fourteen, inclusive, of said chapter, so far as apt, shall apply to such jurors.

SECTION 6. Section four of this act shall take effect upon its passage.
Approved June 29, 1973.

Chap. 465. AN ACT AUTHORIZING THE CITY OF BROCKTON TO USE CERTAIN PARK LAND FOR WATER TRANSMISSION PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton is hereby authorized to use for water transmission purposes certain land situated between the northerly end of Oneida avenue and the westerly boundary of D. W. Field park, and being a portion of said D. W. Field park in said city and adjoining the town of Avon and held by said city for park purposes, which land is to be used as a temporary construction easement extending twenty-five feet on each side of a centerline, and a permanent maintenance easement extending fifteen feet on each side of the same centerline, said centerline being described as follows, beginning at the northerly end of Oneida avenue;

Thence north 06°-34'-08" west a distance of 527.27 feet to a point;

Thence north 04°-30'-38" west a distance of 1,107.92 feet to a stone wall;

Thence north 56°-06'-19" east a distance of 236.41 feet to a point;

Thence north 53°-58'-32" east a distance of 130.87 feet to a point;

Thence north 09°-24'-52" east a distance of 240.09 feet to D.W. Field Parkway;

Thence northerly along the existing roadway limits of the D.W. Field Parkway to the intersection of the so-called D. W. Field East Parkway and D. W. Field West Parkway;

Thence northerly along the existing roadway limits of the so-called D. W. Field West Parkway to the intersection of said D. W. Field West Parkway and South Street;

Thence westerly along the existing roadway limits of South Street to the west boundary of D. W. Field Park.

SECTION 2. This act shall take effect upon its passage.

Approved June 29, 1973.

Chap. 466. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-FOUR, FOR THE MAINTENANCE OF THE DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SINKING FUND AND SERIAL BOND REQUIREMENTS AND FOR CERTAIN PERMANENT IMPROVEMENTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of the several departments, boards, commissions and institutions, of sundry other services, and for certain permanent improvements, and to meet certain requirements of law, the sums set forth in section two, for the several purposes and subject to the conditions specified in said section two, are hereby appropriated from the General Fund unless specifically designated otherwise in the item, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, for the fiscal year ending June the thirtieth, nineteen hundred and seventy-four, in this act referred to as the year nineteen hundred and seventy-four, or for such period as may be specified.

SECTION 2.

Legislature.

Senate.

Item		
0111-0000	For the compensation of senators, prior appropriation continued	\$659,476
0111-8000	For expenses of senators, including travel, prior appropriation continued	85,000
0112-0000	For the office of the senate clerk, prior appropriation continued, including not more than nine permanent positions	180,000
0113-0000	For the salary of the chaplain of the senate	7,186
0114-0000	For the office of the senate counsel, prior appropriation continued, including not more than five permanent positions	195,000
0115-0000	For administrative and legislative aides to the senators, prior appropriation continued	1,080,000
0115-0020	For expenses of standing and special committees of the senate, authorized by order of the senate, to sit during the session and recess of the general court, said funds to be allocated to committees only upon written approval of the president	10,000
0115-0030	For expenses of standing and special committees of the senate, authorized by the president under the provisions of Joint Rule 3, to sit and travel during the recess of the general court, said funds to be allocated to committees only upon written approval of the president	5,000
0116-0000	For secretarial and clerical assistance to the senators, prior appropriation continued	376,000
0116-0030	For a legislative intern program for the senate	20,000
0117-0000	For the office of the senate committee on ways and means, prior appropriation continued, including not more than four permanent positions	304,113
0118-0000	For the office supplies and other expenses of the senators, prior appropriation continued	250,000

House of Representatives.

0121-0000	For the compensation of representatives, prior appropriation continued	\$3,138,323
0121-8000	For expenses of representatives, including travel, prior appropriation continued	735,000
0122-0000	For the office of the clerk of the house of representatives, prior appropriation continued, including not more than nine permanent positions	176,417

Item		
0123-0000	For the salary of the chaplain of the house of representatives	\$7,634
0124-0000	For the office of the house counsel, prior appropriation continued, including not more than eight permanent positions	365,800
0125-0000	For the office of the house committee on rules, prior appropriation continued, including not more than fourteen permanent positions	500,000
0125-0010	For expenses of standing and special committees of the house of representatives, authorized by order of the house of representatives to sit during the session and recess of the general court, said funds to be allocated to committees only upon written approval of the speaker	12,000
0125-0020	For expenses of standing and special committees of the house of representatives, authorized by the speaker under Joint Rule 3, to sit and travel during the recess of the general court, said funds to be allocated to committees only upon written approval of the speaker	5,000
0126-0000	For the office of the house committee on ways and means, prior appropriation continued, including not more than nine permanent positions	430,000
0127-0000	For clerical and other expenses of the members of the house of representatives, including not more than one permanent position	900,000
0127-0020	For legislative aides to the members of the house of representatives	200,000
0127-0030	For a legislative intern program	68,000
0128-0000	For payment of certain authorized salaries of deceased members of the house of representatives; provided, that said salaries have been authorized by a resolve of the general court, prior appropriation continued.	

Sergeant-at-Arms.

0131-0000	For the office of the sergeant-at-arms, including not more than eleven permanent positions	\$195,379
0132-0000	For the salaries of the doorkeepers, assistant doorkeepers, general court officers and pages of the senate and house of representatives, with the approval of the sergeant-at-arms, including not more than ninety-four permanent positions	1,616,573
0132-1000	For the salaries of clerks employed in the legislative document room, including not more than thirteen permanent positions	152,955
0133-0000	For contingent expenses of the senate and house of representatives and necessary expenses in and about the state house, with the approval of the sergeant-at-arms, prior appropriation continued	125,000
0134-0000	For the payment of witness fees to persons summoned to appear before committees of the general court and for expenses incidental to such summoning, with the approval of the sergeant-at-arms	300
0135-0000	For the rental and maintenance of an electric roll call system	12,500

Other Expenses.

0141-0000	For the expenses of the legislative research council	\$8,500
0142-0000	For the office of the legislative research bureau	221,000
0143-0000	For the office of legislative service bureau	405,000
0143-0001	For the administration of the office of legislative data processing; provided that the unexpended balance remaining in item 0166-0000 of section two of chapter seven hundred and seventy-one	

Item		
	of the acts of nineteen hundred and sixty-eight is hereby transferred to and made available for the purposes of this item	\$130,302
0143-0002	For the office of the recodification counsel, including not more than four permanent positions	52,492
0143-0003	For the compilation, indexing, annotating, printing and other expenses in connection with the publication of the bulletin of committee hearings and of the daily list, with the approval of the joint committee on rules, including not more than three permanent positions	350,000
0147-0000	For the administration of the legislative engrossing division, including not more than four permanent positions, prior appropriation continued	85,000
0161-0000	For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, for printing the manual of the general court, with the approval of the clerks of the respective branches, and for biographical sketches of certain state and federal officials, prior appropriation continued	900,000
0161-1000	For telephone and telegraph service, prior appropriation continued	480,000
0161-2000	For the emergency services of a physician, for medical supplies in the state house and for expenses, including the purchase of equipment in connection therewith, subject to the approval of the joint committee on rules; provided, that section twenty-one of chapter thirty of the General Laws shall not apply to the payments made under this item	13,000
0162-0000	For the service of the joint committee on federal financial assistance	25,085
0163-0000	For clerical and other assistance to the joint committees	40,531
0163-2000	For the expenses for research and analysis of the executive reorganization	300,000
0164-0010	For expenses of joint standing and special committees authorized by joint order to sit and travel during the session and recess of the general court, said funds to be allocated to committees only upon written approval of the president of the senate and the speaker of the house of representatives	55,000
0164-0020	For expenses of joint standing and special committees authorized by the president of the senate and the speaker of the house of representatives under the provisions of Joint Rule 3 to sit and travel during the recess of the general court, said funds to be allocated to committees only upon written approval of the president and the speaker	10,000
0165-0000	For the annual membership fee of the commonwealth in the national conference of state legislative leaders and the national society of state legislators	2,000
0169-7102	For the office of legislative post audit and oversight bureau, prior appropriation continued	300,000

Special Investigations.

0181-5000	For the expenses of the revolutionary bicentennial commission, including the preparation of a documentary history of the revolutionary government in Massachusetts	\$415,000
0185-1000	For an investigation and study relative to marine boundaries and resources of the Commonwealth as authorized by Chapter Seventy-seven of the resolves of nineteen hundred and sixty-nine	50,000
0185-7303	For an investigation and study relative to the uses, procedures, practices and safeguards of ionizing radiation as authorized by chapter forty-three of the resolves of nineteen hundred and seventy-two	20,000

Item

0185-7304	For an investigation and study relative to the recreation, travel, vacation, and tourist facilities of the commonwealth as authorized by chapter fifty-seven of the resolves of nineteen hundred and seventy-two	820,000
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Total, Legislature \$15,695,566

Judiciary.

Supreme Judicial Court.

0301-0001	For the salaries, travelling allowances and expenses of the chief justice and of the six associate justices	\$246,800
0301-0002	For law clerks and clerical assistance for the justices	276,371
0301-0006	For office supplies, services and equipment	25,500
0301-0101	For the salary of the clerk and the assistant clerk for the commonwealth	49,873
0301-0102	For clerical assistance to the clerk	24,453
0301-0200	For the salaries of the officers and messengers	14,955
0301-0300	For the commonwealth's part of the salaries of the clerk and assistant clerks for the county of Suffolk	13,239
0301-0400	For the use by certain agencies of the facilities of the social law library; provided, that no payment shall be made for the use of said facilities other than from funds provided by this item	75,000
0301-0500	For the service of the executive secretary	110,186
0301-0551	For LEAA matching funds	43,700
0301-0601	For expenses of the Massachusetts defenders committee, including not more than thirty-nine permanent positions	2,096,500
0301-0700	For the office of the reporter of decisions, including not more than four permanent positions	96,050

Appeals Court.

0301-3001	For the salaries, travelling allowances and expenses of the chief justice and of the five associate justices	\$198,700
0301-3003	For clerical assistance for the justices	222,425
0301-3005	For court expenses	45,900
0301-3101	For the salary of the clerk and assistant clerks	67,948
0301-3102	For clerical assistance to the clerk	27,496
0301-3201	For the salaries of court officers and messengers	20,150

Superior Court.

0302-0001	For the salaries, travelling allowances and expenses of the chief justice and of the forty-five justices	\$1,531,300
0302-0003	For court expenses	322,810
0302-0100	For the commonwealth's part of the salaries and expenses of the clerk and assistant clerks for the county of Suffolk	7,602
0302-0301	For the compensation of justices of district courts while sitting in the superior court, prior appropriation continued	150,000
0302-0302	For expenses of justices of district courts while sitting in the superior court, prior appropriation continued	28,000
0302-0303	For reimbursing certain counties for compensation of certain special justices for services in holding sessions of district courts in the place of district court justices sitting in the superior court	65,000
0302-0401	For the compensation of probation officers, including not more than ninety-three permanent positions	1,468,717

Item		
0302-0402	For personal services and expenses of the office of the supervisor of probation	\$22,670
0302-1001	For LEAA matching funds	35,300

Judicial Council.

0303-0001	For the service of the council	\$25,520
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Administration of District Courts.

0304-0001	For compensation and expenses in connection with the administration of district courts	\$126,075
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Administration of Probate and Insolvency Courts.

0305-1001	For the compensation of the special judge of probate when acting for other judges of probate	\$20,000
0305-2001	For expenses of the special judge of probate when acting for other judges of probate	2,000
0305-3001	For reimbursing officials for premiums paid for procuring sureties on their bonds	1,000
0305-4001	For the expenses of the administrative committee of probate courts	500
0305-5001	For office expenses of the chief judge	68,525

Probate and Insolvency Courts.

For the salaries of judges of probate, registers of probate, assistant registers and clerical assistance to registers of the several counties:

0305-6011	Barnstable, including not more than eleven permanent positions	\$142,758
0305-6021	Berkshire, including not more than eight permanent positions	97,595
0305-6031	Bristol, including not more than twenty permanent positions	215,345
0305-6041	Dukes, including not more than three permanent positions	24,672
0305-6051	Essex, including not more than thirty permanent positions	314,306
0305-6061	Franklin, including not more than five permanent positions	75,198
0305-6071	Hampden, including not more than thirty-one permanent positions	325,492
0305-6081	Hampshire, including not more than seven permanent positions	96,190
0305-6091	Middlesex, including not more than sixty-four permanent positions	680,137
0305-6101	Nantucket, including not more than three permanent positions	43,157
0305-6111	Norfolk, including not more than thirty-five permanent positions	369,511
0305-6121	Plymouth, including not more than seventeen permanent positions	221,750
0305-6131	Suffolk, including not more than seventy-two permanent positions	687,503
0305-6141	Worcester, including not more than twenty-six permanent positions	290,236

Land Court.

0306-0001	For the office of the land court, including not more than sixty permanent positions	\$811,238
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Pensions for Certain Retired Justices.

Item

0307-0001 For pensions of retired judges or their widows \$793,423

District Attorneys.

For the salaries of district attorneys and assistants for the nine districts:

0308-0001 Suffolk, including not more than thirty-five permanent positions \$463,000
 0308-0002 Northern, including not more than seventeen permanent positions 205,900
 0308-0003 Eastern, including not more than ten permanent positions 106,500
 0308-0004 Southern, including not more than nine permanent positions 97,000
 0308-0005 Middle, including not more than thirteen permanent positions 139,500
 0308-0006 Western, including not more than nine permanent positions 96,500
 0308-0007 Northwestern, including not more than six permanent positions 63,500
 0308-0008 Norfolk, including not more than fourteen permanent positions 137,000
 0308-0009 Plymouth, including not more than eight permanent positions 86,000
 0308-0010 For the travelling expenses necessarily incurred by the above district attorneys except in the Suffolk district, including expenses incurred in previous years 50,000

Committee on Probation.

0309-0001 For the office of the commissioner of probation, including not more than sixty-two permanent positions \$801,173
 0309-0002 For compensation and expenses of the members of the committee on probation 2,400

Board of Bar Examiners.

0310-0001 For the service of the board, including not more than six permanent positions \$118,271

Suffolk County Court House.

0312-0001 For reimbursing the city of Boston for thirty per cent of the cost of maintenance of the Suffolk county court house, as provided by and subject to the conditions of section six of chapter four hundred and seventy-four of the acts of nineteen hundred and thirty-five; provided, that this appropriation shall not be construed as fixing the specific amount for which the commonwealth shall be liable on account of said maintenance \$515,000

Total, Judiciary \$15,600,520

Executive.

Governor.

0411-1000 For the salaries of the governor and officers and employees in the governor's office \$900,000
 0411-1901 For postage, printing, office and other contingent expenses, including travel of the governor 200,000
 0411-3000 For the commonwealth's share of the expenses of the New England regional commission to coordinate interstate development and planning projects under the federal Economic Development Act of nineteen hundred and sixty-five 65,800

Item

0411-4000	For the administration of the public safety committee	\$364,220
0411-4011	For local government matching funds under the Federal Crime Control Act	849,703
0411-6000	For the office of intergroup affairs	50,000
0411-7000	Commission on the status of women	20,000

Extraordinary Expenses.

0411-8000	For the cost, not to exceed fifteen thousand dollars, of entertainment of distinguished visitors to the commonwealth, provided that no expenditures shall be allowed for a party exceeding fifty visitors; for the payment of extraordinary expenses not otherwise provided for; and for transfers to appropriation accounts where the amounts otherwise available are insufficient, provided, that requests for such transfers shall be referred to the commissioner of administration who, after investigation, shall submit for approval of the governor his written recommendation as to the amount of funds required with facts pertinent thereto	\$100,000
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Lieutenant Governor.

0412-1000	For the salary of the lieutenant governor and for personal services for the lieutenant governor's office, including not more than seven permanent positions	\$118,000
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Governor's Council.

0413-1000	For the salaries and personal services of the council, for the expenses of the governor and council, and for the expenses and travel of the lieutenant governor and council from and to their homes	\$155,446
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Military Division.

Notwithstanding the provisions of chapter thirty of the General Laws, certain military personnel in the military division may be paid salaries according to military pay grades, so called.

Adjutant General.

0431-0010	For the office of the adjutant general, including not more than thirty-nine permanent positions	\$440,802
0431-0100	For officers' uniform allowances	65,000
0431-0200	For compensation for special and miscellaneous duty, for transportation of officers to and from military meetings and drills and for expenses of camps of instruction, including not more than eight permanent positions	154,522
0431-0300	For allowances to companies and other administrative units, to be expended under the direction of the adjutant general	187,600
0431-0400	For compensation for accidents and injuries sustained in the performance of military duty and for small claims for damages to private property	12,400
0431-0500	For the operation of the war records project, so called, including not more than ten permanent positions	81,165

State Quartermaster.

0431-1010	For the office of the state quartermaster	\$7,350
0431-1110	For the operation of armories of the first class, including not more than one hundred and ten permanent positions	1,445,539

Item		
0431-1200	For the reimbursement for rent and maintenance of armories not of the first class	\$15,000
0431-1300	For the Camp Curtis Guild rifle range, including not more than seven permanent positions	60,391
0431-1410	For certain storage and maintenance facilities, including not more than thirty-three permanent positions	216,390
0431-1510	For certain national guard aviation facilities, including not more than ten permanent positions	80,711

Other Military.

0431-9001	For the military reservation in Barnstable county, including compensation of the commissioner	\$1,738
0431-9002	For expenses of maintaining, in the state house, headquarters for the Department of Massachusetts, United Spanish War Veterans, with the approval of the department commander and the adjutant general	1,500
0431-9003	For the compensation of one member and expenses of the armory commission	507

Civil Defense Agency.

0432-0001	For the service of the civil defense agency; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities and shall be expended with at least an equivalent amount of federal funds for the purposes of this item, including not more than one hundred and one permanent positions	\$559,158
0432-0002	For the service of the civil defense agency nonmatching fund program	19,110
0432-3000	For training and training supplies; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities for reimbursement of fifty per cent of the amounts expended for the purposes of this item	10,300
0432-4000	For the purchase and installation of certain equipment to be allocated to the state civil defense program; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities and shall be expended with at least an equivalent amount of federal grants for the purposes of this item	13,020

Total, Executive	<u>\$6,195,372</u>
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Secretary of the Commonwealth.

0511-0000	For the office of the secretary, including not more than one hundred and three permanent positions; provided, that the position of director of administrative services shall not be subject to the provisions of chapter thirty-one	\$1,200,491
0511-1510	For guided tours of the state house; provided, that positions in this item shall not be subject to chapter thirty-one of the General Laws; including not more than three permanent positions	14,551
0512-0000	For the printing of rules and regulations of the various state agencies, as authorized by section six of chapter thirty A of the General Laws	101,961
0513-0000	For the expense of processing certain statistical data	9,000
0514-0000	For the administration of the bureau of corporate organization and registration, including not more than thirteen permanent positions	220,669

Item	
0516-0000	For the expenses of reproduction of the manuscript collection designated "Massachusetts Archives", and for furnishing copies of corporation papers, election papers, and acts and resolves \$12,600
0517-0000	For the expense of printing various public documents, prior appropriation continued 105,000
0518-0000	For the purchase and distribution of certain journals of the house of representatives 4,500
0521-0000	For preparing, printing and distributing ballots and other miscellaneous expenses for primary and other elections, prior appropriation continued, and including not more than eleven permanent positions 631,301
<i>Securities Division.</i>	
0525-0000	For the office of the division, including not more than eleven permanent positions \$141,552
<i>Massachusetts Historical Commission.</i>	
0526-0100	For the administration of the commission, including not more than one permanent position \$49,923
<i>Ballot Law Commission.</i>	
0527-0100	For compensation and expenses of the commissioners, including not more than three permanent positions \$4,750
<i>Records Conservation Board.</i>	
0528-0100	For the expenses of the board \$1,200
<i>Commission on Interstate Co-operation.</i>	
0530-0100	For the office of the commission; provided, that the positions of director, assistant director and executive secretary, shall not be subject to the provisions of chapter thirty-one of the General Laws; including not more than three permanent positions \$74,609
Total, Secretary of the Commonwealth \$2,572,107	
<i>Treasurer and Receiver-General.</i>	
0610-0000	For the office of the treasurer and receiver-general, including not more than one hundred and twelve permanent positions \$1,796,245
	Highway Fund 30.0%
	General Fund 70.0%
0611-2000	For payments to soldiers in recognition of service in World War II 5,000
0611-3000	For payments to soldiers in recognition of service in the Korean conflict 5,000
0611-4000	For the administration of the Vietnam bonus payments 255,650
0611-5000	For compensation to victims of violent crimes 150,000
<i>State Board of Retirement.</i>	
0612-0100	For the administration of the board, including not more than thirty-nine permanent positions \$408,927
0612-1000	For the payment of the commonwealth's share in financing the state employees' retirement system, as provided by chapter thirty-two of the General Laws, prior appropriations continued; provided, that the amounts of all reimbursements received on

Item

account of retirement allowances paid and all contributions received from the federal government and authorities and agencies of the commonwealth and political subdivisions thereof on account of the retirement of employees are to be in addition to this item and to be available for expenditure without further appropriation \$46,000,000

Highway Fund 15.0%

General Fund 84.8%

Inland Fisheries and Game Fund2%

0612-2000 For the compensation of veterans who may be retired by the state board of retirement and for the cost of medical examinations in connection therewith 8,252,000

Highway Fund 22.0%

General Fund 78.0%

0612-4000 For the compensation of certain prison officers and instructors formerly in the service of the commonwealth, now retired 6,600

0612-5000 For retirement allowances of certain employees formerly in the service of the administrative division of the metropolitan district commission; provided, that said commission's share of this item shall be assessed by methods fixed by law 25,100

MDC Sewerage District Fund 25.0%

MDC Water District Fund 25.0%

Highway Fund 25.0%

MDC Parks District Fund 25.0%

0612-6000 For retirement allowances of certain veterans and police officers formerly in the service of the metropolitan district commission; provided, that said commission's share of this item shall be assessed by methods fixed by law 760,750

Highway Fund 60.0%

MDC Parks District Fund 39.0%

General Fund 1.0%

0612-7000 For retirement allowances of certain veterans formerly in the service of the metropolitan sewerage district 202,225

MDC Sewerage District Fund 100.0%

0612-8000 For retirement of certain veterans formerly in the service of the metropolitan water system 440,225

MDC Water District Fund 100.0%

0612-9000 For annuities for widows of certain former members of the uniformed branch of the state police 75,000

Highway Fund 66.0%

General Fund 34.0%

Commissioners on Firemen's Relief.

0620-0000 For the expenses of administration and for relief disbursed by the commissioners \$16,625

Emergency Finance Board.

0630-0000 For administration of the board, including not more than one permanent position \$35,802

State Lottery Commission.

0640-0000 For the expenses of the operation and administration of the state lottery, provided, that twenty-five per cent of this appropriation

Item

tion shall be transferred from the State Lottery Fund to the General Fund quarterly in advance; provided further, that all the positions in this item shall not be subject to chapters thirty and thirty-one of the General Laws; provided, that the salary of the position of executive director for lottery and the position of assistant to the executive director for lottery may be established without reference to the general salary schedule; and, provided further, that the director shall, so far as practicable in making appointments to such positions, promote employees of the commonwealth serving in positions which are classified under chapter thirty-one; and in every instance of an employee so promoted from a position in which at the time of promotion he shall have tenure by reason of section nine A of chapter thirty, upon termination of his service in such unclassified supervisory position, the employee shall, if he shall so request, be restored to the classified position from which he shall have been promoted, or to a position equivalent thereto in salary grade in the same state agency, without impairment of his civil service status or his tenure by reason of said section nine A or loss of the seniority, retirement and other rights to which uninterrupted service in the classified position would have entitled him; provided, however, that if his service in such unclassified supervisory position shall have been terminated for cause, his right to be so restored shall be determined by the civil service commission in accordance with the standards applied by said commission in administering chapter thirty-one; including not more than one hundred and twenty-four permanent positions \$6,819,482

Debt Service.

0699-1800	For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the State Recreation Areas Fund	\$1,794,106
	State Recreation Areas Fund	100.0%
0699-1900	For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the State Recreation Areas Fund	3,575,000
	State Recreation Areas Fund	100.0%
0699-2800	For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Inland Fisheries and Game Fund	89,800
	Inland Fisheries and Game Fund	100.0%
0699-2900	For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Inland Fisheries and Game Fund	250,000
	Inland Fisheries and Game Fund	100.0%
0699-3800	For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Metropolitan Water District Fund	4,607,962
	MDC Water District Fund	100.0%
0699-3900	For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Metropolitan Water District Fund	6,207,000
	MDC Water District Fund	100.0%

Item	
0699-4800	For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Metropolitan Sewerage District Fund \$3,646,191 MDC Sewerage District Fund 100.0%
0699-4900	For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Metropolitan Sewerage District Fund 4,504,000 MDC Sewerage District Fund 100.0%
0699-5800	For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Metropolitan Parks District Fund 1,869,864 MDC Parks District Fund 100.0%
0699-5900	For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Metropolitan Parks District Fund 3,701,000 MDC Parks District Fund 100.0%
0699-6800	For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Highway Fund debt service reserve 14,524,334 Highway Fund 100.0%
0699-6900	For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Highway Fund debt service reserve 46,061,000 Highway Fund 100.0%
0699-7800	For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Fund debt service reserve 43,484,887
0699-7900	For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Fund debt service reserve 62,884,000
Total, Treasurer and Receiver-General \$262,453,775	
Auditor of the Commonwealth.	
0710-0000	For the office of the auditor, including not more than one hundred and thirty permanent positions \$2,555,264 Highway Fund 30.0% General Fund 70.0%
Total, Auditor of the Commonwealth \$2,555,264	
Department of the Attorney General.	
0810-0000	For the office of the attorney general, including not more than fifty-three permanent positions, prior appropriation continued \$3,203,650
0821-0100	For the settlement of certain claims on account of damages by cars owned by the commonwealth and operated by state employees and for the settlement of certain small claims, as authorized by section three A of chapter twelve of the General Laws; provided, that the comptroller shall transfer to the General Fund from the appropriate funds sums equal to the payments made under this item for claims against agencies whose appropriations are derived from other funds 200,000

Commission on Uniform State Laws.

Item		
0830-0100	For the expenses of the commission	\$7,900
	Total, Department of the Attorney General	<u>\$3,411,550</u>

*Executive Office of Administration and Finance.**Office of the Commissioner.*

1100-1100	For the office of the commissioner, including not more than thirty-nine permanent positions	\$840,275
	Highway Fund	30.0%
	General Fund	70.0%
1100-1141	For certain public social services to be performed by state departments and agencies limited to the executive office of elder affairs, the department of youth services, education, correction, mental health, public health inclusive of the division of alcoholism, Massachusetts rehabilitation commission, veterans' services, community affairs, and the commission for the blind pursuant to contracts entered into between any such agency with the department of public welfare; provided, that any expenditure from this item shall be contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure, as authorized under Title IV A of the Social Security Act of nineteen hundred and sixty-seven shall be not less than seventy-five per cent of such expenditures	7,500,000
1100-1200	For the personal expenses of the governor while living in the vicinity of Boston, with approval of the commissioner of administration	20,000
1100-1701	For the administration of the bureau of developmental disabilities, including not more than five permanent positions	70,760

Fiscal Affairs Division.

1101-2100	For the administration of the division, including not more than one hundred and sixty-two permanent positions	\$1,813,500
	Highway Fund	30.0%
	General Fund	70.0%
1101-2400	For the expenses of an in-service training program for engineering employees, as authorized by section twenty-eight A of chapter seven of the General Laws, to be in addition to any amounts paid by cities or towns for the purpose	66,500
	Highway Fund	100.0%
1101-2500	For other in-service training programs	51,450
1101-2510	For a portion of the state share of training programs under the federal Intergovernmental Act of nineteen hundred and seventy, to be in addition to any other state and federal funds available for the purpose	50,000

Central Services Division.

1102-3110	For the administration of the division, including not more than six permanent positions	\$100,000
1102-3310	For the administration of the bureau of state buildings and for the maintenance of the state house, including not more than one hundred and ninety-two permanent positions	2,276,200
1102-3410	For the maintenance of the Leverett Saltonstall building, including not more than seventy-three permanent positions	1,700,294

Item		
1102-3501	For the maintenance of the Lindemann building, including not more than fifty-four permanent positions	\$1,060,394
1102-3610	For the maintenance of the John W. McCormack building	203,748
1102-3710	For the operation, maintenance and security of the Charles F. Hurley Employment Security building; provided, that expenditures from this item shall not exceed the amount to be paid the commonwealth under the terms of the lease defined in section six of chapter six hundred and thirty-five of the acts of nineteen hundred and sixty, insofar as rental payments under the terms of said lease apply to the cost of operation, maintenance and repair; including not more than thirty-two permanent positions	1,026,900
1102-3810	For the maintenance of the Springfield state office building, including not more than two permanent positions	82,925
1102-4010	For the operation of certain central services and the telephone system, including not more than twenty-eight permanent positions	405,960

Comptroller's Division.

1103-1000	For the administration of the division, including not more than two hundred and eleven permanent positions	\$2,866,781
	Highway Fund	30.0%
	General Fund	70.0%
1103-5010	For administration of the fraudulent claims commission, including not more than fifty-eight permanent positions	687,266

Purchasing Agent's Division.

1104-1000	For the administration of the division, including not more than ninety-three permanent positions	\$960,770
	Highway Fund	30.0%
	General Fund	70.0%
1104-2000	For the operation of a central mailing room in the Leverett Saltonstall building, including not more than four permanent positions	27,643
1104-3000	For the purchase of paper used in the execution of contracts for printing, other than legislative	140,000
1104-4000	For the administration of a collective purchasing bureau within the purchasing agent's division, as authorized by chapter six hundred and forty-four of the acts of nineteen hundred and seventy-two, including not more than three permanent positions	50,000

Rate Setting Commission.

1106-1000	For the administration of the commission; provided that the executive secretary shall be removed only for cause and that the position of director of the bureau of special service rates shall not be subject to the provisions of chapter thirty-one of the General Laws; including not more than fifty-three permanent positions	\$785,292
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Other Administration and Finance.

1110-2200	For the compensation and expenses of the personnel appeals board; provided, that notwithstanding the limitations of section fifty-five of chapter thirty of the General Laws, compensation and expenses may be allowed each member for forty additional days; including not more than three permanent positions	\$14,163
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Group Insurance Commission.

Item		
1120-1000	For administration of the group insurance program, including not more than forty-six permanent positions	\$1,022,574
1120-2000	For the commonwealth's share of the group insurance premium; provided, that the group insurance commission shall charge the division of employment security and other departments, authorities, agencies and divisions which have federal or other funds allocated to them for this purpose for that portion of the cost of the program as it determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds, and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided, that, notwithstanding the provisions of section twenty-six of chapter twenty-nine of the General Laws, the commission is hereby authorized to negotiate, purchase and execute contracts for a policy or policies of group insurance, as authorized by chapter thirty-two A of the General Laws; and, provided further, that the present level of health insurance coverage shall be maintained but shall not constitute payment in full of charges for care services; prior appropriation continued	23,000,000
1120-3000	For the group insurance premium for certain retired employees and their dependents; provided, that amounts received from cities, towns or districts are to be in addition to this item and to be available for expenditure without further appropriation	212,721
1120-4000	For the group insurance premium for certain retired municipal teachers and their dependents, as authorized by chapter six hundred and twenty-six of the acts of nineteen hundred and seventy, prior appropriation continued	765,000

Board of Economic Advisors.

1130-1000	For the expenses of the board	\$32,103
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Massachusetts Commission Against Discrimination.

1150-5100	For the office of the commission; provided, that all positions except clerical are exempted from the provisions of chapter thirty-one of the General Laws; including not more than fifty-nine permanent positions	\$816,702
1150-5110	For administration of the Springfield office	36,986
1150-5120	For administration of the New Bedford office	23,164
1150-5130	For administration of the Worcester office	22,453

Contributory Retirement Appeal Board.

1160-1000	For the expenses of the board	\$1,650
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Finance Advisory Board.

1170-1000	For the expenses of the board	\$100
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Retirement Law Commission.

1180-1000	For the administration of the commission, including not more than two permanent positions	\$37,340
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Department of Corporations and Taxation.

1201-0100	For personal services of the department except as otherwise provided, including not more than eighty permanent intermittent positions, and including not more than one thousand four hundred and fifteen permanent positions; provided, that new	
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Item

supervisory positions created in this item shall be filled by persons currently employed in the department \$12,321,576

Highway Fund 6.0%

General Fund 94.0%

1201-1100 For the expenses of the department except as provided in other items contained in this section; provided, that the comptroller shall transfer to the General Fund the sum of one hundred and twenty-nine thousand dollars from the receipts of the cigarette tax in accordance with the provisions of paragraph (B) of section twenty-eight of chapter sixty-four C of the General Laws 2,246,498

Highway Fund 2.5%

General Fund 97.5%

1201-2000 For certain tax audits of foreign corporations..... 306,775

Bureau of Accounts.

1231-0100 For the administration of the bureau, including the expenses of auditing and installing systems of municipal accounts and the expenses of certain books, forms and other material which may be sold to cities and towns requiring the same for maintaining their system of accounts; including not more than one hundred and twenty-six permanent positions \$1,561,200

1231-1000 For the administration of the county personnel board, including not more than six permanent positions 37,775

Bureau of Local Taxation.

1233-2000 For reimbursing cities and towns for abatements granted \$2,500,000

1233-3000 For reimbursing the city of Boston for loss of taxes on land for the government center 357,575

Appellate Tax Board.

1310-1000 For the personal services and expenses of the board; provided, that the board is hereby authorized to prepare official transcripts of hearings at no expense to the commonwealth and expend, in addition to the sum appropriated herein and without further appropriation, income derived from the sale of such transcripts; including not more than thirty-three permanent positions \$433,168

Division of Civil Service.

1400-0100 For the office of the division, including the compensation of the members of the commission and the expenses of hearings; provided, that, notwithstanding the provisions of any law to the contrary, the total annual compensation received by certain former employees may be increased to four thousand dollars; including not more than three hundred and sixty permanent positions \$3,905,600

Highway Fund 15.0%

General Fund 85.0%

Miscellaneous.

1500-0001 For the contribution of the commonwealth toward the maintenance of the old provincial state house \$1,500

1599-0001 For the payment of certain annuities and pensions of soldiers and others under the provisions of certain acts and resolves 12,500

Item		
1599-0002	For the payment, with the approval of the comptroller, of expenses of prior fiscal years for which no funds are available in the current fiscal year; provided, that no payments shall be made unless the subsidiary account item to which the deficiency is to be charged contained a balance sufficient to meet the required payments	\$25,000
1599-0003	For payment to claimants, as authorized by section one hundred and forty-nine D of chapter one hundred and seventy-five of the General Laws, and for reimbursement of other persons for funds previously deposited in the treasury of the commonwealth and escheated to the commonwealth	20,000
1599-0004	For the payment of claims for unpaid checks, with the approval of the state treasurer and certification by him to the comptroller of the amount due, where payment has otherwise been prevented as a result of the application of section thirty-two of chapter twenty-nine of the General Laws	2,500
1599-0020	For the payment, with the approval of the comptroller, of expenses of prior fiscal years for which no funds are available in the current fiscal year; provided, that no payments shall be made unless the subsidiary account item to which the deficiency is to be charged contained a balance sufficient to meet the required payments	5,000
	Highway Fund	100.0%

Unassigned Accounts.

Unforeseen Emergencies.

- 1599-2014 For a reserve to meet unforeseen emergencies, the governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated to other appropriation items where the amounts otherwise available are insufficient, such amounts as are necessary to protect the public interest; provided, that no transfer shall be made as authorized herein until the existence of the said unforeseen emergency shall have been certified by the agency and by the secretary having jurisdiction over the requesting agency and that the existence of the said unforeseen emergency shall have been verified by the house and senate committees on ways and means; and provided further, that the governor, upon recommendation of the commissioner of administration, is authorized to allocate the amount of the said transfers to the several state or other funds to which such items of appropriation are charged \$500,000
- 1599-2015 For a reserve to meet the cost of salary adjustments as authorized by chapter four hundred and twenty-six of the acts of nineteen hundred and seventy-three; provided, that the governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated to other items of appropriation for the fiscal year nineteen hundred and seventy-four, which are available in whole or in part for personal services, such amounts as are necessary to meet the cost of said adjustments for the fiscal year nineteen hundred and seventy-four, to be in addition to amounts otherwise appropriated for said services for said fiscal year; and provided further that the governor, upon recommendation of the commissioner of administration, is further authorized to allocate the cost of such salary adjustments to the several state or other funds to which such items of appropriation are charged 8,000,000

Item

1599-3100	For the payment of certain employment security benefits	<u>\$750,000</u>
	Total, Administration and Finance	<u>\$81,758,281</u>

Executive Office of Environmental Affairs.

Office of the Secretary.

2000-0100	For the office of the secretary, including not more than five permanent positions	\$173,570
	General Fund	16.0%
	MDC Water District Fund	20.0%
	MDC Sewerage District Fund	15.0%
	MDC Parks District Fund	14.0%
	State Recreation Areas Fund	6.0%
	Marine Fisheries Fund	3.0%
	Inland Fisheries and Game Fund	2.0%
	Public Access Fund	1.0%
	Agricultural Purposes Fund	1.0%
	Highway Fund	22.0%

2000-0200	For the administration and review of environmental impact reports pursuant to section two of chapter seven hundred and eighty-one of the acts of nineteen hundred and seventy-two, including not more than four permanent positions	68,915
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	General Fund	16.0%
	MDC Water District Fund	20.0%
	MDC Sewerage District Fund	15.0%
	MDC Parks District Fund	14.0%
	State Recreation Areas Fund	6.0%
	Marine Fisheries Fund	3.0%
	Inland Fisheries and Game Fund	2.0%
	Public Access Fund	1.0%
	Agricultural Purposes Fund	1.0%
	Highway Fund	22.0%

Outdoor Advertising Division.

2100-1000	For the office of the division, including not more than eleven permanent positions	\$107,228
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World War II Memorial Commission.

2200-1000	For the administration and maintenance of a certain World War II memorial, as provided in section one hundred and twenty-four of chapter six of the General Laws	\$4,875
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Metropolitan District Commission.

Notwithstanding any other provision of any general or special law to the contrary, the salaries of all officers and employees of the commission shall be charged in full to appropriations authorized under this heading:

Administration.

2410-1000	For general administration, including not more than sixty-two positions	\$817,487
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Item

Highway Fund	25.0%
MDC Parks District Fund	25.0%
MDC Sewerage District Fund	25.0%
MDC Water District Fund	25.0%

Metropolitan Water System.

2420-0100	For the maintenance and operation of the metropolitan water system, including payments to the state retirement system under the provisions of the General Laws, and including not more than five hundred and ninety-six permanent positions	\$7,403,500
	MDC Water District Fund	100.0%
2425-9001	For emergency repairs to water mains, prior appropriation continued	15,000
	MDC Water District Fund	100.0%
2425-9003	For the purchase of certain pipe and valve stock....	5,000
	MDC Water District Fund	100.0%
2426-9008	For phase two of the conversion of the Hyde Park pumping station	170,000
	MDC Water District Fund	100.0%
2426-9009	For the cleaning of certain sewer mains in the Rutland-Holden-Worcester area	30,000
	MDC Water District Fund	100.0%
2426-9010	For the renovations and replacement of the electrical system at Chestnut Hill pumping station	100,000
	MDC Water District Fund	100.0%
2426-9011	For installation and equipment for the flow of water and smoke emission at Chestnut Hill pumping station	15,000
	MDC Water District Fund	100.0%

Metropolitan Sewerage District.

2430-0100	For the maintenance and operation of a system of sewage disposal for the metropolitan sewerage district, including payments to the state retirement system under the provisions of the General Laws, and including not more than five hundred and sixty-three permanent positions	\$7,314,000
	MDC Sewerage District Fund	100.0%
2434-9008	For the installation and equipment for an alternate gas line at Nut Island treatment plant	30,000
	MDC Sewerage District Fund	100.0%
2434-9010	For the replacement of certain gates, frames and valves at the Charlestown pumping station, to be in addition to any amount heretofore appropriated for this purpose	95,000
	MDC Sewerage District Fund	100.0%
2434-9012	For the overhaul of certain pumping units at Charlestown pumping station	30,000
	MDC Sewerage District Fund	100.0%
2434-9013	For the installation of certain gas burners at Nut Island treatment plant	12,550
	MDC Sewerage Fund	100.0%
2434-9016	For a chain link fence in the East Boston and in the Winchester yards	11,500
	MDC Sewerage District Fund	100.0%

Metropolitan Parks District.

Item		
2440-0010	For the maintenance of boulevards and parkways, including Bunker hill and the adjacent property, and for the maintenance of parks, reservations and the Charles River basin, and for the payment of damages caused by defects in boulevards and parkways under the control of the commission with the approval of the attorney general, including payments to the state retirement system under the provisions of the General Laws; provided, that, notwithstanding any provisions of chapter thirty-one of the General Laws, members of the metropolitan district commission police force may be temporarily allocated to special secondary ratings in accordance with the schedule approved by the joint committees on ways and means, a copy of which is on file with the director of personnel and standardization; including not more than one thousand four hundred and eleven permanent positions	\$22,491,950
	Highway Fund	60.0%
	MDC Parks District Fund	39.0%
	General Fund	1.0%
2442-9032	For the clearing, cleaning, dredging and control of pollution of certain rivers, brooks, lakes, ponds and streams; provided, that federal or other funds may be expended for these purposes, said federal or other funds to be in addition to the amount appropriated, prior appropriation continued	
	MDC Parks District Fund	100.0%
2442-9033	For tree care, plantings and paths on metropolitan district commission reservations and clearing of forests and reservations; provided, that federal funds may be expended for these purposes, said federal funds to be in addition to the amount appropriated herein; prior appropriation continued	50,000
	MDC Parks District Fund	100.0%
2443-3901	For the operation and management of the Franklin Park and Walter D. Stone zoological parks	200,000
	MDC Parks District Fund	100.0%
2444-5511	For the purpose of initiating a sailing program in Pleasure bay in South Boston, including the purchase of docking facilities, sailing boats, and other related equipment, prior appropriation continued	25,000
	MDC Parks District Fund	100.0%
2444-9001	For the construction, reconstruction and improvement of boulevards and parkways, including bridges, and including the resurfacing and repairing thereof and the installation of traffic lights thereon; provided, however, that adequate lighting is installed on the Jamaica way and the Riverway and that a traffic signal be installed at the intersection of Bynner street and Willow Pond road on the Jamaica way	500,000
	Highway Fund	100.0%
2444-9002	For the purchase of certain highway maintenance equipment	200,000
	Highway Fund	100.0%
2444-9003	For certain payments for the use of facilities of the museum of science	100,000
	MDC Parks District Fund	100.0%
2444-9004	For certain payments for the maintenance and use of the Trail-side museum	50,000
	MDC Parks District Fund	100.0%

Item		
2444-9006	For the expenses of holding band concerts	\$25,000
	MDC Parks District Fund	100.0%
2444-9008	For certain recreation repairs and renovations at Camp Meigs and Moynihan and Colella playgrounds, to be in addition to any other federal or state funds or assistance which may be made available, prior appropriation continued	
	MDC Parks District Fund	100.0%
2444-9017	For certain payments to the children's museum	50,000
	MDC Parks District Fund	100.0%
2444-9032	For the construction of a maintenance building, including equipment, office space, work shop, locker room and storage area for the Hyde Park, Roslindale and Milton areas, to be in addition to any federal funds available for said purpose ..	350,000
	MDC Parks District Fund	100.0%
2450-1000	For the personal services and expenses related to employees previously paid from highway bond funds	475,000
	Highway Fund	100.0%

Construction Division.

2460-1000	For the maintenance of the construction division, including the personal services and expenses relating to employees previously paid from metropolitan water district bond funds and including payments to the state retirement system; provided, that, notwithstanding any provisions of any general or special law to the contrary, effective, December 30, 1973, all officers and positions shall be subject to classification under sections forty-five to fifty, inclusive, of chapter thirty of the General Laws	\$3,870,000
	MDC Sewerage District Fund	49.0%
	MDC Water District Fund	49.0%
	General Fund	2.0%

Department of Agriculture.

2511-0100	For the office of the commissioner, including the expenses of the board of agriculture, and including not more than twenty-nine permanent positions	\$278,973
	Agricultural Purposes Fund	50.0%
	General Fund	50.0%
2512-1000	For apiary inspection and for reimbursement of owners of diseased bees, including not more than one permanent position	13,379

Division of Poultry and Poultry Products.

2513-1000	For the office of the division, including not more than six permanent positions	\$84,877
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Division of Dairying and Animal Husbandry.

2514-1000	For the office of the division, including not more than twenty permanent positions	\$223,107
2514-2000	For a program of quality improvement of dairy products; provided, that the sum appropriated herein shall be expended with at least an equivalent amount of federal grants for the purposes of this item	6,071

Division of Animal Health.

2515-1000	For the office of the division, including not more than twenty-eight permanent positions	\$308,031
	Agricultural Purposes Fund	100.0%

Item

2515-3000	For the reimbursement of owners of diseased cattle slaughtered, prior appropriation continued	\$5,000
2515-3500	For the reimbursement for hogs killed	5,000
	Agricultural Purposes Fund	100.0%
2515-4000	For the reimbursement of certain towns for compensation paid to inspectors of animals	2,500
	Agricultural Purposes Fund	100.0%

Division of Markets.

2516-1000	For the office of the division, including not more than twelve permanent positions	\$171,800
2516-1500	For promoting agriculture in the commonwealth ..	100,000
	Agricultural Purposes Fund	100.0%
2516-2000	For a program of preparing crop survey reports; provided, that the sum appropriated herein shall be expended with at least an equivalent amount of federal grants for said program 7,195	
2516-7000	For a program of improving roadside marketing; provided, that the sum appropriated herein shall be expended with at least an equivalent amount of federal grants for said program 4,800	

Division of Plant Pest Control.

2517-1000	For the office of the division, including not more than four permanent positions	\$56,420
2517-1100	For control of European chafer	1,455

Division of Fairs.

2518-1000	For the office of the division and for state prizes and agricultural exhibits, including allotment of funds for the 4-H activities, prior appropriation continued; including not more than three permanent positions	\$296,585
	Agricultural Purposes Fund	100.0%
2518-1010	For the display of exhibits at certain fairs	200,000
	Agricultural Purposes Fund	100.0%
2518-1020	For the administration of the thoroughbred breeders fund 13,875	
	Agricultural Purposes Fund	100.0%
2518-1021	For certain prizes	50,000
	Agricultural Purposes Fund	100.0%
2518-1030	For the administration of the Massachusetts standard bred agricultural fair and breeding fund committees	3,900
	Agricultural Purposes Fund	100.0%
2518-1031	For certain prizes	50,000
	Agricultural Purposes Fund	100.0%

State Reclamation Board.

2520-0100	For the office of the board, including not more than three permanent positions	\$39,093
2520-0200	For the commonwealth's share of the greenhead fly control program	6,500

For the expenses of the following mosquito control projects:

2520-0300	Cape Cod	\$230,320
	Mosquito and Greenhead Fly Control Fund	100.0%
2520-0301	For the renovation and repair of a certain culvert at Pilgrim lake	21,890
	Mosquito and Greenhead Fly Control Fund	100.0%

Item		
2520-1100	Berkshire county	\$182,629
	Mosquito and Greenhead Fly Control	
	Fund	100.0%
2520-1200	Norfolk county	201,408
	Mosquito and Greenhead Fly Control	
	Fund	100.0%
2520-1300	Bristol county	152,126
	Mosquito and Greenhead Fly Control	
	Fund	100.0%
2520-1400	Plymouth county	174,508
	Mosquito and Greenhead Fly Control	
	Fund	100.0%
2520-1500	Essex county, city of Revere and town of Winthrop	186,900
	Mosquito and Greenhead Fly Control	
	Fund	100.0%

Department of Natural Resources.

2600-0100	For the office of the commissioner, including the expenses of the natural resources board, and including not more than forty-four permanent positions; provided, that the position of deputy commissioner shall not be subject to the provisions of chapter thirty-one of the General Laws	\$639,866
	General Fund	77.8%
	Public Access Fund	2.3%
	State Recreation Areas Fund	16.5%
	Marine Fisheries Fund	3.0%
	Inland Fisheries and Game Fund	0.4%
2600-1491	For the maintenance, operation and improvement of public access land and water areas, as authorized by section seventeen A of chapter twenty-one of the General Laws	32,000
	Public Access Fund	100.0%
2600-1492	For the acquisition of certain land and water areas, as authorized by section seventeen A of chapter twenty-one of the General Laws	166,000
	Public Access Fund	100.0%
2600-1495	For certain construction, as authorized by section seventeen A of chapter twenty-one of the General Laws	326,100
	Public Access Fund	100.0%

Division of Forests and Parks.

2610-1000	For the office of the division, including not more than fourteen permanent positions	\$171,305
	General Fund	50.0%
	State Recreation Areas Fund	50.0%
2611-0100	For the office of the bureau of recreation, including not more than one hundred and sixty-five permanent positions	3,229,921
	State Recreation Areas Fund	100.0%
2611-1000	For the administration of public beaches, including not more than five permanent positions	53,220
	State Recreation Areas Fund	100.0%
2611-1100	For the maintenance of Fort Phoenix beach	57,247
	State Recreation Areas Fund	100.0%

Item	
2611-1200	For the maintenance of Horseneck beach, including not more than one permanent position \$269,387 State Recreation Areas Fund 100.0%
2611-1300	For the maintenance of Salisbury beach, including not more than three permanent positions 343,353 State Recreation Areas Fund 100.0%
2611-1400	For the maintenance of Scusset beach, including not more than one permanent position 95,610 State Recreation Areas Fund 100.0%
2611-2100	For the administration and maintenance of swimming pools and skating rinks; provided, that the provisions of chapter thirty-one of the General Laws shall not apply to this item 3,461,168 State Recreation Areas Fund 100.0%
2611-9006	For the improvement of roads in state forests, state parks and state reservations, prior appropriation continued. State Recreation Areas Fund 100%
2612-1000	For the development of forests, including not more than five permanent positions 146,014
2612-9002	For a federal-state cooperative forest management program and for certain farm forestry projects in cooperation with the United States Forest Service and the counties of Berkshire, Essex and Hampshire; provided, that no expenditures shall be made under this item for a farm forestry projects until the county shall have deposited in the state treasury an amount equal to twenty-five per cent of the expenses of such projects, as determined by the commissioner of natural resources; including not more than thirteen permanent positions 162,900
2613-0001	For the office of the state fire warden and for expenses of the northeastern interstate forest fire protection commission and for compensation of commissioners; provided, that federal funds not exceeding three thousand dollars may be expended for the purpose of certain machinery repairs, said federal funds to be in addition to the amount herein appropriated; including not more than sixty-one permanent positions 800,955
2613-0002	For the administration of the forest fire patrol, including not more than seventeen permanent positions 162,550
2614-1000	For the suppression of insect pests and shade tree diseases, including gypsy and brown tail moths and Japanese beetles, and including not more than thirty-four permanent positions 319,950
2614-1002	For a certain study of the gypsy moth and a test control program in cooperation with the United States forest service; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities for full reimbursement of the amounts so expended and, provided further, that said program shall be terminated within eighteen months from the effective date of this appropriation 17,610

Division of Law Enforcement.

2620-0100	For the office of the division, including not more than seventy-seven permanent positions \$1,023,116 Inland Fisheries and Game Fund 26.0% Marine Fisheries Fund 24.0% State Recreation Areas Fund 5.0% General Fund 45.0%
2620-0300	For the hunter safety training program 41,170 Inland Fisheries and Game Fund 100.0%

Division of Conservation Services.

Item		
2630-1000	For the office of the division, including the expenses for the committee for conservation, and including not more than fifteen permanent positions	\$225,625
2630-1200	For assistance to community conservation commissions in the acquisition of conservation lands	1,000,000
2630-1241	For the administration of a land and water conservation program, including not more than eight permanent positions	88,490
	State Recreation Areas Fund	100.0%

Division of Marine Fisheries.

2640-0001	For the office of the division, and for the administration of the activities provided for under item 1040-1361, including not more than twenty-five permanent positions	\$370,390
	Marine Fisheries Fund	100.0%
2640-0004	For the expenses of the marine fisheries advisory commission	1,800
	Marine Fisheries Fund	100.0%
2640-0100	For expenses of the Cat cove marine research station	69,915
	Marine Fisheries Fund	100.0%
2640-1311	For a program of estuarine research	131,575
	Marine Fisheries Fund	100.0%
2640-1341	For the operation of the shellfish treatment plant at Newburyport	79,656
	Marine Fisheries Fund	100.0%
2640-1361	For the reimbursement to certain coastal cities and towns of a part of the cost of projects for the suppression of enemies of shellfish and for propagation; provided, that the expenditures by said cities and towns herein provided shall not be subject to appropriation as required by section fifty-three of chapter forty-four of the General Laws	22,000
	Marine Fisheries Fund	100.0%

Expenditures from the following items shall be contingent upon the prior approval of the proper federal authorities for reimbursement of at least fifty per cent of the amounts so expended:

2640-1372	For the collection, compilation, evaluation and dissemination of commercial fisheries statistics	\$26,859
	Marine Fisheries Fund	100.0%
2640-1373	For a program, in cooperation with the Woods Hole laboratory of the bureau of commercial fisheries, to increase the knowledge of coastal flounder population	28,408
	Marine Fisheries Fund	100.0%
2640-1374	Coordination of commercial fisheries research and development work	45,951
	Marine Fisheries Fund	100.0%
2640-1375	For consumer education in and the development of Massachusetts fishery products	99,000
	Marine Fisheries Fund	100.0%
2640-1376	For an investigation of the use of anadromous fish	27,829
	Marine Fisheries Fund	100.0%
2640-1377	For the improvement of the program for the protection of shellfish	18,428
	Marine Fisheries Fund	100.0%

Item		
2640-1379	Lobster Aquaculture Research	\$42,729
	Marine Fisheries Fund	100.0%
2640-1383	For the commercial fisheries extension service	48,000
	Marine Fisheries Fund	100.0%
2640-1384	For a program to study the alewife run parameters	11,000
	Marine Fisheries Fund	100.0%

Division of Mineral Resources.

2650-1000	For the office of the division	\$143,379
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Division of Fisheries and Game.

Federal funds received as reimbursements for expenditures from the following items shall be credited as income to the Inland Fisheries and Game Fund:

2670-0001	For the office of the division, including expenses of the fish and game board; including not more than twenty permanent positions	\$262,165
	Inland Fisheries and Game Fund	100.0%
2670-2300	For the administration of the fish hatcheries and for the improvement and management of lakes, ponds and rivers, including not more than fifty-two permanent positions	755,286
	Inland Fisheries and Game Fund	100.0%
2670-2322	For certain anadromous fish restoration programs; provided, that expenditures from this item shall be contingent upon prior approval of the proper federal authorities for reimbursement of at least fifty per cent of the amount so expended	22,000
	Inland Fisheries and Game Fund	100.0%
2670-2341	For the contribution of the department of natural resources towards a cooperative fisheries research project, in accordance with a contract with the federal government, to be expended by the University of Massachusetts	10,000
	Inland Fisheries and Game Fund	100.0%
2670-2342	For fish restoration projects, including not more than five permanent positions	83,480
	Inland Fisheries and Game Fund	100.0%
2670-2401	For the administration of game farms and for wildlife research and management, including not more than forty-eight permanent positions	634,143
	Inland Fisheries and Game Fund	100.0%
2670-2441	For the contribution of the department of natural resources towards a cooperative wildlife research project, in accordance with a contract with the federal government, to be expended by the University of Massachusetts	8,500
	Inland Fisheries and Game Fund	100.0%
2670-2451	For the payment of damages caused by wild deer, including not more than one permanent position, prior appropriation continued	10,587
	Inland Fisheries and Game Fund	100.0%
2670-2461	For the administration of a program for wildlife restoration projects, including not more than twenty-three permanent positions	257,765
	Inland Fisheries and Game Fund	100.0%

Division of Water Resources.

2681-0100	For the office of the division, including not more than twenty permanent positions	\$238,377
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Item	
2681-0102	For property surveys for establishment of flood plain limits in Assabet and Chicopee river valleys \$10,000
2681-0200	For a program of water planning; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities and shall be expended with at least sixty-six thousand five hundred dollars of federal funds for the purposes of this item; including not more than six permanent positions 105,090
2681-0501	For the administration of the Thames river valley flood control commission 600
2681-0502	For the administration of the Connecticut river valley flood control commission and for reimbursement for loss of taxes 21,402
2681-0503	For the administration of the Merrimack river valley flood control commission 64,761
2681-0506	For expenses of the Ipswich river watershed district commission; provided, that the state treasurer shall assess upon the several cities and towns in the district an amount equal to such expenditures, one half of said assessment to be in proportion to the equalized valuation of cities and towns of said district, as established in section ten C of chapter fifty-eight of the General Laws, and one half to be in proportion to their respective population 12,000
2681-0801	For the expenses of a certain flood control project in the town of New Marlborough 150
2681-0802	For the expenses of the flood control reservoirs on the Clam river watershed 5,000
2681-0803	For the expenses of the flood control reservoirs on the Quaboag river watershed 8,000
2681-0804	For the expenses of the flood control reservoirs on the SuAsCo watershed 10,000
2681-0805	For the commonwealth's share of the cost of a federal-state cooperative water favorability study 96,000
2681-0806	For the commonwealth's share of the cost of a federal-state cooperative water reservoir site study 60,000
2681-0807	For the commonwealth's share of the New England river basin commission 45,130

Division of Water Pollution Control.

2685-0010	For the office of the division; provided, that any federal funds available for this purpose shall, when received, shall be credited to the General Fund, including not more than thirty-seven permanent positions \$880,110
2685-8000	For the compensation and expenses of the New England interstate water pollution control commission; provided, that the limitation contained in Article VIII of chapter four hundred and twenty-one of the acts of nineteen hundred and forty-seven shall be increased to eighteen thousand six hundred dollars 20,925
2685-9000	For reimbursement to the metropolitan district commission and any city or town or other political subdivision for the commonwealth's share of water pollution abatement projects 1,149,436

Total, Environmental Affairs \$66,412,044

Executive Office of Communities and Development.

Office of the Secretary.

3000-0100	For the office of the secretary, including not more than four permanent positions \$120,160
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Item

General Fund	60.0%
Tourism and Industrial Promotion	
Fund	40.0%

American and Canadian French Cultural Exchange Commission.

3300-1000	For the expenses of the American and Canadian French cultural exchange commission	\$12,500
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Department of Commerce and Development.

3600-0100	For the administration of the department, including not more than eighty-nine permanent positions	\$1,198,630
	Tourism and Industrial Promotion	
	Fund	100.0%

Division of Tourism.

3622-1000	For the operation of tourist information booths; provided, that all positions in this item shall not be subject to chapter thirty-one of the General Laws; and including not more than six permanent positions	\$45,776
	Tourism and Industrial Promotion	
	Fund	100.0%
3622-9001	For the promotion of vacation travel within the commonwealth; provided, that no salaries or expenses of employees shall be chargeable to this item	650,000
	Tourism and Industrial Promotion	
	Fund	100.0%

Division of Economic Development.

3632-9001	For the promotion of industry within the commonwealth; provided, that no salaries or expenses of employees shall be chargeable to this item	\$450,000
	Tourism and Industrial Promotion	
	Fund	100.0%

Massachusetts Science and Technology Foundation.

3690-0010	For the expenses of the Massachusetts Science and Technology Foundation; provided, that the foundation shall reimburse the commonwealth for appropriation made herein	\$100,000
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Department of Community Affairs.

Administration.

3700-0100	For the general administration of the department, including not more than eighty-four permanent positions	\$2,070,537
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Division of Community Development.

3722-9001	For certain financial assistance for housing projects for the elderly	\$9,305,930
3722-9002	For certain financial assistance for housing projects for veterans	7,560,000
3722-9003	For a program of financial assistance for certain low income housing, prior appropriation continued.	
3722-9004	For a program of rental assistance for families of low income; provided, that notwithstanding any provision of law to the contrary, first preference for admission shall be granted to the eligible elderly; and, provided further, that not more than ten per cent of the appropriation available in this item may be	

Item		
	used for administration of said program, prior appropriation continued	\$4,000,000
3722-9005	For reimbursement to housing authorities for deficiencies caused by certain reduced rentals; provided, that no payment shall be made from this item until the said deficiencies have been certified by the state comptroller	1,217,820
3722-9006	For reimbursements to housing authorities for certain operating deficits, including deficiencies caused by certain reduced rentals; provided, that no payment shall be made from this item until said deficiencies have been certified by the state comptroller	3,871,000
3722-9007	For a reserve to meet the cost of extraordinary maintenance of a housing authority; provided, that any expenditure from this item which exceeds six thousand dollars shall be subject to the prior approval of the commissioner of administration and the house and senate committees on ways and means; prior appropriation continued.	
3722-9101	For reimbursement of cities and towns for the commonwealth's share of federally aided urban renewal	3,500,000
3722-9102	For reimbursement of cities and towns for the commonwealth's share of certain nonfederally aided urban renewal projects; provided, that, notwithstanding the provisions of any law to the contrary, an amount not exceeding one hundred thousand dollars in the current fiscal year may be authorized by the department for surveys, plans, and administration; and provided further, that, notwithstanding the provision of any law to the contrary, an amount not exceeding nine hundred thousand dollars in the current fiscal year may be authorized for urban renewal assistance grants	1,000,000
3722-9201	For an interest subsidy program; provided, that, notwithstanding any other provisions of law to the contrary, expenditures made hereunder shall be subject to the approval of the commissioner of community affairs	2,000,000

Division of Community Services.

3731-2003	For expenses of community development and housing program services	\$150,000
3732-0010	For the expenses of a community development training program	140,000
3732-2022	For the expenses of a model cities assistance program; provided, that expenditures from this item shall be contingent upon prior approval by the proper federal authorities and assurance by such authorities that the federal allocation for this purpose will be not less than fifty-five thousand dollars, prior appropriation continued	55,000
3735-9001	For the commonwealth's share of the cost of certain federally aided studies of district planning commissions established under the provisions of chapter forty B of the General Laws and of county and other regional planning agencies, except such agencies as are directly financed by state appropriations; provided, that the commonwealth's share of the cost of such planning projects shall not exceed the contribution assessed on the constituent cities and towns within such districts	30,000
3735-9011	For the administration of the state building code commission	170,000

Total, Communities and Development \$37,647,353

Executive Office of Human Services.

Office of the Secretary.

Item

4000-0100	For the office of the secretary, including not more than eight permanent positions	\$676,123
4000-0200	For a program to assist the state hospitals and clinics in the collection of revenues and fees and the preparation of necessary documents to effectuate certain rate increases	400,000
4000-1502	For the comprehensive health planning project	45,000

Massachusetts Commission for the Blind.

4110-0001	For the office of the commissioner, including not more than fifteen permanent positions	\$147,703
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Bureau of Medical Care.

4110-1000	For administration of the bureau, including not more than fifty-four permanent positions	\$197,341
4110-1010	For aiding the adult blind, prior appropriation continued	3,486,400
4110-1020	For administration of a program of medical assistance, including not more than five permanent positions	268,083
4110-1030	For the commonwealth's share of certain medical assistance programs, including medical supplies and equipment, and including previous fiscal years	3,301,094

Bureau of Individual Services.

4110-2000	For administration of a program of individual services, including not more than two permanent positions	\$8,178
4110-2010	For administration of a talking book program, including not more than three permanent positions	72,263
4110-2020	For administration of a home teaching program, including not more than nineteen permanent positions	51,740
4110-2030	For administration of a children's services program, including not more than seven permanent positions	31,866

Bureau of Rehabilitation.

4110-3000	For administration of the bureau, including not more than two permanent positions	\$17,577
4110-3010	For a program of vocational rehabilitation of the blind in cooperation with the federal government, prior appropriation continued	512,423

Bureau of Industrial Aid and Workshops.

4110-4000	For the administration of the bureau, including not more than three permanent positions	\$32,005
4110-4010	For operation of local shops, including not more than fourteen permanent positions	454,921
4110-4020	For operation of the salesroom and other expenses in connection with the sale of items made by blind persons; provided, that any funds herein made available for space rental may be applied to a five-year lease; including not more than four permanent positions	54,728
4110-4030	For operation of the Cambridge industries for the blind; provided, that any funds herein made available for space rental may be applied to a five-year lease; including not more than eleven permanent positions	840,653
4110-4040	For the administration and operation of the service of piano tuning	47,500
4110-4050	For certain payments to blind persons	112,500

Bureau of Research.

Item		
4110-5000	For the administration of the bureau, including not more than four permanent positions	\$25,612

Massachusetts Rehabilitation Commission.

4120-0010	For the administration of the commission, including not more than one permanent position, prior appropriation continued	\$3,209,113
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Office for Children.

4130-0001	For the office of the director, including not more than fifty permanent positions	\$681,300
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Region One.

4131-1000	For administration, including not more than ten permanent positions	\$310,553
4131-2000	For certain services to children with special needs; provided, that any expenditure from this item shall be contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent	275,000

Region Two.

4132-1000	For administration, including not more than ten permanent positions	\$244,253
4132-2000	For certain services to children with special needs; provided, that any expenditure from this item shall be contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent	200,000

Region Three.

4133-1000	For administration, including not more than ten permanent positions	\$240,103
4133-2000	For certain services to children with special needs; provided, that any expenditure from this item shall be contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent	200,000

Region Four.

4134-1000	For administration, including not more than ten permanent positions	\$298,478
4134-2000	For certain services to children with special needs; provided, that any expenditure from this item shall be contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent	275,000

Region Five.

4135-1000	For administration, including not more than ten permanent positions	\$243,053
4135-2000	For certain services to children with special needs; provided, that any expenditure from this item shall be contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent	200,000

Region Six.

4136-1000	For administration, including not more than ten permanent positions	\$239,503
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- 4136-2000 For certain services to children with special needs; provided, that any expenditure from this item shall be contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent \$200,000

Region Seven.

- 4137-1000 For administration, including not more than ten permanent positions \$246,753
4137-2000 For certain services to children with special needs; provided, that any expenditure from this item shall be contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent 200,000

Other.

Health and Welfare Commission.

- 4140-0100 For the office of the commission, including not more than three permanent positions \$40,220

Advisory Council on Home and Family.

- 4150-0100 For expenses of the council \$11,000

State Council on Juvenile Behavior.

- 4160-0100 For the administration of the council, including not more than two permanent positions \$25,400

Boxers' Fund Board.

- 4161-0001 For the expenses of the board \$250

Commissioner of Veterans' Services.

- 4170-0010 For the office of the commissioner, including not more than ninety permanent positions \$884,254
4170-0300 For the payment of annuities to certain disabled veterans 200,000
4170-0400 For reimbursing cities and towns for money paid for veterans benefits 18,000,000
4170-0500 For reimbursing cities and towns for financial aid granted to certain needy dependents of persons in the service of the armed forces 100,000

Soldiers' Home in Massachusetts.

- 4180-0100 For the maintenance of the home, including not more than six hundred and twenty-four permanent positions \$7,041,000

Soldiers' Home in Holyoke.

- 4190-0100 For the maintenance of the home, including not more than three hundred and six permanent positions \$3,382,000

Department of Youth Services.

- 4200-0010 For the administration of the department, including not more than one hundred and twenty-five permanent positions \$1,584,126
4202-0021 For certain care programs, residential or nonresidential; provided, that no expenditure shall be made for residential care under this item unless the rate setting commission, in accordance with the procedure established by section thirty L of

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	chapter seven of the General Laws, shall have approved the rate of compensation for said residential care. The rate setting commission shall immediately upon approval of said rates file a schedule of the approved rates with the comptroller and the house and senate committees on ways and means	\$5,000,000
4202-0022	For LEAA hard cash match	400,000
4205-0010	For the maintenance of detention centers in metropolitan Boston, including not more than thirty-nine permanent positions	453,259
	<i>Bureau of Educational Services.</i>	
4210-1000	For reimbursement of cities and towns for tuition, including transportation to and from school, of children attending public schools	\$25,000
	<i>Bureau of Clinical Services.</i>	
	<i>For the administration and maintenance of and for certain improvements at the institutions within the bureau:</i>	
4221-1010	Judge John J. Connelly Youth Center in the city of Boston, including not more than seventy permanent positions	\$845,616
4223-1010	Detention center in Hampden county, including not more than twenty-four permanent positions	270,646
4224-1010	Detention center in Worcester county, including not more than twenty-eight permanent positions	318,390
	<i>Bureau of Institutional Services.</i>	
	<i>For the administration, maintenance of and for certain improvements at the institutions within the bureau:</i>	
4231-1010	Stephen L. French youth forestry camp, including not more than thirteen permanent positions	\$220,930
4232-1010	Residential treatment unit in Oakdale, including not more than thirty-three permanent positions	90,941
4233-1010	Industrial school for boys, including not more than twenty-five permanent positions	224,290
4234-1010	Industrial school for girls, including not more than twenty-five permanent positions	184,946
4235-1010	Lyman school for boys, including not more than twenty-five permanent positions	213,267
4236-1010	For the northeast training center and a residential treatment unit, including not more than fifty-four permanent positions	59,878
4237-1010	For the supervision, counseling and related services for certain residential care programs; provided, that no expenditure shall be made for residential care under this item unless the rate setting commission, in accordance with the procedure established by section thirty L of chapter seven of the General Laws, shall have approved the rate of compensation for said residential care. The rate setting commission shall immediately upon approval of said rates file a schedule of the approved rates with the comptroller and the house and senate committees on ways and means; including not more than three hundred and forty-six permanent positions	4,177,530
	<i>Bureau of After-care, Delinquency Prevention and Community Services.</i>	
4250-1100	For the commonwealth's share of delinquency prevention programs in certain cities and towns; provided, that expenditures from this item shall be contingent upon the prior approval of such programs by the commissioner of administration and shall	

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be expended with at least an equivalent amount of city, town, county, federal or private funds; and, provided further, that no expenditure or commitment made pursuant to this item shall be incurred in excess of funds which have been appropriated herein \$1,130,000

Department of Correction.

- 4311-0001 For administration; provided, that the persons employed under the division of classification of prisoners shall not be subject to the civil service law and rules; and, provided further, that, notwithstanding any provision of law to the contrary, the director of civil service shall certify to the commissioner of correction, on receipt of permanent requisitions, names of correction officers to fill permanent vacancies, and the salaries of such employees for the official training period shall be paid from this item; including not more than seventy-three permanent positions \$1,036,300

For the maintenance of and for certain improvements at the following institutions under the control of the department of correction:

- 4311-0002 For LEAA hard cash match \$75,000
 4312-0001 Correctional institution at Bridgewater, including not more than five hundred and eighty-six permanent positions 9,035,137
 4313-0001 Correctional institution at Walpole, including not more than three hundred and twenty-four permanent positions 4,427,287
 4313-2001 Correctional institution at Walpole, industries; provided, that the commissioner of correction shall determine the cost of the manufacture of motor vehicle registration plates and certify to the comptroller the amounts to be transferred therefor from the Highway Fund to the General Fund; and including not more than thirty-five permanent positions 1,880,990
 4313-9030 For certain renovations and repairs, prior appropriation continued.
 4314-0001 Correctional institution at Concord, including not more than two hundred and eighty-four permanent positions 4,092,543
 4314-2001 Correctional institution at Concord, industries, including not more than fifteen permanent positions 321,125
 4315-0001 Correctional institution at Framingham, including not more than one hundred and thirty-three permanent positions 1,763,300
 4315-2001 Correctional institution at Framingham, industries, including not more than ten permanent positions 177,488
 4316-0001 Correctional institution at Norfolk, including not more than two hundred and eighty-three permanent positions 4,687,934
 4316-2001 Correctional institution at Norfolk, industries, including not more than thirty-one permanent positions 587,800
 4317-0001 Correctional institution camps, including not more than thirty-nine permanent positions 759,448
 4341-0001 For a receptions diagnostic center 651,924
 4342-0001 For a pre-release guidance center 340,843

Parole Board.

- 4380-0001 For the office of the board; provided, that the position of employment officer, parole board, shall not be subject to the provisions of chapter thirty-one of the General Laws; including not more than one hundred and three permanent positions \$1,397,153
 4380-0002 For LEAA hard cash match 49,500

Department of Public Welfare.

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4400-1000	For the office of the commissioner; provided that any provisional or temporary employee shall be appointed from a civil service list; provided further, that the appropriations for the food commodity distribution program in this act shall not be expended for certain rentals of space; provided further, that the position of director of food distribution programs shall not be subject to chapter thirty-one of the General Laws; provided further, that the commissioner shall report in writing to the governor the total expenditures of his department for each month within thirty days after the end of each month, and said report shall be available to the public; provided further, that notwithstanding the provisions of section five of chapter eighteen of the General Laws, the consolidation of welfare service offices is hereby suspended; and provided further, that applications for all federal subventions and grants shall be subject to prior approval of the commissioner of administration and the house and senate committees on ways and means; including not more than five thousand one hundred and ninety-six permanent positions \$52,000,000
4400-1011	For the administration of a central automated vendor payment system; provided that any federal funds received for this purpose shall be credited to the General Fund 6,000,000
4400-1020	For the administration of certain donated fund programs, including personal services; provided, that the salaries of all employees of the department engaged in such programs shall be charged in full to this item; provided further, that, notwithstanding any provision of section seventeen B of chapter ten of the General Laws or any provision of section twelve of chapter eighteen of the General Laws, any expenditure from this item shall be contingent upon the receipt by the department, and the deposit with the state treasurer, of funds from any source, public or private, other than the commonwealth, in an amount equal to twenty-five per cent of such expenditures, and shall be further contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure, as authorized under Title IV-A of the Social Security Act of nineteen hundred and sixty-seven, shall be not less than seventy-five per cent of such expenditure; and, provided further, that acceptance of such funds shall be subject to the approval of the commissioner of administration, upon certification by the department of public welfare that no federal grants or reimbursements available for present or future programs other than those authorized in this item will be reduced or eliminated by the use of such grants or reimbursements for the purposes of this item 356,000
4400-1061	For the administration of the social services administrative unit; including not more than seventy-seven permanent positions 739,510

Grove Hall Project.

4400-2000	For administration of a demonstration project, linking, integrating and strengthening services in a neighborhood service center program; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund \$400,000
4401-1000	For care and maintenance of children under the jurisdiction of the division of child guardianship; provided, that, notwithstanding the provisions of any law to the contrary, no increase in the rate paid to any institution or school shall be granted

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	or paid unless such increase shall have been approved in advance by the commissioner of administration after certification by the budget director that funds are available for said increase; and, provided further, that said commissioner shall notify in writing the house and senate committees on ways and means thirty days prior to the effective date of such increase	\$27,500,000
4401-2000	For tuition in the public schools, including transportation to and from school, of children boarded by the department for the twelve months of the prior fiscal year	1,300,000
4402-1000	For payment on account of medical assistance and permanent and total disability assistance for recipients at Tewksbury hospital	42,000
4402-2000	For payments on account of medical assistance and old age assistance for recipients at Tewksbury hospital	90,000
4402-3000	For payments on account of the programs of medical assistance-mental health and old age assistance-mental health	12,000,000
4402-4000	For reimbursement to cities and towns for a medical assistance program provided under Public Law 89-97 Title XIX, including certain families with dependent children, totally and permanently disabled persons, aged persons and certain individuals with insufficient resources to meet the cost of necessary medical services, prior appropriation continued.	
4402-5000	For a medical assistance program; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund; and provided further, that no expenditure or commitment made pursuant to this item or to any agreements authorized by said chapter eight hundred of the acts of nineteen hundred and sixty-nine, for the purpose of complying with the provisions of Public Law 89-97, Title XIX shall be incurred in excess of available funds which have been appropriated therefor	345,000,000
4402-5101	For a hospital admissions surveillance system in connection with the state medicaid program; provided, that any federal funds received for this program shall be credited to the General Fund	1,750,000
4403-2000	For a program of aid to families with dependent children; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund	298,600,000
4403-2010	For a program of protective services for children; provided, that, notwithstanding any provision of section seventeen B of chapter ten of the General Laws or any provision of section twelve of chapter eighteen of the General Laws, any expenditure from this item shall be contingent upon the receipt by the department, and the deposit with the state treasurer, of funds from any source, public or private, other than the commonwealth, equal to twenty-five per cent of such expenditures, and shall be further contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure, as authorized under Title IV-A of the Social Security Act of nineteen hundred and sixty-seven, shall be not less than seventy-five per cent of such expenditure; and, provided further, that acceptance of such funds shall be subject to the approval of the commissioner of administration, upon certification by the department that no federal grants or reimbursements available for present or future programs other than those herein authorized will be reduced or eliminated by the use of such grants or reimbursements for the purposes of this item; prior appropriation continued.	

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- 4403-2020 For a program of emergency care of children; provided, that, notwithstanding any provision of section seventeen B of chapter ten of the General Laws or any provision of section twelve of chapter eighteen of the General Laws, any expenditure from this item shall be contingent upon the receipt by the department, and the deposit with the state treasurer, of funds from any source, public or private, other than the commonwealth, equal to twenty-five per cent of such expenditures, and shall be further contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure, as authorized under Title IV-A of the Social Security Act of nineteen hundred and sixty-seven, shall be not less than seventy-five per cent of such expenditure; and, provided further, that acceptance of such funds shall be subject to the approval of the commissioner of administration, upon certification by the department that no federal grants or reimbursements available for present or future programs other than those herein authorized will be reduced or eliminated by the use of such grants or reimbursements for the purposes of this item; prior appropriation continued.
- 4403-2030 For a program of day care services; provided, that, notwithstanding any provision of section seventeen B of chapter ten of the General Laws or any provision of section twelve of chapter eighteen of the General Laws, any expenditure from this item shall be contingent upon the receipt by the department, and the deposit with the state treasurer, of funds from any source, public or private, other than the commonwealth, equal to twenty-five per cent of such expenditures, and shall be further contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure, as authorized under Title IV-A of the Social Security Act of nineteen hundred and sixty-seven, shall be not less than seventy-five percent of such expenditure; and, provided further, that acceptance of such funds shall be subject to the approval of the commissioner of administration, upon certification by the department that no federal grants or reimbursements available for present or future programs other than those herein authorized will be reduced or eliminated by the use of such grants or reimbursements for the purposes of this item; prior appropriation continued.
- 4403-2040 For a homemakers' service program; provided, that, notwithstanding any provision of section seventeen B of chapter ten of the General Laws or any provision of section twelve of chapter eighteen of the General Laws, any expenditure from this item shall be contingent upon the receipt by the department, and the deposit with the state treasurer, of funds from any source, public or private, other than the commonwealth, equal to twenty-five per cent of such expenditures, and shall be further contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure, as authorized under Title IV-A of the Social Security Act of nineteen hundred and sixty-seven, shall be not less than seventy-five per cent of such expenditure; and, provided further, that acceptance of such funds shall be subject to the approval of the commissioner of administration, upon certification by the department that no federal grants or reimbursements available for present or future programs other than those herein authorized will be reduced or eliminated by the use of such grants or reimbursements for the purposes of this item; prior appropriation continued.

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- 4403-2050 For a program of services for unwed mothers; provided, that, notwithstanding any provision of section seventeen B of chapter ten of the General Laws or any provision of section twelve of chapter eighteen of the General Laws, any expenditure from this item shall be contingent upon the receipt by the department, and the deposit with the state treasurer, of funds from any source, public or private, other than the commonwealth, equal to twenty-five per cent of such expenditures, and shall be further contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure, as authorized under Title IV-A of the Social Security Act of nineteen hundred and sixty-seven, shall be not less than seventy-five per cent of such expenditure; and, provided further, that acceptance of such funds shall be subject to the approval of the commissioner of administration, upon certification by the department that no federal grants or reimbursements available for present or future programs other than those herein authorized will be reduced or eliminated by the use of such grants or reimbursements for the purposes of this item; prior appropriation continued.
- 4403-2070 For a program of counseling and family life education, to provide related services in marital counseling, parent-child counseling, personality counseling, budgeting and nutritional counseling, and home management counseling; provided, that, notwithstanding any provision of section seventeen B of chapter ten of the General Laws or any provision of section twelve of chapter eighteen of the General Laws, any expenditure from this item shall be contingent upon the receipt by the department, and the deposit with the state treasurer, of funds from any source, public or private, other than the commonwealth, equal to twenty-five per cent of such expenditures, and shall be further contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure, as authorized under Title IV-A of the Social Security Act of nineteen hundred and sixty-seven, shall be not less than seventy-five per cent of such expenditure; and, provided further, that acceptance of such funds shall be subject to the approval of the commissioner of administration, upon certification by the department that no federal grants or reimbursements available for present or future programs other than those herein authorized will be reduced or eliminated by the use of such grants or reimbursements for the purpose of this item; prior appropriation continued.
- 4405-2000 For an old age assistance program, including state supplement to the federal program as authorized by Public Law 92-603; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund \$59,000,000
- 4406-2000 For a program of general relief, provided, that notwithstanding the provisions of any law to the contrary, no increase in the budgetary standard allowance, so called, shall be granted or paid unless such increase shall have been approved in advance by the commissioner of administration after certification by the budget director that funds are available for said increase; and, provided further, that said commissioner shall notify in writing the house and senate committees on ways and means thirty days prior to the effective date of said increase; and provided further, that after October first, nineteen hundred and seventy-one, every person eligible for an assistance check under chapter one hundred and seventeen of the General Laws,

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- determined by the department to be an employable person, shall receive such check from the nearest office of the division of employment security \$60,000,000
- 4407-2000 For a totally and permanently disabled persons program, including state supplement to the federal program authorized by Public Law 92-603; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund. 40,000,000
- 4409-3000 For assistance to United States citizens returned from foreign countries and for emergency assistance to resettled Cuban refugees, in cooperation with the federal government; provided, that the department shall bill the federal government for the amount expended for this purpose; and, provided further, that funds received from the federal government for said purpose shall be in addition to the amount appropriated herein; prior appropriation continued.

Department of Public Health.

Bureau of Administration.

- 4510-0100 For the office of the bureau, including not more than sixty permanent positions \$820,711
- 4510-0200 For the administration of certain research in connection with a health program for children and youths 8,115
- 4510-0300 For the administration of the drug formulary commission 7,500
- 4510-0700 For the administration of the medical assistance unit 556,120

Bureau of Environmental Sanitation.

- 4511-0100 For the office of the bureau, including not more than seventy-six permanent positions \$1,642,675
- 4511-0200 For the administration of the Lawrence experiment station, including not more than thirty-one permanent positions 418,303
- 4511-0300 For the administration of the metropolitan Boston air pollution control district, to be in addition to any federal funds available for the purpose; provided, that the commissioner shall certify the amounts to be assessed by the state treasurer upon the several cities and towns in the district; including not more than nine permanent positions 249,923
- 4511-0500 For the administration of the Pioneer valley air pollution control district, to be in addition to any federal funds available for the purpose; provided, that the commissioner shall certify the amounts to be assessed by the state treasurer upon the several cities and towns in the district; including not more than three permanent positions 81,980
- 4511-1200 For the administration of the Berkshire air pollution control district, to be in addition to any federal funds available for the purpose 9,135
- 4511-1300 For the administration of the central Massachusetts air pollution control district, to be in addition to any federal funds available for the purpose 31,774
- 4511-1400 For the administration of the Merrimack valley air pollution control district, to be in addition to any federal funds available for the purpose 31,742
- 4511-1700 For the administration of the southeastern Massachusetts air pollution control district, to be in addition to any federal funds available for the purpose 30,007
- 4511-9006 For the control of algae, weeds, and other aquatic nuisances in lakes, ponds, streams and other waters within the commonwealth to be in addition to any private or public funds avail-

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able for the purpose \$100,000
 Recreational Vehicle Fund 100.0%

Bureau of Chronic Disease Control.

4512-0011	For a long term care information system in connection with the state medicaid program; provided, that any federal funds received for this program shall be credited to the General Fund	\$750,000
4512-0100	For the office of the division of communicable and venereal diseases, including not more than twenty-four permanent positions	1,146,012
4512-0105	For a coordinated program of gonorrhea control; provided, that expenditures for said program shall be totally reimbursed by the federal government	28,730
4512-0110	For a poliomyelitis vaccine program	123,300
4512-0120	For a measles vaccine program	50,000
4512-0150	For a mumps vaccine program	300,000
4512-0160	For a rubella vaccine program	350,000
4512-0165	For a triviral vaccine program	200,000
4512-0170	For a yellow fever vaccine program	820
4512-0200	For the office of the division of alcoholism, including not more than ten permanent positions	4,000,000
4512-0300	For the office of the division of adult health, including not more than fourteen permanent positions	342,310
4512-0400	For the office of the division of nursing home facilities, including not more than fourteen permanent positions	532,360
4512-0500	For the office of the division of dental health, including not more than ten permanent positions	86,082
4512-0600	For a study of equine encephalitis	39,436
4512-0700	For epilepsy control program, including not more than two permanent positions	149,850
4512-0800	For a chronic renal disease program, including not more than two permanent positions	337,479

Bureau of Health Services.

4513-1000	For the office of the bureau, including not more than sixty-four permanent positions	\$6,256,696
4513-2110	For certain comprehensive public health and medical care programs, including research, to be in addition to any federal, city or town or private funds available for the purpose; provided, that the maximum period of state participation shall be four years and the commonwealth's share shall not exceed the following yearly percentages of the cost of any project: seventy-five per cent in the first year, sixty per cent in the second year, forty per cent in the third year and twenty-five per cent in the fourth year; prior appropriation continued	90,000
4513-2200	For the reimbursement of cities and towns for the care of certain infants	70,000
4513-2300	For the reimbursement of cities and towns for certain expenses incurred by persons infected with certain diseases dangerous to public health	5,000
4513-3500	For a pre-school nursery program for crippled children, to be in addition to any federal funds available for the purpose	129,000

Bureau of Hospital Facilities.

4514-0100	For the administration of the bureau, including not more than twenty permanent positions	\$263,357
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Bureau of Tuberculosis and Institutions.

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- 4515-0100 For the administration of the bureau, including such payments for hospital care of tubercular patients as may be contracted for by the commissioner, and for the commonwealth's share of the operation of certain tuberculosis clinics; including not more than thirty-eight permanent positions \$4,172,930

Institute of Laboratories.

- 4516-0100 For the administration of the institute, including not more than one hundred and sixty-seven permanent positions \$1,875,392
- 4516-0201 For a program of prevention of lead poisoning, including not more than three permanent positions 280,129

Bureau of Consumer Products Protection.

- 4517-0100 For the administration of the bureau; provided, that expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of one hundred per cent of the amounts so expended; including not more than ninety-seven permanent positions \$1,586,591
- 4517-0150 For a program of fish inspection at the port of New Bedford, or in the immediate vicinity, in accordance with the provisions of chapter ninety-four of the General Laws 85,500
- Marine Fisheries Fund 100.0%

- 4517-0200 For the administration of the pesticide board 29,539

For the maintenance of and for certain improvements at the following institutions under the control of the department of public health:

- 4531-0001 Lakeville hospital, including not more than three hundred and forty-nine permanent positions \$4,755,937
- 4532-0001 Lemuel Shattuck hospital; provided, that the salary of the position of superintendent of Lemuel Shattuck hospital may be established without reference to the general salary schedule and salary range but shall not exceed thirty-five thousand dollars; and, provided further, that no such salary shall be established without prior recommendation of the director of personnel and approval by the commissioner of administration; including not more than eight hundred and thirty-four permanent positions 9,880,879
- 4532-9002 For a research program of chronic hepatitis and related diseases, to be in addition to any federal or other funds available 96,061
- 4533-0001 Massachusetts hospital school, including not more than three hundred and thirty-seven permanent positions .. 3,447,000
- 4534-0001 Pondville hospital, including not more than three hundred and ten permanent positions 3,767,836
- 4534-9001 For the administration of a cancer research project 61,734
- 4535-0001 Rutland Heights hospital, including not more than three hundred and eighty-three permanent positions 3,749,127
- 4536-0001 Tewksbury hospital, including not more than eight hundred and thirty-six permanent positions 9,356,139
- 4537-0001 Western Massachusetts hospital, including not more than two hundred and ninety-six permanent positions 3,116,481

Department of Mental Health.

- 5011-0000 For administration, except as otherwise provided, for the boarding out of children, as provided in chapter one hundred and twenty-three of the General Laws, with the consent of the parents or guardians, and for the transportation and medical

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	examination of patients and certain mentally retarded persons, including not more than three hundred and fifty-nine permanent positions	\$6,695,395
5011-0001	For medical examinations for the mentally retarded	165,000
5013-0100	For the office of the division of drug rehabilitation, including not more than seventeen permanent positions	3,425,769
5014-0100	For certain community programs for the mentally retarded	2,401,750

Region One.

5111-0000	For administration, including not more than thirteen permanent positions	\$232,571
5121-0000	For mental health and retardation services, including not more than eighty-four permanent positions	1,729,238
5181-0000	For the maintenance of the Belchertown state school, including not more than seven hundred and eighty-five permanent positions	8,456,475
5191-0000	For the maintenance of the Northampton state hospital, including not more than nine hundred and twenty-two permanent positions	9,596,375

Region Two.

5211-0000	For administration, including not more than eleven permanent positions	\$239,373
5221-0000	For mental health and retardation services, including not more than eighty-nine permanent positions	1,407,896
5271-0000	For the maintenance of the Rutland Heights mental health rehabilitation center, including not more than thirty-seven permanent positions	466,270
5291-0000	For the maintenance of the Gardner state hospital, including not more than five hundred and fifty-nine permanent positions	5,354,865
5292-0100	For the maintenance of the Grafton state hospital, including not more than five hundred and eighty-seven permanent positions	4,320,205
5293-0100	For the maintenance of the Worcester state hospital, including not more than one thousand and sixty-three permanent positions	10,434,807
5294-0100	For the maintenance of the Monson state hospital, including not more than eight hundred and sixty-three permanent positions	8,745,751

Region Three.

5311-0000	For administration, including not more than eleven permanent positions	\$221,480
5321-0000	For mental health and retardation services, including not more than one hundred and thirty-six permanent positions	1,722,248
5361-0000	For the maintenance of the Dr. Harry C. Solomon mental health center, including not more than one hundred and twenty-eight permanent positions	1,521,807
5362-0100	For staffing a program of mental health and retardation services and a children's development clinic in the Cambridge-Somerville area; provided, that federal funds not exceeding eight hundred and fifteen thousand three hundred and fifteen dollars may be expended for the purposes of this item, said federal funds to be in addition to the amount appropriated; including not more than one hundred and thirty-three positions	583,800
5363-0100	For the purchase of psychiatric services at the Waltham hospital, prior appropriation continued	65,000

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5381-0000	For the maintenance of the Walter E. Fernald state school, including not more than one thousand one hundred and sixty-eight permanent positions	\$13,226,289
5391-0000	For the maintenance of the Metropolitan state hospital, including not more than eight hundred and thirty-five permanent positions	8,360,000

Region Four.

5411-0000	For administration, including not more than fifteen permanent positions	\$275,020
5421-0000	For mental health and retardation services, including not more than one hundred and six permanent positions	1,937,421
5471-0000	For the maintenance of the John T. Berry rehabilitation center, including not more than eighty-nine permanent positions	941,245
5481-0000	For the maintenance of the Charles V. Hogan Regional Center, including not more than four hundred and sixty-five permanent positions	3,871,074
5491-0000	For the maintenance of the Danvers state hospital, including not more than nine hundred and thirty-two permanent positions	9,309,631

Region Five.

5511-0000	For administration, including not more than thirteen permanent positions	\$241,721
5521-0000	For mental health and retardation services, including not more than one hundred and twenty-four permanent positions	1,999,228
5581-0000	For the maintenance of the Wrentham state school, including not more than six hundred and eighty-one permanent positions	9,248,300
5591-0000	For the maintenance of the Medfield state hospital, including not more than six hundred and ninety-four permanent positions	6,800,000
5592-0100	For the maintenance of the Westborough state hospital, including not more than eight hundred and ninety-one permanent positions	8,527,710
5593-0100	For the maintenance of the Cushing hospital, including not more than six hundred and eighty-nine permanent positions	5,743,837

Region Six.

5611-0000	For administration, including not more than thirteen permanent positions	\$232,590
5621-0000	For mental health and retardation services, including not more than one hundred and seventy-nine permanent positions	2,364,337
5661-0000	For the maintenance of the Massachusetts mental health center, including not more than three hundred and thirty-five permanent positions	3,880,197
5662-0100	For certain expenses of the mental health training, treatment and research center; provided, that federal funds not exceeding nine hundred and ninety-five thousand and seven hundred and ten dollars may be expended for the purposes of this item, said federal funds to be in addition to the amount herein appropriated, including not more than three permanent positions	892,710
5663-0100	For the maintenance of the Erich Lindemann mental health center, including not more than one hundred and ninety-three permanent positions	1,895,727

Item	
5691-0000	For the maintenance of the Boston state hospital, including not more than one thousand two hundred and fifty-five permanent positions \$11,863,735

Region Seven.

5711-0000	For administration, including not more than fifteen permanent positions \$273,517
5721-0000	For mental health and retardation services, including not more than one hundred and four permanent positions 1,307,854
5761-0000	For the maintenance of the Dr. John C. Corrigan mental health center, including not more than one hundred and twelve permanent positions 1,239,825
5781-0000	For the maintenance of the Paul A. Dever school, including not more than nine hundred and twenty-nine permanent positions 9,612,921
5791-0000	For the maintenance of the Foxborough state hospital, including not more than six hundred and eight permanent positions 5,704,630
5792-0100	For the maintenance of the Taunton state hospital, including not more than seven hundred and forty permanent positions 8,179,940

Total, Human Services	<u>\$1,250,206,270</u>
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Executive Office of Transportation and Construction.

Office of the Secretary.

6000-0100	For the office of the secretary of transportation and construction, including not more than five permanent positions \$212,802
	Highway Fund 96.0%
	General Fund 4.0%

Bureau of Building Construction.

6004-0200	For the administration of the bureau of building construction, including not more than one hundred and one permanent positions \$1,499,926
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Massachusetts Aeronautics Commission.

6006-0001	For the personal services and expenses of the commissioners, including not more than five permanent positions \$3,500
6006-0003	For the administration of the commission, including not more than ten permanent positions 166,155
6006-0051	For the expenses of air navigation facilities 50,000

Government Center Commission.

6008-0001	For the office of the commission \$320,229
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Department of Public Works.

Highway Activities.

Personal Services.

6010-0001	For personal services; provided, that the salaries of all officers and employees of the department engaged in projects or activities related to highways shall, except for services provided for in item 6020-1900, be charged in full to this item; provided, that, notwithstanding the provisions of section four of chapter sixteen of the General Laws, the commissioner may appoint four additional assistants who shall serve at the pleasure of the commissioner and shall not be subject to
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Item

chapter thirty-one of the General Laws and may also appoint a deputy chief counsel (counsel III) who shall not be subject to chapter thirty-one of the General Laws; including not more than four thousand six hundred and eighty-five permanent positions \$49,000,000

Highway Fund 100.0%

Administrative and Engineering Expenses.

6020-1509 For telephone service in the public works building \$125,000

Highway Fund 94.9%

General Fund 5.1%

6020-1900 For the operation and maintenance of the public works building, including not more than eighty-five permanent positions 903,341

Highway Fund 96.8%

General Fund 3.2%

6020-2401 For the purchase of all administrative and engineering equipment 350,000

Highway Fund 100.0%

6020-2501 For certain administrative and engineering expenses of the commission, the office of the public works commissioner and the divisions of administrative services, highway engineering, highway maintenance, highway construction and the district and other highway activity offices 2,452,770

General Fund 8%

Highway Fund 99.2%

6020-2801 For the compensation of certain retired employees, as provided by chapter four hundred and three of the acts of nineteen hundred and forty-eight 5,546

Highway Fund 100.0%

6020-2901 For the payment of damages caused by defects in state highways for which the commonwealth is liable, with the approval of the attorney general 2,000

Highway Fund 100.0%

Maintenance and Operation of State Highways and Bridges.

Appropriations under this heading may be expended for traffic safety and control on certain city or town ways:

6030-7201 For the expenses of snow and ice control, including the removal of sand, and including the cost of sand, salt and chemicals \$7,562,000

Highway Fund 100.0%

6030-7293 For construction of chemical storage sheds 300,000

Highway Fund 100.0%

6030-7301 For expenses in connection with traffic line painting, including the cost of materials 861,000

Highway Fund 100.0%

6030-7401 For the purchase of materials and supplies for the maintenance and operation of state highways and bridges, excluding those specifically provided for in items 6030-7201 and 6030-7301 1,510,000

Highway Fund 100.0%

6030-7501 For the purchase of all equipment to be used directly for the maintenance and operation of state highways and bridges 1,200,000

Highway Fund 100.0%

Item		
6030-7601	For the maintenance and operation of state highways and bridges	\$3,000,000
	Highway Fund	100.0%
6031-0131	For a property management program	260,000
	Highway Fund	100.0%

Waterways Activities.

The salaries of all officers and employees of the department engaged in projects or activities authorized by bond issue or otherwise shall be charged in full to appropriations authorized hereunder.

Division of Waterways.

6032-0100	For the administration of the division, including not more than seventy-four permanent positions	\$878,420
	Public Access Fund	2.6%
	General Fund	97.4%
6032-2021	For the dredging of the east branch of the Westport river, as authorized by chapter five hundred and thirty-nine of the acts of nineteen hundred and seventy-two	200,000
	Harbor and Inland Waters Fund	100.0%
6032-3001	For the maintenance of property in the town of Plymouth, including not more than two permanent positions	18,795
6032-3002	For the operation and maintenance of the New Bedford state pier, including not more than two permanent positions	33,084
6032-7000	For the regulation of mill dams and reservoirs	131,110
6032-7100	For a continuous program of cleaning and dredging of harbors and inland waters, as authorized by chapter eight hundred and seventy-eight of the acts of nineteen hundred and seventy; provided, that not less than three hundred thousand dollars for the dredging and cleaning of inland waters and great ponds.	1,300,000
	Harbor and Inland Waters Fund	100.0%

Construction, Reconstruction and Betterments.

The following appropriations are for the costs of projects which come within the purposes of appropriations for the accelerated highway program and are to be in addition to sums appropriated therefor:

6033-1001	For the modernizing of the traffic signal system	\$150,000
	Highway Fund	100.0%
6033-1007	For improvements to and reconstruction of state highways and other bridges; provided, that sums herein appropriated may be used upon agreement with city or town officials in conjunction with city or town funds without acceptance by the commonwealth of responsibility for maintenance	750,000
	Highway Fund	100.0%
6033-1009	For resurfacing existing state highways with not less than a three-quarter inch of bituminous aggregate, prior appropriation continued	4,000,000
	Highway Fund	100.0%
6033-1010	For the cost of improvements on state highways, prior appropriation continued	200,000
	Highway Fund	100.0%

Item

6033-1011	For the replacement of substandard state highway bridges	\$970,000
	Highway Fund	100.0%

Aid to Cities and Towns.

6034-0001	For projects for the construction and maintenance of town and county ways, as provided in subdivision (a) of clause (2) of section thirty-four of chapter ninety of the General Laws; provided, that amounts herein made available shall be available for expenditure in the succeeding fiscal year; provided further, that not less than three hundred thousand dollars of the sum herein appropriated shall be available for maintenance projects on such town and county ways; provided further, that, notwithstanding any provision of the General Laws to the contrary, the department is hereby authorized to enter into agreements with officials of cities and towns for projects to be constructed in the next succeeding fiscal year for an amount not exceeding, in the aggregate, eight million five hundred thousand dollars; and, provided further, that the amount herein appropriated shall be charged to the Highway Fund debt service account, prior appropriation continued	\$8,000,000
	Highway Fund	100.0%

6034-0002	For aiding cities and towns in the repair and improvement of public ways, as provided by section twenty-six of chapter eighty-one of the General Laws, except that the commonwealth's contribution shall be at an annual rate not to exceed two hundred and seventy-five dollars per mile for the calendar year nineteen hundred and seventy-three, the provisions of chapter six hundred and eighty-nine of the acts of nineteen hundred and forty-five and said section twenty-six of said chapter eighty-one notwithstanding; and, provided, that the amount appropriated for the purpose in any fiscal year shall be available for expenditure in the succeeding fiscal year; prior appropriation continued	2,750,000
	Highway Fund	100.0%

Bureau of Solid Waste Disposal.

6050-0010	For the office of the bureau, including the necessary maintenance and operation of solid waste disposal facilities constructed, purchased, leased or otherwise acquired; provided, that the comptroller shall transfer to the General Fund from the Solid Waste Disposal Fund an amount equal to the expenditures made herefrom; prior appropriation continued; including not more than fifteen permanent positions	\$145,492
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Total, Transportation and Construction \$89,311,170

*Executive Office of Educational Affairs.**Office of the Secretary.*

7000-0100	For the office of the secretary, including not more than five permanent positions	\$260,735
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George Fingold Library.

7000-0601	For the administration of the library, including not more than thirty-four permanent positions	\$470,000
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Art Commission.

Item

- 7000-0651 For expenses of the commission, notwithstanding the limitation of section nineteen of chapter six of the General Laws \$900

Compact for Education.

- 7000-0751 For the commonwealth's share of the cost of the compact for education \$13,500
7000-0752 For the expenses of the education compact council of Massachusetts 1,400

New England Board of Higher Education.

- 7000-0801 For expenses of the board, and for compensation and expenses of the members \$148,825
7000-0811 For payments to medical or dental schools on acceptance of certain Massachusetts students 467,500

Department of Education.

Advisory Council on Education.

- 7001-0010 For the office of the council, including not more than eight permanent positions \$360,064

Board of Education.

Board of Education and Commissioner's Office.

- 7010-0001 For the office of the commissioner, including the expenses of the members of the board, and for the commonwealth's share of the national council of state school officers, including not more than seventeen permanent positions \$251,250
7010-0006 For assistance to children of certain war veterans, as authorized by section seven B of chapter sixty-nine of the General Laws, including expenses for the current and last two prior fiscal years 225,000
7010-0009 For the administration of the program for the elimination of racial imbalance, including expenses of the prior fiscal year 111,639
7010-0010 For certain payments for the use of the facilities of the museum of fine arts; provided, that children age sixteen years or under shall be admitted without charge 100,000
7010-0011 For certain payments for the use of the facilities of the Alice G. Wallace planetarium in Fitchburg; provided, that children sixteen years of age or under shall be admitted without charge 25,000
7010-0012 For reimbursement to towns for payments of certain costs incurred under the program for the elimination of racial imbalance; provided, that expenditures for tuition from this item shall be made only upon proper certification that said tuition charge must be directly related to participation in said program 3,000,000
7010-0014 For the administration of the advisory council for experimental schools and the operation of one such school, including not more than eighteen permanent positions 847,205
7010-0016 For the expenses of a career opportunity program; provided, that expenditures from this item for said program shall be contingent upon assurances from the proper federal authorities that the federal allocation for said program shall not be less than seventy thousand dollars; and, provided further, that career employees under said program shall become employees of the commonwealth only after complying with the provisions of chapter thirty-one of the General Laws 60,000

Division of Administration and Personnel.

Item		
7021-0010	For the office of the division, including not more than forty permanent positions	\$467,824
7021-9003	For the rental and maintenance of the Tremont street property, including not more than seven permanent positions	474,595
7025-0001	For the administration of the bureau of teachers' retirement, including not more than thirty-six permanent positions	364,825
7025-9001	For the payment of retirement assessments of teachers formerly in military or naval service	1,000
7025-9003	For reimbursement of certain cities and towns for pensions to retired teachers	8,000,000
7025-9004	For the payment of the commonwealth's share in financing the teachers' retirement system	65,500,000

Division of Occupational Education.

7027-0001	For the office of the division, to be in addition to any federal funds available for the purpose, including teacher training, to comply with the requirement of federal authorities under the Smith-Hughes and George Barden acts, so called, as amended, including Public Law 90-576; provided, that such courses may be furnished free of charge to veterans; including not more than thirty-four permanent positions	\$391,500
7027-0010	For reimbursement to certain municipalities and regional school districts of expenses for certain approved courses, as defined in section nine of chapter seventy-four of the General Laws	22,152,438
7027-0011	For reimbursement to certain municipalities and regional school districts for certain tuition fees, as defined in section ten of chapter seventy-four of the General Laws	1,600,000
7027-0012	For reimbursement to certain municipalities or regional school districts for two thirds of the salaries of certain agricultural instructors, as defined in section twelve of chapter seventy of the General Laws	80,000
7027-0013	For the reimbursement of certain counties for county vocational schools	1,350,000
7027-0014	For the reimbursement of certain towns for the transportation of pupils	395,000
7027-1001	For the administration of a fire fighting academy and training program, to be in addition to any federal funds available for the purpose; including not more than four permanent positions	175,000

Division of Special Education.

7028-0001	For the office of the division of special education, to be in addition to any federal funds available for the purpose; including not more than sixty-four permanent positions	\$840,190
7028-0301	For the educational expenses of certain emotionally disturbed children, as defined in section forty-six I of chapter seventy-one of the General Laws, including expenses for the prior fiscal year	9,014,000
7028-0701	For the educational expenses of certain deaf, blind and aphasic pupils, as defined in section twenty-six of chapter sixty-nine of the General Laws, including expenses for the prior fiscal year	9,880,000
7028-0901	For the expenses of educating certain physically handicapped children, as provided in section forty-six M of chapter seventy-one of the General Laws	155,000
7028-1401	For the reimbursement of certain cities and towns for day classes of the deaf and of the blind, including reimbursements for the prior fiscal year	976,700

Item

7028-2802	For the expenses of conducting a learning impairment program, as authorized by section forty-six L of chapter seventy-one of the General Laws, including necessary reimbursement of cities and towns	\$400,000
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Division of Curriculum and Instruction.

7030-0100	For the office of the division, to be in addition to any federal funds available for the purpose, including not more than sixty-eight permanent positions	\$1,070,990
7030-0110	For the administration of bilingual programs, including not more than five permanent positions	153,492
7030-0211	For reimbursements to cities and towns for educational television programs, as authorized by section thirteen F of chapter seventy-one of the General Laws	115,000
7032-0301	For expenses of holding teachers' institutes	1,000
7032-1001	For printing guides for school curricula	7,500
7035-0001	For the adult education and extended services program; provided, that the division may, with the approval of the state board of education, expend in addition to the sums herein appropriated, and without further appropriation, income derived from such courses as may be conducted at no net expense to the commonwealth to an amount not exceeding four hundred thousand dollars; including not more than fifty-five permanent positions	504,515
7035-0004	For the reimbursement of certain towns and regional school districts for the transportation of pupils	20,000,000
7036-0101	For the administration of the library bureau, including not more than twenty-six permanent positions	283,455
7036-1401	For state aid to regional public libraries	2,566,982
7036-1501	For state aid to public libraries	2,160,051

Division of Research and Development.

7040-1011	For the office of the division, including not more than six permanent positions	\$137,644
7044-1801	For certain payments for the use of facilities of the museum of science	80,000
State Recreation Areas Fund		100.0%

Division of School Facilities and Related Services.

7051-0001	For the office of the division, including not more than three permanent positions	\$44,501
7051-1908	For printing school registers and other school blanks for cities and towns	12,000
7052-0001	For the administration of the school building assistance bureau, including not more than nine permanent positions	288,931
7052-0002	For reimbursement of certain cities and towns for part of the cost of construction of school projects	60,500,000
7052-0003	For the reimbursement of certain cities and towns for part of the cost of reconstruction, remodeling, rehabilitation and modernization of schoolhouses, as authorized by chapter seven hundred and fifty-four of the acts of nineteen hundred and sixty-eight; provided, that the limitation of said chapter for the expenditure for new construction shall not apply	1,000,000
7053-1905	For the administration of the school lunch program; provided, that the comptroller shall transfer to the General Fund the sum of fifty thousand dollars from the school lunch distribution and salvage fund; including not more than thirty-nine permanent positions	421,748

Item

- 7053-1907 For partial assistance in the furnishing of lunches to school children, as authorized by chapter five hundred and thirty-eight of the acts of nineteen hundred and fifty-one, and, if necessary, for supplementing federal funds allocated for the special milk program; provided, that, notwithstanding any provisions of the law to the contrary, payments so authorized shall not exceed fifty per cent of the total reimbursement authorized by the National School Lunch Act; and provided further, that, notwithstanding said fifty per cent limitation, said limitation may be exceeded on certain lunches to the extent and in the same number as free or reduced-price lunches served to children are subsidized entirely from federal funds at the maximum rate allowed; prior appropriation continued \$400,000
- 7053-1909 For the reimbursement of cities and towns for partial assistance in the furnishing of lunches to school children and for supplementing funds allocated for the special milk program; provided, that notwithstanding any provisions of law to the contrary, reimbursements so authorized shall not exceed fifty per cent of the total reimbursement authorized by the National School Lunch Act; and provided further, that, notwithstanding said fifty per cent limitation, said limitation may be exceeded on certain lunches to the extent and in the same number as free or reduced-price lunches served to children are subsidized entirely from federal funds at the maximum rate allowed; prior appropriation continued 8,000,000
- 7053-1910 For the reimbursement to cities and towns and partial assistance to private schools for a lunch program for needy elderly persons; provided, that no expenditures shall be made herefrom unless there is allocated for the purposes of said program at least seven thousand five hundred dollars by the federal government 290,000

Division of State and Federal Assistance.

- 7061-0001 For the office of the division, including not more than eight permanent positions \$106,574
- 7061-0002 For personal services of the surplus property agency; provided, that a sum equivalent to the expenditures made hereunder shall be transferred to the General Fund from the receipts of the surplus property agency; provided, that the persons employed in a temporary status on December second, nineteen hundred and sixty-nine, shall continue to serve as permanent incumbents under chapter thirty-one of the General Laws, and, provided further, that the incumbents of positions in the official service pass a qualifying examination to be given by the director of civil service; including not more than two permanent positions 23,252
- 7061-0003 For the reimbursement of towns in regional school districts for fifteen per cent of the amount of school aid due under the provisions of section sixteen D of chapter seventy-one of the General Laws 19,847,094
- 7065-0001 For the commonwealth's share of a certain assistance program, to be expended with the approval of the commissioner of administration, as authorized and allocated to the commonwealth under the provisions of public laws to supplement existing educational programs or initiating new programs requiring matching effort; provided, that the department may use for matching such federal funds other state-appropriated funds or any public or private funds that may be available in addition to the amount made available by this item 533,200

Board of Higher Education.

Item		
7070-0001	For the office of the board, including the salary of the chancellor and including not more than twenty-two permanent positions	\$565,658
7070-0005	For medical, dental and nursing scholarships, as authorized by section one D of chapter fifteen of the General Laws	385,000
7070-0006	For a scholarship program, as provided in section one D of chapter fifteen of the General Laws, other than medical, dental, nursing and honor scholarships	9,500,000
7070-0007	For special educational scholarships, as authorized by section seven D of chapter sixty-nine of the General Laws	15,000
7070-0008	For the administration of the bureau of immigration and Americanization, including not more than seventeen permanent positions	199,853
7070-0011	For a scholarship program as authorized by chapter seven hundred and twelve of the acts of nineteen hundred and sixty-six for children of fire fighters or police officers who were killed or died in performance of duty	10,000
7070-0014	For merit scholarships	192,000
7070-0016	For central processing, classification and cataloguing of books in all institutions of higher education, prior appropriation continued	175,000
7070-9001	For the purchase of books and periodicals to be allocated by the board to the various higher educational institutions; provided, that a schedule of said allocation is submitted to the house and senate committees on ways and means within thirty days of the allocation; prior appropriation continued	1,500,000

Board of Trustees of State Colleges.

For the administration and maintenance of and for certain improvements at state colleges and the boarding halls attached thereto and the Massachusetts maritime academy with the approval of the board of trustees:

7101-0000	For expenses of the board of trustees of state colleges	\$5,200
7101-0001	For the office of the board, including not more than forty-four permanent positions	765,224
7102-0001	For the purchase of scientific, technological and other educational reference material for the libraries	250,000
7102-9604	For a program of assistance for students from various racial backgrounds in disadvantaged environments, including but not limited to Negro students; provided, that expenditures may be made for, but not limited to, scholarships, loans, matching federal and private grants, tutorial assistance and programs of cultural enrichment; and, provided further, that the board of trustees of state colleges shall allocate not less than one hundred and fifty thousand dollars of this appropriation to state college at Boston	550,000
7105-0001	For the operation of a data processing system	500,000
7107-0001	For the program of continuing studies and summer schools to be conducted by the board of trustees of state colleges for graduates of state colleges or for such students or graduates of other colleges as may be approved by said board of trustees; provided, that such courses may be furnished free of charge to veterans, as authorized in sections seven and seven A of chapter sixty-nine of the General Laws; provided further, that said veterans are ineligible to receive benefits under Public Law 351, Chapter 34; provided further, that no appropriated or state funds or personnel shall be used or expended directly or indirectly for said program; provided further, that the	

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	comptroller shall transfer to the General Fund on or after July first an amount equal to the reasonable charge for the prior fiscal year; and, provided further that said board of trustees may expend from the receipts, without further appropriation, income derived from such courses as may be conducted at no expense to the commonwealth.	
7108-0100	State college at Boston, including not more than five hundred and seventy-two permanent positions	\$8,446,880
7108-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	90,584
7109-0100	State college at Bridgewater, including not more than four hundred and sixty-nine permanent positions	6,473,251
7109-1011	State college at Bridgewater, boarding hall, including not more than twenty-two permanent positions	236,100
7109-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	35,000
7110-0100	State college at Fitchburg; provided, that said college may expend a sum not to exceed seventy thousand dollars for the purpose of maintaining at said college a community college program, as authorized by chapter four hundred and seventy-seven of the acts of nineteen hundred and fifty-nine; including not more than three hundred and ninety-nine permanent positions	5,514,980
7110-1011	State college at Fitchburg, boarding hall, including not more than twelve permanent positions	169,142
7110-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs and for not more than one hundred scholarships, as authorized by section seven C of chapter sixty-nine of the General Laws	35,000
7111-0100	State college at Framingham, including not more than three hundred and thirty permanent positions	4,235,424
7111-1011	State college at Framingham, boarding hall, including not more than twenty-one permanent positions	203,350
7111-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	30,000
7112-0100	State college at Lowell, including not more than two hundred and ninety-five permanent positions	3,876,068
7112-1011	State college at Lowell, boarding hall, including not more than four permanent positions	79,165
7112-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	23,000
7113-0100	State college at North Adams, including not more than two hundred and seven permanent positions	2,834,520
7113-1011	State college at North Adams, boarding hall, including not more than six permanent positions	54,055
7113-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	49,882
7114-0100	State college at Salem, including not more than five hundred and fifty-two permanent positions	6,998,016
7114-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	90,000
7115-0100	State college at Westfield, including not more than three hundred and thirty-seven permanent positions	4,137,011
7115-1011	State college at Westfield, boarding hall, including not more than eleven permanent positions	131,803
7115-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	33,000
7116-0100	State college at Worcester, including not more than three hundred and sixty permanent positions	4,986,162
7116-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	34,158

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7116-9711	For a pilot program in consortium scholarships; provided, that a report on details of said pilot program is submitted to the house and senate committees on ways and means by February fifteenth, nineteen hundred and seventy-four	\$150,000
7117-0100	Massachusetts college of art, including not more than one hundred and twenty-six permanent positions	1,908,571
7117-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	15,000
7118-0100	Massachusetts maritime academy and ship, including not more than one hundred and forty permanent positions	2,043,953

Lowell Technological Institute of Massachusetts.

7210-0000	For the maintenance of the institute, with the approval of the trustees; provided, that said institute is hereby authorized to conduct a summer school at no expense to the commonwealth, and for said purpose the institute may receive and expend income derived therefrom; including not more than five hundred and forty-seven permanent positions	\$9,059,688
7210-9704	For the commonwealth's contribution toward the federal student loan programs and federal work-study programs and for not more than eighty scholarships, as authorized by section seven-teen of chapter seventy-five A of the General Laws	57,000
7210-9705	For the purchase of scientific, technological and other educational reference material for the library	50,000
7211-0101	For the expenses of the nuclear center, to be in addition to any federal funds made available therefor, and including not more than forty-four permanent positions	736,444

Southeastern Massachusetts University.

7310-0000	For the maintenance of the university, with the approval of the trustees; provided, that the university is hereby authorized to conduct a summer school at no expense to the commonwealth, and for said purpose the university may receive and expend income derived therefrom; including not more than five hundred and sixty-seven permanent positions	\$8,437,750
7310-9604	For a program of assistance for students from various racial backgrounds in disadvantaged environments, including, but not limited to, Negro students; provided, that expenditures may be made for, but not limited to, scholarships, loans, matching federal and private grants, tutorial assistance and programs of cultural enrichment	150,000
7310-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs and for not more than forty scholarships, as authorized by section forty-six C of chapter seventy-four of the General Laws	169,608
7310-9705	For the purchase of scientific, technological and other educational reference material for the library	50,000

University of Massachusetts.

7400-0010	For the office of the president, including not more than nineteen permanent positions	\$775,131
7400-0100	For the institute for governmental service, including not more than three permanent positions	88,459
7400-0110	For the commonwealth's contribution, to be expended in conjunction with federal funds so authorized, for programs of assistance to higher education; provided, that any available public or private funds may also be used in addition to the amount herein appropriated	200,000
7400-0111	For the purchase of scientific, technological, and other educational reference material for the libraries	480,000

Item		
7400-0112	For a senior internship program; provided, that any public or private funds received for this purpose shall be credited to the General Fund	\$35,000
7400-0113	For a legislative internship program	35,000
7400-9604	For a program of assistance for students from various racial backgrounds in disadvantaged environments, including, but not limited to Negro students; provided, that expenditures may be made for, but not limited to, scholarships, loans, matching federal and private grants, tutorial assistance and programs of cultural enrichment; and, provided further, that said program shall be maintained only at the University of Massachusetts at Amherst and Boston	700,000
7400-9704	For scholarships, as authorized by sections thirty-one and thirty-three of chapter seventy-five of the General Laws, and for a work-scholarship program, with the approval of the board of trustees; provided, that any part of the sum herein appropriated may be used for the commonwealth's contribution toward the national defense education act loan program and the office of economic opportunity student work program	1,050,000
7410-0000	For the maintenance of the university, with the approval of the trustees; provided, that the trustees may, in addition to the sums appropriated, receive and expend as university trust funds under section eleven of chapter seventy-five of the General Laws, at no expense to the commonwealth, without appropriation, funds received from the operation of the boarding halls and from university health services; provided further, that there shall be transferred from the receipts of said boarding halls the sum of two hundred and forty-five thousand dollars to the General Fund to meet the estimated cost of heat, light, power and rental of facilities at present available for the purpose and the estimated cost of certain employee fringe benefits to be furnished by the commonwealth; provided further, that the commonwealth shall furnish heat, light, power and necessary repairs to the infirmary building and pay the commonwealth's share of the cost of employee fringe benefits of the university health services trust fund; and, provided further, that the university health services trust fund shall furnish, without charge, health services required by law to be furnished at the university by the commonwealth; including not more than three thousand six hundred and eighty-two positions	62,192,809
7411-1005	For the personal services and expenses of the medical school, prior appropriation continued, including not more than two hundred and fifty-nine permanent positions	4,691,239
7411-1012	For the entertainment of distinguished visitors to the campus of the university, with the approval of the board of trustees	1,000
7416-1001	For the maintenance of the facilities of the university in the city of Boston; provided, that the administrative expenses may be incurred for this operation, with the approval of the trustees, from the amounts appropriated for the maintenance of the university at Amherst; including not more than nine hundred and sixty-seven permanent positions	14,070,689

Massachusetts Board of Regional Community Colleges.

For the administration and maintenance of and for certain improvements of community colleges with the approval of the board of regional community colleges:

7501-1001	For the office of the board, including not more than thirty permanent positions	\$441,575
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Item		
7501-3004	For the purchase of scientific, technological and other educational reference material	\$275,000
7501-9604	For a program of assistance for students from various racial backgrounds in disadvantaged environments, including, but not limited to, Negro students; provided, that expenditures may be made for, but not limited to, scholarships, loans, matching federal and private grants, tutorial assistance and programs of cultural enrichment	600,000
7502-0100	Berkshire community college, including not more than one hundred and fifty-nine permanent positions	2,067,443
7502-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	15,542
7503-0100	Bristol community college, including not more than one hundred and seventy-four permanent positions	2,246,758
7503-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	38,516
7504-0100	Cape Cod community college, including not more than one hundred and forty-five permanent positions	2,057,181
7504-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	19,344
7505-0100	Greenfield community college, including not more than one hundred and twenty-five permanent positions	1,651,009
7505-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	16,000
7506-0100	Holyoke community college, including not more than two hundred and forty-eight permanent positions	2,907,561
7506-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	15,221
7507-0100	Massachusetts Bay community college, including not more than one hundred and forty-one permanent positions	2,296,803
7507-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	12,742
7508-0100	Massasoit community college, including not more than one hundred and fifty-eight permanent positions	2,200,634
7508-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	20,000
7509-0100	Mount Wachusett community college, including not more than one hundred and eighteen permanent positions	1,592,284
7509-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	8,878
7510-0100	Northern Essex community college, including not more than two hundred and twenty-five permanent positions	2,864,580
7510-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	56,982
7511-0100	North Shore community college, including not more than one hundred and eighty-two permanent positions	2,468,295
7511-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	34,330
7512-0100	Quinsigamond community college, including not more than one hundred and eighty-six permanent positions	2,400,760
7512-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	11,463
7514-0100	Springfield community college, including not more than two hundred and ninety-eight permanent positions	3,541,153
7514-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs	20,000
7515-0100	Roxbury community college, including not more than sixty-five permanent positions	955,745
7516-0100	Middlesex community college, including not more than one hundred permanent positions	1,273,555

Item	
7516-9704	For the commonwealth's contribution toward federal loan programs and federal work-study programs \$5,000
7518-0100	Bunker Hill community college, including not more than one hundred and twenty-five permanent positions 1,831,975

Council on the Arts and Humanities.

7700-0001	For the administration of the council, including the expenses of projects and productions of the council, to be in addition to any federal funds available for the purpose \$600,000
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Total, Educational Affairs	<u>\$452,212,175</u>
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Executive Office of Public Safety.

Office of the Secretary.

8000-0100	For the office of the secretary, including not more than four permanent positions \$220,600
	Highway Fund 85.0%
	General Fund 13.0%
	Recreational Vehicles Fund 2.0%

Massachusetts Police Training Council.

8200-0100	For the administration of the council, including not more than three permanent positions \$77,765
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Department of Public Safety.

8311-1000	For the administration of the department, including not more than one hundred and fourteen permanent positions \$1,220,323
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Division of State Police.

8312-0100	For the administration of the division, including the compensation of state police officers formerly in the service of the commonwealth, now retired; including not more than one thousand and sixty-one permanent positions \$14,615,832
	General Fund 15.0%
	Highway Fund 85.0%

Division of Fire Prevention.

8314-1000	For the administration of the division, including not more than twenty-five permanent positions \$448,152
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Division of Inspection.

8315-1000	For the administration of the division; provided, that the position of examiner of elevator operators shall not be subject to the provisions of chapter thirty-one of the General Laws; including not more than eighty-four permanent positions \$1,208,128
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Board of Boiler Rules.

8316-1000	For the administration of the board, including not more than four permanent positions \$3,500
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State Boxing Commission.

8317-1000	For the office of the commission, including not more than six permanent positions \$43,925
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Board of Elevator Regulations.

Item

8318-1000 For the administration of the board, including not more than seven permanent positions \$6,400

Board of Examiners of Elevator Constructors, Maintenance Men and Repairmen.

8319-1000 For the administration of the board, including not more than one permanent position \$1,250

Board of Elevator Appeals.

8320-1000 For the administration of the board, including not more than six permanent positions \$2,150

Board to Facilitate the Use of Public Buildings by the Physically Handicapped.

8321-1000 For the expenses of the board, including not more than seven permanent positions \$4,300

Recreational Tramway Board.

8322-1000 For the expenses of the board, including not more than four permanent positions \$5,100

Board of Standards.

8330-1000 For the administration of the board, including not more than seven permanent positions \$6,650

Board of Fire Prevention Regulations.

8340-1000 For the administration of the board, including not more than eight permanent positions \$7,000

Board of Schoolhouse Structural Standards.

8350-1000 For the expenses of the board \$1,000

Registry of Motor Vehicles.

8400-0001 For the office of the registry; provided, that the positions of administrative assistant to the registrar, legislative assistants, executive secretary, assistant supervisor of public relations and executive assistant to the registrar shall not be subject to the civil service law and rules; including not more than one thousand three hundred and eighteen permanent positions \$16,871,507

General Fund 1.2%

Highway Fund 98.8%

8400-0002 For the administration of the certificate of title law, prior appropriation continued, including not more than two hundred and twenty-nine permanent positions 2,201,244

Highway Fund 100.0%

8400-0010 For a motor vehicle safety compact with other states 2,000

Highway Fund 100.0%

Division of Marine and Recreational Vehicles.

8420-0001 For the office of the division, including not more than sixty-four permanent positions \$788,956

Total, Public Safety \$37,735,782

Executive Office of Manpower Affairs.

Office of the Secretary.

Item

9000-0100	For the office of the secretary, including not more than four permanent positions	\$161,195
9000-0119	For administrative expenses of the federal Emergency Employment Act	15,000

Commission on Employment of the Handicapped.

9010-0100	For the expenses of the commission	\$5,700
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Department of Labor and Industries.

9020-1001	For general administration of the department, including not more than fourteen permanent positions	\$190,250
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For the personal services and expenses of the following agencies of the department:

9020-2001	Division of industrial safety, including not more than seventy-nine permanent positions	\$977,350
9020-3001	Division of occupational hygiene, including not more than fifteen permanent positions	202,835
9020-4001	Division of statistics, including not more than thirty-four permanent positions	281,069
9020-6001	Commission on minimum wage and for expenses of wage boards, including not more than thirty-four permanent positions	331,104
9020-7001	Board of conciliation and arbitration, including not more than fourteen permanent positions	202,468
9020-8001	Division of employment agencies, including not more than three permanent positions	43,765

Division of Apprentices Training.

9020-9001	For the office of the division; provided, that all of the positions of this division shall not be subject to chapter thirty-one of the General Laws; including not more than thirty-six permanent positions	\$322,983
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Labor Relations Commission.

9030-1001	For the office of the commission, including not more than twenty-four permanent positions	\$343,276
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Division of Industrial Accidents.

9050-1001	For the office of the division and for clerical and other assistance for the industrial accident rehabilitation board, including not more than one hundred and eighty-six permanent positions	\$1,909,956
9050-1901	For expenses of impartial examinations, including previous fiscal years	115,000
9050-3000	For the compensation of certain public employees for injuries sustained in the course of their employment, including previous fiscal years	3,350,000
	Highway Fund	35.0%
	General Fund	65.0%

Office of Self-Insurance.

9050-4000	For the service of the office, including not more than six permanent positions	\$65,555
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Industrial Accident Rehabilitation Board.

Item

9050-5000 For the service of the board, including not more than six permanent positions \$20,274

Division of Employment Security.

9081-0682 For the administrative expenses of the welfare general relief assistance check payment program \$211,250

Total, Manpower Affairs \$8,749,030

*Executive Office of Elder Affairs**Office of the Secretary.*

9100-0100 For the office of the secretary of elder affairs, including not more than five permanent positions \$123,112

9110-0100 For the administration of the bureau of the aging 440,050

9110-1630 For a home care service program for the elderly, of which no more than ten per cent of the funds appropriated hereunder may be used as the commonwealth's assistance to grantees to meet the matching requirements of Title III of the Older Americans Act. And that to qualify for such assistance, the grantee shall provide at least 25 per cent of the total grant.

That all other funds appropriated under this act shall be used for purpose of home care services for the elderly; and, provided further, that a detailed monthly report of all expenditures made from this item, including the purposes made therefore, shall be submitted to the house and senate committees on ways and means not later than the fifteenth day of the following month 1,400,000

9110-9002 For a demonstration grant program for the elderly 100,000

Total, Elder Affairs \$2,063,162

*Executive Office of Consumer Affairs.**Office of the Secretary.*

9200-0100 For the office of the secretary including not more than four permanent positions \$111,244

State Racing Commission.

9210-0001 For the office of the commission; provided, that fees paid to veterinarians for services in connection with horse racing shall not exceed forty-five dollars per diem and in connection with dog racing shall not exceed thirty-five dollars per diem, including not more than nineteen permanent positions \$339,718

Agricultural Purposes Fund 7.5%

General Fund 92.5%

Alcoholic Beverages Control Commission.

9212-0001 For the office of the commission, including not more than sixty-five permanent positions \$797,697

Consumers' Council.

9214-0001 For the administration of the council, including not more than nine permanent positions \$170,715

Community Antenna Television Commission.

9215-0001 For the office of the community antenna television commission, including not more than twelve permanent positions \$134,228

Division of Milk Control.

Item

- 9216-0100 For the office of the division, including not more than thirty-one permanent positions \$291,575

Division of Standards.

- 9218-0100 For the personal services and expenses of the division of standards, including not more than thirty-seven permanent positions \$452,831

Health, Welfare and Retirement Trust Funds Board.

- 9219-0001 For the administration of the board; provided, that the positions of assistant to the director and counsel II shall not be subject to chapter thirty-one of the General Laws; including not more than thirty permanent positions \$385,729

Department of Banking and Insurance.*Division of Banks.*

- 9221-1000 For the office of the commissioner, including not more than two hundred and forty-one permanent positions \$2,933,068

Division of Insurance.

- 9222-0100 For the office of the division, including expenses of the board of appeal, and certain other costs of supervising motor vehicle liability insurance and the expenses of the fraudulent claims board; provided, that the positions of counsel I and counsel II shall not be subject to the provisions of chapter thirty-one of the General Laws; and, provided further, that contracts or orders for the purchase of statement blanks for the making of annual reports to the commissioner of insurance shall not be subject to the restrictions prescribed by section one of chapter five of the General Laws; including not more than three hundred and ninety-eight permanent positions \$3,845,873

Division of Registration.

- 9230-0001 For the administration of the division; provided, that the position of investigator of radio-television technicians shall not be subject to chapter thirty-one of the General Laws; including not more than eighty-five permanent positions \$1,037,331

For the services of the following agencies in the division:

- 9230-0100 Board of registration in medicine, including not more than seven permanent positions \$12,575
- 9230-0200 Board of dental examiners, including not more than five permanent positions 8,925
- 9230-0300 Board of registration in podiatry, notwithstanding the limitations of section twelve C of chapter thirteen of the General Laws, and including not more than five permanent positions 3,980
- 9230-0400 Board of registration in pharmacy, including not more than ten permanent positions 90,330
- 9230-0500 Board of registration of nurses, including not more than twelve permanent positions 9,200
- 9230-0600 Board of registration in embalming and funeral directing including not more than five permanent positions 12,825
- 9230-0700 Board of registration in optometry, including not more than five permanent positions 3,950
- 9230-0800 Board of registration in veterinary medicine, including not more than five permanent positions 4,620
- 9230-0900 Board of registration of chiropractors, including not more than five permanent positions 6,500

Item		
9230-1000	Board of registration of architects, including not more than five permanent positions	\$24,060
9230-1100	Board of registration of professional engineers and land surveyors	28,330
9230-1200	Board of public accountancy, including not more than nine permanent positions	91,700
9230-1300	State examiners of electricians, including not more than two permanent positions	12,000
9230-1400	State examiners of plumbers, including not more than three permanent positions	11,250
9230-1500	Board of registration of real estate brokers and salesmen; provided, that persons employed under this item shall not be subject to the civil service law and rules; including not more than thirty-three permanent positions	394,625
9230-1600	Board of registration of electrologists, including not more than three permanent positions	3,925
9230-1700	Board of registration of barbers, including not more than ten permanent positions	90,555
9230-1800	Board of registration of hairdressers, including not more than eighteen permanent positions	187,860
9230-1900	Board of registration of dispensing opticians, including not more than five permanent positions	1,375
9230-2000	Board of registration of sanitarians, including not more than four permanent positions	1,850
9230-2100	Board of registration of radio and television technicians, including not more than seven permanent positions	13,900
9230-2200	Board of registration of landscape architects	1,600
9230-2300	Board of registration of health officers	2,650
9230-2400	Board of registration of nursing home administrators, including not more than eleven permanent positions	4,600
9230-2500	Board of certification of operators of waste water treatment facilities	925
9230-2600	Board of registration of operators of drinking water facilities	900
9230-2700	Board of registration of psychologists	900
Department of Public Utilities.		
9270-0001	For general administration, including not more than eighty-six permanent positions	\$1,082,937
9271-9001	For hearings and special investigations; provided that no salaries or expenses of permanent employees shall be chargeable to this item	18,750
Commercial Motor Vehicle Division.		
9272-0001	For the office of the division, including not more than thirty-nine permanent positions	\$447,442
Gas Fitting Regulations Board.		
9275-0001	For administration of the program of regulating the installation of gas fittings in buildings, including not more than one permanent position	\$31,948
Total, Consumer Affairs		\$13,106,996

SECTION 3. In order to meet the estimated cost of utilities to be furnished projects constructed by the building authorities established by chapter five hundred and fifty-seven of the acts of nineteen hundred and sixty-one and chapter seven hundred and three of the

acts of nineteen hundred and sixty-three, the comptroller shall transfer to the General Fund on or after July first, of each fiscal year beginning July first, nineteen hundred and seventy-two, the following amounts:— from item 7109-0100, thirty-one thousand dollars; from item 7110-0000, thirty thousand dollars; from item 7111-0100, twenty-five thousand dollars; from item 7114-0000, forty-two thousand dollars; from item 7115-0000, thirty-four thousand dollars; from item 7210-0000, forty thousand dollars; provided, that said amounts shall be credited to said items upon payment by said building authorities and may be spent without further appropriation.

SECTION 4. Wherever, in section two of this act, it is provided that transfers shall be made from a fund, account or receipts, of a specific sum, a percentage of payments, or a sum equivalent to payments, such transfers of a specific sum shall be made upon the effective date of this act, and all others shall be made quarterly unless otherwise provided; except, that at the close of a fiscal year, the amount equivalent to payments in a continuing account shall be construed to mean the amount of such appropriation.

SECTION 5. No monies appropriated under this act shall be expended for reimbursement for the expenses of meals for persons while traveling within or without the commonwealth at the expense thereof unless such reimbursement is in accordance with rules and rates established in accordance with section twenty-eight of chapter seven of the General Laws.

SECTION 6. All use of state-owned motor vehicles shall be subject to regulations to be promulgated and enforced by the commissioner of administration. No state-owned vehicle shall be used for providing transportation for state officers or employees between their domiciles and places of employment nor shall any expense be incurred for the garaging of such vehicles except when specifically authorized by said commissioner.

The commissioner is hereby authorized to transfer a motor vehicle from one agency or department to another.

The allowance to state employees for expenses incurred by them in the operation of motor vehicles owned by them and used in the performance of their official duties shall not exceed ten cents a mile.

SECTION 7. Amounts included for permanent positions in sums appropriated in section two for personal services are based upon schedules of permanent positions and salary rates as approved by the joint committee on ways and means, and, except as otherwise shown by the files of said committee, a copy of which shall be deposited with the bureau of personnel, no part of sums so appropriated in section two shall be available for payment of salaries of any additional permanent position, or for payments on account of reallocations of permanent positions, or for payments on account of any change of salary range or compensation of any permanent position, notwithstanding any special or general act to the contrary; provided, that no vacancy occurring in any classified permanent position included in said schedules of permanent positions may be filled in any manner except upon approval as required by rules and regula-

tions established under the provisions of paragraph (6) of section forty-five of chapter thirty of the General Laws; and, provided further, that no part of sums appropriated in section two shall be available for the payment of overtime service to any employee of the commonwealth without the prior written approval of such overtime by the commissioner of administration, upon recommendation of the director of personnel and standardization, except where such overtime service is essential to replace the service of an employee necessary for the care of patients or inmates in institutions operated by the commonwealth.

SECTION 8. Notwithstanding the provisions of paragraph (5A) of section forty-six of chapter thirty of the General Laws, the director of personnel and standardization shall not approve the recruitment of any person at a rate above the minimum of the grade if such proposed employee has been in the service of the commonwealth within a twelve-month period prior to the date of the proposed recruitment.

Notwithstanding the provision of clause (d) of paragraph (5) of section forty-five of chapter thirty of the General Laws, no part of the sums appropriated for the service of any agency or subdivision of a department in section two of this act shall be available for the payment of any temporary or excess quota position if there is a similar position vacant within the quota of permanent positions as established by the appropriation account for the service of such agency or subdivision of a department and, except such temporary positions as may be authorized in connection with the passage of this act, and except as hereinafter provided, no additional temporary positions shall be authorized; provided, however, the provisions of this section shall not apply to positions essential for the care of patients or inmates in institutions or to positions essential for the educational program in all institutions of higher education operated by the commonwealth, nor to the filling of a position under the provisions of section twenty-four B of said chapter thirty nor to a position required to correct an inequity determined, as provided in sections fifty-three and fifty-six of said chapter thirty. The commissioner of administration may, however, upon certification that an emergency exists requiring additional temporary assistance to perform work essential to the public interest, authorize the temporary employment of such additional personnel as may be necessary within the limits of funds available for the purpose; provided, however, that such emergency authorization shall not be extended to the succeeding fiscal year. The commissioner shall forthwith notify the house and senate committees on ways and means of the employment of any additional temporary personnel.

SECTION 9. Notwithstanding the provisions of any general or special law or sections of this act to the contrary, no funds shall be expended for excess quota positions without prior approval of the House and Senate committees on Ways and Means.

SECTION 10. In addition to the payment of regular salaries, sums appropriated for personal services in the fiscal year nineteen hun-

dred and seventy-four shall be available for the payment of such other forms of compensation as may be due under existing statutes or under the provisions of rules and regulations made in accordance with said statutes.

SECTION 11. Notwithstanding any special or general law to the contrary, any officer of the commonwealth as defined in section G-6 of the rules and regulations authorized by section 28 of chapter seven of the General Laws receiving payment under subsidiaries "01 salaries, permanent positions", "02 salaries, other" or "03 services, nonemployees" for services under any item in section two of this act shall, under the penalties of perjury, report annually to the commissioner of administration, on forms said commissioner shall prescribe any other compensations received for services performed and paid from any state, federal or private funding source. Such forms shall include the name of the funding source, the date and extent of the services performed, including the rate of compensation, the signature of the person so employed and the employer thereof. Any officer of the commonwealth failing to file said report shall be given a hearing and dismissed if found delinquent without sufficient cause. Copies of said reports shall be submitted within thirty days after receipt to the house and senate committees on ways and means.

SECTION 12. Applications for all federal subventions and grants available to the commonwealth under any act of congress shall be subject to the approval of the commissioner of administration. Any transfer within such subventions or grants shall be subject to the approval of the commissioner of administration. All federal subventions and grants received by the commonwealth, or by a corporation or other organization established as an affiliate of any agency or institution operated by the commonwealth or by an individual employed by the commonwealth, authorized to expend such funds in conjunction with services rendered by the commonwealth, may be expended without specific appropriation under the terms and conditions provided in rules and regulations established by the commissioner of administration and if such expenditures are otherwise in accordance with law. All such federal subventions and grants shall be reported in full by the head of the agency directly rendering the services mentioned above to the budget director, to the comptroller and to the house and senate committees on ways and means. The report shall include such itemization as required in accordance with state and federal regulations. All federal subventions and grants available to the commonwealth under any act of Congress and not otherwise authorized to be received shall be paid into the treasury of the commonwealth. All such expenditures of federal subventions and grants shall be subject to the audit of the state auditor.

SECTION 13. Notwithstanding the provisions of section fifty-one of chapter thirty of the General Laws, or any other provision of law, the state purchasing agent is hereby authorized during the fiscal year nineteen hundred and seventy-four to incur liabilities and incidental expenses for the purchase of supplies, as provided by said section fifty-one, including material to be disposed of as surplus, so

called, by the federal government through agencies of the federal government in an amount not exceeding five hundred and fifty thousand dollars, in addition to any amount heretofore provided for the purpose, and the comptroller may certify for payment such incidental expenses and liabilities so incurred to an amount not exceeding five hundred and fifty thousand dollars, in addition to any amount heretofore provided for said purpose.

SECTION 14. No agency of the commonwealth receiving an appropriation under section two of this act shall make any expenditure for any document printed, mimeographed or prepared in any other way, whether for outside or interdepartmental circulation, unless publication of such document shall have been approved by the state purchasing agent, and the state purchasing agent is hereby authorized and directed to require such agencies to summarize and consolidate such documents when feasible, and each document authorized to be printed which is four pages or more in length shall state on its face the estimated cost per copy, including the cost of paper, printing and binding. Notwithstanding any special or general law, complete original manuscripts of annual reports of state agencies, whenever printed in full or in summarized or consolidated form or in case such report is not printed, shall be filed with the secretary of the commonwealth. Except as otherwise provided by law, agencies selling documents shall do so at not less than the stated estimated cost; provided, however, that such agencies may dispose of excess copies of documents no longer current as provided by rules and regulations of the commissioner of administration.

SECTION 15. Notwithstanding any provision of sections forty-five to fifty, inclusive, of chapter thirty of the General Laws, a salary differential is hereby authorized to be paid to employees in the nursing services who are employed on evening or night tours of duty, and to employees engaged in professional nursing, as defined in section eighty B of chapter one hundred and twelve of the General Laws, at the Lemuel Shattuck hospital and the Soldiers' Home in Massachusetts. Any salary differential authorized by this section shall be paid in accordance with rules and regulations established by the director of personnel and standardization, with the approval of the commissioner of administration. Such rules and regulations shall not be subject to chapter thirty A of the General Laws.

SECTION 16. The surplus property agency in the department of education is hereby authorized to expend during the fiscal year nineteen hundred and seventy-four for the purposes of the surplus property agency fund, in addition to amounts available in said fund, an amount not exceeding fifty thousand dollars; provided, however, that no expenditure or commitment shall be incurred from the amount of the aforesaid fifty thousand dollar authorization in excess of amounts approved therefrom by the commissioner of administration, at the written request of the surplus property agency; and, provided further, that any amounts expended or commitments incurred under this authorization shall be paid or provided for from receipts of said surplus property agency fund prior to the close of the fiscal year.

SECTION 17. Notwithstanding the provisions of section ten A of chapter eight of the General Laws, no lease negotiated as provided therein nor any agreement providing for a tenancy at will or other space rental shall be signed by the executive or administrative head of a state department, commission or board or approved by the state superintendent of buildings and by the governor and council and by the commissioner of administration unless it is in accordance with schedules filed by the budget director with the house and senate committees on ways and means prior to the passage of this act; provided, that renewals of leases, tenancies at will and other space rentals may be continued at existing rates pending appropriation if the general court has not provided otherwise; and, further provided, that the commissioner of administration, in order to meet unforeseen circumstances may approve, on a tenancy at will basis, a change in location, new or additional space, or an increase in rate, if funds are available therefor within the appropriation account from which the costs of such space rentals are to be paid; and, further provided, that every such change is filed by the budget director with the house and senate committees on ways and means prior to the final authorization of any such agreement.

SECTION 18. No department of the commonwealth shall occupy or otherwise use, or initiate any encumbrance on or make any expenditure for the maintenance of, and land, building or other state-owned or state-occupied facilities or other property other than that under its control or jurisdiction, and no department shall authorize or otherwise allow the use by any private agency of such land, buildings or facilities under its control or jurisdiction, unless such use or expenditure has been explicitly authorized by the general court.

SECTION 19. In order that the borrowing of funds in anticipation of receipts may be kept at a minimum, every department, board, commission or agency shall, before scheduling for payment or otherwise providing for the disbursement of public funds from any sum available for expenditure or distribution for the fiscal year nineteen hundred and seventy-four, submit for approval by a board consisting of the commissioner of administration, or his designated representative, the commissioner of corporations and taxation, or his designated representative, and the state treasurer, or his designated representative, the proposed date of payment or distribution of such funds if the combined total thereof, as prepared by any such agency, exceeds one million dollars on any one day, notwithstanding any special or general laws regulating the disbursement of public funds by the commonwealth. Said board may require any agency to notify it of the anticipated receipt of revenue from any source, including federal subventions and grants.

SECTION 20. The budget director, notwithstanding the provisions of section twenty-nine of chapter twenty-nine of the General Laws, is hereby directed to limit the transfer of funds between subsidiary accounts, established as provided in section twenty-seven of said chapter twenty-nine, to those transfers required to meet unforeseen emergencies where funds otherwise are not available to protect the

public interest. The budget director shall file forthwith, on the approval of any such transfer, a copy of the authorization with the house and senate committees on ways and means.

SECTION 21. No agency of the commonwealth receiving an appropriation under section two of this act, whether or not the expenditure is made from funds authorized by this act, shall make any expenditure for consultant services, so-called, or services coded in accordance with the expenditure code manual under the subsidiary title "03 services — nonemployees" unless the rate of compensation for such services shall have been approved by the commissioner of administration upon the recommendation of the director of personnel and standardization. Said director shall, immediately upon the approval of any such rate or rates, file copies of the schedule or schedules of approved rates with the comptroller and with the house and senate committees on ways and means. Every such agency before engaging such consultant services under said subsidiary title "03", as so coded, as "professional", except for "religious services", shall certify to the budget director that funds are available for the purpose and shall then file a statement of intent with the budget director, the comptroller and the house and senate committees on ways and means. Such statement shall include the rate of compensation, the period of time for which the services are to be engaged or scope of work to be done, and such other pertinent information as may be necessary to establish the maximum limit of the commonwealth's obligation.

SECTION 22. No agency of the commonwealth, except constitutional officers, whether or not the expenditure is made from funds authorized by this act, shall initiate any encumbrance or make any expenditure involving a lease or the purchase of data processing or reproduction equipment or systems, without prior request to the budget director under the provisions of sections three and four of chapter twenty-nine of the General Laws; the certification by the head of the agency that funds are specifically available for the purpose; the prior approval of the commissioner of administration, in accordance with rules and regulations established by him, and notification of such approval to the house and senate committees on ways and means.

SECTION 23. Amounts appropriated in section two of this act under the subsidiary titles "12 — maintenance repairs, replacements and alterations" and "15 — equipment" are based upon schedules approved by the joint committee on ways and means, a copy of which shall be deposited with the budget director and shall be expended according to the priority order of such schedules unless exceptions are approved by the budget director on written application of the head of the spending agency.

SECTION 24. No agency of the commonwealth shall make any expenditures for the training, instruction, treatment, support and day care of children authorized under section forty-six I of chapter seventy-one and section twenty-six of chapter sixty-nine and clause (7) of paragraph (A) of section two of chapter eighteen of the General Laws and related programs conducted by the departments

of mental health, public health, public welfare and youth services unless the rate setting commission, in accordance with the procedures established by section thirty L of chapter seven of the General Laws, shall have approved the rate of compensation for such training, instruction, treatment and support. The rate setting commission shall immediately upon approval of such rates file a schedule of the approved rates with the comptroller, the house and senate committees on ways and means, and to each agency making such expenditure.

SECTION 25. Notwithstanding any provision of law to the contrary, all persons eligible for public assistance, as determined by the department of public welfare, under the provisions of chapters one hundred and eighteen A, one hundred and eighteen D, and one hundred and eighteen E of the General Laws, who are not maintaining their own homes but are receiving care in any licensed nursing home, any licensed chronic hospital or in any approved public medical institution, shall retain the first thirty dollars for clothing, personal needs and leisure time activities. If there is no income, or the monthly income is less than thirty dollars, the recipient shall be paid monthly in advance the difference between the income and thirty dollars a month.

SECTION 26. Passenger motor vehicles to be purchased from sums appropriated in section two of this act shall be authorized by the purchasing agent in accordance with schedules filed by the budget director with the house and senate committees on ways and means prior to the passage of this act; provided, that the commissioner of administration may authorize the replacement of other motor vehicles with similar models from available funds when he determines that the replacement is necessary because the cost of necessary repairs would not be economical; and, provided further, that no expenditure in excess of three hundred dollars shall be authorized for the repair of a motor vehicle by any department or agency in a garage or shop other than one maintained and operated by such department or agency without the approval of the commissioner of administration.

SECTION 27. Notwithstanding any provision of law to the contrary, during the entire fiscal year nineteen hundred and seventy-four, for the payment of classified personal services the fiscal year shall be from July the first, nineteen hundred and seventy-three through June the twenty-ninth, nineteen hundred and seventy-four. Classified personal services for June the thirtieth, nineteen hundred and seventy-four, shall be charged to the next fiscal year.

SECTION 28. Cash disbursements from amounts appropriated from the General Fund in section two of this act shall be charged to federal funds received under the provisions of Public Law 92-512 to the extent that such funds are available, subject to the restrictions contained in said Public Law for applications of federal funds received from this source, and shall first be used for such amount as is required to prevent a deficit in the general fund debt service reserve and then for such other items in section two of this act in accordance

with the requirement of said Public Law.

SECTION 29. The provisions of sections fourteen and twenty to twenty-three, inclusive, of this act shall not apply to expenditures from appropriations made under this act for the division of state colleges and institutions under the control of the board of trustees of state colleges, the Lowell Technological Institute of Massachusetts, the Southeastern Massachusetts University, the University of Massachusetts and the board of regional community colleges under the control of said board; nor shall the provisions of section nine B or section twenty-nine of chapter twenty-nine of the General Laws or any provision of section six or section eight of this act apply to said expenditures which are inconsistent with any provision of the General Laws specifically regulating the expenditure of public funds at each of said institutions; provided, however, that on or before the first of October of the fiscal year nineteen hundred and seventy-four, each institution of higher education shall file with the board of higher education: (1) a certified list of professional positions and the salaries to be paid for said positions to be used in the staffing of said institutions; (2) a certified statement of the salary ranges to be used for all professional positions; (3) a certified copy of vacant positions; and (4) a list of the last merit increases granted; and, provided further, that the board of higher education shall file forthwith with the house and senate committees on ways and means copies of said lists and statement.

SECTION 30. Pursuant to section twenty-five B of chapter fifty-eight of the General Laws, amounts shall be paid for the purposes and in the manner prescribed in said section twenty-five B from the fund established by paragraph (b) of section twenty-eight of chapter sixty-four C of the General Laws, and the comptroller shall reflect such transactions under the heading "Agency Fund".

SECTION 31. The effective date of the appropriation accounts, subsidiary accounts and authorizations in section two of this act shall be July first, nineteen hundred and seventy-three. However, beginning June first, nineteen hundred and seventy-three, obligations may be incurred against these appropriation accounts or subsidiary accounts for items to be delivered or for services to be rendered on and after July first, nineteen hundred and seventy-three; provided, that said obligations are in accordance with law and the amounts thereof do not exceed the amount of the appropriation account or subsidiary account. Where the allotment of an appropriation account or subsidiary account is a condition precedent to expenditure, the obligations shall not exceed the amount allotted for said appropriation account or subsidiary account; provided, that during the month of June, nineteen hundred and seventy-three, the comptroller may prepare warrants and the state treasurer may advance funds appropriated in section two of this act to the department of public welfare for the purpose of making payments on and after July the first, nineteen hundred and seventy-three, as authorized by chapter six hundred and fifty-eight of the acts of nineteen hundred and sixty-seven; provided, said payments are in

accordance with law and the amounts thereof do not exceed the amount of the appropriation account or subsidiary account. The certified copies of the schedules as provided for in section twenty-seven of chapter twenty-nine of the General Laws shall be filed with the comptroller June the first, nineteen hundred and seventy-three. Where the allotment of an appropriation account or subsidiary account is required by law, allotments shall be made to permit the effective operation of this section on June the first, nineteen hundred and seventy-three.

The commissioner of administration shall certify to the House and Senate committees on Ways and Means at the close of any allotment period the amounts allotted to agencies of the commonwealth under the provisions of section nine B of chapter twenty-nine of the General Laws and the expenditures and encumbrances made by such agencies of the commonwealth during such period.

If periodic allotments exceed the cumulative proportion of the appropriation made for those agencies of the commonwealth subject to section nine B of chapter twenty-nine of the General Laws under section two of this act, the commissioner of administration shall state in writing the reason for such excessive allotment to the House and Senate committees on Ways and Means.

SECTION 32. In order that the group insurance commission may provide for maximum reimbursements to the commonwealth for group insurance costs, every department, board or agency on or before August first, nineteen hundred and seventy-three, shall file with the group insurance commission a true copy of all existing contracts or agreements of every nature and description with the commonwealth or a political subdivision of federal, trust and any other nonstate funds.

For contracts or agreements entered into on and after July first, nineteen hundred and seventy-three, true copies shall be filed with the group insurance commission no later than sixty calendar days from the effective date thereof.

SECTION 33. The budget director is hereby directed to send a copy of sections three to thirty-two, inclusive, of this act to each departmental, divisional and institutional head immediately following passage of this act.

SECTION 34. Sections one to thirty, inclusive, of this act shall take effect as of July the first, nineteen hundred and seventy-three, and sections thirty-one to thirty-three, inclusive, shall take effect upon the passage of this act.

SECTION 35. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions.

Approved June 29, 1973.

Be it enacted, etc., as follows:

Chapter 223 of the General Laws is hereby amended by inserting after section 31 the following section: —

Section 31A. Personal service of a writ or summons upon a defendant while he is exercising his right to vote shall be null and void.

Approved June 29, 1973.

Chap. 468. AN ACT PROVIDING FOR A PENALTY FOR INDECENT ASSAULT AND BATTERY ON A MENTALLY RETARDED PERSON.

Be it enacted, etc., as follows:

Chapter 265 of the General Laws is hereby amended by inserting after section 13E the following section: —

Section 13F. Whoever commits an indecent assault and battery on a mentally retarded person knowing such person to be mentally retarded shall for the first offense be punished by imprisonment in the state prison for not less than five years or not more than ten years; and for a second or subsequent offense, by imprisonment in the state prison for not less than ten years. Except in the case of a conviction for the first offense for violation of this section, the imposition or execution of the sentence shall not be suspended, and no probation or parole shall be granted until the minimum imprisonment herein provided for the offense shall have been served. This section shall not apply to the commission of an indecent assault and battery by a mentally retarded person upon another mentally retarded person.

Approved June 29, 1973.

Chap. 469. AN ACT MAKING THE CONTROLLED SUBSTANCES ACT CONFORM WITH FEDERAL LAW CONCERNING THE CONFIDENTIALITY OF THE IDENTITY OF PERSONS SUBJECT TO CERTAIN RESEARCH.

Be it enacted, etc., as follows:

Section 24 of chapter 94C of the General Laws is hereby amended by adding the following subsection: —

(g) This section shall not apply to a practitioner who has been authorized by the Attorney General of the United States to withhold the names and other identifying characteristics of certain persons pursuant to 21 U.S.C. § 872 (c). *Approved June 29, 1973.*

Chap. 470. AN ACT ESTABLISHING THE OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT AND THE OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT COMMISSION IN BARNSTABLE COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Purpose. — The purpose of this act is to promote the general welfare of the inhabitants of the applicable regional member

towns so included, through the promotion of the educational, cultural, economic, aesthetic and literary significance, through the preservation and protection of buildings, setting, and places within the boundaries of the regional district, and through the development and maintenance of appropriate settings, the exterior appearance of such buildings and places, so as to preserve and maintain such regional district as a contemporary landmark compatible with the historic, cultural literary and aesthetic tradition of Barnstable county, as it existed in the early days of Cape Cod, and through the promotion of these past historic associations of Barnstable county.

SECTION 2. *Establishment of the Old King's Highway Regional Historic District.* — There is hereby established in Barnstable county a regional historic district, to be known as the Old King's Highway Regional Historic District, hereinafter called the district, bounded and described as follows: —

Beginning at a point on the foreshores of Cape Cod Bay at the mean low water line, and on the boundary line between the town of Bourne, Barnstable county and the town of Plymouth, Plymouth county; thence southwesterly by said boundary line between the towns of Bourne and Plymouth to a point where said boundary line intersects with the center line of the layout of the state highway known as route 3; thence in a southerly direction by said center line of route 3 traversing the Sagamore rotary at its center and continuing along the center line of the Sagamore bridge, so called, spanning the waterway known as the Cape Cod Canal; thence continuing by the center line of the state highway layout of route 6-Mid-Cape Highway, in a southerly, southeasterly, easterly, northeasterly, and northerly direction, traversing the towns of Bourne, Sandwich, Barnstable, Yarmouth, Dennis, Harwich, Brewster, and Orleans, crossing above or below and intersecting, various public ways, ancient ways, rivers, streams, lakes, inlets, bays, and various appurtenances, to a point lying at the center of the state highway rotary layout at Eastham, Barnstable County, Massachusetts where said route 3 intersects with route 6A; thence to a point on the center line of route 6 at its commencement in the town of Eastham; thence in a northerly direction along the center line of route 6 traversing the town of Eastham to a point on the center line where route 6 intersects the boundary line between the towns of Eastham and Wellfleet; thence in a westerly and northwesterly direction along the aforementioned boundary line between the towns of Eastham and Wellfleet to a point on the foreshores of Cape Cod Bay where the Eastham, Wellfleet town boundary intersects the mean low water line; thence in a southerly, southwesterly, westerly, northwesterly, northerly, northeasterly, easterly and southeasterly direction along the mean low water line of Cape Cod Bay traversing all inlets, streams, rivers at their entrance to Cape Cod Bay to the point of beginning, meaning and intending to include all islands along the foreshores of Cape Cod Bay to a distance of three nautical miles from the shores thereof, and every bank, flat, marsh, meadow, swamp and island within the Great Marshes so called, lying within the town of Barnstable.

SECTION 3. Definitions. — As used in this act the following words and terms, unless the text otherwise requires, shall have the following meanings: —

“Building” — a combination of structural materials having a roof, forming a shelter for persons, animals or property.

“Building inspector” — the building inspector for the individual regional town.

“Erected” — shall include the words “built”, “constructed”, “reconstructed”, “restored”, “altered”, “enlarged” and “moved”.

“Exterior architectural feature” — the architectural style and general arrangement of such portion of the exterior of a building so designed to be subject to view from a public street, way or public place; including kind, color and texture of the building materials of such portion or type of all windows, doors, lights, and signs and other fixtures appurtenant to such portion.

“Heritage” — values in the cultural life of the past, because of their importance to the community life of Cape Cod, which have come down through the generations to make up our way of life. This has been achieved by means of old buildings, industry, furniture, utensils, old happenings and expressions. They have made the unique salty flavor of Cape Cod that will never be forgotten but will be preserved for future generations, as a means of insuring the integration of those qualities into a contemporary way of living.

“Person” — an individual, a corporation, or unincorporated organization or association.

“Structure” — a combination of materials other than a building, sign or billboard, but including stone walls, flagpoles, hedges, gates and fences.

“Town” — the individual regional town of Bourne, Sandwich, Barnstable, Yarmouth, Dennis, Harwich, Brewster, Orleans or Eastham.

SECTION 4. Establishment and Organization of the Old King's Highway Regional Historic District Commission. — There is hereby established the Old King's Highway Regional Historic District Commission, hereinafter called the commission, consisting of nine members, each of whom shall be a chairman of a member town historic district committee of the following towns: Bourne, Sandwich, Barnstable, Yarmouth, Dennis, Harwich, Brewster, Orleans and Eastham.

The commission shall elect a chairman and a secretary from its membership. In the case of the absence of the chairman from any meeting, the members present shall elect a temporary chairman.

Six members of the commission shall constitute a quorum.

The commission meetings shall be at the call of the chairman and shall be held at least monthly, and notice of such meetings shall be published at least seven days in advance of the date of such meeting in a newspaper published within Barnstable county and distributed in each member town, and additionally published at the discretion of the chairman in other newspapers of appropriate distribution.

The commission shall hear and make findings on the initial appeal

by aggrieved parties as provided in section eleven.

The commission shall establish criteria and maintain general policy from time to time in connection with the administration of the regional district, and may recommend changes in this act, which shall be submitted to the registered voters on referendum ballot during the annual election held in each member town. If the vote is in the affirmative, submission of such recommended changes shall be submitted to the general court for approval.

SECTION 5. *Establishment and Organization of Town Historic District Committees.* — There is hereby established within each of the member towns of the district a town historic district committee, hereinafter called the committee, consisting of five unpaid members, of whom four shall be residents of the district, excepting within the towns of Bourne, Harwich and Orleans, where at least three shall be residents of the district. At least one member on each committee shall be an architect, who need not be a resident of the district. In the event no architect is available for service on the committee, a building contractor with not less than five years' experience in the building trades may be appointed a member of the committee in lieu of the architect.

The initial members of the committee shall be appointed by the selectmen of each town for terms expiring, in the case of the architect or building contractor, whichever the case may be, at the end of one year, and in the case of the remaining members, at the end of one, two, three and four years, respectively, from the first day of January following such appointments. Thereafter, the architect or building contractor shall be appointed annually by said selectmen.

Upon expiration, the term of any of the members, other than that of the architect, shall be filled by the election of a successor at a meeting of registered voters residing in the district held annually at the call of the selectmen one to two months prior to such expiration. Said election shall be held in accordance with such rules and regulations as the selectmen may prescribe. The term of members so elected shall be four years.

The committee shall elect a chairman and a secretary from its membership. In the case of the absence of the chairman from any meeting, the members present shall elect a temporary chairman.

Three members of the committee shall constitute a quorum.

Any member may be removed for cause by the selectmen of any member town after a public hearing upon written charges.

Vacancies occurring in the committee other than by expiration of term of office, shall be filled by appointment by the selectmen. Such appointment shall be only for the unexpired portion of the term of the member replaced. The committee may expend such funds as may be appropriated annually.

SECTION 6. *Limitations.* — No building, structure or part thereof, except as hereinafter provided, shall be erected within the district unless and until an application for a certificate of appropriateness as to the exterior architectural features shall have been filed with the committee. Either a certificate of appropriateness or a certificate

that no exterior architectural feature is involved shall be issued by the committee before erection.

No building, structure or any part thereof within the district, except as hereinafter provided, shall be demolished or removed unless and until an application for a permit to demolish or remove the same shall have been filed with the committee.

No occupational, commercial or other sign, except as hereinafter provided, and no billboard shall be erected or displayed on any lot or on the exterior of any building or structure within the district unless and until an application for a certificate of appropriateness shall have been filed and shall have been issued by the committee. In the case of any sign or billboard erected or displayed prior to the effective date of this act, there shall be allowed a period of three years subsequent to said effective date in which to obtain such certificate.

Except in cases excluded by section seven, no permit shall be issued by the building inspector for any building or structure to be erected within the district, unless the application for said permit shall be accompanied either by a certificate of appropriateness or a certificate that no exterior architectural feature is involved has been issued under said section seven.

SECTION 7. Exclusions. — Nothing in this act shall be construed to prevent the ordinary maintenance and such repairs as do not change any exterior architectural feature of any building or structure within the district; nor shall anything in this act be construed to prevent the erection, construction, reconstruction, restoration, alteration or demolition of any such existing feature which the building inspector shall certify is required by the public safety because of an unsafe or dangerous condition; nor shall anything in this act be construed to prevent the erection, construction, reconstruction, restoration, alteration or demolition of any such feature under a permit issued by the building inspector prior to the effective date of this act.

The following structures and signs may be erected or displayed within the district without the filing of an application for, or the issuance of a certificate of appropriateness:—

1. Temporary structures or signs for use in connection with any official celebration or parade or any charitable drive in a member town; provided that any such structure or sign shall be removed within three days following the termination of the celebration, parade or charitable drive for which said structure or sign shall have been erected or displayed. Any other temporary structures or signs which the committee shall determine do not substantially derogate from the intent and purposes of this act may from time to time be excluded from the provisions of section six.

2. Real estate signs of not more than three square feet in area advertising the sale or rental of the premises on which they are erected or displayed.

3. Occupational signs of not more than one square foot in area and not more than one such sign, irrespective of size bearing the

name, occupation or address of the occupant of the premises on which such sign is erected or displayed where such premises are located within a residential area, as defined in the zoning by-laws of the member town.

The exterior color of any building or structure within the district may be changed to white without the filing of an application for, or the issuance of, a certificate of appropriateness or to any color or any combination of colors which the committee shall determine from time to time may be used without substantial derogation from the intent and purposes of this act.

SECTION 8. *Application to be Filed with Committee.* — Excepting cases excluded by section seven, any person, including the member town, who desires to erect, move or demolish or remove or change the exterior color features of any building or structure within the district, or to erect or display within the district any sign or billboard for which a certificate of appropriateness is required under section six, shall file with the committee an application for a certificate of appropriateness or a permit for demolition or removal, as the case may be, together with such plans, elevations, specifications, material and other information as shall be deemed necessary by the committee to enable it to make a determination on the application.

SECTION 9. *Meetings, Hearings, Time for Making Determinations.* — Meetings of the committee shall be held at the call of the chairman and also when called in such other manner as the committee shall determine by its rules.

The committee shall determine promptly after the filing of an application for a certificate of appropriateness as to exterior architectural features, whether the application involves any such features. If the committee determines that such application involves any exterior architectural features, the committee shall hold a public hearing thereon.

The committee shall fix a reasonable time for the hearing on any application and shall give public notice thereof by publishing notice of the time, place and purpose of the hearing in a local newspaper at least fourteen days before said hearing and also, not less than seven days prior to said hearing, mail a copy of said notice to the applicant, to owners of property abutting the premises to be affected as they appear on the most recent local tax list, to the planning board of the town, and to such other persons as the committee shall deem entitled to notice.

As soon as convenient after such public hearing, but in any event within sixty days after the filing of the application, or within such further time as the applicant shall allow in writing, the committee shall make a determination on the application. If the committee shall fail to make a determination within said sixty days, or within such further time allowed by the committee shall be deemed to have approved the application.

SECTION 10. *Powers, Functions and Duties of Committee.* — The committee shall pass upon:—

(a) The appropriateness of exterior architectural features of build-

ings and structures to be erected within the district.

(b) The demolition or removal of any building or structure or any part thereof within the district. The committee may refuse a permit for the demolition or removal of any building or structure of architectural or historic interest, the removal of which in the opinion of the committee would be detrimental to the public interest.

(c) The appropriateness of the erection or display of occupational, commercial or other signs and billboards within the district wherever a certificate of appropriateness for any such sign or billboard is required under section six.

In passing upon appropriateness, demolition or removal, the committee shall determine whether the size, features, demolition or removal, sign or billboard involved will be appropriate for the purposes of this act, and, if it shall be determined to be inappropriate, shall determine whether, owing to conditions especially affecting the building, structure, sign or billboard involved, but not affecting the district generally, failure to approve an application will involve a substantial hardship to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this act. If the committee determines that the features, demolition or removal, sign or billboard involved will be appropriate or, although inappropriate, owing to conditions as aforesaid, failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without substantial detriment or derogation as aforesaid, the committee shall approve the application; but if the committee does not so determine, the application shall be disapproved.

In passing upon appropriateness, the committee shall consider, among other things, the historical value and significance of the building or structure, the general design, arrangement, texture, material and color of the features, sign or billboard involved and the relation of such factors to similar factors of buildings and structures in the immediate surroundings. The committee shall consider settings, relative size of buildings and structures, but shall not consider detailed designs, interior arrangement and other building features not subject to public view. The committee shall not make any recommendations or requirements except for the purpose of preventing changes in exterior architectural features obviously incongruous to the purposes set forth in this act.

The concurring vote of three members of the committee shall be necessary to make a determination in favor of the applicant on any matter upon which the committee is required to pass under this act.

SECTION 11. *Appeals.* — Any person aggrieved by the determination of the committee or by an approval of an application through failure of the committee to make a determination within the time allowed under section nine, whether or not previously a party to the proceeding, may, within twenty days after the filing of a notice of such determination with the town clerk, or within twenty days after approval by failure to make a determination within said time limit,

appeal to the commission. The commission shall, within thirty days after receipt of such appeal in writing from the aggrieved, hear all pertinent evidence and determine the facts, and if, upon the facts so determined, the commission finds that the committee exceeded its authority or exercised poor judgment, was arbitrary, capricious, or erroneous in its action, the commission shall annul the committee determination or approval and remand the case to said committee for further action.

Any person aggrieved by the action of the commission may, within thirty days after notice of said decision, appeal to the superior court sitting in equity for the county of Barnstable. The court shall hear all pertinent evidence and determine the facts, and if, upon the facts so determined, such determination or approval is found to exceed the authority of the commission, the court shall annul such determination or approval, and remand the case for further action by the commission. The remedies provided by this action shall be exclusive, but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the commission or the committee unless it shall appear to the court that they either acted in bad faith or with malice in the matter from which the appeal was taken.

Costs shall not be allowed against the party appealing from such determination or approval of the commission unless it shall appear to the court that said party acted in bad faith or with malice in making the appeal to the court.

SECTION 12. *Enforcement.* — Any person who violates any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars.

The superior court sitting in equity for the county of Barnstable shall have jurisdiction to enforce the provisions of this act and the determinations, rulings and regulations issued thereunder and may restrain by injunction violations thereof and issue such other orders for relief of violations as may be required.

SECTION 13. *Severability of Provisions.* — The provisions of this act shall be deemed to be severable, and in case any part of this act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair the validity of any other part.

SECTION 14. *Apportionment of Expenses.* — The commission may determine the expenses of the district and apportion the same equally among the member towns comprising such district, and shall promptly thereafter notify the treasurers of such towns of such apportionment. Every town treasurer so notified shall annually certify the amount of such apportionment to the board of assessors of his municipality, who shall include such amount in the tax levy of the following year. Upon order of the commission the town treasurer of each of the towns of the district shall from time to time pay to the district treasurer a sum or sums not exceeding, in the aggregate, the amount certified by the commission as its respective share of the

costs and expenses of the district.

SECTION 15. *Prior Historic Districts.* — Upon the establishment of the district, any historic district theretofore established in any member town within the district shall cease to exist.

SECTION 16. *Acceptance of Act.* — The following question shall be printed on the ballots of the member towns as listed in section four to be used in the biennial state election in November, nineteen hundred and seventy-four: —

“Shall an act passed by the general court in the year nineteen hundred and seventy-three, entitled ‘An Act establishing the Old King’s Highway Regional Historic District and the Old King’s Highway Regional Historic District Commission in Barnstable county’, be accepted?” If a majority of the voters present and voting in the regional district towns shall vote in the affirmative, this act shall become fully effective and the said district shall be deemed to be established forthwith, but not otherwise. If a majority of the voters present and voting in the member towns in the said election fail to vote in the affirmative, the said question shall be printed on the ballots to be used in the biennial state election in November, nineteen hundred and seventy-six. If a majority of the voters present and voting in the member towns shall vote in the affirmative at said election, this act shall become fully effective and the said district shall be deemed to be established forthwith, but not otherwise. If a majority of the voters present and voting in the member towns fail to vote in the affirmative in the said election, the said question shall be printed on the ballots to be used in the biennial state election in November, nineteen hundred and seventy-eight. If a majority of the voters present and voting in the member towns shall vote in the affirmative at said election, this act shall become fully effective and the said district shall be deemed to be established forthwith, but not otherwise. If this act is not accepted in the November, nineteen hundred and seventy-eight election, the question of acceptance may be placed upon the ballot of any subsequent state biennial election, provided that, prior to September first of the year it is to be voted upon, a petition signed by not less than fifteen per cent of the registered voters in each of the towns listed in section four has been filed with the selectmen of the respective towns. The selectmen shall refer the petitions to the registrars of voters for certification and the registrars of each town shall notify the state secretary of the percentage of valid signatures. The state secretary shall in turn notify the selectmen of each town whether or not sufficient signatures have been certified to place the question on the ballot. If a majority of the voters present and voting in the regional district towns in such subsequent state election shall vote in the affirmative, this act shall become fully effective and the said district shall be deemed to be established forthwith, but not otherwise. *Approved June 29, 1973.*

Chap. 471. AN ACT FURTHER REGULATING THE WITHHOLDING OF RENT FOR PREMISES IN VIOLATION OF CERTAIN STANDARDS OF FITNESS FOR HABITATION.

Be it enacted, etc., as follows:

Section 8A of chapter 239 of the General Laws, as most recently amended by chapter 355 of the act of 1969, is hereby further amended by inserting after the second paragraph the following paragraph: —

In a proceeding under this chapter, proof by the person occupying the premises that the person to whom he customarily paid his rent or that the owner or his agents, servants, or employees knew of conditions in the premises in violation of the standards of fitness for human habitation established under the state sanitary code or any ordinance, by-law, rule or regulation which endanger or materially impair the health or safety of persons occupying the premises shall satisfy and be the equivalent of the notice requirement of clause (1) of the first paragraph of this section, provided that the conditions and the knowledge of them existed before the person occupying the premises was in arrears in his rent and that the owner or his agents, servants, or employees had not taken reasonable steps to remedy such conditions.

Approved June 29, 1973.

Chap. 472. AN ACT PROVIDING THAT NO BOND BE REQUIRED FOR THE REMOVAL OF CERTAIN ACTIONS FROM DISTRICT COURTS BY THE COMMONWEALTH OR ANY OFFICER OR EMPLOYEE THEREOF REPRESENTED BY THE ATTORNEY GENERAL.

Be it enacted, etc., as follows:

Section 107 of chapter 231 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by chapter 99 of the acts of 1970, and inserting in place thereof the following sentence: — No bond or deposit under section one hundred and four or one hundred and six shall be required of the commonwealth or any officer or employee thereof represented by the attorney general, or of a county, city, town or other municipal corporation, or of a board, officer or employee thereof represented by the city solicitor, town counsel or other officer having similar duties, or of a political subdivision, or of a party who has given bond according to law to dissolve an attachment or of a defendant in an action of tort arising out of the ownership, operation, maintenance, control or use of a motor vehicle or trailer as defined in section one of chapter ninety, if the payment of any judgment for costs which may be entered against him is secured, in whole or in part, by a motor vehicle liability bond or policy or a deposit as provided in section thirty-four D of chapter ninety; and the court may in any case, for cause shown, after notice to adverse parties, order that no bond be given.

Approved June 29, 1973.

Chap. 473. AN ACT PERMITTING CERTAIN FIDUCIARIES TO ACT PRIOR TO THE EXPIRATION OF THE PERIOD ALLOWED FOR APPEALS OF DECREES AUTHORIZING THEM TO SELL, MORTGAGE OR LEASE PROPERTY.

Be it enacted, etc., as follows:

Chapter 215 of the General Laws is hereby amended by striking out section 9A, inserted by chapter 179 of the acts of 1960, and inserting in place thereof the following section:—

Section 9A. The acts of an executor, administrator, guardian, conservator or trustee performed after the entry of the decree appointing him in such capacity or authorizing or licensing him to sell, mortgage, or lease, real or personal property and prior to the expiration of the period allowed for an appeal therefrom shall be valid to the same extent as if said appeal period had expired without any appeal in all instances where there has been no appearance entered against such appointment, sale, mortgage or lease, prior to the entry of the decree or where such appearance has been entered and withdrawn prior to the entry of the decree, notwithstanding the fact that an appeal may have been taken in said period.

Approved June 29, 1973.

Chap. 474. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF WAREHAM AS THE CORPORAL EDWARD J. ANDRADE AND CORPORAL WAYNE T. SEVERINO MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge at the intersection of interstate highway route 195 and Barlow avenue located in the Rose Point section, so called, of the town of Wareham shall be known and designated as the Corporal Edward J. Andrade and Corporal Wayne T. Severino Memorial bridge. A suitable marker bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department and as authorized by the Federal Highway Administration.

Approved June 29, 1973.

Chap. 475. AN ACT EXTENDING CERTAIN CRIMINAL PENALTIES TO FRAUDULENT WELFARE CLAIMS.

Be it enacted, etc., as follows:

Chapter 18 of the General Laws is hereby amended by striking out section 5B, inserted by section 6 of chapter 885 of the acts of 1969, and inserting in place thereof the following section:—

Section 5B. Any person or institution which knowingly makes a false representation to the department of public welfare or its agents, for the purpose of causing any person, including the person making such representations, to be supported in whole or in part by the commonwealth, or for the purpose of procuring a payment under any assistance program administered by the department, shall be punished by a fine of not less than two hundred nor more than five hundred dollars or by imprisonment for not more than one year.

Nothing in this section shall be construed as preventing the institution of criminal proceedings for the violation of any other law of the commonwealth.

Approved June 29, 1973.

Chap. 476. AN ACT REQUIRING THE LOCKING OF MOTOR VEHICLE IGNITION SWITCHES AND THE REMOVAL OF KEYS THEREFROM WHENEVER CERTAIN MOTOR VEHICLES ARE STANDING UNATTENDED IN PUBLIC WAYS.

Be it enacted, etc., as follows:

Section 13 of chapter 90 of the General Laws is hereby amended by striking out the second sentence, as appearing in the Tercentenary Edition, and inserting in place thereof the following sentence: — No person having control or charge of a motor vehicle, except a person having control or charge of a police, fire or other emergency vehicle in the course of responding to an emergency, shall allow such vehicle to stand in any way and remain unattended without stopping the engine of said vehicle, effectively setting the brakes thereof or making it fast, and locking and removing the key from the locking device and from the vehicle. *Approved June 29, 1973.*

Chap. 477. AN ACT REQUIRING LICENSING AUTHORITIES TO HOLD PUBLIC HEARINGS ON PROPOSED DECREASES IN HOURS IN ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

The sixth paragraph of section 12 of chapter 138 of the General Laws, as most recently amended by chapter 138 of the acts of 1972, is hereby amended by adding the following sentence: — The licensing authority shall not decrease the hours during which sales of such alcoholic beverages may be made by any licensee until after a public hearing concerning the public need for such decrease; provided, that any licensee affected by such change shall be given two weeks notice of such public hearing. *Approved June 29, 1973.*

Chap. 478. AN ACT PROVIDING THAT ENGINEERS MAY ORGANIZE PROFESSIONAL CORPORATIONS.

Be it enacted, etc., as follows:

Section 1 of chapter 156A of the General Laws, as most recently amended by chapter 367 of the acts of 1973, is hereby further amended by striking out paragraph (b) and inserting in place thereof the following paragraph: —

(b) "Professional service", the personal service performed by registered physicians and surgeons, chiropractors, podiatrists, engi-

neers, electrologists, physical therapists, psychologists, certified public accountants, public accountants, dentists, veterinarians and optometrists, all of whom are registered under chapter one hundred and twelve, and by attorneys-at-law admitted to practice in the courts of the commonwealth under chapter two hundred and twenty-one.

Approved June 29, 1973.

Chap. 479. AN ACT PROVIDING FOR THE ELIGIBILITY OF CERTAIN CHARITABLE CORPORATIONS AND TRUSTS FOR PROPERTY TAX EXEMPTIONS AND APPLICATIONS FOR ABATEMENT OF TAXES ASSESSED OR PAID FOR THE TAXABLE YEARS NINETEEN HUNDRED AND SEVENTY-ONE, NINETEEN HUNDRED AND SEVENTY-TWO AND NINETEEN HUNDRED AND SEVENTY-THREE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of paragraph (b) of clause Third of section five of chapter fifty-nine of the General Laws, a charitable organization, as defined in said clause Third or a trust established by a declaration of trust executed in the commonwealth and coming within said definition of a charitable organization in said clause Third, shall be eligible for the exemption provided in said section five for the taxable years nineteen hundred and seventy-one, nineteen hundred and seventy-two and nineteen hundred and seventy-three, provided, that the list of property required by section twenty-nine of said chapter fifty-nine is filed on or before October first, nineteen hundred and seventy-three, and all other requirements for such exemption are complied with.

A charitable organization or a trust defined as aforesaid which files the required list of property on or before October first, nineteen hundred and seventy-three, and, but for the failure to file said list with the respective assessors for taxable years nineteen hundred and seventy-one, nineteen hundred and seventy-two and nineteen hundred and seventy-three, would have received a property tax exemption in said years, may file an application for an abatement of any property taxes assessed or paid in said taxable years in the manner provided by section fifty-nine of said chapter fifty-nine on or before October first, nineteen hundred and seventy-three; and, if such charitable organization or trust would otherwise be eligible for such exemption, the taxes so assessed or paid shall be abated.

Approved June 29, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT STATE HOUSE
BOSTON, July 18, 1973

The Honorable John F. X. Davoren, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY:

I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 479 of the Acts of 1973, entitled "AN ACT PROVIDING FOR THE ELIGIBILITY OF CERTAIN CHARITABLE CORPORATIONS AND TRUSTS FOR PROPERTY TAX EXEMPTIONS AND APPLICATIONS FOR ABATEMENT OF TAXES ASSESSED OR PAID FOR THE TAXABLE YEARS NINETEEN HUNDRED AND SEVENTY-ONE, NINETEEN HUNDRED AND SEVENTY-TWO AND NINETEEN HUNDRED AND SEVENTY-THREE," and the enactment of which received my approval on June 29, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

In order that such organizations may immediately avail themselves of the extension in filing time allowed for compliance with the provisions of this Act.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, July 18, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at four o'clock and fifty-five minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter four hundred and seventy-nine of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 480. AN ACT AUTHORIZING CITIES AND TOWNS TO APPROPRIATE MONEY FOR THE PAYMENT OF NECESSARY EXPENSES INCURRED IN MOVING FURNITURE AND OTHER EFFECTS OF NEWLY APPOINTED CHIEF EXECUTIVE OR ADMINISTRATIVE OFFICERS.

Be it enacted, etc., as follows:

Section 5 of chapter 40 of the General Laws is hereby amended

by inserting after clause (66), inserted by section 1 of chapter 220 of the acts of 1972, the following clause:—

(67) For the necessary expenses, incurred to move the furniture and other personal effects from within the commonwealth of a newly appointed chief executive or chief administrative officer who is required to live within the city or town which employs him, a sum not exceeding one thousand dollars. *Approved June 29, 1973.*

Chap. 481. AN ACT REDUCING THE NUMBER OF PERSONS WHO MAY OCCUPY CERTAIN HOUSES WITHOUT A LODGING HOUSE LICENSE.

Be it enacted, etc., as follows:

Section 22 of chapter 140 of the General Laws, as most recently amended by chapter 171 of the acts of 1965, is hereby further amended by striking out, in line 3, the word "five" and inserting in place thereof the word:— four, — and by inserting after the word "licensed", in line 8, the words:—, or group residences licensed or regulated by agencies of the commonwealth.

Approved June 29, 1973.

Chap. 482. AN ACT AUTHORIZING THE CITY OF NEW BEDFORD TO PAY RETROACTIVE OVERTIME WAGES TO CERTAIN EMPLOYEES OF THE VOCATIONAL HIGH SCHOOL OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provision of any law to the contrary, the city of New Bedford is hereby authorized to appropriate and pay overtime wages to certain employees of former employees of the vocational high school of said city for the period from March twentieth, nineteen hundred and seventy-one through December thirty-first, nineteen hundred and seventy-two, as set forth in the order of the Wage and Hour Division of the United States Department of Labor, dated March twenty-ninth, nineteen hundred and seventy-three; provided, however, that the total amount so paid shall not exceed four thousand eight hundred and fifteen dollars and two cents.

SECTION 2. Any action taken by the city of New Bedford pursuant to section one is hereby validated and confirmed.

Approved June 29, 1973.

Chap. 483. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF BARNSTABLE TO PURCHASE OR LEASE CERTAIN POLICE EQUIPMENT.

Be it enacted, etc., as follows:

Subject to appropriation, the county commissioners of the county

of Barnstable are hereby authorized to expend the sum of fifteen thousand dollars for the purchase or lease of a computer to be used by the police departments of the towns in said county and the sheriff of said county for law enforcement information storage and retrieval.

Approved June 29, 1973.

Chap. 484. AN ACT DIRECTING THE BOARD OF SELECTMEN OF THE TOWN OF DARTMOUTH TO APPOINT THE MEMBERS OF THE BOARD OF PUBLIC WORKS OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter six hundred and seventy-four of the acts of nineteen hundred and sixty-two, the board of selectmen of the town of Dartmouth shall annually appoint from the registered voters therein three persons to serve as a board of public works. Members so appointed shall hold office at the pleasure of the board of selectmen.

SECTION 2. Members of the board of public works appointed under authority of section one, shall have all the powers and duties granted to the board of public works by said chapter six hundred and seventy-four.

SECTION 3. Upon the appointment and qualification of the members of the board of public works the terms of office of those persons holding such office shall cease and terminate. No existing contract or liability shall be affected by such termination but the board of public works appointed under this act shall in all respects be the lawful successor of the board terminated under this section.

SECTION 4. This act shall take effect on March fifteenth, nineteen hundred and seventy-four.

Approved June 29, 1973.

Chap. 485. AN ACT ESTABLISHING THE HILLCREST SEWER DISTRICT IN THE TOWN OF LEICESTER.

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Leicester, liable to taxation in said town and residing within the territory comprised within the following boundary lines, to wit:— Beginning at a point in the southerly boundary of the Leicester water supply district marked by a stone monument on the west side of Pleasant street; thence southerly by the western side of Pleasant street a distance of five thousand feet; thence true west a distance of two thousand feet; thence northerly by a straight line to a point in the southerly boundary of the Leicester water supply district; thence easterly by said southerly boundary to a distance of two thousand feet to the point of beginning, — shall constitute a sewer district and are hereby made a body corporate by the name of the Hillcrest sewer district, hereinafter called the district, for the purpose of laying out, constructing, maintaining and operating a system or systems of main

drains and common sewers for a part or whole of the territory herein described, with such connections and other works as may be required for a system of sewerage disposal, and may construct such sewers or drains in said district as may be necessary, and, for the purpose of providing better surface or other drainage, may make, lay and maintain such drains as it deems best; and for the purposes of assessing and raising taxes as provided herein for the payment of such services, and for defraying the necessary expenses of carrying on the business of said district, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. The district may make and maintain, in any way therein where main drains or common sewers are constructed, such connecting drains, sub-drains and sewers within the limits of such way as may be necessary to connect any estate which abuts upon such way.

SECTION 3. Any meeting of the voters of the territory included within the boundaries set forth in section one, to be held prior to the acceptance of this act, and any meeting of the voters of the district to be held prior to the qualification of a majority of the sewer commissioners, shall be called on petition of ten or more legal voters therein, by a warrant from the selectmen of said town, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. Such justice of the peace, or one of the selectmen, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. At any meeting held hereunder prior to the acceptance of this act, after the choice of a moderator for the meeting, the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by the majority of the voters present and voting thereon by ballot it shall thereupon take full effect, and the meeting may then proceed to act on the other articles in the warrant. After the qualification of a majority of the sewer commissioners, meetings of the district shall be called by warrant under their hands, unless some other method be provided by by-law or vote of the district.

SECTION 4. The district shall elect by ballot, either at the same meeting at which this act shall have been accepted, or thereafter, at an annual meeting or at a special meeting called for the purpose, three persons, inhabitants of and voters in said district, to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the day of the next succeeding annual district meeting, as the board of sewer commissioners; and at every annual district meeting following such next succeeding annual district meeting, when the term of a member expires, one such commissioner shall be elected by ballot for the term of three years. The date of the next annual meeting shall be

fixed by by-law or by vote of the board of sewer commissioners, but in no event shall it be later than fifteen months subsequent to the date on which the sewer commissioners were first elected. All the authority granted to said district by this act, except sections six and seven, and not otherwise specifically provided for, shall be vested in said board of sewer commissioners, who shall be subject, however, to such instructions, rules and regulations as the district may by vote impose. At the meeting at which said sewer commissioners are first elected and at each annual district meeting held thereafter, the district shall elect by ballot, each for a term of one year, a clerk and a treasurer of the district. The treasurer shall not be a sewer commissioner, and shall give bond to the district in such an amount as may be approved by said sewer commissioners and with a surety company authorized to transact business in the commonwealth as surety. A majority of said sewer commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said district at any legal meeting called for the purpose. No money shall be drawn from the treasury of the district on account of its sewer works except upon a written order of said sewer commissioners or a majority of them.

SECTION 5. The board of sewer commissioners, acting for and on behalf of said district, may take by eminent domain, under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any lands, sewer rights, rights of way or easements, public or private, in said district, necessary for accomplishing any purpose mentioned in this act, and may construct such main drains and sewers under or over any bridge, railroad, railway, boulevard or other public way, or within the location of any railroad, and may enter upon and dig up any private land, public way or railroad location, for the purpose of laying such drains and sewers and of maintaining and repairing the same, and may do any other thing proper or necessary for the purposes of this act; provided, that they shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drain or sewer within the location of any railroad corporation except at such time and in such manner as they may agree upon with such corporation, or, in case of failure to agree, as may be approved by the department of public utilities.

SECTION 6. For the purpose of paying the necessary expenses and liabilities incurred under this act, other than expenses of maintenance and operation, the district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, two hundred and fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Hillcrest Sewer District Loan, Act of 1973. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to the provisions of chapter forty-four of the General Laws.

SECTION 7. The district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section six of this act; and, when a vote to that effect has been passed, a sum which, with the income derived from sewer rates, will be sufficient to pay the annual expense of operating its sewer works and the interest as it accrues on the bonds or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under this act, shall without further vote be assessed upon the district by the assessors of said town of Leicester annually thereafter until the debt incurred by said loan or loans is extinguished.

SECTION 8. Any land taken or acquired under this act shall be managed, improved and controlled by the board of sewer commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district. All authority vested in said board by this section shall be subject to section four.

SECTION 9. The district clerk shall certify all appropriations voted by the district to the assessors of the town of Leicester who shall assess the same on property within the district in the same manner in all respects in which town taxes are required by law to be assessed; provided, that no estate shall be subject to any tax assessed on account of the system of sewerage under this act, if, in the judgment of the board of sewer commissioners herein provided for, after a hearing, due notice whereof shall have been given, such estate is so situated that it will receive no aid from the said sewerage system, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, could not be connected with the said system in any ordinary or reasonable manner; but all other estates in the district shall be deemed to be benefited and shall be subject to such tax. A certified list of the estates exempt from taxation under the provisions of this section shall annually be sent by said board of sewer commissioners to said assessors. The assessment shall be committed to the town collector of taxes, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of the district. The district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

SECTION 10. The receipts from sewer assessments, charges, rates and taxes shall be applied to the payment of charges and expenses incident to the maintenance and operation of said system of sewerage and sewage disposal or to the extension thereof; to the payment of interest upon bonds or notes issued for sewer purposes; or to the payment or redemption of such bonds or notes.

SECTION 11. Said board of sewer commissioners may annually appoint a superintendent of sewers, who shall not be a member of the board, and shall define his duties. It may remove the superintendent at its pleasure.

SECTION 12. All contracts made by the board of sewer commissioners shall be made in the name of the district, and shall be

signed by the board, but no contract shall be made or obligation incurred by said board for any purpose in excess of the amount of money appropriated by the district therefor.

SECTION 13. Said board may, from time to time, prescribe rules and regulations for the connection of estates and buildings with sewers, and for inspection of the materials, the construction, alteration and use of all connections entering into sewers, and may prescribe penalties, not exceeding twenty dollars, for each violation of any rule or regulation. Such rules and regulations shall be published at least once a week for three successive weeks in some newspaper published in the town of Leicester, if there be any, and if not, then in some newspaper published in the county of Worcester, and shall not take effect until such publications have been made.

SECTION 14. No act shall be done under authority of the preceding sections, except in the making of surveys and other preliminary investigations, until the plans for said system of sewerage and sewage disposal have been approved by the state department of public health. Upon application to said department for its approval, it shall give a hearing, after due notice to the public. At such hearing, plans showing the work to be done in constructing said system of sewerage and sewage disposal shall be submitted for approval by said department.

SECTION 15. Upon a petition in writing, addressed to said board of sewer commissioners, requesting that certain real estate, accurately described therein, located in said town of Leicester and not otherwise served by a suitable means of sewage disposal, be included within the limits thereof, and signed by the owners of such real estate, or a majority thereof, said sewer commissioners shall cause a duly warned meeting of the district to be called, at which meeting the voters may vote on the question of including said estate within the district. If a majority of the voters present and voting thereon vote in the affirmative, the district clerk shall within ten days file with the town clerk of said town and with the state secretary an attested copy of said petition and vote; and thereupon said real estate shall become and be part of the district and shall be holden under this act in the same manner and to the same extent as the real estate described in section one.

SECTION 16. This act shall take full effect upon its acceptance by a majority of the registered voters of the territory included within said district described in section one of this act, present and voting thereon by use of a check list at a district meeting called in accordance with section three.

Approved June 29, 1973.

Chap. 486: AN ACT ESTABLISHING THE DOWNTOWN WORCESTER DEVELOPMENT CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. In this act, unless the context otherwise requires, the following words shall have the following meanings: —

"Central business district", that area in the city of Worcester within the boundaries of the following streets: Beginning at the intersection of Lincoln Street and Interstate 290; thence southerly by Interstate 290 to Vernon Street; thence westerly by Vernon Street to Kelley Square; thence southerly by Millbury Street to Lamartine Street; thence southwesterly by Lamartine Street to Hermon Street; thence westerly by Hermon Street to Main Street; thence northerly by Main Street to Wellington Street; thence westerly by Wellington Street to Irving Street; thence northerly by Irving, Linden and Lancaster Streets to Salisbury Street; thence southeasterly by Salisbury Street to Concord Street; thence easterly by Concord Street to Lincoln Street; thence northeasterly on Lincoln Street to Interstate 290, the point of beginning.

"Corporation", Downtown Worcester Development Corporation, created by section three.

"Financial institution", any banking corporation or institution, trust company, savings bank, co-operative bank, savings and loan association, insurance company, or related corporation, partnership, foundation or other institution engaged primarily in lending or investing funds.

"Members of the corporation", (a) Ex officio members: the city manager of the city of Worcester; those members of the general court whose districts lie, in whole or in part, within the city of Worcester; the members of the city council of the city of Worcester; and the planning director of the city of Worcester; (b) Appointed members: not more than forty-five persons appointed by the city manager from among officers of corporations with a principal place of business within the central business district, persons owning businesses or having professional offices within said district, officers of labor organizations representing persons employed within the said district and officers of charitable or educational institutions having a principal center of operations within the city of Worcester. Initially, one third of the appointed members shall be appointed for a one-year term, one third for a two-year term, and one third for a three-year term; thereafter, except in the case of appointments to fill vacancies, the terms of all appointed members shall be three years. An appointed member may be reappointed for additional three-year terms. The members shall also constitute the incorporators.

SECTION 2. It is hereby declared that unused, decadent or blighted areas exist in parts of the central business district; that each such area constitutes a serious and growing menace, injurious and inimical to the safety, health, morals and welfare of the residents of the city; that each such area constitutes an economic liability, substantially impairs or arrests the sound growth of the city, and retards the economic well-being of the commonwealth; that each area decreases the value of private investments and threatens the sources of public revenue; that redevelopment of each such area in accordance with an economic development plan for the elimination of such substandard conditions and prevention of their recurrence is necessary to retain existing commercial enterprises, attract new com-

mercial development and promote the sound economic growth of the city; that the existence of such unused, decadent or blighted areas makes persons unwilling to do business in the central business district; that the menace of such unused, decadent or blighted areas is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided; that the acquisition of property for the purpose of eliminating unused, decadent, substandard, or blighted conditions therein, preventing recurrence of such condition in the area, the removal of structures and improvements of sites for commercial uses, the disposition of the property for redevelopment incidental to the foregoing, the exercise of powers by the corporation and any assistance which may be given by the city, or any other public body in connection therewith are public uses and purposes for which public money may be expended; and that the acquisition, planning, clearance, development, rehabilitation, or rebuilding of such unused, decadent and blighted areas for commercial purposes are public uses and benefits for which private property may be regulated by wholesome and reasonable orders, law and directions and for which public funds may be expended for the good and welfare of the city and of this commonwealth.

It is hereby further found and declared that there exists in the central business district a condition of substantial and persistent unemployment and underemployment which causes hardship to many individuals and families, wastes vital human resources, increases the public assistance burdens, impairs the security of family life, impedes the economic and physical development of the city of Worcester and adversely affects the welfare and prosperity of the people; that unemployment and underemployment have been caused in substantial part by commercial companies moving from the central business district, that many existing commercial facilities within the central business district are obsolete and inefficient; that such facilities are underutilized or vacated, thereby creating additional unemployment; that such obsolescence and abandonment of existing facilities are causing serious injury to the economy of the city of Worcester; that the commercial sector of the economy provides one of the best opportunities for jobs at higher wages for inhabitants of the city of Worcester; that new commercial sites are required to attract and house new commercial developments, and to retain existing commercial operations in need of expansion space; that the unaided efforts of private enterprise have not provided and cannot provide the necessary commercial sites within the urban environment due to problems encountered in the assembly of suitable building sites, the provision of adequate public services, the unavailability of private capital for development and the inability of private enterprise alone to plan, finance and coordinate commercial development projects.

SECTION 3. The members of the corporation are hereby constituted a body corporate under the name of Downtown Worcester Development Corporation, hereinafter called the corporation. The corpora-

tion shall be subject to and have the powers and privileges conferred by the provisions of chapter one hundred and fifty-five, sections eighteen, twenty-seven, thirty-one, thirty-three, and thirty-four of chapter one hundred and fifty-six and the provisions of chapter one hundred and fifty-six B and section four of chapter one hundred and eighty of the General Laws, except insofar as said provisions are inconsistent with or otherwise restricted or limited by the provisions of this act.

SECTION 4. The principal office of the corporation shall be located in the city of Worcester.

SECTION 5. The purposes of the corporation shall be to correct the conditions found to exist in the central business district set forth in section two, promote the common good and general welfare of the central business district, improve the living standards of the citizens thereof by fostering the improvement of their employment opportunities, solicit, encourage and induce business organizations and educational institutions to locate in the central business district, assist and promote the development and expansion of business activity and business organizations in the central business district and develop an association of public spirited business, professional and technically trained citizens to accomplish said purposes.

In furtherance of said purposes and in addition to the powers conferred on the corporation under section three, the corporation shall, subject to the restrictions and limitations hereinafter contained, have the following powers:—

(a) To accept, acquire, receive, and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer, judicial order or decree, or otherwise, for any of its objects and purposes, any property within the central business district, both real and personal, from any source, including grants, loans or advances for or in aid of the purposes of the corporation from any federal agency or agency of the commonwealth or any political subdivision thereof;

(b) To sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of, any such property within the central business district, both real and personal, that the objects and purposes of the corporation may require, subject to such limitations as may be prescribed by law;

(c) To borrow money, and, from time to time, to make, accept, endorse, execute, and issue bonds, debentures, promissory notes, bills of exchange, and other obligations of the corporation for monies borrowed or in payment for property acquired or for any of the other purposes of the corporation, and to secure the payment of any such obligations by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights or privileges of the corporation, whether now owned or hereafter to be acquired;

(d) To make loans to any person, firm, corporation, joint stock company, association or trust located, or to be located in the central business district for the purpose of promoting and developing busi-

ness activities of all kinds, provided such business activities tend to increase employment opportunities or reduce employment within the central business district;

(e) To acquire improved and unimproved real estate for the purpose of constructing retail, commercial and residential or other business establishments thereon, or for the purpose of disposing of such real estate to others for the construction of retail, commercial or other business establishments as the objects and purposes of the corporation may require;

(f) To acquire, construct, reconstruct, alter, repair, maintain, sell, convey, transfer, mortgage, lease, or otherwise dispose of retail, commercial, industrial, residential or business establishments as the objects and purposes of the corporation may require;

(g) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint stock company, association or trust, and while the owner or holder thereof, to exercise all the rights, powers and privileges of ownership;

(h) To cooperate with and avail itself of the facilities and programs of the Small Business Administration of the United States, the Massachusetts Business Development Corporation, the department of commerce and development, the Worcester Redevelopment Authority, the United States Department of Commerce and any similar government agencies, the local chamber of commerce, trade organizations, employment agencies and similar organizations; and to cooperate with and assist, and otherwise encourage organizations of the city of Worcester in the promotion, assistance, and development of the business prosperity and economic welfare of the central business district. Any requests for financial assistance grants, however, shall be made through and by the city of Worcester with the consent of the city council;

(i) To receive stocks, bonds, donations, gifts and otherwise raise money for the above outlined purposes;

(j) To elect, appoint and employ officers, agents and employees; to make contracts and incur liabilities for any of the purposes of the corporation;

(k) To employ consultants;

(l) To promote the central business district as a regional retail, commercial, professional and financial center; and

(m) To do all things and acts necessary or convenient to carry out the powers expressly granted in this act; provided, however, that the purposes shall not include the right to apply for a license to sell alcoholic beverages; and that no part of the funds, property or net earnings of this corporation shall inure to the benefit of any member, stockholder other than the city of Worcester, officer of the corporation or private individual, and no member, officer of this corporation or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation except to the extent that stockholders are entitled

to participate in the distribution of the corporation's assets upon dissolution under section seventeen, nor shall the corporation allow any of its property to be used directly or indirectly in carrying on, nor shall any of the activities of the corporation consist of the carrying on, of propaganda, or otherwise attempting to influence legislation. The corporation shall not participate in or intervene in any political campaign on behalf of any candidate for public office or publish or distribute any statements with respect thereto. Notwithstanding any other provision herein contained, neither the members, directors, officers, stockholders, nor the corporation shall participate in any of the "prohibited transactions" as defined in Section 503 of the Internal Revenue Code, as the same may, from time to time, be amended, nor shall the corporation accumulate income or engage in any activities if the accumulation of income or the activities so engaged in are or would be within the prohibitions of Section 504 of the Internal Revenue Code as the same may be, from time to time, amended, nor shall the corporation be operated at any time for the primary purpose of carrying on a trade or business for profit.

SECTION 6. The authorized capital stock of the corporation shall consist of two hundred thousand shares of nonvoting, non-dividend-paying common capital stock with a par value of ten dollars each. The members may at any time by majority vote issue any part or all of said stock upon such terms as they shall determine or by majority vote the members may delegate to the directors the power by majority vote to issue any part or all of said stock upon such terms as they shall determine. An individual, corporation, estate, trust, company or partnership shall be entitled to purchase the same from the corporation, from time to time, as long as the latter has in its treasury authorized common capital stock not distributed. Such stock may also be purchased from other individuals, corporations, estates, trusts, companies or partnerships. None of the earnings or profits of the corporation shall accrue to or be paid to the stockholders of common capital stock as dividends or profits in any form.

SECTION 7. Notwithstanding any rule at common law or any authorization, limitation or any such other provision of any general or special law, or any provision in their respective charters, agreements of association, articles of organization, or trust indentures, all domestic corporations organized for the purpose of carrying on business within the commonwealth, including without implied limitation any electric or gas company as defined in section one of chapter one hundred and sixty-four of the General Laws, railroad corporations as defined in section one of chapter one hundred and sixty of the General Laws, financial institutions, trustees and the city of Worcester are hereby authorized to acquire, purchase, hold, sell, assign, transfer, or otherwise dispose of any stocks, bonds, securities, or other evidence of indebtedness of the corporation and to make contributions to the corporation, all without the approval of any regulatory authority of the commonwealth; provided, that in so acquiring the capital stock of the corporation or

in making contributions thereto, no life insurance company shall expend, in the aggregate, in any one year an amount greater than one half of one per cent of its net gain from operations before dividends to policyholders and before federal and foreign income taxes for the next preceding fiscal year; and no other financial institution shall expend, in the aggregate, in any one year an amount greater than one half of one per cent of its income for the next preceding fiscal year; and provided, further, that such acquisitions or contributions may be made over a period not to exceed five years.

Any contribution made under this section to the corporation shall be in addition to any contributions authorized by section twelve C of chapter one hundred and fifty-five, section sixty-eight of chapter one hundred and sixty-eight and section thirty-five of chapter one hundred and seventy of the General Laws, and by other provisions of general or special law.

SECTION 8. In order to carry out the purposes and powers of the corporation the city of Worcester may raise and appropriate, or may borrow in aid of the corporation, such sums as may be necessary to purchase shares of stock in the corporation; provided, that such sums shall not exceed private investment in the corporation; and, provided further, that the city shall not borrow, nor agree to borrow as aforesaid, unless authorized by a vote of two thirds of all the city councilors passed only after two separate readings and by two separate votes, the second of such readings and votes to be had not less than fourteen days after the first. Indebtedness of the city authorized under this section, if approved by the department of commerce and development, shall be outside the limit of indebtedness prescribed in section ten of chapter forty-four of the General Laws, and shall be payable within twenty years and otherwise subject to sections sixteen to twenty-seven, inclusive, of said chapter forty-four; provided, however, that the total amount of indebtedness of the city outstanding at any one time under this section and clauses (1), (2), and (4) of section twenty of chapter one hundred twenty-one B of the General Laws shall not exceed five per cent of the city's equalized valuation as defined in section one of said chapter forty-four. Indebtedness incurred under this act shall be subject to approval under section twenty-two of said chapter one hundred twenty-one B in like manner as indebtedness incurred under said section twenty.

SECTION 9. The members shall have the following powers of the corporation: (a) to elect directors as provided in section ten; (b) to make, amend and repeal by-laws; (c) to dissolve the corporation as provided in section seventeen; (d) to exercise such other powers of the corporation as may be conferred on the members by the by-laws.

SECTION 10. The business and affairs of the corporation shall be managed and conducted by a board of directors consisting of eighteen members, of which two shall be members of the general court representing districts in whole or in part within the city of Worcester,

one shall be the manager of said city, one shall be the planning director of said city, and two shall be members of the city council of said city appointed bi-annually by the mayor. The two members of the general court and the remaining twelve directors shall be elected by the members. There shall be elected by and from the board of directors a president, an executive vice-president, a vice-president, a treasurer and a clerk. The directors may also appoint such assistant clerks and assistant treasurers as the directors shall deem desirable.

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the willful misconduct of such directors and officers.

SECTION 11. The corporation shall not deposit any of its funds in any banking institution unless such institution has been designated as a depository by a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated. The corporation shall not receive money on deposit.

SECTION 12. The corporation shall be subject to the examination of the commissioner of commerce and development, and shall make reports of its condition not less than annually to the city of Worcester and said commissioner, who in turn shall make copies of such reports available to the commissioner of insurance and to the commissioner of banks, and the corporation shall also furnish such other information as may, from time to time, be required by the commissioner of commerce and development. In addition the president or executive vice-president of the corporation shall appear in person before the council of the city of Worcester not less than three times in each calendar year to report the status and plans for the development of the central business district and any real estate owned by the corporation.

SECTION 13. The first meeting of the corporation shall be called by a notice signed by three or more of the incorporators, stating the time, place and purpose of the meeting, a copy of which notice shall be mailed or delivered to each incorporator at least five days before the day appointed for the meeting. Said first meeting may be held without such notice upon agreement in writing to that effect signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At such first meeting the incorporators shall organize by the choice, by ballot, of a temporary clerk, by the adoption of by-laws, by the election by ballot of directors and by action upon such matters within the powers of the corporation as the incorporators may see fit. The temporary clerk shall be sworn and shall make and attest a record of the proceedings until the clerk has been chosen and sworn. Eight of the incorporators shall be a quorum for the transaction of business.

Whenever the certificate required by section thirteen of chapter one hundred and fifty-five of the General Laws has been filed in the

office of the state secretary, said secretary shall issue and deliver to the incorporators a certified copy of this act under the seal of the commonwealth, and said corporation shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may, from time to time, be issued.

SECTION 14. Real property owned by the corporation, upon approval by the council of the city of Worcester, shall not be subject to taxation by the city of Worcester until one year from the date of its acquisition or until such property is leased, rented or otherwise disposed of, whichever is first. This tax-exempt status of one year may be extended by the council of the city of Worcester for one additional year.

Any stockholder, or holder of any securities, evidences of indebtedness, or shares of the capital stock of the corporation who realizes a loss from the sale, redemption, or other disposition of any securities, evidences of indebtedness or shares of the capital stock of the corporation, including any such loss realized on a partial or complete liquidation of the corporation, and who is not entitled to deduct such loss in computing any of such stockholder's, or holder's taxes to the commonwealth, shall be entitled to credit against any taxes subsequently becoming due to the commonwealth from such stockholders or other holders, a percentage of such loss equivalent to the highest rate of tax assessed for the year in which the loss occurs upon mercantile and business corporations as referred to in section two of chapter sixty-three of the General Laws.

SECTION 15. The provisions of chapter one hundred and ten A of the General Laws shall not apply to the shares of the capital stock, bonds, debentures, notes, evidences of indebtedness, or any other securities of this corporation.

SECTION 16. The period of duration of the corporation shall be fifty years, subject, however, to the right of the members to dissolve the corporation prior to the expiration of said period as provided in section seventeen.

SECTION 17. The corporation may, upon the affirmative vote of two thirds of its members and the affirmative vote of a majority of the council of the city of Worcester, petition for its dissolution by order of the supreme judicial or superior court, in the manner provided in section fifty of chapter one hundred and fifty-five of the General Laws. Upon any dissolution of the corporation the stockholders, if any, shall be paid on a pro rata basis that percentage of the assets of the corporation in excess of the obligations of the corporation which the amounts paid into the corporation for all stock bears to the sum of (1) such amounts paid into the corporation for all the stock and (2) the amounts of all donations made to the corporation; provided, that in no event shall a stockholder be paid upon such dissolution more than the amount paid into the corporation for his stock, and all the remaining assets shall be transferred to the city of Worcester for its use and benefit and for the use and benefit of the citizens thereof.

SECTION 18. If the corporation shall fail to commence operations

within three years from the effective date of this act, then this act shall become null and void.

SECTION 19. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions.

Approved June 29, 1973.

Chap. 487. AN ACT FURTHER INCREASING THE AMOUNT OF EXEMPTION TO WHICH OWNERS OF ESTATES OF HOMESTEAD ARE ENTITLED.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 188 of the General Laws is hereby amended by striking out the word "ten", inserted by section 1 of chapter 119 of the acts of 1970, and inserting in place thereof the word:— twenty.

SECTION 2. Section 9 of said chapter 188 is hereby amended by striking out the word "ten", inserted by section 2 of said chapter 119, and inserting in place thereof the word:— twenty.

SECTION 3. Section 21 of chapter 209 of the General Laws is hereby amended by striking out the word "ten", inserted by section 3 of said chapter 119, and inserting in place thereof the word:— twenty.

SECTION 4. Chapter 236 of the General Laws is hereby amended by striking out section 18, as most recently amended by section 4 of said chapter 119, and inserting in place thereof the following section:—

Section 18. If a judgment creditor requires an execution to be levied on property which is claimed by the debtor to be as a homestead exempt from such levy and if the officer holding such execution is of the opinion that the premises are of greater value than twenty thousand dollars, appraisers shall be appointed to appraise the property in the manner provided by section six. If, in the judgment of the appraisers, the premises are of greater value than twenty thousand dollars, they shall set off to the judgment debtor so much of the premises, including the dwelling house, in whole or in part, as shall appear to them to be of the value of twenty thousand dollars; and the residue of the property shall be levied upon and disposed of in like manner as land not exempt from levy on execution; and if the property levied on is subject to a mortgage, it may be set off or sold subject to the mortgage and to the estate of homestead, in like manner as land subject to a mortgage only.

SECTION 5. This act shall take effect on January first, nineteen hundred and seventy-four.

Approved June 29, 1973.

Chap. 488. AN ACT PROVIDING THAT THE JUDGE OF THE HOUSING COURT OF THE CITY OF BOSTON SHALL DETERMINE THE FORM OF WRIT IN ACTIONS OF SUMMARY PROCESS BROUGHT IN SAID COURT.

Be it enacted, etc., as follows:

Section 2 of chapter 239 of the General Laws, as amended by section 1 of chapter 463 of the acts of 1960, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:— Such person may bring an action in the superior court in the county, or in the district court in the judicial district, in which the land lies, by a writ in the form of an original summons to the defendant to answer to the claim of the plaintiff that the defendant is in possession of the land or tenements in question, describing them, which he holds unlawfully against the right of the plaintiff, and, if rent is claimed, that the defendant owes rent in the amount stated in said writ; provided, however, subject to the approval of the supreme judicial court, the judge of the housing court of the city of Boston shall determine the form of said writ in said actions brought in his court.

Approved June 29, 1973.

Chap. 489. AN ACT ASCERTAINING THE WILL OF THE VOTERS OF THE TOWN OF GREENFIELD RELATIVE TO ESTABLISHING A LEASH LAW IN SAID TOWN.

Be it enacted, etc., as follows:

In order to ascertain the will of the voters of the town of Greenfield the following question shall be placed upon the official ballot to be used for the election of officers at the annual town meeting to be held in said town in the year nineteen hundred and seventy-four:— “Shall the town adopt a by-law requiring the restraint of any dog within the town by a chain or leash not exceeding eight feet in length, unless such dog is on the premises of the owner or keeper, or upon the premises of another person with permission of such other person?” If a majority of the votes in answer to said question is in the affirmative, it shall be taken to be the will of the voters of said town that said by-law be adopted.

Approved June 29, 1973.

Chap. 490. AN ACT REPEALING THE LAW REQUIRING THE DIRECTOR OF CIVIL SERVICE TO MAKE A QUARTERLY REPORT TO THE CIVIL SERVICE COMMISSION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to repeal the law requiring the director of civil service to make a quarterly report to the civil service commission, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 2A of chapter 31 of the General Laws is hereby amended by striking out paragraph (k), as most recently amended by chapter 5 of the acts of 1969, and inserting in place thereof the following paragraph:—

(k) On or before October first each year, the director shall make a report to the commission containing information as to the division's

activities during the previous fiscal year, including data on examinations and appointments, and his recommendations, if any, for the improvement of said activities. Said report shall be a public record and copies of it shall be furnished to the governor and the state library.

Approved July 2, 1973.

Chap. 491. AN ACT INCREASING THE AMOUNT OF CERTAIN DEATH BENEFITS WHICH MAY BE PAID BY SOMERVILLE POLICE RELIEF ASSOCIATION.

Be it enacted, etc., as follows:

SECTION 1. Somerville Police Relief Association, a corporation duly established under the laws of the commonwealth, is hereby authorized, upon the death of the wife of any member in good standing, to pay to such member such sum, not exceeding one thousand dollars, as may be determined from time to time by vote of said corporation, and, upon the death of any member in good standing, to pay such death benefits, not exceeding four thousand dollars, as may be determined from time to time by vote as aforesaid.

SECTION 2. This act shall take effect upon its passage.

Approved July 2, 1973.

Chap. 492. AN ACT PROVIDING FOR VOTER REGISTRATION SESSIONS IN HIGH SCHOOLS AND VOCATIONAL SCHOOLS.

Be it enacted, etc., as follows:

Chapter 51 of the General Laws is hereby amended by inserting after section 42B the following section:—

Section 42C. The registrars or election commissioners shall hold a registration session at each public high school and vocational school within their city or town upon the request of the principal of said school; provided that a minimum number of twenty-five unregistered students of said school of voting age have petitioned said principal in writing to request said registration session. Said principal shall upon the receipt of said petition forward the same to the registrar or election commissioner of said city or town. Said registration session shall be held only once during any one school year in any one high school or vocational school.

Approved July 2, 1973.

Chap. 493. AN ACT PROVIDING TENURE OF OFFICE FOR CERTAIN ASSISTANT REGISTERS OF DEEDS FOR SUFFOLK COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 4 of chapter 36 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "responsible", in line 3, the

words:— ; provided, however, that any person so appointed by the register for Suffolk county who has served continuously in any position in the registry of deeds in said county for a period of twenty or more years shall not be removed therefrom except for cause.

SECTION 2. The provisions of section four of chapter thirty-six of the General Laws, as amended by section one of this act, shall apply to any person who on the effective date of this act is serving as assistant register of deeds for Suffolk county.

Approved July 2, 1973.

Chap. 494. AN ACT EXTENDING THE TIME FOR FILING IMPLEADER IN CIVIL CASES.

Be it enacted, etc., as follows:

Chapter 231 of the General Laws is hereby amended by striking out section 4B, as amended by chapter 324 of the acts of 1968, and inserting in place thereof the following section:—

Section 4B. Before the filing of his answer, or within ninety days thereafter, a defendant, on notice to plaintiff, may, as third-party plaintiff, enter a writ and have served a summons and third-party declaration upon a person who is or may be liable to him for all or part of the plaintiff's claim against him. Subsequent to ninety days after filing his answer, the defendant may move on notice to the plaintiff for leave so to enter a writ and have served a summons and declaration upon such person, hereinafter entitled the third-party defendant. Such third-party defendant shall make his defenses to the third-party plaintiff's claim, and may also assert against the plaintiff any defenses which the third-party plaintiff has to the plaintiff's claim. The plaintiff may by amendment assert any claim against the third-party defendant arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff, and the third-party defendant thereupon shall assert his defenses. A third-party defendant may proceed under this section against any person who is or may be liable to him for all or part of the claim made in the action against the third-party defendant, and subsequent parties defendant may, likewise, proceed under this section against persons who may in turn be liable to such subsequent parties defendant for all or part of the claims made against such subsequent parties defendant.

Approved July 2, 1973.

Chap. 495. AN ACT RELATIVE TO THE DISPOSITION OF ESTATES OF LESS THAN FIVE HUNDRED DOLLARS BY PUBLIC ADMINISTRATORS.

Be it enacted, etc., as follows:

Chapter 194 of the General Laws is hereby amended by striking out section 17, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:—

Section 17. If the total value of an estate which has come into the control of a public administrator is less than five hundred dollars, unless the same is the balance of an estate received from a prior public administrator, he shall forthwith reduce all such property into money, not taking administration thereon, and deposit it, after deducting his reasonable expenses and charges, with the state treasurer, who shall hold it for the benefit of any persons who may have legal claims thereon. Such claims may be presented to the comptroller within one year from such payment to the treasurer, and the comptroller shall examine such claims and allow such as may be proved to his satisfaction, and upon the expiration of the year shall forthwith certify the same to the governor and council for payment of the whole of the claims or such proportion thereof as the funds will allow.

Approved July 2, 1973.

Chap. 496. AN ACT RELATIVE TO THE USE OF CERTAIN RAPTORS FOR HUNTING PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 131 of the General Laws, as appearing in section 1 of chapter 802 of the acts of 1967, is hereby amended by inserting after the definition of "Division" the following two definitions:—

"Falcon", the female peregrine, but applied generally to the females of all long-winged hawks (Falconidae), and to all hawks trained to hunt game.

"Falconry", the sport of hunting game with trained raptors.

SECTION 2. Said section 1 of said chapter 131 is hereby further amended by inserting after the definition of "Propagator" the following definition:—

"Raptors", all birds found in the wild that are members of the order Falconiformes or Strigiformes, and specifically but not by way of limitation, falcons, hawks, owls and eagles.

SECTION 3. Clause (2) of section 4 of said chapter 131, as appearing in section 1 of chapter 802 of the acts of 1967, is hereby amended by inserting after the word "chapter", in line 7, the words:— and he may, subject to federal law, rules and regulations, regulate the trapping and taking of raptors for the purpose of falconry in accordance with rules and regulations established under the provisions of section five;.

SECTION 4. The fourth paragraph of section 23 of said chapter 131, as so appearing, is hereby amended by inserting after clause (8) the following two clauses:—

(9) To any person who successfully fulfills the license requirements as established by the director, a falconry license, for either an apprentice falconer or master falconer, depending upon the applicant's qualifications and testing, to keep, train and hunt with raptors in accordance with the rules and regulations established therefor,

provided that when hunting, the licensee shall also possess a valid hunting or sporting license.

(10) To any person fulfilling the requirements of this license as established by the director, a raptor breeding and salvage license to possess, propagate, rehabilitate and release into the wild or retain for scientific study, birds of the families Accipitridae, Falconidae, Tytonidae, and Strigidae in accordance with the rules and regulations established therefor. The sport of falconry is prohibited under this license. It shall be unlawful to purchase, sell, barter or offer for sale or barter, or to have in possession for the purpose of sale or barter, any raptors licensed under this clause or clause (9) unless otherwise authorized in writing by the director.

SECTION 5. The last paragraph of section 23 of said chapter 131, as amended by section 2 of chapter 573 of the acts of 1972, is hereby further amended by striking out, in lines 10, 11 and 12, the words "and the initial fee for a license issued under clause (8) shall be seven dollars and fifty cents, and for each annual renewal thereof, five dollars" and inserting in place thereof the words:— the initial fee for a license issued under clause (8) shall be seven dollars and fifty cents, and for each annual renewal thereof, five dollars; and the initial fee for a license issued under clause (9) or clause (10) shall be twenty-five dollars, and for each annual renewal thereof, twenty-five dollars.

SECTION 6. Clause (3) of section 31 of said chapter 131, as amended by section 9 of chapter 706 of the acts of 1972, is hereby further amended by adding the following sentence:— Falconry shall be permitted on commercial shooting preserves under existing hunting regulations provided the falconer meets the commonwealth's falconry requirements or is similarly licensed by another state.

SECTION 7. The last sentence of section 57 of said chapter 131, as amended by chapter 214 of the acts of 1968, is hereby further amended by inserting after the word "traps", in line 7, the words:— , nor training of falcons or protected species, nor the exercising of such falcons as regulated by the director.

SECTION 8. Section 75A of said chapter 131, inserted by section 1 of chapter 445 of the acts of 1972, is hereby amended by inserting after the word "bird", in line 4, the words:— , unless otherwise authorized by the director.

Approved July 2, 1973.

Chap. 497. AN ACT AUTHORIZING THE USE OF STOP WARNING DEVICES ON SCHOOL BUSES.

Be it enacted, etc., as follows:

Section 7B of chapter 90 of the General Laws is hereby amended by inserting after clause (10), inserted by chapter 314 of the acts of 1973, the following clause:—

(11) A stop warning device may be mounted upon the left side of a school bus and shall only be activated to extend outward when picking up or discharging passengers. Such device when fully ex-

tended shall not protrude more than twenty-two inches outward from the left side of the body and shall be constructed with a break-a-way hinge. The use of such a device shall not be construed as increasing the width of such school bus beyond the limits prescribed by section nineteen.

Approved July 2, 1973.

Chap. 498. AN ACT INCREASING THE PENALTY FOR THE DROPPING, SIFTING, LEAKING OR ESCAPING OF CERTAIN LOADS FROM VEHICLES.

Be it enacted, etc., as follows:

The third sentence of section 36 of chapter 85 of the General Laws, as appearing in chapter 160 of the acts of 1962, is hereby amended by striking out, in line 2, the word "fifty" and inserting in place thereof the words:— one hundred.

Approved July 2, 1973.

Chap. 499. AN ACT PROVIDING FOR DAYS OFF FOR MEMBERS OF THE POLICE DEPARTMENT OF THE TOWN OF GREENFIELD.

Be it enacted, etc., as follows:

SECTION 1. The hours of duty of members of the police department of the town of Greenfield shall be arranged in accordance with the following schedule, based on a three phase cycle: first phase: five days of work, two days off; second phase: five days of work, two days off; and third phase: five days of work, three days off. They shall be excused from duty for two days of phase one, for two days of phase two and for three days of phase three without loss of pay.

SECTION 2. This act shall be submitted to the registered voters of the town of Greenfield at an annual or special town meeting called for the purpose in the form of the following question which shall be placed upon the official ballot to be used at said meeting: "Shall an act passed by the General Court in the year nineteen hundred and seventy-three, entitled 'An Act providing for days off for members of the police department of the town of Greenfield', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, then this act shall take full effect, but not otherwise.

Approved July 2, 1973.

Chap. 500. AN ACT AUTHORIZING THE CITY OF WESTFIELD TO PAY A CERTAIN SUM OF MONEY TO THE WESTFIELD COAL COMPANY.

Be it enacted, etc., as follows:

SECTION 1. The city of Westfield is hereby authorized to appropriate money for the payment of and after such appropriation the treasurer of said city is hereby authorized to pay to the Westfield Coal Company the sum of one hundred and twelve dollars and forty-

four cents for goods and services supplied or rendered to said city during the year nineteen hundred and sixty-seven and payment for which is legally unenforceable against said city.

SECTION 2. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said city auditor, stating under the penalties of perjury that the goods or services for which said bill has been submitted was ordered by an official or an employee of said city, and that such goods or services were actually provided for said city.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false and who thereby receives payment for goods which were not received by said city or services which were not rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved July 2, 1973.

Chap. 501. AN ACT ESTABLISHING IN THE TOWN OF ESSEX A DEPARTMENT OF PUBLIC WORKS EXERCISING THE POWERS OF CERTAIN OTHER DEPARTMENTS AND TOWN OFFICIALS.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Essex a board of public works, hereinafter called the board, to consist of three members. The initial members thereof shall be appointed to serve, one until the annual town election of nineteen hundred and seventy-six appointed by the board of selectmen, one until the annual town election of nineteen hundred and seventy-five appointed by the board of selectmen from a list of at least two submitted by the moderator and one until the annual town election of nineteen hundred and seventy-four appointed by the board of selectmen from a list of at least two submitted by the planning board. All of said members shall be appointed within ten days after the effective date of this act. Thereafter when the term of any member expires his successor shall be appointed within ten days after the annual town election in the same manner as above by the same appointing authorities to serve for three years. In all cases the members shall serve until their successors are appointed. The members of the board shall forthwith, after the annual appointment, elect from its members a chairman and a clerk for the ensuing year. In case of a vacancy, said vacancy shall be filled by an appointee of the initial appointive authority for the unexpired term within thirty days. No person shall serve on the board who holds another elective or appointive office in the town or who is a town employee.

SECTION 2. Upon the appointment of the initial members of the board of public works, the board shall have all the powers and duties now and from time to time vested by the General Laws

or town by-law or special act in the following boards, departments and offices, or in boards, departments and offices having corresponding powers and duties in the town of Essex to wit: park commissioners, cemetery commissioners, tree warden, highway superintendent, gypsy moth superintendent, water commissioners, rubbish collection department, garbage collection department, dump management department, sewer department, and such boards, offices and departments shall be abolished. No contracts or liabilities then in force shall be affected by such abolition, but the board of public works shall in all respects be the lawful successor of the boards, departments and offices so abolished.

The board shall have such added powers with respect to public works as the town may from time to time by by-law provide, any other provisions of the law to the contrary notwithstanding.

SECTION 3. The board shall consist of the park, tree and moth division; the cemetery division; the highway division; the water division; the rubbish, garbage and dump division; and the sewer division.

SECTION 4. The board shall, after consultation with the personnel board, appoint and fix the compensation of a superintendent of public works, who shall exercise and perform, under its supervision and direction, such of the powers, rights and duties transferred to it under section two and as it may from time to time designate. He shall be responsible for the efficient exercise and performance of such powers, rights and duties and shall hold office subject to the will of the board which may remove the superintendent for just cause only by a vote of at least two members of the board. His removal must be preceded by a written notice, given to him, which notice must specify the reasons for which he is to be removed, such notice to be given at least fourteen days prior to his removal. At his request, he shall be entitled to a public hearing on the charges brought against him.

He shall be specially fitted by education, training and experience to perform the duties of said office, and may or may not be a resident of the town during his tenure of office.

During his tenure he shall hold no other elective or appointive office nor shall he be engaged in any other business or occupation. He shall give to the town a bond with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of his duties in such sum and upon such conditions as the board may require, and shall, subject to the approval of the board, appoint such assistants, agents and employees as the exercise and performance of his powers, rights and duties may require. He shall keep full and complete records of the doings of his office and shall render to the board, as often as it may require, a full report of all operations under his control during the period reported upon; and annually, and from time to time as required by the board, he shall make a synopsis of such reports for publication. He shall keep the board fully advised as to the needs of the town within the scope of his duties and shall annually furnish to

the board, no less than sixty days prior to the annual town meeting of said town, a carefully prepared and detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights and duties.

No person permanently employed on the effective date of this act shall be dismissed because of the passage thereof except for just cause.

SECTION 5. The town may after the expiration of three years from the date of acceptance of this act vote at an annual meeting to revoke such acceptance, and the question of such revocation shall be submitted to the voters in the form of the following question: "Shall the acceptance by the Town of Essex of an act passed by the General Court in the year nineteen hundred and seventy-three, entitled 'An Act establishing in the town of Essex a department of public works exercising the powers of certain other departments and town officials,' be revoked?" If a majority of the votes cast in answer to said question is in the affirmative, then at the next annual town election held at least sixty days after said vote to rescind, the town shall elect such officers as are necessary to exercise and perform the powers, rights and duties transferred to the board of public works by said act. Such action shall not affect any contract or liability then created or existing. All general laws respecting town administration and town officers, and any special laws, relative to said town, the operation of which has been suspended or superseded by the acceptance of this act, shall then be in full force and effect. Any by-law inconsistent with such special or general laws shall be revoked thereby. Any subsequent vote to rescind the acceptance of said sections shall not be taken more often than once in three years.

SECTION 6. This act shall take effect upon its passage.

Approved July 3, 1973.

Chap. 502. AN ACT AUTHORIZING GAS AND ELECTRIC COMPANIES TO ISSUE NEW SHARES OF STOCK FOR SALE WITHOUT FIRST OFFERING SUCH NEW SHARES PROPORTIONATELY TO ITS STOCKHOLDERS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 164 of the General Laws is hereby amended by striking out section 4, as most recently amended by chapter 58 of the acts of 1967, and inserting in place thereof the following section: —

Section 4. Sections four, eight, nine, twenty-one, twenty-two, thirty-one, thirty-three and thirty-four of chapter one hundred and fifty-six and sections twenty, thirty-three, thirty-five, thirty-six, thirty-seven and thirty-nine of chapter one hundred and fifty-six B shall apply to companies subject to the provisions of this chapter.

SECTION 2. Said chapter 164 is hereby further amended by

striking out section 18, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 18. Except as otherwise provided in this section, if a gas or electric company increases its capital stock, such new shares shall be offered at such price, not less than par, as its directors may fix. The vote of the department, as provided in section fourteen, as to the amount of stock reasonably necessary for the purpose for which such increase has been authorized, shall be based on the price fixed by the directors unless the department deems that such price is so low as to be inconsistent with the public interest, in which case it may fix the price at which such shares may be issued. If it deems that such new shares cannot be disposed of at or above the par value thereof, it may, notwithstanding the provisions of this or any other section, authorize the issue of such new shares at a price less than the par value thereof and with such requirements for the amortization of the discount as it may deem necessary in the public interest. Its determination shall be made part of the vote of the department as provided in section fourteen, and shall be certified and recorded as therein prescribed.

SECTION 3. Said chapter 164 is hereby further amended by striking out section 19, as most recently amended by section 2 of chapter 308 of the acts of 1971, and inserting in place thereof the following section: —

Section 19. A gas or electric company may sell an increase in stock in such manner, at such times, upon such terms, and at such price, not less than par, except as otherwise authorized by the department as provided in section eighteen, to be paid in cash, as the directors shall determine and as may be approved by the department. If such shares are to be sold by auction, they shall be offered for sale in the city of Boston or in such other city or town as the department prescribes, and notice of the time and place of the sale shall be published at least five times during the ten days immediately preceding the sale in at least three of such daily newspapers as the department may prescribe. *Approved July 3, 1973.*

Chap 503. AN ACT EXEMPTING VETERINARIANS FROM CIVIL LIABILITY AS A RESULT OF RENDERING CERTAIN EMERGENCY CARE TO DOMESTIC ANIMALS.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws, is hereby amended by inserting after section 58 the following section: —

Section 58A. Any veterinarian duly registered under the provisions of section fifty-five, or who is a resident of another state or in the District of Columbia and duly registered therein who, in good faith, as a volunteer and without fee, renders emergency care or treatment to a domestic animal other than in the ordinary course of his practice shall not be liable in a suit for damages as a result of his acts or omissions which may occur during such

emergency care or treatment, nor shall he be liable to any animal hospital for its expenses if under such emergency conditions he orders an animal hospitalized or causes his admission to such hospital.

Approved July 3, 1973.

Chap. 504. AN ACT EXEMPTING FORESTERS AND CERTAIN FIRE CONTROL OFFICERS FROM LIABILITY FOR TRESPASS WHEN ENGAGED IN THE PERFORMANCE OF THEIR DUTIES.

Be it enacted, etc., as follows:

Chapter 48 of the General Laws is hereby amended by striking out section 27, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 27. Forest wardens, their deputies and assistants, foresters, chief fire wardens, district fire wardens and forest fire patrolmen shall not be liable for trespass when engaged in the performance of their duties under this chapter or chapter one hundred and thirty-one, one hundred and thirty-two or one hundred and forty-eight.

Approved July 3, 1973.

Chap. 505. AN ACT AUTHORIZING THE CITY OF FALL RIVER TO GRANT AN ANNUITY TO MARY S. PIETRUSKA, WIDOW OF WALTER J. PIETRUSKA.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, the city of Fall River may grant to Mary S. Pietruska, the widow of Walter J. Pietruska, a former deputy chief of the fire department of said city, who sustained injuries resulting in his death while in the performance of his duties, an annuity, so long as she remains unmarried, which shall be equal to the amount of salary which would have been paid to said Walter J. Pietruska had he continued in service in the position held by him at the time of his death; provided, however, that the amount of such annuity immediately payable shall be equal to the maximum salary set for the position whether or not he had reached the maximum at the time of his death; and provided, further, that the annuity provided in this act shall be in lieu of any annuity or pension payable to said widow under any general or special law.

Approved July 3, 1973.

Chap. 506. AN ACT DESIGNATING A CERTAIN CONNECTOR ROAD IN THE CITY OF REVERE AS THE HARRY DELLA RUSSO ROAD.

Be it enacted, etc., as follows:

The connector road to be constructed in the city of Revere,

connecting Cutler circle and North Shore road in said city, shall, upon its completion, be designated and known as the Harry Della Russo road, in memory of Harry Della Russo, a former state senator from said city. A suitable marker bearing said designation shall be erected thereat by the department of public works.

Approved July 3, 1973.

Chap. 507. AN ACT PROVIDING FOR LEAVE OF ABSENCE WITHOUT LOSS OF PAY TO STATE, COUNTY AND MUNICIPAL EMPLOYEES FOR CERTAIN BLOOD DONATIONS.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by inserting after section 33C the following section: —

Section 33D. Any employee of the commonwealth, of any county, and of any city or town which accepts the provisions of this section, shall be allowed a leave of absence without loss of pay of not more than eight hours in each calendar year for the purpose of donating platelets, plasma white cells or whole blood to any cancer research center.

Approved July 5, 1973.

EMERGENCY LETTER — July 31, 1973 at 2:44 P. M.

Chap. 508. AN ACT AUTHORIZING THE CITY OF BROCKTON TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton is hereby authorized to appropriate and pay to the Hanson Printing Company, Inc. the sum of three thousand two hundred and forty-six dollars and eight cents for printing programs relative to the dedication of the new high school in the year nineteen hundred and seventy and which bill is legally unenforceable against said city.

SECTION 2. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under the authority of this act unless and until a certificate has been signed and filed with said city auditor, stating under the penalties of perjury that the goods, materials or services for which said bill was submitted were ordered by a special committee of said city, and that such goods and materials were delivered and actually received by said city or that such services were rendered to said city, or both.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for goods, materials or services which were not received by or rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its passage.

Approved July 6, 1973.

Chap. 509. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL PERIOD FROM JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR, FOR THE CARE, MAINTENANCE AND REPAIR OF THE PLYMOUTH COUNTY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Plymouth county are hereby authorized to expend for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four, the sums set forth in this act for the care, maintenance and repair of the Plymouth county hospital and to assess the same in the manner set forth in section eighty-five of chapter one hundred and eleven of the General Laws.

PLYMOUTH COUNTY.

Item	
1. For personal services	\$1,733,511 00
2. For contractual services	60,000 00
3. For supplies and materials	310,000 00
4. For current charges and obligations	140,499 10
5. For equipment	26,141 60
8. For debt and interest	15,000 00
10. For unpaid bills of previous years	40 00
11. For reserve fund	15,000 00
12. For group insurance	56,135 00
For total expenditures	\$2,356,326 70

SECTION 2. This act shall take effect upon its passage.

Approved July 6, 1973.

Chap. 510. AN ACT VALIDATING THE ACTS AND ELECTION OF ARTHUR D. SAUL, JR., AS A SELECTMAN IN THE TOWN OF ARLINGTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary or any provisions of the town charter of the town of Arlington, the election of Arthur D. Saul, Jr., as a selectman of said town, from March third, nineteen hundred and fifty-eight shall be valid and effective, notwithstanding the fact that he was a member of the finance committee of said town from November nineteen, nineteen hundred and fifty-one until March third, nineteen hundred and fifty-eight.

SECTION 2. Notwithstanding any general or special law to the contrary or any provisions of the town charter of the town of Arlington, the acts of Arthur D. Saul, Jr., as a selectman of said town, from March third, nineteen hundred and fifty-eight shall be valid and effective, notwithstanding the fact that he was a member of the

finance committee of said town from November nineteen, nineteen hundred and fifty-one until March third, nineteen hundred and fifty-eight.

SECTION 3. This act shall take effect upon its passage.

Approved July 6, 1973.

Chap. 511. AN ACT VALIDATING THE ACTS AND ELECTION OF THE TOWN TREASURER IN THE TOWN OF ARLINGTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary or any provisions of the town charter of the town of Arlington, the election of the treasurer of said town, John J. Bilafer, from March fourth, nineteen hundred and seventy-two, shall be valid and effective, notwithstanding the fact that he was a member of the board of selectmen of said town from March second, nineteen hundred and sixty-four, until March sixth, nineteen hundred and seventy-two.

SECTION 2. Notwithstanding any general or special law to the contrary or any provisions of the town charter of the town of Arlington, the acts of the treasurer of said town, John J. Bilafer, from March fourth, nineteen hundred and seventy-two, shall be valid and effective, notwithstanding the fact that he was a member of the board of selectmen of said town from March second, nineteen hundred and sixty-four until March sixth, nineteen hundred and seventy-two.

SECTION 3. This act shall take effect upon its passage.

Approved July 6, 1973.

Chap. 512. AN ACT AUTHORIZING INSURANCE AGENTS OR BROKERS TO ADD ON CERTAIN CHARGES FOR THE LATE PAYMENT OF INSURANCE PREMIUMS.

Be it enacted, etc., as follows:

The first paragraph of section 22 of chapter 255C of the General Laws, as appearing in section 1 of chapter 727 of the acts of 1964, is hereby amended by adding the following two sentences:— Nothing contained in this chapter or in chapter one hundred and seventy-five shall prohibit the addition by an insurance agent or broker not licensed as a premium finance agent of a late charge for late payment of a premium so long as any such charge does not exceed one and one-half per cent of the unpaid balance per month; provided, however, that such late charge shall not be imposed in the event payment is received within ninety days from the effective date of the policy. Such insurance agent or broker may impose such a charge only if bills, statements or invoices issued to a policyholder state that such a charge will be made in the event of late payment.

Approved July 6, 1973.

Chap. 513. AN ACT AUTHORIZING THE TOWN OF LUDLOW TO PAY A SUM OF MONEY TO CLARENCE E. LABIER.

Be it enacted, etc., as follows:

The town of Ludlow is hereby authorized to appropriate and to pay Clarence E. Labier the sum of forty-five dollars and eight cents due him as salary for duties performed on June twenty-sixth, nineteen hundred and seventy-one and for vacation pay due him for July second, nineteen hundred and seventy-one.

Approved July 6, 1973.

Chap. 514. AN ACT PROVIDING THAT PERSONS HELD IN JAIL FOR TRIAL SHALL BE REMOVED TO ANOTHER CORRECTIONAL FACILITY UPON AN ORDER OF THE SUPERIOR COURT.

Be it enacted, etc., as follows:

The first sentence of section 52A of chapter 276 of the General Laws, as appearing in chapter 131 of the acts of 1943, is hereby amended by inserting after the word "attorney", in line 2, the words: — , and shall, by order of a justice of the superior court, .

Approved July 6, 1973.

Chap. 515. AN ACT FURTHER REGULATING PROCEDURE IN THE LAND COURT RELATIVE TO TAX TITLES.

Be it enacted, etc., as follows:

SECTION 1. Section seventy-four of chapter sixty of the General Laws is hereby repealed.

SECTION 2. Said chapter 60 is hereby amended by striking out section 75, as amended by section 1 of chapter 189 of the acts of 1936, and inserting in place thereof the following section: —

Section 75. Practice and procedure under sections sixty-four to seventy-three, inclusive, sections seventy-six, seventy-six A, and eighty B, not therein otherwise provided for, shall conform as nearly as possible to the land court practice; rules, regulations and procedure under chapter one hundred and eighty-five insofar as the same may be applicable, except that no memorandum stating the disposition of the case shall be made. Notice of filing the petition shall be recorded in the registry of deeds as provided for in land registration proceedings, and all final decrees shall be recorded.

SECTION 3. Section 76 of said chapter 60, as most recently amended by section 2 of said chapter 189, is hereby further amended by striking out the second sentence.

SECTION 4. Section 80B of said chapter 60, as amended by chapter 302 of the acts of 1946, is hereby further amended by striking out the eighth and ninth paragraphs.

Approved July 6, 1973.

Chap. 516. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF PLYMOUTH COUNTY TO PURCHASE A CERTAIN PARCEL OF LAND IN THE CITY OF BROCKTON FOR THE PURPOSE OF PROVIDING A PARKING AREA FOR PERSONS IN ATTENDANCE AT THE DISTRICT COURT OF BROCKTON.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Plymouth county are hereby authorized to purchase a certain parcel of land, with the buildings thereon, hereinafter described, and to raze said buildings, pave the area and make such other improvements necessary for providing an area for the parking of motor vehicles of persons in attendance at the district court of Brockton. Said land is located on the northerly side of West Elm Street in the city of Brockton, and bounded and described as follows: —

Beginning at a stone bound in the north line of said West Elm Street, which point is distant sixty (60) feet easterly from the east line of Newbury Street at its intersection with the north line of West Elm Street; thence running

Easterly in the north line of West Elm Street, from said stone bound above mentioned, seventy-two and $8/10$ (72.8) feet, more or less, to a point and corner and land now or formerly of the Brockton Knights of Columbus Building Association, Inc.; thence turning and running

Northerly in the west line of land now or formerly of said Association one hundred twenty and $45/100$ (120.45) feet to a point and corner; thence turning and running

Westerly, partly in the southerly line of land now or formerly of said Association and partly in the south line of land now or formerly of John and Ellen G. Buckley, seventy-six and $6/10$ (76.6) feet to a stone bound and corner and land now or formerly of Watt Terry; thence turning and running

Southerly in the east line of land now or formerly of said Terry one hundred twenty (120) feet, more or less, to the stone bound first mentioned and the point of beginning.

A portion of the described premises is shown as Lot 91 on a plan entitled "Map of Villa Lots at Arlington Park, showing Central location of the City of Brockton, Plymouth County, Mass.," June 1890, E. L. Brown, C. E.," which plan is on file at the registry of deeds in the county of Plymouth.

For title see deed of Jean P. Houde, et al, Trustees, dated January 2, 1971, recorded with registry of deeds of Plymouth county in Book 3642, Page 678. Also see deed of Patrick Joseph Stapleton to us, duly recorded with said deeds.

SECTION 2. For the purposes authorized by section one, the treasurer of Plymouth county, with the approval of the county commissioners thereof, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, forty-five thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, District Court of

Brockton Parking Loan, Act of 1973. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than five years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Approved July 6, 1973.

Chap. 517. AN ACT AUTHORIZING THE TOWNS OF BELLINGHAM AND BLACKSTONE TO CONTRACT WITH CERTAIN RHODE ISLAND MUNICIPALITIES FOR THE TREATMENT AND DISPOSAL OF SEWAGE.

Be it enacted, etc., as follows:

SECTION 1. The towns of Bellingham and Blackstone are hereby authorized to negotiate and enter into a contract with the city of Woonsocket in the state of Rhode Island for the treatment and disposal of all or a portion of the sewage from said towns of Bellingham and Blackstone by said city and providing for all necessary sewer lines, interceptors, pumping stations and other appurtenant structures and equipment therefor wherever located. The town of Blackstone is further authorized to negotiate and enter into a contract with the town of North Smithfield in said state of Rhode Island for the construction of an interceptor through said town of North Smithfield together with all necessary appurtenant structures and equipment therefor wherever located. No contract authorized by this section shall become effective until approved as reasonable by the emergency finance board as provided in section four of chapter forty of the General Laws.

SECTION 2. For the purpose of paying capital costs, including lump-sum payments to any city or town, incurred or required to be paid under any contract authorized by section one of this act, the towns of Bellingham and Blackstone may incur debt as provided in clause (15) of section eight of chapter forty-four of the General Laws.

SECTION 3. This act shall take effect upon its passage.

Approved July 9, 1973.

Chap. 518. AN ACT INCORPORATING THE LEOMINSTER AREA ECONOMIC DEVELOPMENT CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. In this act, unless the context otherwise requires, the following words shall have the following meanings: —

"Corporation", the Leominster Area Economic Development Corporation, created by section two.

"Financial institution", any banking corporation or institution, trust company, savings bank, co-operative bank, savings and loan association, credit union, insurance company, or related corporation, partnership, foundation or other institution engaged primarily in lending or investing funds.

"Executive committee", the executive committee established under section nine.

"Members", members of the corporation — William P. DeCarolus, Clarence Daniels, George Ralstab, Anthony Pieramarini, Dean Foster, John B. Tata, Martin Moran, William Pye, Rocco Mammone, Robert Fitzgerald, Joseph Grammel, George Werner, Francis Perreault, Wesley Arbo, Joseph Corman, Leo Meltzer, Jack Levy, Lee Goldsteine, Loren S. Goulding, Thomas Judy, Nunzio Lattanzio, James Fitzgerald, Maurice Swartz, Benito Fini, James Howard, Roger Brideau, William J. Holloway, J. Romeo Pelletier, and any other person who pursuant to the by-laws of the corporation is validly elected to membership in the corporation. Said members shall also constitute the incorporators.

SECTION 2. The individuals named in section one, their associates, successors and assigns, are hereby constituted a body corporate under the name of Leominster Area Economic Development Corporation. The corporation shall be subject to and have the powers and privileges conferred by the provisions of chapter one hundred and fifty-five, of sections eighteen, twenty-six, twenty-seven, thirty-one, thirty-three and thirty-four of chapter one hundred and fifty-six, of chapter one hundred and fifty-six B, and of section two of chapter one hundred and eighty of the General Laws, as presently enacted or hereafter amended except insofar as said provisions are inconsistent with or otherwise restricted or limited by the provisions of this act.

SECTION 3. The principal office of the corporation shall be located in the city of Leominster.

SECTION 4. The purposes of the corporation shall be to promote the common good and general welfare of the city of Leominster and contiguous towns; to improve the living standards of the citizens thereof by fostering the improvement of their employment skills and capacities, by creating, encouraging and promoting employment opportunities, by soliciting, encouraging and inducing business organizations to locate in said city or its vicinity, and by assisting and promoting the development and expansion of business activity and business organizations in said city and its vicinity, and to develop an association of public-spirited citizens and business, professional and technically trained citizens to accomplish the purposes of the corporation.

In furtherance of such purposes and in addition to the powers conferred on the corporation under section two, the corporation shall, subject to the restrictions and limitations hereinafter contained, have the following powers:-

- (a) To accept, acquire, receive, and hold by bequest, devise,

grant, gift, purchase, exchange, lease, transfer, judicial order or decree or otherwise, for any of its objects and purposes, any property, both real and personal;

(b) To sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of, any such property, both real and personal, as the objects and purposes of the corporation may require, subject to such limitations as may be prescribed by law;

(c) To borrow money, and, from time to time, to make, accept, endorse, execute and issue bonds, debentures, promissory notes, bills of exchange and other obligations of the corporation for monies borrowed or in payment for property acquired or for any of the other purposes of the corporation, and to secure the payment of any such obligations by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights or privileges of the corporation, whether now owned or hereafter to be acquired;

(d) To make loans to any person, firm, corporation, joint stock company, association or trust located, or to be located, in the city of Leominster or in the vicinity thereof, for the purpose of promoting and developing business activities of all kinds, provided such business activities tend to increase employment opportunities or reduce unemployment within said city of Leominster or its vicinity;

(e) To acquire improved and unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments as the objects and purposes of the corporation may require;

(f) To acquire, construct, reconstruct, alter, repair, maintain, sell, convey, transfer, lease or otherwise dispose of industrial plants or business establishments as the objects and purposes of the corporation may require;

(g) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint stock company, association or trust, and, while the owner or holder thereof, to exercise all the rights, powers and privileges of ownership;

(h) To cooperate with and avail itself of the facilities and programs of the Small Business Administration of the United States, the Massachusetts Business Development Corporation, the state department of commerce and development, the Leominster Redevelopment Authority, the United States Department of Commerce and any similar governmental agencies, and any local chambers of commerce, trade organizations, employment agencies, and similar organizations; and to cooperate with and assist and otherwise encourage organizations in the city of Leominster and in the vicinity thereof in the promotion, assistance and development of the business prosperity and economic welfare of such area;

(i) To receive stocks, bonds, donations, gifts and to otherwise raise money for the above outlined purposes;

(j) To elect, appoint and employ officers, agents and employees; to make contracts and incur liabilities for any of the purposes of the corporation;

(k) To do all things and acts necessary or convenient to carry out the powers expressly granted in this act; provided, however, that the purposes shall not include the right to apply for a license to sell alcoholic beverages; and that no part of the funds, property or net earnings of this corporation shall inure to the benefit of any member, stockholder, officer of the corporation, or any private individual, and no member, officer of this corporation, or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation except to the extent that stockholders are entitled to participate in the distribution of that corporation's assets upon dissolution under section sixteen, nor shall the corporation allow any of its property to be used directly or indirectly in carrying on, nor shall any of the activities of the corporation consist of the carrying on of propaganda, or otherwise attempting to influence legislation. The corporation shall not participate in or intervene in any political campaign on behalf of any candidate for public office or publish or distribute any statements with respect thereto. Notwithstanding any other provisions herein contained, neither the members, directors, officers, stockholders nor the corporation shall participate in any of the "prohibited transactions" as defined in Section 503 of the Internal Revenue Code, as the same may, from time to time, be amended, nor shall the corporation accumulate income or engage in any activities if the accumulation of income or the activities so engaged in are or would be within the prohibition of Section 504 of the Internal Revenue Code as presently enacted or hereafter amended nor shall the corporation be operated at any time for the primary purpose of carrying on a trade or business for profit.

SECTION 5. The authorized capital stock of the corporation shall consist of two hundred thousand shares of nonvoting, nondividend-paying common capital stock with a par value of ten dollars each. The members may at any time by majority vote issue any part or all of said stock upon such terms as they shall determine, or by majority vote, the members may delegate said power to the directors who shall exercise such delegated power by majority vote. An individual, corporation, estate or trust, company or partnership shall be entitled to purchase the same from the corporation, from time to time, so long as the latter has in its treasury authorized common capital stock not distributed. Such stock may also be purchased from other individuals, corporations, estates, trusts, companies or partnerships. None of the earnings or profits of the corporation shall accrue to or be paid to the stockholders of common capital stock as dividend or profits in any form.

SECTION 6. Notwithstanding any rule at common law or any authorization, limitation or any such other provision of any general or special law, or any provision in their respective charters, agree-

ments of association, articles of organization, or trust indentures, all domestic corporations organized for the purpose of carrying on business within the commonwealth, including, without limitation, any electric or gas company as defined in section one of chapter one hundred and sixty-four of the General Laws, railroad corporations as defined in section one of chapter one hundred and sixty of the General Laws, financial institutions and trustees, are hereby authorized to acquire, purchase, hold, sell, assign, transfer or otherwise dispose of any stocks, bonds, securities or other evidence of indebtedness of the corporation and to make contributions to the corporation, all without the approval of any regulatory authority of the commonwealth; provided, that in so acquiring the capital stock of the corporation or in making contributions thereto, no life insurance company shall expend, in the aggregate, in any one year an amount greater than one half of one per cent of its net gain from operations before dividends to policyholders and before federal income taxes for the next preceding fiscal year, and, in the case of an insurance company other than life, one half of one per cent of its net income before dividends to policyholders and before federal and foreign income taxes for the next preceding fiscal year; and no other financial institution shall expend, in the aggregate, in any one year an amount greater than one half of one per cent of its income for the next preceding fiscal year; and provided further, that such acquisitions or contributions may be made over a period not to exceed five years.

Any contribution made under this section to the corporation shall be in addition to any contributions authorized by section twelve C of chapter one hundred and fifty-five, section sixty-eight of chapter one hundred and sixty-eight and section thirty-five of chapter one hundred and seventy of the General Laws, and by other provisions of general or special law.

SECTION 7. The members shall have the following powers of the corporation: (a) to determine the number of and elect directors as provided in section nine; (b) to make, amend and repeal by-laws; (c) to amend this charter as provided in section eight; (d) to dissolve the corporation as provided in section sixteen; (e) to exercise such other powers of the corporation as may be conferred on the members by the by-laws.

SECTION 8. This charter may be amended by a two-thirds vote of the members, provided that no amendment of this charter which is inconsistent with the general purposes expressed herein or which eliminates or curtails the right of the commissioner of commerce and development to examine the corporation or the obligation of the corporation to make reports as provided in section eleven shall be made; and provided further, that no amendment of this charter which affects a stockholder's rights on dissolution, as provided in section sixteen, shall be made without the consent of each stockholder affected by such amendment.

Within thirty days after any meeting at which amendments of this charter have been adopted, articles of amendment sworn to by the president, treasurer and a majority of the directors, setting forth

such amendment and the adoption thereof, shall be submitted to the commissioner of commerce and development who shall examine them, and, if he finds that they conform to the requirements of this act, he shall so certify and endorse his approval thereon. Thereupon the articles of amendment shall be filed in the office of the secretary of the commonwealth, whereupon such articles shall take effect.

SECTION 9. The business and affairs of the corporation shall be managed and conducted by a board of directors of not less than five nor more than eighteen members. There shall be elected by and from the board of directors a president, an executive vice-president, a vice-president, a treasurer, a clerk, an executive committee consisting of the foregoing five officers and two other directors, and there may be so elected a secretary who may also be the clerk. The directors may also appoint such assistant secretaries and assistant treasurers as the directors shall deem necessary.

The executive committee may exercise between meetings of the board of directors such of the powers of the directors as are delegated to the executive committee by said board.

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the wilful misconduct of such directors and officers.

SECTION 10. The corporation shall not deposit any of its funds in any banking institution unless such institution has been designated as a depository by a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated. The corporation shall not receive money on deposit.

SECTION 11. The corporation shall be subject to the examination of the commissioner of commerce and development and shall make reports of its condition not less than annually to said commissioner, who in turn shall make copies of such reports available to the commissioner of insurance and to the commissioner of banks; and the corporation shall also furnish such other information as may, from time to time, be required by the commissioner of commerce and development.

SECTION 12. The first meeting of the corporation shall be called by a notice signed by three or more of the incorporators, stating the time, place and purpose of the meeting, a copy of which notice shall be mailed, or delivered, to each incorporator at least five days before the day appointed for the meeting. Said first meeting may be held without such notice upon agreement in writing to that effect signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At said first meeting the incorporators shall organize by the election of a temporary clerk by ballot, by the adoption of by-laws, by the election by ballot of directors, and by action upon any other matters within the powers of the corporation. The temporary clerk shall be sworn and shall make and attest a record of the proceedings until the clerk has been chosen and sworn. Four of the incorporators

shall be a quorum for the transaction of business.

Whenever the certificate required by section thirteen of chapter one hundred and fifty-five of the General Laws has been filed in the office of the secretary of the commonwealth, said secretary shall issue and deliver to the incorporators a certified copy of this act under the seal of the commonwealth, and said corporation shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may be issued from time to time.

SECTION 13. The corporation shall not be subject to any of the provisions of chapter sixty-three of the General Laws, nor to any taxes, based upon or measured by income which may be enacted by the commonwealth.

Real property owned by the corporation shall not be subject to taxation by the city or town in which it is located until three years from the date of its acquisition or until such property is leased, rented or otherwise disposed of, whichever is first.

Any stockholder or holder of any securities, evidences of indebtedness or shares of the capital stock of the corporation who realizes a loss from the sale, redemption or other disposition of any securities, evidences of indebtedness, or shares of the capital stock of the corporation, including any such loss realized on a partial or complete liquidation of the corporation, and who is not entitled to deduct such loss in computing any of such stockholder's, or holder's taxes to the commonwealth, shall be entitled to credit against any taxes subsequently becoming due to the commonwealth from such stockholders, or other holders, a percentage of such loss equivalent to the highest rate of tax assessed for the year in which the loss occurs upon mercantile and business corporations as referred to in section two of chapter sixty-three of the General Laws.

SECTION 14. The provisions of chapter one hundred and ten A of the General Laws shall not apply to the shares of the capital stock, bonds, debentures, notes, evidences of indebtedness, or any other securities of this corporation.

SECTION 15. The period of duration of the corporation shall be fifty years, subject, however, to the right of the members to dissolve the corporation prior to the expiration of said period as provided in section sixteen.

SECTION 16. The corporation may by a two-thirds vote of its members petition for its dissolution by order of the supreme judicial or superior court, in the manner provided in section fifty of chapter one hundred and fifty-five of the General Laws. Upon any dissolution of the corporation the stockholders, if any, shall be paid on a pro rata basis that percentage of the assets of the corporation in excess of the obligations of the corporation which the amounts paid into the corporation for all the stock bears to the sums of (1) such amounts paid into the corporation for all the stock and (2) the amounts of all donations made to the corporation; provided, that in no event shall a stockholder be paid upon such dissolution more than the amount paid into the corporation for his stock, and all the remaining assets shall be transferred to the city of Leominster, for its use and

benefit and for the use and benefit of the citizens thereof or to one or more corporations, trusts, funds or foundations operating in said city or the vicinity thereof which are described in Section 501 (c) (3) of the Internal Revenue Code, as presently enacted or hereafter amended, and which are exempt from federal income taxes under Section 501 (a) of the Internal Revenue Code, as presently enacted or hereafter amended.

SECTION 17. If the corporation shall fail to commence operations within three years from the effective date of this act, then this act shall become null and void.

SECTION 18. Under no circumstances is the credit of the commonwealth or any political division thereof pledged herein.

SECTION 19. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions.

SECTION 20. This act shall take effect upon its passage.

Approved July 9, 1973.

Chap. 519. AN ACT AUTHORIZING THE TREASURER OF MIDDLESEX COUNTY TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The treasurer of Middlesex county, with the approval of the county commissioners of said county, is hereby authorized to pay, subject to appropriation, such of the unpaid bills incurred by said county and totalling ninety-five thousand six hundred twenty-seven dollars and ninety-one cents, as are set forth in a list on file in the office of the director of accounts in the department of corporations and taxation for goods supplied and services rendered to said county during the years nineteen hundred and sixty-seven, nineteen hundred and sixty-eight, nineteen hundred and sixty-nine, nineteen hundred and seventy, and nineteen hundred and seventy-one and which are legally unenforceable against said county by reason of their being incurred in excess of available appropriations.

SECTION 2. No bill shall be approved by the county commissioners of said county or paid by said county treasurer under authority of this act unless and until a certificate has been signed and filed with said treasurer stating under the penalties of perjury that the goods and services for which said bills was submitted were ordered by an official or an employee of said county and that such goods were delivered and actually received by said county or that such services were rendered to said county, or both.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for goods or services which were not received by or rendered to said county shall be punished by imprisonment for not more than one

year or by a fine of not more than three hundred dollars, or both.

Approved July 9, 1973.

Chap. 520. AN ACT REGULATING THE WAREHOUSING AND SHIPMENT OF ALCOHOLIC BEVERAGES, WINES AND MALT BEVERAGES.

Be it enacted, etc., as follows:

Section 18 of chapter 138 of the General Laws, as most recently amended by chapter 729 of the acts of 1971, is hereby further amended by adding the following paragraph: —

All alcoholic beverages, wines and malt beverages purchased by any licensee under this section, and all alcoholic beverages, wines and malt beverages shipped into the commonwealth pursuant to any such purchase, shall be warehoused at the warehouse facilities of such licensee and held in his physical possession at such warehouse prior to reshipment to persons holding licenses under section twelve or section fifteen.

Approved July 9, 1973.

Chap. 521. AN ACT PROVIDING THAT CERTAIN HOSPITALS AND HEALTH FACILITIES SHALL NOT BE REQUIRED TO ADMIT PATIENTS FOR CERTAIN PURPOSES NOR TO FURNISH FAMILY PLANNING SERVICES AND THAT CERTAIN MEDICAL PERSONNEL SHALL NOT BE REQUIRED TO PARTICIPATE IN CERTAIN MEDICAL PROCEDURES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 112 of the General Laws is hereby amended by inserting after section 12H, inserted by section 1 of chapter 173 of the acts of 1973, the following section: —

Section 12I. A physician or any other person who is a member of or associated with the medical staff of a hospital or other health facility or any employee of a hospital or other health facility in which an abortion or any sterilization procedure is scheduled and who shall state in writing an objection to such abortion or sterilization procedure on moral or religious grounds, shall not be required to participate in the medical procedures which result in such abortion or sterilization, and the refusal of any such person to participate therein shall not form the basis for any claim of damages on account of such refusal or for any disciplinary or recriminatory action against such person.

SECTION 2. Chapter 272 of the General Laws is hereby amended by inserting after section 21A the following section: —

Section 21B. No privately controlled hospital or other health

facility shall be required to admit any patient for the purpose of performing an abortion, performing any sterilization procedure, or receiving contraceptive devices or information.

No privately controlled hospital or other privately controlled health facility shall be required to permit any patient to have an abortion, or any sterilization procedure performed in said hospital or other health facility, or to furnish contraceptive devices or information to such patient, nor shall such a hospital or other health facility be required to furnish any family planning services within or through said hospital or other health facility or to make referrals to any other hospital or health facility for such services when said services or referrals are contrary to the religious or moral principles of said hospital or said health facility as expressed in its charter, by-laws or code of ethics, or vote of its governing body.

Any such hospital or other health facility exercising the rights granted in this section shall not on account of the exercise thereof, be disciplined or discriminated against in any manner or suffer any adverse determination by any person, firm, corporation, or other entity, including but in no way limited to any political subdivision, board, commission, department, authority, or agency of the commonwealth.

SECTION 3. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Approved July 9, 1973.

Chap. 522.

AN ACT MAKING APPROPRIATIONS FOR THE FISCAL PERIOD FROM JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR, FOR THE CARE, MAINTENANCE AND REPAIR OF THE WORCESTER COUNTY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Worcester county are hereby authorized to expend for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth nineteen hundred and seventy-four, the sums set forth in this act for the care, maintenance and repair of the county hospital and to assess the same in the manner set forth in section eighty-five of chapter one hundred and eleven of the General Laws.

WORCESTER COUNTY.

Item	Total
1. For personal services	\$2,618,130 40
2. For contractual services	118,950 00
3. For supplies and materials	440,000 00
4. For current charges and obligations	314,083 50
5. For equipment	14,275 00

Item	Total
6. For structures and improvements	\$30,000 00
8. For debt and interest	20,000 00
11. For reserve fund	39,313 93
12. For group insurance	165,000 00
For total expenditures	<u>\$3,759,752 83</u>

SECTION 2. This act shall take effect upon its passage.

Approved July 10, 1973.

Chap. 523. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL PERIOD FROM JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR, FOR THE MAINTENANCE OF BRISTOL COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Bristol county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four.

BRISTOL COUNTY.

Item	Subtotal	Total
1. For interest on county debt		\$194,172 50
2. For reduction of county debt		170,200 00
3. For county commissioners, salaries and expenses		78,349 85
1. Personal services	\$67,103 25	
2. Contractual services	4,000 00	
3. Supplies and materials	2,300 00	
4. Current charges and obligations	991 60	
5. Equipment	3,955 00	
4. For transportation and expenses of county and acting commissioners		1,850 00
5. For clerk of courts, salaries and expenses		391,339 75
1. Personal services	350,756 75	
2. Contractual services	28,700 00	
3. Supplies and materials	8,500 00	
4. Current charges and obligations	1,108 00	
5. Equipment	2,275 00	
6. For county treasurer, salaries and expenses		192,260 30
1. Personal services	151,793 70	
2. Contractual services	12,325 00	

Item	Subtotal	Total
3. Supplies and materials	\$5,300 00	
4. Current charges and obligations	1,241 60	
5. Equipment	1,600 00	
6. All other	20,000 00	
7. For sheriff, salary and expenses		\$41,645 08
1. Personal services	38,620 08	
2. Contractual services	925 00	
3. Supplies and materials	500 00	
4. Current charges and obligations	400 00	
5. Equipment	1,200 00	
8. For registry of deeds, salaries and expenses		
Northern District		277,373 30
1. Personal services	203,706 30	
2. Contractual services	43,277 00	
3. Supplies and materials	10,135 00	
4. Current charges and obligations	900 00	
5. Equipment	19,355 00	
Southern District		237,099 70
1. Personal services	210,664 70	
2. Contractual services	13,380 00	
3. Supplies and materials	9,000 00	
4. Current charges and obligations	960 00	
5. Equipment	3,095 00	
Fall River District		251,582 85
1. Personal services	206,871 85	
2. Contractual services	15,994 00	
3. Supplies and materials	13,523 00	
4. Current charges and obligations	1,024 00	
5. Equipment	14,170 00	
8a. For registry of probate, salaries and expenses		47,453 00
1. Personal services	1,800 00	
2. Contractual services	15,990 00	
3. Supplies and materials	9,000 00	
4. Current charges and obligations	3,855 00	
5. Equipment	16,808 00	
9. For law library, salaries and expenses		
Taunton		33,430 10
1. Personal services	14,831 70	
2. Contractual services	490 00	
3. Supplies and materials	240 00	
4. Current charges and obligations	17,668 40	
5. Equipment	200 00	
New Bedford		33,831 70
1. Personal services	14,831 70	
2. Contractual services	605 00	
3. Supplies and materials	210 00	
4. Current charges and obligations	18,175 00	
Fall River		29,892 15
1. Personal services	13,085 15	
2. Contractual services	1,113 00	
3. Supplies and materials	114 00	
4. Current charges and obligations	15,580 00	
10. For highways, including state highways, bridges and land damages		349,400 00
6. All other	349,400 00	
12. For superior court costs		904,159 20
1. Personal services	312,913 20	
2. Contractual services	574,875 00	
3. Supplies and materials	7,775 00	

Item	Subtotal	Total
4. Current charges and obligations	\$3,187 00	
5. Equipment	5,409 00	
13. For civil expenses in probate court		\$39,723 60
1. Personal services	18,323 60	
2. Contractual services	18,450 00	
3. Supplies and materials	735 00	
4. Current charges and obligations	800 00	
5. Equipment	1,415 00	
14. For district courts, salaries and expenses		
First District Court of Bristol		291,561 79
1. Personal services	268,612 43	
2. Contractual services	13,076 25	
3. Supplies and materials	5,939 25	
4. Current charges and obligations	1,748 36	
5. Equipment	2,185 50	
Second District Court of Bristol		511,847 22
1. Personal services	410,710 50	
2. Contractual services	29,739 50	
3. Supplies and materials	10,675 00	
4. Current charges and obligations	17,248 00	
5. Equipment	5,439 49	
6. All other	38,034 73	
Third District Court of Bristol		680,530 75
1. Personal services	601,106 25	
2. Contractual services	33,850 00	
3. Supplies and materials	14,910 00	
4. Current charges and obligations	25,239 00	
5. Equipment	5,425 50	
Fourth District Court of Bristol		319,814 75
1. Personal services	279,591 75	
2. Contractual services	18,290 00	
3. Supplies and materials	6,063 00	
4. Current charges and obligations	4,670 00	
5. Equipment	11,200 00	
Juvenile Court of Bristol		415,971 65
1. Personal services	303,441 65	
2. Contractual services	42,215 00	
3. Supplies and materials	6,020 00	
4. Current charges and obligations	6,650 00	
5. Equipment	3,785 00	
6. All other	53,860 00	
District Court — Appellate Division		510 00
2. Contractual services	450 00	
3. Supplies and materials	60 00	
15. For medical examiners and commitments of insane		84,425 00
16. For jail and house of correction, maintenance and operation		255,909 00
1. Personal services	Revenue Sharing	
2. Contractual services	Revenue Sharing	
3. Supplies and materials	241,205 00	
4. Current charges and obligations	14,704 00	
5. Equipment	Revenue Sharing	
18. For court houses and registry buildings, maintenance and operation		689,269 14
1. Personal services	422,757 25	
2. Contractual services	205,039 00	
3. Supplies and materials	53,842 50	
4. Current charges and obligations	2,110 00	
5. Equipment	5,520 39	
20. For agricultural school or county		

Item	Subtotal	Total
cooperative extension service		\$1,319,495 19
1. Personal services	\$956,265 19	
2. Contractual services	125,975 00	
3. Supplies and materials	162,700 00	
4. Current charges and obligations	26,560 00	
5. Equipment	21,995 00	
6. All other	26,000 00	
24. For noncontributory pensions		120,000 00
25. For contributory retirement system and supervisory expenses		397,019 99
26. For miscellaneous and contingent expenses		89,325 00
27. For unpaid bills of previous years		40,468 53
28. For reserve fund		90,000 00
28d. For reserve for counsel for indigent defendants		250,000 00
29. For advertising recreational, industrial and agricultural advantages of the county		225,000 00
34. For conservation		20,000 00
36. For Dutch elm disease		30,000 00
39. For group insurance		250,000 00
40. For bicentennial promotion		25,000 00
Total amount of appropriations		\$9,319,901 09
Less estimated amount available for reduction of county tax		2,932,503 10
And the county commissioners of Bristol county are hereby authorized to levy as the county tax of said county for said fiscal period, in the manner provided by law, the sum of		\$6,387,397 99

SECTION 2. This act shall take effect upon its passage.

Approved July 10, 1973.

Chap. 524. AN ACT AUTHORIZING THE TOWN OF SPENCER TO ACQUIRE CERTAIN LAND AND BUILDINGS FOR SCHOOL PURPOSES AND VALIDATING CERTAIN PROCEEDINGS OF THE TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Spencer is hereby authorized to acquire for school purposes certain land and buildings in said town owned by the Roman Catholic Bishop of Worcester, a corporation sole, and more particularly known as the St. Mary's Parochial School, and after such acquisition said town may remodel, renovate, equip, and furnish said buildings. For said purposes said town may appropriate and expend such sums as may be necessary, not exceeding, in the aggregate, one million two hundred thousand dollars.

SECTION 2. For said purposes the town of Spencer may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate one million two hundred thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words, Spencer School Acquisition Loan, Act of 1973. Each authorized issue shall constitute a separate loan, and such loans shall be paid

in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of any limitation or requirement contained in section seven thereof.

SECTION 3. Upon acquisition of the land and buildings referred to in section one, said town shall be entitled to receive state school construction grant assistance, provided the school buildings, after remodeling and renovating, meet the standards required for an approved school project under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, as amended. The final approved cost for assistance of said project shall be determined by the state board of education, and shall include the actual costs to said town of acquiring the aforesaid land and buildings and the cost of equipping and furnishing the same.

SECTION 4. The action taken by the town of Spencer at the annual town meeting in the current year appropriating seventy-seven thousand, seven hundred and fourteen dollars as part of the annual school budget and at a special town meeting held on May twenty-first, nineteen hundred and seventy-three appropriating the sum of ninety-three thousand seven hundred and two dollars, for the purposes of leasing and operating the school described in this act are hereby validated, ratified and confirmed in all respects notwithstanding that said votes were adopted prior to the effective date of this act.

SECTION 5. This act shall take effect upon its passage.

Approved July 10, 1973.

Chap. 525. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL PERIOD FROM JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR, FOR THE MAINTENANCE OF ESSEX COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Essex County, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four.

ESSEX COUNTY.

Item	Subtotal	Total
1. For interest on county debt		\$323,283 00
2. For reduction of county debt		870,000 00
3. For county commissioners, salaries and expenses		185,822 60
1. Personal services	\$174,662 60	
2. Contractual services	6,000 00	
3. Supplies and materials	3,600 00	
4. Current charges and obligations	895 00	
5. Equipment	665 00	
4. For transportation and expenses of county and acting commissioners		2,500 00
5. For clerk of courts, salaries and expenses		457,371 72
1. Personal services	422,963 22	
2. Contractual services	20,250 00	
3. Supplies and materials	10,900 00	
4. Current charges and obligations	2,798 50	
5. Equipment	460 00	
6. For county treasurer, salaries and expenses		106,722 02
1. Personal services	97,564 02	
2. Contractual services	2,640 00	
3. Supplies and materials	4,500 00	
4. Current charges and obligations	983 00	
5. Equipment	1,035 00	
7. For sheriff, salary and expenses		39,280 31
1. Personal services	38,082 31	
2. Contractual services	858 00	
4. Current charges and obligations	340 00	
8. For registry of deeds, salaries and expenses		
Southern District		829,870 06
1. Personal services	727,091 66	
2. Contractual services	23,720 00	
3. Supplies and materials	24,000 00	
4. Current charges and obligations	36,868 40	
5. Equipment	15,690 00	
6. All other	2,500 00	
Northern District		339,349 41
1. Personal services	297,474 41	
2. Contractual services	28,750 00	
3. Supplies and materials	7,450 00	
4. Current charges and obligations	4,775 00	
5. Equipment	900 00	
8a. For registry of probate, salaries and expenses		44,123 60
1. Personal services	10,649 60	
2. Contractual services	17,650 00	
3. Supplies and materials	9,550 00	
4. Current charges and obligations	5,574 00	
5. Equipment	225 00	
6. All other	475 00	
9. For law library, salaries and expenses		
Salem		42,155 30
1. Personal services	23,111 30	
2. Contractual services	929 00	
3. Supplies and materials	115 00	
4. Current charges and obligations	18,000 00	
Lawrence		36,607 45
1. Personal services	18,201 45	
2. Contractual services	1,561 00	
3. Supplies and materials	245 00	
4. Current charges and obligations	16,600 00	

Item	Subtotal	Total
10. For highways, including state highways, bridges and land damages		\$648,632 25
1. Personal services	\$263,802 25	
2. Contractual services	6,000 00	
3. Supplies and materials	4,450 00	
4. Current charges and obligations	2,880 00	
5. Equipment	5,850 00	
6. All other	365,650 00	
12. For superior court costs		1,418,174 18
1. Personal services	463,971 98	
2. Contractual services	915,200 00	
3. Supplies and materials	10,835 00	
4. Current charges and obligations	8,635 00	
5. Equipment	5,494 45	
6. All other	14,037 75	
13. For civil expenses in probate court		75,368 72
1. Personal services	48,993 72	
2. Contractual services	22,500 00	
3. Supplies and materials	1,100 00	
4. Current charges and obligations	580 00	
5. Equipment	2,195 00	
14. For district courts, salaries and expenses		
First District Court of Essex		593,154 27
1. Personal services	533,547 07	
2. Contractual services	29,150 00	
3. Supplies and materials	11,075 00	
4. Current charges and obligations	14,249 00	
5. Equipment	4,783 20	
6. All other	350 00	
Second District Court of Essex		165,425 92
1. Personal services	151,851 92	
2. Contractual services	3,170 00	
3. Supplies and materials	2,850 00	
4. Current charges and obligations	6,139 00	
5. Equipment	1,415 00	
Third District Court of Essex		78,363 37
1. Personal services	71,263 37	
2. Contractual services	2,587 00	
3. Supplies and materials	1,670 00	
4. Current charges and obligations	2,378 00	
5. Equipment	465 00	
Central District Court of Northern Essex		453,276 60
1. Personal services	411,232 10	
2. Contractual services	24,520 00	
3. Supplies and materials	8,730 00	
4. Current charges and obligations	4,185 00	
5. Equipment	4,609 50	
District Court of Eastern Essex		371,932 79
1. Personal services	242,825 79	
2. Contractual services	11,725 00	
3. Supplies and materials	7,370 00	
4. Current charges and obligations	56,112 00	
5. Equipment	53,900 00	
District Court of Lawrence		509,886 09
1. Personal services	462,802 54	
2. Contractual services	33,600 00	
3. Supplies and materials	6,500 00	
4. Current charges and obligations	3,555 00	
5. Equipment	3,428 55	
District Court of Southern Essex		644,388 31
1. Personal services	593,096 91	

Item	Subtotal	Total
2. Contractual services	\$26,850 00	
3. Supplies and materials	15,125 00	
4. Current charges and obligations	6,561 40	
5. Equipment	2,755 00	
District Court of Newburyport		\$165,563 72
1. Personal services	143,123 72	
2. Contractual services	6,150 00	
3. Supplies and materials	6,000 00	
4. Current charges and obligations	9,515 00	
5. Equipment	775 00	
District Court of Peabody		382,943 00
1. Personal services	338,932 70	
2. Contractual services	11,355 00	
3. Supplies and materials	10,480 00	
4. Current charges and obligations	20,353 20	
5. Equipment	1,341 10	
6. All other	481 00	
District Court — Juvenile Division		163,788 97
1. Personal services	156,773 97	
2. Contractual services	5,500 00	
3. Supplies and materials	1,100 00	
4. Current charges and obligations	415 00	
District Court — Appellate Division		4,561 69
1. Personal services	4,236 69	
2. Contractual services	150 00	
3. Supplies and materials	100 00	
4. Current charges and obligations	75 00	
15. For medical examiners and commitments of insane		94,000 00
16. For jail and house of correction, maintenance and operation — Salem		
1. Personal services		
2. Contractual services		
3. Supplies and materials		
4. Current charges and obligations		
5. Equipment		
6. All other		
Lawrence		727,121 92
1. Personal services	573,360 92	
2. Contractual services	21,145 00	
3. Supplies and materials	117,035 00	
4. Current charges and obligations	2,830 00	
5. Equipment	12,751 00	
17. For training school		307,167 95
1. Personal services	253,595 95	
2. Contractual services	19,700 00	
3. Supplies and materials	30,205 00	
4. Current charges and obligations	3,622 00	
5. Equipment	45 00	
18. For court houses and registry buildings, maintenance and operation		839,364 62
1. Personal services	650,319 62	
2. Contractual services	107,870 00	
3. Supplies and materials	67,261 00	
4. Current charges and obligations	4,950 00	
5. Equipment	8,664 00	
6. All other	300 00	
18a. For county hospital buildings		1,405 00
20. For agricultural school or county cooperative extension service		2,849,082 05

Revenue Sharing Funds

Item	Subtotal	Total
1. Personal services	\$2,188,686 05	
2. Contractual services	200,000 00	
3. Supplies and materials	350,000 00	
4. Current charges and obligations	80,000 00	
5. Equipment	27,895 00	
6. All other	2,501 00	
24. For noncontributory pensions		\$315,012 08
25. For contributory retirement system and supervisory expenses		890,776 02
26. For miscellaneous and contingent expenses		156,606 96
27. For unpaid bills of previous years		70,584 89
28. For reserve fund		95,000 00
28d. For reserve for counsel for indigent defendants		105,000 00
29. For advertising recreational, industrial and agricultural advantages of the county		97,500 00
31. For radio system for fire protection		1,700 00
32. For forest development		5,305 00
34. For conservation district		20,000 00
35. For county planning		30,000 00
39. For group insurance		577,500 00
Total amount of appropriations		\$16,135,671 84
Less estimated amount available for reduction of county tax		3,357,958 63

And the county commissioners of Essex county are hereby authorized to levy as the county tax of said county for said fiscal period, in the manner provided by law, the sum of \$12,777,713 21

SECTION 2. This act shall take effect upon its passage.

Approved July 10, 1973.

Chap. 526. AN ACT AUTHORIZING THE BUILDING INSPECTOR OF THE TOWN OF WINTHROP TO ISSUE A PERMIT TO THE WINTHROP HOUSING AUTHORITY TO CONSTRUCT A MULTIPLE UNIT HOUSING PROJECT FOR THE ELDERLY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter forty A and chapter one hundred and forty-five of the General Laws, the building inspector of the town of Winthrop shall issue a permit to the Winthrop Housing Authority to construct a multiple unit housing project for the elderly not to exceed one hundred units on land in said town known as the Fort Banks site, being a portion of the land shown on a plan of land entitled "Property of United States of America, Plan of Fort Banks, Winthrop, Mass." bounded and described as follows:

Beginning at a point on the Westerly boundary of Revere Street and land now or formerly of the United States of America, said point being 528 feet, more or less, from a stone monument on the Westerly boundary of Revere Street, the Northerly boundary of Cherry Street and land now or formerly of the United States of America; and said point being also at the intersection of the Southerly line of Kennedy Road, so-called and the Westerly line of Revere Street; thence

WESTERLY	By land of the Town of Winthrop, Massachusetts, 174.82 feet to a point; thence
NORTHEASTERLY	By land of the Town of Winthrop, 70 feet to a point; thence
NORTHWESTERLY	By land of the Town of Winthrop, 90 feet to a point; thence
NORTHEASTERLY	By land of the Town of Winthrop, 205 feet to a point; thence
NORTHWESTERLY	By land of the Town of Winthrop and the Winthrop Housing Authority, 130 feet to a point; thence
NORTHEASTERLY	By land of the Town of Winthrop, of the Winthrop Park Department, and land of the Winthrop Housing Authority, 130 feet to a point; thence
NORTHEASTERLY	By land of the Winthrop Housing Authority, 174 feet to a point; thence
SOUTHEASTERLY	By land of the Winthrop Housing Authority to the Westerly boundary of Revere Street at land now or formerly of the United States of America, 225 feet; thence
SOUTHERLY	By land now or formerly of the United States of America and the Westerly boundary of Revere Street, 641 feet to the point of beginning.

Containing 3.6 acres more or less. Being a portion of the land shown on plan recorded with the Suffolk Registry of Deeds, Book 8139, Page 299.

SECTION 2. This act shall take effect upon its passage.

Approved July 10, 1973.

Chap. 527. AN ACT FURTHER REGULATING CERTAIN COMMON CARRIERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for immediate transportation between certain locations in the city of Boston and points outside of said city, therefore it is hereby declared to be an emergency law; necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any provision of chapter one hundred and fifty-nine A or any other general or special law to the contrary, the department of public utilities may, with the approval of the mayor of the city of Boston, issue licenses for the operation of motor vehicles

carrying passengers for hire to and from locations outside the city of Boston along all streets in East Boston between the entrance and exit ramps of the Callahan and Sumner Tunnels and Logan Airport, and in the city of Boston, between the entrance and exit ramps of the John F. Fitzgerald Highway in the vicinity of Cross Street and the exit and entrance ramps of said tunnels.

Approved July 10, 1973.

Chap. 528. AN ACT PROVIDING FOR FURTHER DEDUCTIONS OF SENTENCE FOR GOOD CONDUCT WHILE ENGAGED IN WORK PROGRAMS AND CERTAIN EDUCATIONAL, TRAINING OR REHABILITATIVE PROGRAMS AT OR OUTSIDE OF CORRECTIONAL INSTITUTIONS.

Be it enacted, etc., as follows:

Chapter 127 of the General Laws is hereby amended by inserting after section 129C the following section: —

Section 129D. For the satisfactory conduct of a prisoner while confined at a correctional institution of the commonwealth, but working at a state hospital or state school, satisfactory completion of an educational program leading to the award of a high school equivalency certificate, satisfactory performance of said prisoner in completion of any other educational sequence or any vocational training program established within or without the institution, satisfactory performance of said inmate over a period of six months when he or she is employed on work-release or in a prison industry, or satisfactory performance of said inmates in any other program or activity which the superintendent of the institution shall deem valuable to said prisoner's rehabilitation, the commissioner may grant, in addition to the deductions of sentence provided under sections one hundred and twenty-nine and one hundred and twenty-nine C a further deduction of sentence of not more than two and one-half days for each month while said prisoner is working in a state hospital or school, on work-release or working in a prison industry, or partaking in any of the said programs or activities as aforesaid. Such further deduction of sentence shall be added to any deduction to which the prisoner is entitled under said sections one hundred and twenty-nine and one hundred and twenty-nine C for reducing the term of imprisonment by deduction from the maximum term for which he may be held under his sentence or sentences, and for reducing from the minimum term of the sentence or sentences the good conduct credits earned under this section for parole eligibility as provided under section one hundred and thirty-three.

A prisoner whose term of imprisonment is reduced from the maximum term for which he may be held under his sentence or sentences shall receive from the commissioner a certificate of discharge on the date which has been determined by such additional deductions from the maximum term of his sentence or sentences.

Approved July 10, 1973.

Chap. 529. AN ACT RELATIVE TO THE INDICTMENT, TRIAL AND PUNISHMENT OF PERSONS WHO AID IN THE COMMISSION OF A FELONY OR COUNSEL, HIRE OR OTHERWISE PROCURE A FELONY TO BE COMMITTED.

Be it enacted, etc., as follows:

SECTION 1. Chapter 274 of the General Laws is hereby amended by striking out section 2, as amended by section 1 of chapter 206 of the acts of 1968, and inserting in place thereof the following section: —

Section 2. Whoever aids in the commission of a felony, or is accessory thereto before the fact by counselling, hiring or otherwise procuring such felony to be committed, shall be punished in the manner provided for the punishment of the principal felon.

SECTION 2. Said chapter 274 is hereby further amended by striking out section 3, as amended by section 2 of said chapter 206, and inserting in place thereof the following section: —

Section 3. Whoever counsels, hires or otherwise procures a felony to be committed may be indicted and convicted as an accessory before the fact, either with the principal felon or after his conviction; or may be indicted and convicted of the substantive felony, whether the principal felon has or has not been convicted, or is or is not amenable to justice; and in the last mentioned case may be punished in the same manner as if convicted of being an accessory before the fact. An accessory to a felony before the fact may be indicted, tried and punished in the same county where the principal felon might be indicted and tried, although the counselling, hiring or procuring the commission of such felony was committed within or without the commonwealth or on the high seas.

Approved July 10, 1973.

Chap. 530. AN ACT REGULATING THE INDEMNIFICATION OF VOLUNTEER WORKERS AND STUDENT TEACHERS IN THE PUBLIC SCHOOLS FOR EXPENSES OR DAMAGES SUSTAINED BY REASON OF CERTAIN ACTIONS OR CLAIMS.

Be it enacted, etc., as follows:

Section 100C of chapter 41 of the General Laws, as most recently amended by chapter 289 of the acts of 1973, is hereby further amended by adding the following sentence: — For the purposes of this section, any volunteer worker engaged by the superintendent of schools or the principal of a school, and any student teacher shall be deemed to be an employee of the school committee or local trustees for vocational education.

Approved July 10, 1973.

Chap. 531. AN ACT INCREASING THE AMOUNT OF MONEY THAT THE COUNTY COMMISSIONERS OF ESSEX COUNTY MAY EXPEND FOR THE PURPOSE OF PROMOTING THE RECREATIONAL, VACATION AND CONVENTION, COMMERCIAL AND INDUSTRIAL RESOURCES OF SAID COUNTY.

Be it enacted, etc., as follows:

Section 2 of chapter 85 of the acts of 1971 is hereby amended by striking out the word "sixty-five", inserted by section 1 of chapter 9 of the acts of 1972, and inserting in place thereof the words: — two hundred and fifty.

Approved July 10, 1973.

Chap. 532. AN ACT REQUIRING CERTAIN OFFICERS OR EMPLOYEES OF THE DEPARTMENT OF MENTAL HEALTH TO REPORT TO THE DISTRICT ATTORNEY ALL FELONIES COMMITTED BY OR UPON PERSONS UNDER THEIR TREATMENT OR SUPERVISION.

Be it enacted, etc., as follows:

Chapter 19 of the General Laws is hereby amended by inserting after section 14E the following section: —

Section 14F. The superintendent of any state hospital or state school, or the director of any mental health or retardation facility of the department, who has reason to believe that a crime which is punishable by imprisonment in the state prison has been committed by or upon any person on the premises of the particular facility or by or upon any person in the care of the particular facility but not on the premises thereof, shall, not later than one week from the date of the commission of such crime, report the same to the district attorney of the district within which the crime was committed.

Approved July 10, 1973.

Chap. 533. AN ACT RELATIVE TO THE SEALING OF PUBLIC RECORDS OF CERTAIN OFFENSES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 94C of the General Laws is hereby amended by striking out section 44, as appearing in section 1 of chapter 1071 of the acts of 1971, and inserting in place thereof the following section: —

Section 44. If any person is found not guilty of the violation of any provision of section thirty-four or if a complaint against him is dismissed or an indictment nol prossed for a violation of said section, the court shall order all official records relating to his arrest, indictment, conviction, continuance or discharge to be sealed; provided, however, that department records maintained by police and other law enforcement agencies which are not public records shall not be sealed.

No person as to whom such sealing has been ordered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise making a false statement by reason of his failure to recite or acknowledge such arrest, indictment, disposition, sealing or any other related court proceeding, in response to any inquiry made of him for any purpose.

SECTION 2. The first paragraph of section 100A of chapter 276

of the General Laws, as appearing in section 1 of chapter 686 of the acts of 1971, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — This section shall apply to court appearances and dispositions of all offenses punishable only by a fine or by imprisonment in a jail or house of correction; provided, however, that this section shall not apply in case of convictions for violations of sections one hundred and twenty-one to one hundred and thirty-one H, inclusive, of chapter one hundred and forty or for violations of chapter two hundred and sixty-eight or two hundred and sixty-eight A.

SECTION 3. Said section 100A of said chapter 276 is hereby further amended by inserting after the first paragraph the following paragraph: —

In carrying out the provisions of this section, notwithstanding any laws to the contrary: —

1. Any recorded offense which was a felony when committed and has since become a misdemeanor shall be treated as a misdemeanor.

2. Any recorded offense which is no longer a crime shall be eligible for sealing forthwith, except in cases where the elements of the offense continue to be a crime under a different designation.

3. In determining the ten-year period for eligibility, any subsequently recorded offenses for which the dispositions are "not guilty", "dismissed for want of prosecution", "dismissed at request of complainant", "nol prossed", or "no bill" shall not be held to interrupt the running of the required ten-year period for eligibility.

4. If it cannot be ascertained that a recorded offense was a felony when committed said offense shall be treated as a misdemeanor.

Approved July 10, 1973.

Chap. 534. AN ACT RELATIVE TO ABOLISHING THE OFFICE OF FIRE COMMISSIONER OF THE TOWN OF BROOKLINE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of any general or special law or by-law, the office of fire commissioner in the town of Brookline shall be abolished and the term of office of the fire commissioner of said town shall terminate, and all the powers, duties and trusts theretofore conferred or imposed by general or special law or by-law upon the fire commissioner shall be transferred to and assumed, exercised, executed, and performed by the board of selectmen of said town, and thereupon said board shall be in all respects and for all purposes whatsoever the lawful successor to the fire commissioner in relation to the direction and control of the fire department of said town.

SECTION 2. All existing rules, regulations and orders issued by the fire commissioner relating to the control or administration of the fire department or otherwise, shall remain in full force and effect until superseded by rules, regulations or orders promulgated by the board of selectmen, and the promulgation thereof by said board shall

not affect any act done, and right accrued, any penalty incurred or any suit, prosecution or proceeding pending at the time of such promulgation.

SECTION 3. All persons employed by or under the supervision of the fire commissioner shall, upon the acceptance hereof, be transferred to and become employees of the board of selectmen without loss of pay and without any change in their rating, seniority, retirement, pension rights, or any other privileges under any provisions of general or special law or by-law.

SECTION 4. No contracts or liabilities existing on the effective date of this act shall be affected by this act.

SECTION 5. The board of selectmen shall appoint a chief of the fire department who shall have held, at the time of his appointment, the permanent rank of captain or above in the fire department of said town. The term of office of such chief of the fire department shall be one year; provided, however, that such chief may be removed from office by said board at any time upon a finding made by said board, after a hearing, that the public interest so requires. At the written request of such chief, made prior to the commencement of such removal hearing, such hearing shall be public. Said board shall prescribe the duties, authority, and compensation of such chief.

SECTION 6. Chapter one hundred and thirty-five of the acts of eighteen hundred and ninety-nine is hereby repealed.

SECTION 7. This act shall take effect upon its acceptance, during the current year or the year nineteen hundred and seventy-four, by vote of the board of selectmen of the town of Brookline.

Approved July 10, 1973.

Chap. 535. AN ACT TO ASCERTAIN THE WILL OF THE VOTERS OF THE CITY OF PITTSFIELD RELATIVE TO AN ALL YEAR ROUND DOG LEASH LAW.

Be it enacted, etc., as follows:

In order to ascertain the will of the voters of the city of Pittsfield, there shall be placed upon the official ballot to be used at the regular election to be held in the current year in said city the following question: "Shall the city of Pittsfield have an all year round dog leash law?" If a majority of votes cast in answer to said question is in the affirmative, then it shall be deemed to be taken to be the will of said voters that the city of Pittsfield have an all year round dog leash law.

Approved July 10, 1973.

Chap. 536. AN ACT INCREASING THE PENALTIES FOR THE COMMISSION OF CERTAIN ILLEGAL PRACTICES COMMONLY KNOWN AS BLOCKBUSTING BY REAL ESTATE BROKERS AND SALESMEN.

Be it enacted, etc., as follows:

SECTION 1. The third sentence of the first paragraph of section

87AAA of chapter 112 of the General Laws, added by chapter 973 of the acts of 1971, is hereby amended by striking out, in line 8, the word "thirty" and inserting in place thereof the word: — sixty.

SECTION 2. Said first paragraph of said section 87AAA of said chapter 112 is hereby further amended by adding the following sentence: — Whoever violates the provisions of clause (k) shall be punished by a fine of not less than one thousand nor more than twenty-five hundred dollars, or by imprisonment for not more than six months, or both.

Approved July 10, 1973.

Chap. 537. AN ACT AUTHORIZING THE CITY OF NEW BEDFORD TO LEASE AIR RIGHTS OVER CERTAIN PUBLIC WAYS TO ABUTTING OWNERS.

Be it enacted, etc., as follows:

SECTION 1. The city of New Bedford is hereby authorized to lease air rights over public ways located in said city to owners of property abutting such public ways and located in an area zoned "business" for the purpose of erecting buildings over said public ways. No such building may be constructed less than fifteen feet above nor more than one hundred feet above said public ways. Said lease shall include rights for support, access, utilities and light, for a term not exceeding ninety-nine years. The leasehold estate created by such lease may be subleased in whole or in part, assigned, pledged or mortgaged, and any pledge or mortgage may be foreclosed by appropriate action. The construction and occupancy of any buildings or other structure erected or affixed under any lease issued under authority of this act shall be subject to the building, fire, garage, health and zoning ordinances, rules and regulations of the city of New Bedford and subject to the design being approved by the building department of the city of New Bedford which approval shall not be unreasonably withheld. Any building or other structure erected or affixed under any such lease shall be taxed to the lessee thereof or his assigns in the same manner and to the same extent as if such lessee or his assigns were the owners of the land in fee; provided that no part of the value of the land shall be included in any such assessment. Any such leasehold estate may be sold or taken by the collector of taxes of said city for the nonpayment of any taxes assessed as aforesaid in the manner provided by law for the sale or taking of real estate for nonpayment of local taxes. Said collector shall have for the collection of taxes so assessed all remedies provided by the General Laws for the collection of taxes by collectors of cities and towns. No billboards shall be erected under authority of this act. No building or other structure not approved by the building department of the city of New Bedford shall be erected under authority of this act.

SECTION 2. This act shall take effect upon its passage.

Approved July 11, 1973.

Chap. 538. AN ACT PROVIDING THAT FOR A TEMPORARY PERIOD OF TIME THE CIVIL SERVICE LAW AND CERTAIN PROVISIONS OF LAW RELATIVE TO TENURE SHALL NOT APPLY TO PERSONS APPOINTED OR EMPLOYED BY CRIME CONTROL DEMONSTRATION PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide that for a temporary period of time beginning July first, nineteen hundred and seventy-three, the civil service law and certain provisions of law relative to tenure shall not apply to certain employees engaged in crime control demonstration projects, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Persons employed by a crime control demonstration project, established by federal or state law enforcement grants to municipal corporations, may be assigned for training purposes, with the consent of the department heads concerned, to municipal departments, provided, however, that no such assignment shall be made to a police or fire department to perform the regular functions of a police officer or fire fighter, unless approved by the civil service commission. Section nine A of chapter thirty and chapter thirty-one of the General Laws shall not apply to such persons.

SECTION 2. Nothing in this act shall be deemed to abrogate, impair, set aside or waive the provisions of any collective bargaining agreements in force and effect between any city or town and an employee organization.

SECTION 3. Any employee of a crime control project assigned to any police or fire department prior to August first, nineteen hundred and seventy, may continue to be so assigned without interruption of his services.

SECTION 4. The provisions of this act shall take effect on July first, nineteen hundred and seventy-three, and shall become inoperative on July first, nineteen hundred and seventy-six.

Approved July 11, 1973.

Chap. 539. AN ACT AUTHORIZING THE GRANBY TELEPHONE AND TELEGRAPH COMPANY OF MASSACHUSETTS TO BORROW AN ADDITIONAL SUM OF MONEY.

Be it enacted, etc., as follows:

SECTION 1. The Granby Telephone and Telegraph Company of Massachusetts is hereby authorized to borrow an additional sum of money, not exceeding five hundred twenty-five thousand dollars, and to execute bonds, notes or other evidences of indebtedness payable to any person, or to order and to deliver such bonds, notes or other evidences of indebtedness in consideration of such loan, and to mortgage, pledge or hypothecate any or all of its assets as security

therefor; provided, however, that all of the provisions of chapter one hundred and sixty-six of the General Laws, except as specifically otherwise provided herein, shall be applicable and shall govern the said loan or any part thereof, or bonds, coupon notes or other evidences of indebtedness issued hereunder, including specifically the provisions of sections four, five and six of said chapter one hundred and sixty-six.

SECTION 2. This act shall take effect upon its passage.

Approved July 11, 1973.

Chap. 540. AN ACT INCREASING THE SALARY OF THE CLERKS OF THE DISTRICT COURTS OF CHICOPEE AND EASTERN ESSEX.

Be it enacted, etc., as follows:

SECTION 1. Chapter 218 of the General Laws is hereby amended by striking out section 79, as most recently amended by chapter 219 of the acts of 1973, and inserting in place thereof the following section:

Section 79. (1) The clerks of the following courts shall be paid in accordance with the salary schedule as set forth in paragraph (2):

Class I. The first district court of Barnstable,
second district court of Barnstable,
Worcester juvenile court,
Bristol county juvenile court,
Springfield juvenile court,
first district court of Bristol,
second district court of Bristol,
third district court of Bristol,
fourth district court of Bristol,
municipal court of Brookline,
district court of Brockton,
district court of Chelsea,
first district court of Essex,
district court of southern Essex,
central district court of northern Essex,
district court of Fitchburg,
district court of Franklin,
district court of western Hampden,
district court of Hampshire,
district court of Holyoke,
district court of Lawrence,
district court of Lowell,
district court of central Berkshire,
district court of Marlborough,
district court of central Middlesex,
first district court of eastern Middlesex,
second district court of eastern Middlesex,

third district court of eastern Middlesex,
fourth district court of eastern Middlesex,
first district court of northern Middlesex,
first district court of southern Middlesex,
district court of Newton,
district court of East Norfolk,
district court of northern Norfolk,
district court of southern Norfolk,
district court of western Norfolk,
district court of Peabody,
second district court of Plymouth,
third district court of Plymouth,
fourth district court of Plymouth,
first district court of northern Worcester,
first district court of southern Worcester,
municipal court of the Brighton district,
municipal court of the Charlestown district,
municipal court of the Dorchester district,
municipal court of the East Boston district,
municipal court of the Roxbury district,
municipal court of the South Boston district,
municipal court of the West Roxbury district,
district court of Somerville,
district court of Springfield,
first district court of eastern Worcester,
second district court of southern Worcester, and
central district court of Worcester.

Class II. The third district court of southern Worcester, and
first district court of eastern Essex.

Class III. The district court of Chicopee,
district court of eastern Hampden, and
second district court of eastern Worcester.

Class IV. The district court of northern Berkshire,
district court of southern Berkshire,
fourth district court of Berkshire,
third district court of Essex,
district court of eastern Franklin,
district court of eastern Hampshire,
district court of Lee,
district court of Leominster,
district court of Williamstown,
district court of Winchendon,
district court of western Worcester,
district court of Dukes county,
second district court of Essex,
district court of Nantucket,
district court of Natick, and
district court of Newburyport.

(2) The clerk of a *Class I* court shall receive as salary a sum equivalent to seventy per cent of the salary of a full time justice of a district court, shall devote his entire time during ordinary business hours to his duties and shall not, directly or indirectly, engage in the practice of law; the clerk of a *Class II* court shall receive as salary a sum equivalent to fifty per cent of the salary of a full time justice of a district court; the clerk of a *Class III* court shall receive as salary a sum equivalent to forty per cent of the salary of a full time justice of a district court; and the clerk of a *Class IV* court shall receive as salary a sum equivalent to thirty-five per cent of the salary of a full time justice of a district court.

SECTION 2. Notwithstanding any provisions of this act to the contrary, the provisions of section seventy-nine of chapter two hundred and eighteen of the General Laws in effect immediately prior to the effective date of this act shall remain in effect and apply to persons appointed between the effective date of this act and January first, nineteen hundred and seventy-five, both dates inclusive, to the offices referred to therein.

Approved July 11, 1973.

Chap. 541. AN ACT PLACING THE POSITION OF POLICE RECORD COORDINATOR IN THE TOWN OF STONEHAM UNDER THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

The position of police record coordinator in the town of Stoneham shall, upon the effective date of this act, be subject to the civil service law and rules; provided, however, that the incumbent of said position on said effective date shall be subjected to a qualifying examination for said office by the division of civil service. If said incumbent passes said examination, he shall be certified for said office and shall be deemed to be permanently appointed thereto without serving any probationary period, and his tenure of office shall be unlimited, subject, however, to the provisions of said law. If he fails to pass said examination, he may continue to serve in said position for the remainder of the term for which he was appointed but shall not be subject to said civil service law and rules.

Approved July 11, 1973.

Chap. 542. AN ACT INCREASING THE AMOUNT OF MONEY THE COMMISSIONERS OF WORCESTER COUNTY MAY BORROW FOR CERTAIN RECONSTRUCTION AND REPAIRS TO THE WORCESTER COUNTY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 927 of the acts of 1971 is hereby amended by striking out, in line 3, the words "three hundred" and inserting in place thereof the words: — four hundred and sixty-five

—, by striking out, in line 4, the word "fifty-five" and inserting in place thereof the word: — ninety —, and by striking out, in line 6, the words "one hundred and fifty" and inserting in place thereof the words: — two hundred and eighty.

SECTION 2. Section 2 of said chapter 927 is hereby amended by striking out, in line 4, the words "three hundred" and inserting in place thereof the words: — four hundred and sixty-five.

Approved July 11, 1973.

Chap. 543. AN ACT RELATIVE TO PHYSICAL EXAMINATIONS FOR PUBLIC EMPLOYEES WHO APPLY FOR DISABILITY RETIREMENT OR WHO ARE REQUIRED TO BE REEXAMINED PERIODICALLY.

Be it enacted, etc., as follows:

Paragraph (c) of subdivision (3) of section 6 of chapter 32 of the General Laws is hereby amended by inserting after the second sentence the following two sentences: — In the event that the physicians comprising the medical panel are unable to examine an applicant for disability retirement, or are unable to reexamine a member retired for disability as required by subdivision (1) of section eight at the same time and in the presence of each other within forty-five days of the appointment of the chairman of the medical panel, the chairman shall notify the retirement board which shall provide for the member or applicant to be examined by each of such physicians separately, provided that the physician designated by an applicant for retirement at the time of such application shall be permitted to attend any such separate examination. Each physician shall then report his findings and recommendations to the retirement board as soon as practicable after completing his examination, and he shall attach thereto certification that his findings and recommendations were independent of those determined by the other members of the medical panel. *Approved July 12, 1973.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, July 18, 1973.

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 543 of the Acts of 1973, entitled "AN ACT RELATIVE TO PHYSICAL EXAMINATIONS FOR PUBLIC EMPLOYEES WHO APPLY FOR DISABILITY RETIREMENT OR WHO ARE REQUIRED TO BE REEXAMINED PERIODICALLY," and the enactment of which received my approval on July 12, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

In order that the provisions of this act, which aim to expedite such examination procedures, may be implemented immediately.

Sincerely,

FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, July 18, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at four o'clock and fifty-six minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter five hundred and forty-three of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 544. AN ACT DIRECTING THE DIVISION OF CIVIL SERVICE TO PERMIT DAVID W. EMERSON TO TAKE A CERTAIN CIVIL SERVICE EXAMINATION FOR SUPERVISOR OF ATTENDANCE NOTWITHSTANDING HIS FAILURE TO MEET THE MINIMUM AGE REQUIREMENT FOR CERTIFICATION AND APPOINTMENT TO SAID POSITION.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any law or rule or regulation of the department of education, the division of civil service is hereby authorized and directed to permit David W. Emerson, an employee of the school department of the city of Waltham, to take the next civil service examination for supervisor of attendance, and if he passes said examination, he shall be eligible for certification by said division and appointment by said city as a supervisor of attendance, provided that he meets all requirements of law other than the regulation as to minimum age determined by the department of education.

Approved July 12, 1973.

Chap. 545. AN ACT PROVIDING FOR THE ELIGIBILITY OF CERTAIN ADDITIONAL SCHOOL CONSTRUCTION GRANTS AND OTHER BENEFITS FOR THE GATEWAY REGIONAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of law, the Gateway regional school district shall be eligible for sixty-five per cent of the approved cost of school construction and any other benefits authorized by chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, as most recently amended by section fourteen of chapter seven hundred and sixty-six of the acts of nineteen hundred and seventy-two.

Approved July 18, 1973

Chap. 546. AN ACT FURTHER REGULATING THE ADMINISTRATION OF THE MASSACHUSETTS CLEAN WATERS ACT.

Whereas The deferred operation of this act would tend to defeat its purpose, which is, in part, that the division of water pollution control make forthwith certain additional construction grants to insure cleaner water in the coastal waters, rivers, lakes, streams and ponds of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 26 of chapter 21 of the General Laws, as most recently amended by section 1 of chapter 648 of the acts of 1968, is hereby further amended by adding the following two sentences:— No person may serve as director who receives, or who has during the preceding two years received, ten per cent or more of his income directly or indirectly from persons who are required to obtain discharge permits under section forty-three, and the attorney general upon request may issue guidelines and such opinion as may be necessary to implement this provision.

SECTION 2. Said chapter 21 is hereby further amended by inserting after section 26 the following section:—

Section 26A. Unless the context otherwise requires, when used in sections twenty-six to fifty-three, inclusive, the following words shall have the following meanings:—

“Director”, the director of the division of water pollution control, or his authorized delegate or representative.

“Effluent limitation”, a requirement, established under state or federal law, specifying the maximum permissible quantity or concentration of any pollutant that may be present in discharges, or their maximum permissible hydraulic flow, over designated periods of time, to waters of the commonwealth or to a public sewerage system.

“Person”, any agency or political subdivision of the commonwealth, public or private corporation or authority, individual, partnership or association, or other entity, including any officer of a public or private agency or organization, upon whom a duty may be imposed by or pursuant to any provision of sections twenty-six to fifty-three, inclusive.

"Pollutant", any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, in whatever form and whether originating at a point or major nonpoint source, which is or may be discharged, drained or otherwise introduced into any sewerage system, treatment works or waters of the commonwealth.

"Treatment works" and "facilities", any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation or reuse of waterborne pollutants.

"Waters" and "waters of the commonwealth", all waters within the jurisdiction of the commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, coastal waters and groundwaters.

SECTION 3. Said chapter 21 is hereby further amended by striking out section 27, as most recently amended by section 1 of chapter 827 of the acts of 1970, and inserting in place thereof the following section: —

Section 27. It shall be the duty and responsibility of the division to enhance the quality and value of water resources and to establish a program for prevention, control, and abatement of water pollution. Said division shall:

(1) Encourage the adoption and execution by cities and towns, industries and other users of the waters of the commonwealth, and by cooperative groups of municipalities and industries, of plans for the prevention, control and abatement of water pollution.

(2) Cooperate with appropriate federal agencies or the agencies of other states, or with interstate agencies in matters related to water quality control, and shall receive and dispense such funds from any such agencies as may be available for the prevention, control and abatement of water pollution. Said division shall also cooperate with and assist departments, boards, officials and institutions of the commonwealth or its political subdivisions that may be concerned in any way with problems of water pollution.

(3) Take all action necessary or appropriate to secure to the commonwealth the benefits of the Federal Water Pollution Control Act, Public Law 92-500, as amended, and other federal legislation pertaining to water pollution control.

(4) Conduct a program of study and research and demonstration, by itself or in cooperation with other governmental agencies, relating to new and improved methods of pollution abatement or more efficient methods of water quality control, including the treatment, neutralization and stabilization of sewage and industrial waste and the disposal thereof by treatment or disposal plant, sewer systems, pumping stations, or acceleration flow or by other methods, facilities or equipment so as to insure cleaner waters in the coastal waters, rivers, streams, lakes and ponds of the commonwealth.

(5) Adopt standards of minimum water quality which shall be applicable to the various waters or portions of waters of the commonwealth. Standards relating to the public health shall not be

adopted without the approval of the commissioner of public health.

(6) Prescribe effluent limitations, permit programs and procedures applicable to the management and disposal of pollutants, including, where appropriate, prohibition of discharges.

(7) Require dischargers to establish monitoring, sampling, record keeping and reporting procedures and facilities, and to submit to the director data gathered therefrom and such other data as he shall reasonably request for purposes of carrying out this chapter. The director may make such data, and any data obtained pursuant to the provisions of section forty, available to other government agencies concerned with the protection of public waters or water supplies, and to the public for inspection and copying, except that he shall not permit disclosure, other than to another government agency as provided in the preceding clause, of any information, other than effluent data, obtained by or submitted to him pursuant to any provision of this chapter, upon a showing, satisfactory to him, that such information if made public would divulge methods or processes entitled to protection as trade secrets of any person.

(8) Examine periodically the water quality of the various coastal waters, rivers, streams, lakes and ponds of the commonwealth, or separate portions of such waters, and publish the results of such examinations together with the standard of water quality established for the various waters or portions thereof.

(9) Adopt regulations requiring proper operation and maintenance of waste treatment facilities.

(10) Conduct a continuing planning process which will result in plans for reducing, controlling and eliminating discharges to all waters of the commonwealth, and prepare or supervise the preparation of, and adopt, comprehensive river basin and regional plans for abatement of such discharges by means of treatment works or other practical control facilities and methods. No such facility or method shall be approved for a construction grant under section thirty-three or for a permit under section forty-three unless it is in conformity with any applicable plans adopted by the division.

(11) Arrange for personnel engaged in the work of water pollution prevention and abatement to take courses designed to instruct employees of water pollution control facilities, including sewage treatment and disposal systems, in the latest and most efficient methods of water pollution control and the latest developments in the operation and maintenance of plants and facilities for the prevention or abatement of water pollution.

(12) Adopt, amend or repeal after hearing from time to time, with the approval of the water resources commission, rules and regulations which it deems necessary for the proper administration of the laws relative to water pollution control and to the protection of the quality and value of water resources, including regulations to control or prevent the discharge of sewage, garbage or other waste material from watercraft of any type, including houseboats. Such rules and regulations as shall relate to the public health shall not be adopted without the written approval of the commissioner of

public health.

(13) Require submissions for approval of reports and plans of abatement facilities or any part thereof, and inspect the construction thereof for compliance with the approved plans.

(14) Undertake immediately, whenever there is spillage, seepage or other discharge of oil into any of the waters of the commonwealth or into any off-shore waters which may result in damage to the waters, shores or natural resources utilized or enjoyed by citizens of the commonwealth to cause said spillage, seepage or discharge to be contained and removed by whatever method it considers best. Chemicals shall not be used in the clean-up operation of oil spills unless their use has been authorized by the division, and if a public water supply or shellfish beds may be affected, by the department of public health. In this clause, the word "oil" shall mean insoluble or partially soluble oils of any kind or origin or in any form including, but not limited to, crude or fuel oils, lube oil or sludge, asphalt, insoluble or partially insoluble derivatives of mineral, animal or vegetable oils.

The division shall determine the person responsible for causing such spillage, seepage or discharge and the names of all persons who owned or controlled the oil or who owned or controlled or leased the vessel, tank, pipe, hose or other container in which the oil was located when the spillage, seepage or discharge occurred. Said persons shall be jointly and severally liable to the commonwealth for all costs and expenses incurred by the division in making such investigation, and in containing and removing the oil, and shall be jointly and severally liable to the commonwealth for all damages done to natural and recreational resources, including all costs of restoring damaged areas to their original condition, and to any other person for any damages to his real and personal property. The person responsible for causing such spillage, seepage or discharge shall be punished by a fine of not more than ten thousand dollars for each day such spillage, seepage or discharge continues, or by imprisonment for not more than two years or both.

Upon request of the director, the attorney general shall bring an action to recover all costs and expenses incurred for such investigation, containment, removal, and restoration.

Such costs and expenses shall be recovered in an action of tort, and shall be credited to the account from which said sums of money had been advanced and may, subject to appropriation, be expended by the division for the purposes set forth in this clause. In any such action the commonwealth may also seek recovery for all loss and damage to the natural and recreational resources of the commonwealth.

Any owner or operator of a vessel, vehicle, railroad car or facility used for the production, processing, transportation, transfer or storage of oil shall, as soon as he has knowledge of any such spillage, seepage or discharge of oil into or adjacent to waters of the commonwealth, promptly notify the director of the division or his representative of such discharge. Any person who fails so to notify the

director or his representative of such discharge shall be punished by a fine of not more than five thousand dollars.

Any person who removes oil, as defined in this clause, from the waters of the commonwealth or adjoining shorelines shall be entitled to reimbursement from any other person for the reasonable costs expended for such removal, if such oil resulted from the negligence of such other person. When such discharge results from the joint negligence of two or more persons, each shall be liable to the others for this pro rata share of the costs of removal.

Any person who gratuitously renders assistance at the request of a duly authorized officer in removing oil from the waters of the commonwealth or adjoining shorelines shall not be held liable, notwithstanding any other provision of law, for civil damages as a result of any act or omission by him in removing such oil, except acts or omissions amounting to gross negligence or willful or wanton misconduct.

SECTION 4. Section 30A of said chapter 21, inserted by section 5 of chapter 873 of the acts of 1967, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The division may, subject to the approval of the water resources commission, authorize a city, town, special district, the metropolitan district commission, or other existing governmental unit authorized to construct, own, operate, extend or improve abatement facilities as defined in section thirty, to apply for and accept and receive financial assistance from the commonwealth under sections thirty-one and thirty-three, for a project or projects designated, in the same manner, to the same extent, and subject to the same conditions as if such city, town, special district, the metropolitan district commission, or other existing governmental unit were a water pollution abatement district established in accordance with the provisions of section twenty-eight and administered in accordance with section twenty-nine; and as used in succeeding sections, the phrases "district" and "district commission" shall include, in addition to any district formed under section twenty-eight, the governing body of such a city, town, special district, the metropolitan district commission, or other governmental unit.

SECTION 5. Section 32 of said chapter 21 is hereby amended by striking out the second paragraph, as appearing in section 1 of chapter 685 of the acts of 1966, and inserting in place thereof the following paragraph: —

Plans submitted under this section shall make provision for securing compliance with any applicable requirements of state or federal law concerning payment by industrial users of their proportional shares of the costs of constructing, operating and maintaining treatment works and services to be made available to such users. Every district is hereby authorized to contract, as may be appropriate, with present or prospective users of its facilities concerning terms and conditions of their use, conformably with applicable provisions of law. Every district is hereby further authorized to meet its expenses through assessments of equitable and proportional user charges in the same manner as cities and towns in a district may do under the

second paragraph of section thirty-six.

SECTION 6. Said chapter 21 is hereby further amended by striking out section 33, as amended by section 7 of chapter 873 of the acts of 1967, and inserting in place thereof the following section: —

Section 33. After a plan has been approved by the division, the division shall, in accordance with criteria used by the division in determining the priority of projects for federal financial assistance, authorize and direct the district to apply for a grant or grants by the United States government applicable to the capital outlay costs of the facilities included in the project or projects contained in the district's approved plan. The division may make a grant equal to fifteen per cent of the eligible costs of a project or projects contained in the district's approved plan and approved by the United States Government for a federal construction grant of seventy-five per cent under the provisions of the Federal Water Pollution Control Act, as amended. Where federal funds are unavailable in any fiscal year and a project or projects of a district are ready for construction the division may make ninety per cent grants to districts which have projects with a total estimated reasonable cost of five million dollars or less as determined by the division.

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

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

Payments of financial assistance by the commonwealth to the district, including advancement of the anticipated federal grant, shall be made in accordance with a payment schedule approved by the commissioner of administration.

The division may require any information from the district commission necessary to ensure that the said commission is acting in compliance with the plan, and may withdraw its approval of the project if such information is not supplied or if said plan is not being followed by said commission. In such case the division shall notify the commissioner of administration, and payments shall cease forthwith, and shall not be resumed until the division again certifies its approval.

SECTION 7. Said chapter 21 is hereby further amended by striking out section 40, as appearing in section 1 of chapter 685 of the acts of 1966, and inserting in place thereof the following section: —

Section 40. The director or his authorized representative may enter at reasonable times any property, public or private, for the purpose of investigating or inspecting any condition relating to the discharge or possible discharge of pollutants, and may make such

tests as may be necessary to determine the existence and nature of such discharge. He may inspect any monitoring equipment or procedure required by the terms of a permit issued under section forty-three. The director or his authorized representative may examine any records pertaining to operation of treatment works, and any records required to be kept by the terms of a permit issued under said section forty-three.

SECTION 8. Said chapter 21 is hereby further amended by striking out section 42, as most recently amended by section 2 of chapter 704 of the acts of 1970, and inserting in place thereof the following section: —

Section 42. Any person who, directly or indirectly, throws, drains, runs, discharges or allows the discharge of any pollutant into waters of the commonwealth, except in conformity with a permit issued under section forty-three; or who violates any provision of this chapter, any valid regulation, order or permit prescribed or issued by the director thereunder; or who knowingly makes any false representation in an application, record, report or plan, or falsifies, tampers with or renders inaccurate a monitoring device or method, required under this chapter, (a) shall be punished by a fine of not less than two thousand five hundred dollars nor more than twenty-five thousand dollars for each day such violation occurs or continues, or by imprisonment for not more than one year, or by both; or (b) shall be subject to a civil penalty not to exceed ten thousand dollars per day of such violation, which may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction.

Nothing in this chapter shall be construed as adversely affecting the rights of any person to secure judicial relief against actual or potential waste dischargers under other rules or provisions of law.

No information submitted or made available for inspection in accordance with requirements established by or under this chapter may be used in any criminal proceeding against the individual who submits it, certifies it, or makes it available, except in a prosecution for the making of a false statement or record, or for otherwise failing to comply with reporting or recording requirements under this chapter.

SECTION 9. Said chapter 21 is hereby amended by striking out section 43, as amended by section 3 of said chapter 704, and inserting in place thereof the following section: —

Section 43. (1) For purposes of this section, "permit proceeding" includes the consideration of any application for a permit and of any proposal or request to suspend, revoke, modify or renew a permit. "Permit determination" means the decision of the director upon such application, proposal or request.

(2) No person shall discharge pollutants into waters of the commonwealth nor construct, install, modify, operate or maintain an outlet for such discharge or any treatment works, without a currently valid permit issued by the director. No person shall engage in any

other activity that may reasonably be expected to result, directly or indirectly, in discharge of pollutants into waters of the commonwealth, nor construct, effect, maintain, modify or use any sewer extension or connection, without a currently valid permit issued by the director, unless exempted by regulation of the director.

(3) The director shall adopt regulations with respect to permit proceedings and determinations. Applications for permits shall be submitted within times and on forms prescribed by the director and shall contain such information as he may require.

(4) Public notice of every permit proceeding, including proceedings under paragraph (10), shall be given in the manner provided by section three of chapter thirty A. The director shall circulate information received concerning the matter pending in accordance with the provisions of clause (7) of section twenty-seven and may hold a public hearing if he deems such hearing to be in the public interest. If the applicant or permittee requests a hearing, the director shall hold a public hearing on the matter in a community within the affected area of the discharge, at least thirty days after giving notice thereof. The director may, upon request of a permittee, revise a schedule of compliance in an issued permit if the director determines that good and valid cause, for which the permittee is not at fault, exists for such revision, and in such cases the provisions of this paragraph for public notice and hearing shall not apply. If the director has proposed to suspend or revoke a permit, in whole or in part, pursuant to paragraph (10), and if the permittee requests an adjudicatory hearing under section forty-five on the proposed determination, the requested hearing may be held as part of the public hearing to be afforded under this paragraph.

(5) The director shall grant a permit only if the discharge and the treatment works proposed in an initial or an amended application, will, in his judgement, conform to effluent limitations specified in the permit, and will conform to regulations, receiving water standards and comprehensive plans adopted by the division. The director shall issue any permit proposed for issuance under this section providing it conforms to all applicable provisions of federal law and of rules and regulations promulgated thereunder.

(6) The director shall establish by regulation standard and short application forms for discharge permits and rules governing the filing of such forms by the various categories of applicants.

(a) Upon submission of an application short form to the director, an applicant shall pay a fee of ten dollars;

(b) Upon submission of an application standard form to the director, an applicant shall pay a fee of one hundred dollars, and if there is more than one outlet from which the discharge will flow, an additional fifty dollars shall be paid for each additional outlet up to a maximum amount of five hundred dollars. Any applicant submitting an application standard form who has previously filed an application short form may deduct from the fee submitted the amount previously submitted with the short form;

(c) Fees for the renewal of permits shall be the same as the initial

application fee. Any new or increased discharges of pollutants, however, shall be reported in the appropriate application form. Agencies or instrumentalities of federal, commonwealth, or local governments shall not be required to pay any fee to the commonwealth in connection with the filing of an application.

(7) Every permit shall specify effluent limitations, interim and final deadlines where appropriate for compliance, the term for which the permit is issued, which may not be in excess of five years, and such requirements of proper operation and maintenance, monitoring, sampling, recording, reporting, and inspection as the director may prescribe. Permits may specify additional requirements, including technical controls and other components of treatment works to be constructed or installed, and provisions for insuring payments of user charges, which the director deems necessary to safeguard the quality of the receiving waters or to comply with pertinent provisions of the laws of the commonwealth or of federal law.

(8) A permit for a discharge to publicly owned treatment works shall require any user to comply with pretreatment standards and other safeguards which the director may require to prevent excessive or improper waste loadings. With the approval of the director, a municipality, a district or other public agency operating treatment works may administer, in whole or in part, the system of permits that shall regulate discharges to those works.

(9) A permit for a discharge from publicly owned treatment works shall require the applicant to have in effect or to establish without delay, and to enforce, an adequate sewer ordinance that prohibits introduction of incompatible wastes and slug loadings into the works, and that requires pretreatment where appropriate. A permit granted under this section shall require the permittee to monitor and report periodically to the director upon waste flows to the treatment works, to adopt procedures that will assist in identifying the source and nature of any new source of discharges to the works and any significant change in such flow and to safeguard against excessive loading of the collection and treatment system and to report same to the director. Nothing in this paragraph shall be construed as superseding the powers of any district or municipality under existing law to enact and enforce sewer ordinances and to issue permits for sewer connections consistent with the provisions of this chapter and any regulations issued hereunder.

(10) The director may propose and determine to modify, suspend, or revoke any outstanding permit, in whole or in part, for cause, including, but not limited to, violation of any permit term, obtaining a permit by misrepresentation or failure to disclose fully all relevant facts or any change in or discovery of conditions that calls for reduction or discontinuance of the authorized discharge. The director may also modify a permit at the request of the permittee upon a showing, satisfactory to the director, that the requested modification is appropriate in view of circumstances for which the permittee is not at fault.

SECTION 10. Said chapter 21 is hereby further amended by strik-

ing out section 44, as appearing in section 4 of said chapter 704, and inserting in place thereof the following section: —

Section 44. (1) Whenever it appears to the director that there are discharges of pollutants without a required permit, or that such discharges are in violation of a permit issued under this chapter, or in contravention of any regulation, standard or plan adopted by the division, the director may order the discharger to apply forthwith for a permit, or for a new permit, and to cease and desist from making or allowing further discharges beyond a specified date until compliance with the order is fully achieved. Issuance of an order under this paragraph shall not be deemed an election to forego any action for criminal or civil penalties under section forty-two.

(2) In the event that any condition of a permit for discharges issued under paragraph (9) of section forty-three to publicly owned treatment works is violated, the director may order the violator to prohibit all additional connections to such works from any source not already so connected, until the violation ceases and corrective action specified in the order has been taken. No permits for such connections may be issued while the order remains in effect.

(3) If the director finds, on the basis of information available to him, that an industrial user of publicly owned treatment works is not complying with a system of user charges to which he is subject under the conditions of his permit or under commonwealth or federal law, the director may order him to comply forthwith.

SECTION 11. Said chapter 21 is hereby further amended by striking out section 45, as so appearing, and inserting in place thereof the following section: —

Section 45. Any proposal to suspend or revoke a permit, in whole or in part, under paragraph (10) of section forty-three, including any proposed reduction in an authorized discharge, and any cease and desist order under paragraph (1) of section forty-four, shall inform the person to whom it is issued of his right to request, within thirty days, a hearing under the provisions of chapter thirty A. If he fails to make such a request, he shall be deemed to have consented to the order. If a timely request is submitted, the director shall within a reasonable time hold a hearing under the provisions of chapter thirty A.

SECTION 12. Said chapter 21 is hereby further amended by striking out section 46, as so appearing, and inserting in place thereof the following section: —

Section 46. The attorney general may, upon request of the director, bring action for injunctive relief against any person violating a provision of this chapter, or of any permit, order, regulation or determination issued thereunder, and the superior court in equity shall have jurisdiction to enjoin such violation and to grant such further relief as it may deem appropriate. Notwithstanding any other provision of this chapter, if the director finds that a discharge or combination of discharges presents an imminent and substantial threat to the health, welfare or livelihood of any persons, he shall request the attorney general to bring suit, and the attorney general

may bring suit in the superior court to enjoin forthwith the discharges causing such a threat or to require the offending discharges to take such other action as may be necessary.

SECTION 13. Said chapter 21 is hereby further amended by inserting after section 46 the following section: —

Section 46A. Any person aggrieved by an order, permit determination or other action of the director, other than an order consented to, may obtain judicial review by filing an application for review in the superior court within thirty days after receipt of notice of the final decision of the director. The superior court shall have jurisdiction in equity to enforce any order, decision or determination of the director, and any provision of sections twenty-six to fifty-three, inclusive, or regulation issued thereunder.

SECTION 14. Notwithstanding the provisions of section thirty-three of chapter twenty-one of the General Laws, as amended by section six of this act, where districts have received twenty-five per cent commonwealth construction grants after July first, nineteen hundred and seventy-one, the division of water pollution control shall make a grant to ensure a combined total of ninety per cent federal and commonwealth construction grants on the eligible portions of the district's project or projects, and said division shall make ninety per cent grants to districts for projects which were approved by said division and submitted to the environmental protection agency for a federal grant between October eighteenth, nineteen hundred and seventy-two, and March first, nineteen hundred and seventy-three.

SECTION 15. Notwithstanding the provisions of paragraph (6) of section forty-three of chapter twenty-one of the General Laws, as amended by section nine of this act, any applicant who has submitted a complete and proper application acceptable to the director of the division of water pollution control prior to the effective date of this act shall not be required to submit either an application short form or an application standard form for the discharge described in the previous application. An applicant may be required to file an application standard form if said director determines that the previously filed application has not satisfied the filing requirements.

SECTION 16. The provisions of section two of chapter seven hundred and eighty-one of the acts of nineteen hundred and seventy-two, directing the description of environmental impacts and the publication of environmental impact reports, shall not apply to permit determinations, construction grants, regulations, orders or other actions of the division of water pollution control or the director of said division under chapter twenty-one of the General Laws as they pertain to publicly owned treatment works or to a project or portion thereof for which an environmental impact appraisal or report is required under a federal law or regulation. No more detailed analysis shall be required from water pollution control projects which would be eligible for federal funds but which are undertaken with funds of the commonwealth than would be required by federal law or regulation.

SECTION 17. Any suit, action or other proceeding lawfully commenced under sections twenty-six to fifty-three, inclusive, and sections fifty-seven and fifty-eight of chapter twenty-one of the General Laws prior to the effective date of this act, shall abate by reason of the passage of this act. All rules, regulations, orders, determinations and other actions taken under or pursuant to said sections twenty-six to fifty-three, inclusive, and sections fifty-seven and fifty-eight prior to the effective date of this act shall continue in full force and effect until modified or rescinded by amendments to said sections becoming effective.

SECTION 18. If any provision of this act or its application to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application which can be given effect despite the said invalid provision or application.

Approved July 27, 1973.

Chap. 547. AN ACT VALIDATING THE ACTION TAKEN BY THE TOWN OF MIDDLEFIELD IN PLACING THE QUESTION OF LICENSING THE GAME COMMONLY CALLED BEANO ON THE OFFICIAL BALLOT USED IN SAID TOWN AT THE ANNUAL TOWN MEETING.

Be it enacted, etc., as follows:

SECTION 1. Chapter 12 of the acts of 1973 is hereby amended by inserting after section 1 the following section: —

Section 1A. Any action taken at the annual town meeting held in the town of Middlefield in the current year pursuant to authority contained in section one of this act shall be as valid and effective as though this act were in effect at the time of the posting of the warrant for said meeting.

SECTION 2. This act shall take effect upon its passage.

Approved July 27, 1973.

Chap. 548. AN ACT ESTABLISHING THE DIVISION OF FEDERAL AUDITS AND THE DIVISION OF CONTRACT AUDITS IN THE DEPARTMENT OF THE STATE AUDITOR.

Be it enacted, etc., as follows:

Section 6 of chapter 11 of the General Laws, as amended by chapter 20 of the acts of 1967, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — Said employees shall be organized in four divisions, namely, the division of state audits, the division of authority audits, the division of federal audits and the division of contract audits.

Approved July 27, 1973.

Chap. 549. AN ACT RELATIVE TO SALARIES REQUIRING THE APPROVAL OF DIRECTORS OF DOMESTIC INSURANCE COMPANIES.

Be it enacted, etc., as follows:

Section 35 of chapter 175 of the General Laws is hereby amended by striking out the first sentence, as amended by chapter 126 of the acts of 1961, and inserting in place thereof the following sentence: — No domestic company shall pay any salary, compensation or emolument to any officer, trustee or director thereof, nor any salary, compensation or emolument amounting in any year to more than thirty thousand dollars to any person, unless such payment be first authorized by a vote of its board of directors or a committee thereof.

Approved July 27, 1973.

Chap. 550. AN ACT REGULATING THE PAYMENT OF DISABILITY INSURANCE BENEFITS.

Be it enacted, etc., as follows:

Section 110A of chapter 175 of the General Laws is hereby amended by adding the following sentence: — Benefits due under a policy of insurance insuring against disability from injury or disease shall not be reduced by an increase in federal social security benefits once payment of disability benefits has commenced.

Approved July 27, 1973.

Chap. 551. AN ACT RESTRICTING THE RIGHT OF INSURANCE COMPANIES TO CANCEL OR REFUSE TO ISSUE AUTOMOBILE INSURANCE POLICIES AND ESTABLISHING A PLAN OF REINSURANCE AMONG THE COMPANIES.

Be it enacted, etc., as follows:

SECTION 1. Section 22C of chapter 175 of the General Laws, as amended by chapter 387 of the acts of 1970, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

No company shall issue any policy of insurance which provides property protection insurance, as described in section thirty-four O of chapter ninety, or coverage against loss or damage to, or loss of use of, motor vehicles resulting from collision, fire, lightning, larceny, pilferage, theft, malicious mischief, vandalism or other perils usually insured against; or provides personal injury protection or which insures any person against legal liability for loss or damage on account of the bodily injury or death of any other persons or on account of any damages to property of another, arising out of the ownership, maintenance, control or use of motor vehicles, including a motor vehicle liability policy as defined in section thirty-four A of chapter ninety, unless said policy contains a provision that, except

with respect to a notice of cancellation issued either before or after the effective renewal date by the company to take effect within the first ninety days of the renewal policy period for those policies not renewed in accordance with section twenty-two E or except with respect to a notice of cancellation issued for failure of the applicant to complete and furnish the insurance company a renewal application on a form prescribed by the commissioner at least thirty days before the expiration of the previous policy period, it shall be non-cancellable by the company, except for nonpayment of premiums, fraud or a material misrepresentation in the application for insurance or renewal thereof, or unless the operator's license or motor vehicle registration of the named insured or of any other person who resides in the same household as the named insured and who usually operates a motor vehicle insured under the policy has been under suspension or revocation during the policy period.

SECTION 2. Said chapter 175 is hereby further amended by striking out section 22E, inserted by section 8 of chapter 670 of the acts of 1970, and inserting in place thereof the following section: —

Section 22E. Every policy of insurance issued by an insurance company which provides property protection insurance, as described in section thirty-four O of chapter ninety; or coverage against loss or damage to, or loss of use of, a motor vehicle resulting from collision, fire, lightning, larceny, pilferage, theft, malicious mischief, vandalism or other perils usually insured against; or provides personal injury protection or which insures any person against legal liability for loss or damage on account of the bodily injury or death of any other person or on account of any damages to property of another, arising out of the ownership, maintenance, control or use of a motor vehicle including motor vehicle liability policies, as defined in section thirty-four A of chapter ninety, shall be renewed at the option of the policyholder so long as the company is licensed to write such policies in the commonwealth, except for nonpayment of premiums; fraud or a material misrepresentation in the application for insurance or renewal thereof, or unless the operator's license or motor vehicle registration of the named insured or of any other person who resides in the same household as the named insured and who usually operates a motor vehicle insured under the policy has been under suspension or revocation during the policy period; or in the case of a particular insurer a general reduction in volume of automobile insurance in the commonwealth is determined by the commissioner not to be an attempt to circumvent the purposes of this section. No insurance company, and no officer or agent thereof in its behalf, shall refuse to issue, renew or execute as surety a motor vehicle liability policy or bond, or any other insurance based on the ownership or operation of a motor vehicle because of age, sex, race, occupation or principal place of garaging of the vehicle. Any company which is authorized not to issue a renewal policy because of the exceptions contained in this section shall give written notice of its intent not to issue a policy for the

ensuing policy period in accordance with the provision of section one hundred and thirteen F of this chapter.

SECTION 3. Sections twenty-two F and twenty-two G of said chapter one hundred and seventy-five are hereby repealed.

SECTION 4. Said chapter 175 is hereby further amended by striking out section 113E, as amended by chapter 401 of the acts of 1941, and inserting in place thereof the following section: —

Section 113E. (a) No insurance company shall refuse to issue or execute as surety a motor vehicle policy or bond both as defined in section thirty-four A of chapter ninety, to any person applying in good faith for such policy or bond, on a standard form prescribed by the commissioner for any reason; except that no insurance company shall be required to issue such policy or execute such bond if:

(1) The applicant or any person who usually drives the motor vehicle has failed to pay an insurance company any motor vehicle insurance premiums due or contracted during the preceding twelve months; or

(2) Any person who usually drives the motor vehicle does not hold or is not eligible to obtain an operator's license.

(b) Nothing in this chapter shall be construed to prohibit an insurance company, its agent or any broker from requiring a deposit premium before issuance of a policy or execution of a bond; providing the per vehicle deposit does not exceed thirty per cent of the annual premium or the full short term premium for the insurance requested, whichever is less, and providing the applicant has not been in default in the payment of any premium for automobile insurance during the preceding twenty-four months.

SECTION 5. Said chapter 175 is hereby further amended by striking out section 113H, as most recently amended by chapter 264 of the acts of 1972, and inserting in place thereof the following section: —

Section 113H. Insurance companies undertaking to issue motor vehicle liability policies or bonds, both as defined in section thirty-four A of chapter ninety, shall cooperate in the preparation and submission of a plan for the fair and equitable apportionment among such insurance companies of premiums, losses or expenses, or any combination thereof, incurred under policies issued to applicants which are reinsured through such plan. Such a plan shall include at least the coverages required by sections thirty-four A and thirty-four O of chapter ninety and, at the option of the applicant, the additional coverages described in section one hundred and thirteen C. Such a plan shall be prepared and administered by a governing committee consisting of six members representing and elected by insurance companies participating in the plan and five members appointed by the commissioner from the Massachusetts Associations of Insurance Producers. Not more than one insurer in a group under the same management shall serve on the committee at the same time.

Before becoming effective, any such plan shall be filed with the commissioner who shall conduct a public hearing within thirty days

to determine whether such plan meets the requirements of this section. At such hearing insurance companies and any other party having a direct interest shall have an opportunity to be heard. Unless sooner approved or disapproved in writing by the commissioner, such plan shall be deemed to meet the requirements of this section within thirty days after the public hearing.

Amendments to such plan shall be prepared and filed in the same manner as herein provided with respect to the original plan. Such amendments, unless sooner approved or disapproved in writing by the commissioner shall be deemed to meet the requirements of this section in thirty days from the date of filing. The commissioner shall, prior to the disapproval of any such amendments, issue a notice specifying in what respects the amendments do not meet the requirements of this section and fixing a date for a public hearing thereon at which insurance companies and any other party having a direct interest shall have an opportunity to be heard. If no such plan is submitted to the commissioner within ninety days from the effective date of this act, he may, if he deems it necessary to carry out the purpose of this section, after hearing, prepare and promulgate a plan meeting the standards set forth herein.

When such plan or amendment has been approved or promulgated, no insurer may thereafter issue a motor vehicle liability policy or bond unless such insurer shall participate in such an approved or promulgated plan.

Any insurer and any other party affected may appeal to the commissioner from any ruling or decision with reference to the operation of such plan.

Such plan shall provide reasonable rules governing the fair and equitable distribution of expenses and losses by reinsurance.

The rules for such plan shall require that separate statistical data be recorded for risks reinsured in the plan and may provide incentives and penalties to prevent abuse of such plan. The rules for such plan shall also include a provision giving the commissioner authority, after due hearing and investigation to order that any company he finds using practices which have the effect of distributing risks or expenses or losses of risks insured in the plan unfairly and inequitably on other companies or agents or brokers be assigned a share of the expenses and losses of said risks to insure a fair and equitable distribution.

Any insurer or group of insurers participating in such plan and other person aggrieved shall be authorized to bring a complaint to the commissioner alleging unfair or unreasonable or improper practices by any insurer. The commissioner shall, in all such cases, cause a proper hearing on such complaint to be held and shall issue such orders as he then deems appropriate.

If the commissioner finds after due hearing and investigation that any activities or practice of any insurer in connection with the submission or operation of such plan is unfair or unreasonable or inconsistent with the provisions of this section, he may issue a written order specifying in what respects such activity or practice

is unfair or unreasonable or inconsistent with the provisions of this section, and requiring the discontinuance of such activity or practice.

Any ruling, order or decision of the commissioner under authority of this section shall be subject to review by appeal to the superior court for the county of Suffolk at the instance of any party in interest, which appeal shall be on the basis of the record of the proceeding before the commissioner. The court shall have jurisdiction to modify, amend, annul, review or affirm such action, order, finding or decision, shall review all questions of fact and of law involved therein, and may make any other appropriate order or decree. The court shall determine whether the filing of the appeal shall operate as a stay of any such order or decision of the commissioner.

SECTION 6. Said chapter 175 is hereby further amended by striking out section 113I, inserted by chapter 274 of the acts of 1954, and inserting in place thereof the following section: —

Section 113I. Nothing in this chapter shall be construed to abridge or restrict the freedom of contract between insurers and agents or brokers nor to require an insurer to issue policies in any way other than through its ordinary and usual method of marketing except that insurers shall, pursuant to the plan approved under section one hundred and thirteen H, be required to recognize and to permit immediate certification of insurance by and to pay a fair and reasonable commission to any licensed broker or agent designated as the producers of record by applicants for insurance or renewal thereof. Nothing in this chapter shall be construed to restrict the application of section one hundred and sixty-three.

SECTION 7. Section four of this act shall take effect on March first, nineteen hundred and seventy-four. Sections one, two, three, five and six shall take effect on November first, nineteen hundred and seventy-three, except that the assigned risk plan in effect prior to November first, nineteen hundred and seventy-three under the provisions of sections one hundred and thirteen H and one hundred and thirteen I of chapter one hundred and seventy-five of the General Laws shall remain in full force and effect until the new plan authorized in said sections one hundred and thirteen H and one hundred and thirteen I, as amended by sections five and six of this act, is either approved or promulgated by the commissioner of insurance.

Approved July 27, 1973.

Chap. 552. AN ACT AUTHORIZING THE CITY OF BROCKTON TO PAY A CERTAIN SUM OF MONEY TO CERTAIN EMPLOYEES OF ITS POLICE DEPARTMENT AS INCENTIVE PAY.

Be it enacted, etc., as follows:

The city of Brockton is hereby authorized to appropriate and after such appropriation to pay the following employees of the police department of said city, as incentive pay due them under the provisions of section one hundred and eight L of chapter forty-

one of the General Laws, the sums set forth against their respective names: — Frank DeChristopher, six hundred and sixteen dollars and forty-two cents; Gregory Froio, five hundred and fifty-two dollars; Ralph Persichillo, five hundred and fifty-two dollars; and William Robin, five hundred and forty-four dollars.

Approved July 27, 1973.

Chap. 553. AN ACT PROVIDING FOR THE ACQUISITION BY A CORPORATION OF MINORITY INTERESTS IN SUBSIDIARY DOMESTIC INSURANCE COMPANIES.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by inserting after section 193 O the following section: —

Section 193P. As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings: (a) "Parent corporation", a corporation organized for any purpose under the law of this commonwealth or any other jurisdiction, owning directly or indirectly at least ninety per cent of the aggregate issued and outstanding shares of all classes of capital stock of an incorporated domestic stock company; and (b) "Subsidiary insurer", an incorporated domestic stock company so owned by a parent corporation.

Any parent corporation may, in the manner hereinafter prescribed, acquire all of the issued and outstanding shares of any class or classes of capital stock of its subsidiary insurer not owned by the parent corporation. The method authorized by this act for acquiring shares of a subsidiary insurer is not exclusive, but is in addition to any other lawful method for the acquisition of such shares.

The board of directors of the parent corporation which seeks to acquire minority interests in its subsidiary insurer shall adopt a plan for such acquisition, which plan shall set forth: (1) The name of the subsidiary insurer; (2) The total number of issued and outstanding shares of each class of stock of the subsidiary insurer, the number of its shares owned by the parent corporation and, if either of the foregoing is subject to change prior to the effective date of acquisition, the manner in which any change may occur; (3) The terms and conditions of the plan, including the manner and basis of exchanging the shares to be acquired for shares or other securities of the parent corporation, for cash, other consideration, or any combination of the foregoing, and the proposed effective date of acquisition; (4) If the parent corporation is not authorized to do business in this commonwealth, its consent to the enforcement against it in this commonwealth of the rights of shareholders pursuant to the plan or the rights of shareholders objecting to the plan, and a designation of the commissioner as the agent upon whom process may be served against the parent corporation in any action or proceeding to enforce any such rights; and (5) Such other provisions with respect to the plan as the board of directors of the

parent corporation deems necessary or desirable, or as the commissioner may prescribe.

Upon adoption of the plan of acquisition, it shall be executed by the parent corporation under its corporate seal and submitted to the commissioner who shall, within sixty days from the date of such submission, endorse thereon his approval or disapproval and notify the parent corporation thereof. The commissioner in reviewing such plan of acquisition may employ such experts or consultants as he shall deem necessary. The reasonable costs of such experts and consultants are to be paid for by the parent corporation. The commissioner shall approve the plan if he is satisfied that it complies with this section and is not inconsistent with law. If the commissioner disapproves the plan he shall advise the parent corporation in writing of the reasons for such disapproval. No plan shall take effect unless the approval of the commissioner has been obtained. Any refusal by the commissioner to give any approval required by this section shall be subject to judicial review.

If the commissioner approves the plan, the parent corporation shall deliver a copy of the plan or a summary thereof approved by the commissioner, together with a statement of the rights of objecting shareholders in accordance with this section, to each person who, as of the date of delivery, who is a holder of record of stock to be acquired pursuant to the plan. Such delivery shall be made either in person or by depositing a copy of the plan or the approved summary and statement of rights of objecting shareholders in the United States mail, postage prepaid, addressed to the shareholder at his address of record. On or before the date of acquisition proposed in the plan, the parent corporation shall file with the commissioner a certificate executed by its president or vice president and attested by its secretary or assistant secretary under the seal of the parent corporation, attesting to compliance by the parent corporation with this section. Upon compliance with the foregoing requirements, ownership of the shares to be acquired pursuant to the plan shall vest in the parent corporation on the date of acquisition proposed in the plan, whether or not the certificates for such shares have been surrendered for exchange, and the parent corporation shall be entitled to have new certificates therefor registered in its name. The holders of all such shares shall surrender the certificates for such shares to the parent corporation for exchange pursuant to the plan. Whether or not a shareholder so surrenders his certificate or certificates, all of his rights, powers and privileges as such shareholder shall nevertheless terminate and be extinguished as of such date, excepting only his right to receive payment for his stock as provided in the plan, or to object to the plan and receive payment for his stock in accordance with the provisions hereinafter set forth.

The statement of the rights of objecting shareholders may be in such form as the directors of the parent corporation deem advisable, but the following form of notice shall be sufficient to comply with this section:

"Any shareholder who objects to the plan has the right to demand in writing from the parent corporation, within thirty days after the date of mailing of this statement, payment for his shares and an appraisal of the value thereof. Such corporation and any such shareholder shall in such cases have the rights and duties and shall follow the procedure set forth in section nineteen E of chapter one hundred and seventy-five of the Massachusetts General Laws."

If any shareholder whose stock is to be acquired pursuant to the plan shall in writing within thirty days after the date of mailing of such statement object to the plan and demand payment for his stock from the parent corporation, such corporation shall pay to him the fair value of his stock within thirty days after the expiration of the period during which such demand may be made.

If during the thirty-day period for payment the parent corporation and any such objecting shareholder fail to agree as to the value of such stock, such corporation or any such shareholder may within four months after the expiration of such thirty day period for payment demand a determination of the value of the stock of all such objecting shareholders by filing a bill in equity in the superior court in the county where the corporation in which such objecting shareholders held stock has its principal office within the commonwealth. In such event sections ninety-one through ninety-five of chapter one hundred and fifty-six B shall be applicable; provided, however, that a shareholder who makes demand as provided in this section shall be deemed to have consented to the provisions of section ninety-one of chapter one hundred and fifty-six B relating to notice, and provided further, that the phrase "proposed corporate action" wherever it appears in sections ninety-two and ninety-five of chapter one hundred and fifty-six B shall in each instance be deemed to mean "adoption of the plan of acquisition by the parent corporation."

The enforcement by a shareholder of his right to receive payment for his shares in the manner provided in this section shall be an exclusive remedy except that this section shall not exclude the right of such shareholder to bring or maintain an appropriate proceeding to obtain relief on the ground that the adoption of the plan will be or is illegal or fraudulent as to him.

The superior court for Suffolk county and the superior court for the county in which the subsidiary insurer has its principal place of business are hereby vested with jurisdiction over any parent corporation which files a plan of acquisition with the commissioner under this section, and over all actions involving such parent corporation arising out of this section, including such review as provided herein, and each such parent corporation shall be deemed to have performed acts equivalent to and constituting an appointment by such parent corporation of the commissioner to be its true and lawful attorney upon whom may be served all lawful process in any action, suit or proceeding arising out of violations of this section. Copies of all such lawful process shall be served on the commissioner and transmitted by registered or certified mail by the

commissioner to such parent corporation at its last known address.
Approved July 27, 1973.

Chap. 554. AN ACT FURTHER REGULATING THE REGISTRATION OR RECORDING OF A MASTER DEED UNDER THE LAW RELATIVE TO CONDOMINIUMS.

Be it enacted, etc.; as follows:

Chapter 183A of the General Laws is hereby amended by striking out section 16, as amended by section 4 of chapter 139 of the acts of 1970, and inserting in place thereof the following section: —

Section 16. The owners of any land may submit the same to the provisions of this chapter by the recording in the registry of deeds of a master deed, or, if all of the land is registered under the provisions of chapter one hundred and eighty-five, by filing the master deed under the provisions of said chapter. If a portion of the land desired to be submitted to the provisions of this chapter is registered land under said chapter one hundred and eighty-five, such recording of a master deed of the whole shall be a sufficient ground for withdrawal of the registered land from the provisions of said chapter one hundred and eighty-five. *Approved July 27, 1973.*

Chap. 555. AN ACT FURTHER REGULATING VOTING BY CERTAIN PERSONS OMITTED FROM VOTING LISTS BY ERROR.

Be it enacted, etc., as follows:

Chapter 51 of the General Laws is hereby amended by striking out section 59 and inserting in place thereof the following section: —

Section 59. Whenever the name of a voter, appearing at a polling place to vote in a primary, caucus or election or preliminary election, does not appear on a voting list prepared as required by sections fifty-five or fifty-eight A, as the case may be, or in whose name or residence, as placed on such list, a clerical error has been made, the presiding officer shall attempt to identify such voter and his right to vote at such polling place by communicating with the board of registrars by telephone or other means at his disposal. If the presiding officer is then satisfied that such voter is entitled to vote, he shall issue a certificate in a form supplied by the registrars, stating the name and residence of the voter so identified, and such certificate shall be signed by such presiding officer. The certificate shall be attached to and be considered part of the voting list, returned and preserved therewith, and such voter shall be allowed to vote.

Whenever the presiding officer, after a reasonable attempt, is unable to identify such voter or his right to vote, such voter may request permission to vote from the registrars of voters. If said

registrars find that the name of such voter has been omitted from the voting list, or a clerical error has been made in his name or residence, as placed on such list, the registrars shall issue a certificate of name and residence, as stated on the annual register, or on his application under section one A, as the case may be, signed by a majority of the registrars. On presentation thereof to the presiding officer of the polling place in which the voter was registered, or is authorized to vote, such voter shall be allowed to vote, and his name shall be checked on the certificate, which shall be attached to and considered a part of the voting list and returned and preserved therewith; provided, however, that if such voter desires to vote at the office of the city or town clerk or election commissioners, an absentee ballot shall be issued to such voter, who shall mark it and enclose it in an absentee ballot envelope, together with the certificate. The clerk or commissioner shall then mark on the envelope "Listing Error", and as soon as practicable shall transmit such envelope to the proper polling place. Such ballot shall be cast and counted as if the voter had appeared personally, and the certificate shall be attached to and considered part of the voting list. The envelopes shall be preserved in the same manner as other absentee ballot envelopes. *Approved July 30, 1973.*

Chap. 556. AN ACT DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO DISCONTINUE THE OPERATION AND MAINTENANCE OF A CERTAIN REST AREA ADJACENT TO INTERSTATE HIGHWAY ROUTE 93 IN THE TOWN OF WILMINGTON.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to immediately cause the department of public works to discontinue the operation and maintenance of a roadside rest area in the town of Wilmington to provide relief to the townspeople from undesirable prevailing conditions, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The department of public works is hereby authorized and directed to discontinue the operation and maintenance of the roadside rest area adjacent to interstate highway route 93 (northbound) in the town of Wilmington. *Approved July 31, 1973.*

Chap. 557. AN ACT PROVIDING FOR ASSISTANCE TO THE BOSTON ARENA AUTHORITY TO ENABLE IT TO MAKE CAPITAL IMPROVEMENTS.

Be it enacted, etc., as follows:

For the purpose of enabling the Boston Arena Authority to continue its capital improvements program, the state treasurer is hereby

authorized and directed to pay to said Authority the sum of three hundred and ten thousand dollars, which is hereby appropriated from the General Fund of the commonwealth. The state treasurer shall thereupon forthwith apportion said sum among the cities and towns constituting the metropolitan parks district upon the basis of one third in proportion to their populations, as defined in section fifty-nine of chapter ninety-two of the General Laws, and the remaining two thirds in proportion to their valuations, as so defined. The part of said sum so apportioned upon each such city and town shall be assessed upon such city or town and shall be paid by such city or town into the state treasury, as provided by section twenty of chapter fifty-nine of the General Laws. *Approved July 31, 1973.*

Chap. 558. AN ACT EXCLUDING FEDERAL PENSIONS AS RETIREMENT BENEFITS IN THE COMPUTATIONS OF UNEMPLOYMENT COMPENSATION BENEFITS.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (4) of subsection (d) of section 29 of chapter 151A of the General Laws, as appearing in section 17 of chapter 940 of the acts of 1971, is hereby amended by inserting after the word "including", in line 2, the words: — federal pensions.

SECTION 2. The provisions of section one of this act shall apply to compensable weeks beginning on and after the Sunday following the effective date of this act.

SECTION 3. This act shall take effect as of June fifteenth, nineteen hundred and seventy-three, and shall become inoperative on July sixth, nineteen hundred and seventy-five.

Approved August 1, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, August 1, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution; the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 558 of the Acts of 1973, entitled "AN ACT EXCLUDING FEDERAL PENSIONS AS RETIREMENT BENEFITS IN THE COMPUTATION OF UNEMPLOYMENT COMPENSATION BENEFITS," and the enactment of which received my approval on August 1, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

The sudden reduction in work forces at certain federal installations in the Commonwealth has led to great economic hardship for many of our citizens. It is important that the financial assistance made possible by this act be made available immediately.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, August 1, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at one o'clock and thirty minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter five hundred and fifty-eight of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 559. AN ACT PROVIDING FOR THE GRANTING OF CERTAIN EASEMENTS BY THE METROPOLITAN DISTRICT COMMISSION TO THE TOWN OF CANTON.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the immediate transfer of certain land of the commonwealth located in the town of Canton to said town, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized and directed to grant to the town of Canton, upon such terms and conditions as said commission determines and which said town, acting by and through its board of selectmen, approves, permanent and temporary easements in certain parcels of land, being a portion of the Blue Hills Reservation in said town presently devoted to open spaces for exercise and recreation purposes, and shown and described on a plan of land entitled "Eminent Domain, Town of Canton, Massachusetts, Utility Easements, January 3, 1972, Revised June 11, 1973, Phillip L. Pattison, Superintendent of Public Works and Town Engineer, Plan by Norwood Engineering Company, Inc., Civil Engineers, 1414 Providence Pike, Norwood, Massachusetts", as filed with the secretary to said commission, which said plan shall be recorded by the board of selectmen of said town together with said grant of easements in the registry of deeds for Norfolk county. The grant of said easements shall be deemed to authorize the installation,

construction, maintenance, and operation of a sanitary sewer system as authorized by vote of the annual town meeting of the town of Canton held in the year nineteen hundred and seventy-two and as approved by the United States Department of Housing and Urban Development.

Approved August 2, 1973.

Chap. 560. AN ACT PROVIDING THAT CERTAIN PROVISIONS OF LAW RELATIVE TO THE ADOPTION OF CHILDREN SHALL NOT APPLY TO THE SURRENDER OF A CHILD FOR ADOPTION OR TO A CONSENT TO THE ADOPTION OF A CHILD EXECUTED PRIOR TO THE EFFECTIVE DATE OF SUCH LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide that certain provisions of law relative to consent to the adoption of children and relative to surrender of children for adoption shall not apply to any such consent or surrender executed prior to the effective date of such provisions of law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section two of chapter two hundred and ten of the General Laws, as amended by section one of chapter eight hundred of the acts of nineteen hundred and seventy-two, shall not apply to the surrender of a child for adoption or to a consent to the adoption of a child executed prior to October seventeenth, nineteen hundred and seventy-two.

Approved August 2, 1973.

Chap. 561. AN ACT ESTABLISHING THE NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. In order to plan for the orderly and coordinated development and protection of the physical, social and economic resources of the island of Nantucket, there is hereby established the Nantucket Planning and Economic Development Commission, hereinafter called the commission. Said commission shall consist of the members of the planning board of the town of Nantucket; the superintendent of the department of public works of said town; one representative from each of the following commissions or authorities to be appointed annually by said commissions or authorities: the county commissioners of the county of Nantucket and the conservation commission, the housing authority, and the Historic District Commission of said town; and one person appointed at large from the county and town of Nantucket by the commission for a term of one year.

SECTION 2. The commission shall be responsible for the preparation of comprehensive plans for the physical, social, and economic

development of said county and town and shall make recommendations for action to implement said plans to the responsible county and town agencies. Such plans shall include, but not be limited to the preparation of studies, research reports and maps of natural resources, land utilization, economic development, recreation and conservation, transportation, and population characteristics. In order to carry out these responsibilities, the commission may retain such experts as may be required.

SECTION 3. To meet the expenses incurred under this act, the commission may expend from the treasury of the town of Nantucket such sums as may be appropriated therefor by said town. All bills incurred in carrying out the provisions of this act shall be accompanied by proper vouchers and shall be paid by the town treasurer of said town only on warrants approved by the commission or a committee appointed by it for such purpose. Voluntary contributions, either public or private, for such purposes may be deposited in said treasury. No appointments shall be made and no money shall be expended hereunder except by the affirmative vote of a majority of the members of said commission. No monies expended under this act shall be used for recreational advertising or promotion.

SECTION 4. The commission shall elect a chairman and such other officers as it may by rule provide, and may make such other rules and regulations not inconsistent with the provisions of this act as it may by majority vote provide. Each member of the commission shall have one vote. Members of the commission shall serve without compensation.

SECTION 5. This act shall take effect upon its passage.

Approved August 2, 1973.

Chap. 562. AN ACT AUTHORIZING THE USE OF THE TITLE OF COURT REPORTER.

Be it enacted, etc., as follows:

Section 82 of chapter 221 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding the following sentence: — The title of court reporter may be used by or to designate any stenographer referred to in this chapter.

Approved August 2, 1973.

Chap. 563. AN ACT AUTHORIZING THE MASSACHUSETTS BOARD OF REGIONAL COMMUNITY COLLEGES TO SELL AND CONVEY CERTAIN LAND OF THE COMMONWEALTH IN THE CITY OF BEVERLY.

Be it enacted, etc., as follows:

The Massachusetts board of regional community colleges, in the name and on behalf of the commonwealth, is hereby authorized to

sell and convey, for a nominal consideration, by a deed approved as to form by the attorney general, to Bernice E. Posnick and Sally B. Wyner, as tenants in common, a certain parcel of land in the city of Beverly shown as Parcel "F" upon a plan entitled "Plan of Land Located in the Vicinity of Norwoods Pond, Beverly, Mass., Scale: one inch equals one hundred feet. April, 1971, Edgar G. Mitchell, 'Acting Commissioner of Public Works' (Note: Revised — June 14, 1972)", bounded and described as follows: —

Beginning at a point marked "D" upon the aforementioned Plan, said point "D" being located at the northwesterly corner of land belonging to the North Shore Community Arts Foundation, Inc., thence running S 25° 58' 40" W by land of said North Shore Community Arts Foundation, Inc., a distance of 507.00 feet to a point marked "E" on said plan; thence turning and running N 52° 09' 30" W by land of Brudno and Wyner, Trustees, a distance of 527.00 feet to a point marked "F" on said plan; thence turning and running N 78° 09' 29" E by land of the City of Beverly and Norwoods Pond, a distance of 651.86 feet; to the point of beginning marked "D" upon said plan. Containing about 3.00 Acres.

Approved August 2, 1973.

Chap. 564. AN ACT REQUIRING ALL PUBLIC AND PRIVATE SCHOOLS OF HIGHER EDUCATION TO NOTIFY APPLICANTS FOR ADMISSION UPON THEIR ACCEPTANCE THERETO WHETHER OR NOT SAID SCHOOLS HAVE RECEIVED CERTAIN ACADEMIC ACCREDITATION.

Be it enacted, etc., as follows:

Chapter 69 of the General Laws is hereby amended by inserting after section 31B the following section: —

Section 31C. Any college, university, community college, junior college and other school of higher education, whether public or private, shall, upon accepting any applicant for admission to such institution, notify said applicant in writing whether or not said institution has been accredited by a recognized regional or professional accrediting agency.

Approved August 2, 1973.

Chap. 565. AN ACT INCREASING THE FEE FOR A LICENSE AS AN UNCLASSIFIED IMPORTER OF GASOLINE AND ESTABLISHING A FEE FOR A LICENSE AS AN UNCLASSIFIED EXPORTER THEREOF.

Be it enacted, etc., as follows:

SECTION 1. The third paragraph of section 2 of chapter 64A of the General Laws, as appearing in section 5 of chapter 617 of the acts of 1957, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The fee for each such unclassified importer's license and renewal thereof shall be one hundred dollars, to be collected by the commissioner at the time of issuance.

SECTION 2. Said section 2 of said chapter 64A is hereby further amended by inserting after the third paragraph, as so appearing, the following paragraph: —

The fee for each export permit, required by section eight A, to be paid by a person, hereinafter called an unclassified exporter, and for any renewal thereof shall be one hundred dollars, to be collected by the commissioner at the time of issuance. Each such permit shall be issued for the calendar year or remaining part thereof, and the unclassified exporter, upon application to the commissioner accompanied by said fee, may, before the expiration date of the permit then held by him, renew his permit for one year.

SECTION 3. Said chapter 64A is hereby further amended by striking out section 3, as most recently amended by section 8 of chapter 617 of the acts of 1957, and inserting in place thereof the following section: —

Section 3. Every distributor, unclassified importer, and unclassified exporter shall keep a complete and accurate record of all sales of fuel, including the name and address of the purchaser, the place and date of delivery, and the number of gallons, and a complete and accurate record of the number of gallons imported, produced, refined, manufactured, compounded or exported, and the date of importation, production, refining, manufacturing, compounding or exporting. Every distributor, unclassified importer and unclassified exporter shall also deliver with every consignment of fuel to a purchaser within the commonwealth a written statement containing the date of purchase, the names of the purchaser and seller, the number of gallons delivered, and shall retain a duplicate of each statement. Said records and said written statements shall be in such form as the commissioner shall prescribe, and shall be preserved by said distributors, said unclassified importers, said unclassified exporters and said purchasers, respectively, for a period of three years and shall be offered for inspection at any time upon oral or written demand by the commissioner or his duly authorized agents.

SECTION 4. Section 4 of said chapter 64A is hereby amended by striking out the first paragraph, as most recently amended by sections 1 and 2 of chapter 497 of the acts of 1971, and inserting in place thereof the following paragraph: —

Every distributor and unclassified exporter shall, on or before the last day of each month, except June and on or before the twentieth day of June, file with the commissioner a return under oath, on a form approved by the commission and furnished by the commissioner, stating the number of gallons of fuel sold by him in the commonwealth or exported or caused to be exported from the commonwealth during the preceding calendar month, and such return shall contain or be accompanied by such other information as the commissioner may require. At the time of filing such return, every distributor and unclassified exporter shall pay to the commissioner for the account of the purchaser an excise of seven and one half cents on each gallon of fuel sold by him in the common-

wealth during the calendar month covered by the return.

SECTION 5. Said chapter 64A is hereby further amended by striking out section 5, as most recently amended by chapter 336 of the acts of 1958, and inserting in place thereof the following section: —

Section 5. If a distributor, unclassified importer or unclassified exporter, having failed to file a return, or having filed an incorrect or insufficient return, without reasonable excuse fails to file an original or corrected return, as the case may require, within twenty days after the giving of notice by mail, postage prepaid, to him by the commissioner of his delinquency, the commissioner shall determine the amount due, at any time within three years after the making of the earliest sale, importation or exportation, whichever is applicable, included in such determination, and shall notify the distributor, unclassified importer or unclassified exporter of such determination by mail, postage prepaid. The distributor, unclassified importer or unclassified exporter shall forthwith after the giving of such notice pay to the commissioner the amount so determined to be due, with interest at eight per cent from the last day of the month in which the return is required to be made pursuant to section four. Any distributor, unclassified importer or unclassified exporter may within two years of the date of notice of such determination apply to the state tax commission upon a form prescribed by it for an abatement, and may appeal to the appellate tax board from the decision of the state tax commission on such application for an abatement within ten days of the date of notice of such decision, which notice the state tax commission shall send by mail, postage prepaid, to the distributor, unclassified importer or unclassified exporter forthwith upon making such decision. Any distributor, unclassified importer or unclassified exporter who shall discover that any overpayment of an excise has been made by him under section four may within two years of the date of overpayment apply to the state tax commission on a form prescribed by it for a refund and may appeal to the appellate tax board from the decision of the state tax commission on such application for a refund within ten days of the date of notice of such decision, which notice the state tax commission shall send by mail, postage prepaid, to the distributor, unclassified importer or unclassified exporter forthwith upon making such decision.

SECTION 6. Section 6 of said chapter 64A is hereby amended by striking out the first sentence, as amended by section 10 of chapter 617 of the acts of 1957, and inserting in place thereof the following sentence: — A distributor, unclassified importer or unclassified exporter who fails to file a return to the commissioner as required by section four, or a corrected return as required by section five, shall forfeit to the commonwealth, and shall pay to the commissioner on demand the sum of five dollars for each day of delay after written notice by the commissioner of such failure.

SECTION 7. Section 7 of said chapter 64A is hereby amended by striking out the first sentence, as appearing in section 1 of chapter

708 of the acts of 1957, and inserting in place thereof the following sentence: — Any person who shall buy any fuel on which an excise has been paid or is chargeable under this chapter, and shall consume the same in any manner except on a farm for farming purposes or in the operation of motor vehicles upon or over highways, whether or not such vehicles are registered under the provisions of section five of chapter ninety, and any person who transfers into another state fuel on which the excise has been paid or is chargeable under this chapter, and pays an additional excise or other tax which is properly due to such other state on such fuel so transferred, shall be reimbursed the amount of said excise in the manner and subject to the conditions hereinafter set forth; provided, however, that any turnpike constructed by the Massachusetts Turnpike Authority in accordance with chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two, as amended, shall not be considered a highway for the purposes of this chapter until such turnpike shall have become a part of the state highway system as provided in section seventeen of said chapter three hundred and fifty-four.

SECTION 8. Sections one and two of this act shall take effect on January the first, nineteen hundred and seventy-four.

Approved August 2, 1973.

Chap. 566. AN ACT AUTHORIZING THE USE OF SUMMONSES INSTEAD OF WARRANTS IN ALL CRIMINAL CASES OVER WHICH DISTRICT COURTS HAVE ORIGINAL JURISDICTION.

Be it enacted, etc., as follows:

Chapter 276 of the General Laws is hereby amended by striking out section 24, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 24. Upon a complaint for an offense over which the district courts have original jurisdiction under the provisions of section twenty-six of chapter two hundred and eighteen, a summons may be issued instead of a warrant for arrest, if, in the judgment of the court or justice receiving the complaint, there is reason to believe that the defendant will appear upon a summons.

Approved August 2, 1973.

Chap. 567. AN ACT PROVIDING THAT CORPORATIONS AND CERTAIN OTHER LEGAL ENTITIES SHALL BE SUBJECT TO SUPPLEMENTARY PROCESS AND PROCEEDINGS IN CIVIL ACTIONS IN THE DISTRICT COURTS.

Be it enacted, etc., as follows:

Section 1 of chapter 224 of the General Laws is hereby amended by adding the following paragraph: —

The words "person", "defendant", "party", and "debtor", in this chapter shall include a natural person, a corporation, a trust, a society, a partnership, an incorporated and an unincorporated association and any other legal entity. *Approved August 2, 1973.*

Chap. 568. AN ACT RELATIVE TO THE ASSIGNMENT OF JUSTICES OF THE APPELLATE DIVISIONS OF THE DISTRICT COURTS.

Be it enacted, etc., as follows:

The first paragraph of section 108 of chapter 231 of the General Laws, as most recently amended by chapter 867 of the acts of 1971, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence: — The appellate division of each other district court shall be holden by justices of such other district courts, not exceeding three in number out of five justices assigned to the performance of such duty by the chief justice of the district courts, subject to the approval of the chief justice of the supreme judicial court, as follows: — The chief justice of the district courts shall assign five justices of district courts within the counties of Essex and Middlesex and that part of Suffolk included in the jurisdiction of the East Boston district court, the district court of Chelsea, the municipal court of the Charlestown district, the municipal court of the Brighton district, the municipal court of the Dorchester district, the municipal court of the Roxbury district, and the municipal court of the South Boston district, to act in the appellate divisions of such district courts within those counties and that part of Suffolk county, which shall be known as the northern appellate division district; shall assign five justices of district courts within the counties of Norfolk, Plymouth, Barnstable, Bristol, Dukes and Nantucket and that part of Suffolk included in the jurisdiction of the municipal court of the West Roxbury district, to act in the appellate divisions of such district courts within those counties and that part of Suffolk county, which shall be known as the southern appellate division district; and shall assign five justices of district courts within the counties of Worcester, Franklin, Hampshire, Hampden and Berkshire to act in the appellate divisions of district courts within those counties, which shall be known as the western appellate division district.

Approved August 2, 1973.

Chap. 569. AN ACT CLARIFYING THE LAWS RELATIVE TO COURT PROCEEDINGS FOR THE COMMITMENT OF CERTAIN CRIMINAL DEFENDANTS.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 4 of chapter 123 of the General Laws is hereby amended by striking out the first

sentence, as appearing in section 4 of chapter 888 of the acts of 1970, and inserting in place thereof the following sentence: — If the mentally ill person is in need of further care and treatment, the superintendent or said medical director shall notify him and his nearest relative or guardian of that fact, and of his right to leave the facility or said hospital if he was not committed under a court order.

SECTION 2. Section 5 of said chapter 123, as so appearing, is hereby amended by striking out the seventh sentence and inserting in place thereof the following sentence: — The court may hold the hearing at the facility or said hospital.

SECTION 3. Paragraph (a) of section 6 of said chapter 123, as so appearing, is hereby amended by striking out, in lines 4 to 6, inclusive, the words "and section thirty-five or except under a court order or except during the pendency of a petition for a court order of commitment" and inserting in place thereof the words: — paragraph (e) of section sixteen and section thirty-five or except under a court order or except during the pendency of a petition for commitment or the pendency of a request under section fourteen.

SECTION 4. Paragraph (f) of section 8 of said chapter 123, added by section 6 of chapter 760 of the acts of 1971, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The first order of commitment of a person under this section shall be valid for a period of six months and all subsequent commitments shall be valid for a period of one year; provided that if such commitment occurs at the expiration of a commitment under any other section of this chapter, other than a commitment for observation, the first order of commitment shall be valid for a period of one year; and provided further, that the first order of commitment to the Bridgewater state hospital of a person under commitment to a facility shall be valid for a period of six months.

SECTION 5. Paragraph (b) of section 15 of said chapter 123, as appearing in section 12 of said chapter 760, is hereby amended by inserting after the first sentence the following sentence: — Copies of the complaints or indictments and the physician's report under paragraph (a) shall be delivered to the facility or said hospital with the person.

SECTION 6. The third sentence of said paragraph (b) of said section 15 of said chapter 123, as so appearing, is hereby amended by inserting after the word "hospitalization", in line 3, the words: — ; provided, however, if the person requests continued care and treatment during the pendency of the criminal proceedings against him and the superintendent or medical director agrees to provide such care and treatment, the court may order the further hospitalization of such person at the facility or the Bridgewater state hospital.

SECTION 7. Said section 15 of said chapter 123 is hereby further amended by striking out paragraph (d), as so appearing, and inserting in place thereof the following paragraph: —

(d) If on the basis of such reports the court is satisfied that the defendant is competent to stand trial, the case shall continue according to the usual course of criminal proceedings; otherwise the court shall hold a hearing on whether the defendant is competent to stand trial; provided that at any time before trial any party to the case may request a hearing on whether the defendant is competent to stand trial. A finding of incompetency shall require a preponderance of the evidence. If the defendant is found incompetent to stand trial, trial of the case shall be stayed until such time as the defendant becomes competent to stand trial, unless the case is dismissed.

SECTION 8. Paragraph (e) of said section 15 of said chapter 123, as appearing in section 4 of chapter 888 of the acts of 1970, is hereby amended by adding the following four sentences: — During such period of observation, the superintendent or medical director may petition the court for commitment of such person. The court may hear the petition as provided in sections seven and eight, and if the court makes the necessary findings it may in its discretion commit the person to a facility or the Bridgewater state hospital. Such order of commitment shall be valid for a period of six months. All subsequent proceedings for commitment shall take place under the provisions of sections seven and eight in the district court which has jurisdiction of the facility or hospital.

SECTION 9. Paragraph (f) of said section 15 of said chapter 123, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "and (c)" and inserting in place thereof the words: — (c) and (e).

SECTION 10. The second sentence of paragraph (b) of section 16 of said chapter 123 is hereby amended by inserting after the word "dismissed", in line 5, as appearing in section 13 of chapter 760 of the acts of 1971, the words: — after commitment.

SECTION 11. Paragraph (c) of said section 16 of said chapter 123, as so appearing, is hereby amended by inserting after the first sentence the following sentence: — If the person is not found incompetent, the court shall notify the court with jurisdiction of the criminal charges, which court shall thereupon order the defendant returned to its custody for the resumption of criminal proceedings.

SECTION 12. Paragraph (e) of said section 16 of said chapter 123, as so appearing, is hereby amended by striking out the last four sentences and inserting in place thereof the following four sentences: — If the superintendent or medical director of the Bridgewater state hospital intends to discharge a person committed under this section or at the end of a period of commitment intends not to petition for his further commitment, he shall notify the court and district attorney which have or had jurisdiction of the criminal case. Within thirty days of the receipt of such notice, the district attorney may petition for commitment under the provisions of paragraph (c). During such thirty day period, the person shall be held at the facility or hospital. This paragraph shall not

apply to persons originally committed after a finding of incompetence to stand trial whose criminal charges have been dismissed.

SECTION 13. The second sentence of paragraph (a) of section 18 of said chapter 123, as appearing in section 4 of chapter 888 of the acts of 1970, is hereby amended by inserting after the word "detention", in line 3, the words: — or, if the prisoner is awaiting trial, to the court which has jurisdiction of the criminal case.

SECTION 14. The seventh sentence of said paragraph (a) of said section 18 of said chapter 123, as so appearing, is hereby amended by striking out, in line 3, the words "such court" and inserting in place thereof the words: — the court which received the results of the examination.

Approved August 2, 1973.

Chap. 570. AN ACT ESTABLISHING A BOARD OF PUBLIC WORKS IN THE TOWN OF MILTON.

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the town of Milton a board of public works, hereinafter called the board, consisting of the three members of the board of selectmen. The board shall forthwith, after each annual election, elect from its members a chairman and clerk for the ensuing year. The board shall have all of the powers and duties now or from time to time vested in or exercised presently by the board of selectmen acting as water commissioners, sewer commissioners, highway surveyors and road commissioners and shall continue to appoint the tree warden. The board shall have such added powers with respect to public works, property and facilities as the town may from time to time, by by-law or by vote of the town provide, notwithstanding any other provision of law to the contrary.

SECTION 2. The board shall appoint a director of public works, whose qualifications, term, powers and duties shall be determined and prescribed by the board and who shall be responsible to said board. He shall not be subject to the civil service law and rules. The board shall appoint such other personnel including a superintendent of highways, tree warden, town engineer, director of planning, superintendent of forestry, superintendent of central maintenance, and such other divisional superintendents or assistants to the director of public works as may be authorized by vote of the town meeting, and shall have authority to determine and prescribe qualifications, terms, powers and duties of such personnel. The aforesaid positions shall not be subject to the civil service law and rules.

SECTION 3. There shall be transferred to and consolidated into the board the central maintenance department, engineering department, forestry department, highway department, planning department, sewer department and water department. All employees of these departments shall immediately upon the effective date of this act be transferred to the board without loss of pay and without loss of rights under the civil service law and rules, and shall not lose

under this change or transfer any rating, seniority, retirement or pension rights, or any other rights or privileges under any provisions of law whatsoever. Upon the effective date of this act all employees so transferred will be classified with board job titles comparable to the former department of public works titles and may be required to work, when assigned, within any division of the board. All employees of the former department of public works who are subject to the civil service law shall be eligible for promotion within any division of the board.

SECTION 4. The board may upon the request of any other board, department or committee of the town perform maintenance, construction and purchasing for such other department.

Approved August 2, 1973.

Chap. 571. AN ACT AUTHORIZING DOMESTIC ELECTRIC UTILITIES TO ENTER INTO A NEW ENGLAND POWER POOL AGREEMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of any general or special law or limitation imposed by a corporate or municipal charter, domestic electric utilities may enter into a New England power pool agreement and may participate within and without the commonwealth in such New England power pool so created in the manner and subject to the conditions set forth in chapter one hundred sixty-four A of the General Laws, inserted by section two of this act, and foreign electric utilities which have entered into such New England power pool agreement may participate within the commonwealth in such pool, in the manner and subject to the conditions set forth in said chapter.

SECTION 2. The General Laws are hereby amended by inserting after chapter 164 the following chapter: —

CHAPTER 164A.

NEW ENGLAND POWER POOL.

Section 1. The following words as used in this chapter shall, unless the context otherwise requires, have the following meanings:

"Department", the department of public utilities.

"Domestic electric utility", an electric utility organized under the laws of, or having its principal place of business in, the commonwealth.

"Electric power facilities", or "electric power facility", generating units rated twenty-five megawatts or above and transmission facilities rated sixty-nine kilovolts or above which have been designated in writing as pool or pool-planned facilities under the New England power pool agreement, when provision is made for such designation in said agreement, and which, if to be financed in whole or in part under the provisions of sections eleven to twenty-two,

inclusive, are approved by the department, after notice and opportunity for hearing, as consistent with the power needs of the commonwealth. A copy of the designation shall be placed on file with the department.

"Electric utility", any individual or entity or subdivision thereof, private, governmental or other, including a municipal electric department, wherever resident or organized, primarily engaged in the generation and sale or the purchase and sale of electricity, or the transmission thereof, for ultimate consumption by the public.

"Foreign electric utility", any electric utility other than a domestic electric utility.

"Member of the New England power pool", an electric utility which is a participant in the New England power pool created by a New England power pool agreement.

"Municipal electric department", an electric department or lighting plant of a city or town of the commonwealth, which department or plant is subject to the provisions of chapter one hundred sixty-four. Except where otherwise specifically provided, a municipal electric department may exercise any of its powers or authority contained in this chapter through its municipal light board. Before such a municipal electric department exercises any power under this chapter, this chapter shall be accepted by a majority vote, as defined in section one of chapter forty-four of the municipality.

"Municipal light board", the municipal light board or commission, municipal gas and electric commission or similar body; the mayor or city manager, as the case may be, of a city having no such body; or the selectmen of a town having no such body.

"New England power pool agreement", a contractual agreement between electric utilities which is open to all electric utilities operating in New England, which provides for cooperation and joint participation in developing and implementing a regional bulk power supply of electricity, which constitutes the central dispatching and primary pooling arrangement for electric utilities in the New England states, which has been signed by eligible electric utilities whose annual peak loads in the year preceding the year in which the agreement is executed aggregate more than seventy-five per cent of the annual peak loads for all of New England, and which has been placed on file with the department for informational purposes and permitted to become effective under the Federal Power Act by the Federal Power Commission.

"New England power pool", the relationship or organization created by a New England power pool agreement.

Section 2. The New England power pool agreement may provide for, among other things:

- (a) the pooling of power;
- (b) coordination of planning, construction and operation and the manner of establishing and enforcing standards and other requirements;
- (c) delegation of authority to administrative committees;
- (d) amendments of the agreement by vote or other action of

the participants or of committees in the manner specified therein, subject to the right of any participant to withdraw in the event of its nonconcurrence with an amendment;

(e) appointment of representatives to act for one or more participants in regard to amendments and other matters;

(f) the allocation of pool expenses among participants;

(g) the provision of new, altered, improved or enlarged facilities by the participants subject to such proceedings as may be required by law for undertaking or financing any such project;

(h) limitations on other actions by the participants which might be inconsistent with the agreement or might adversely affect its implementation;

(i) arbitration; and

(j) other matters deemed necessary or desirable in order to carry out the purpose of the agreement.

Section 3. Notwithstanding any contrary provision of any general or special law relating to the powers and authorities of domestic electric utilities or any limitation imposed by a corporate or municipal charter, but subject to the conditions set forth in this chapter, a domestic electric utility which is a member of the New England power pool shall, in connection with its participation in such pool, have the following additional powers:

(a) jointly or separately to plan, finance, construct, purchase, operate, maintain, use, share costs of, own, mortgage, lease, sell, dispose of or otherwise participate in electric power facilities or portions thereof within or without the commonwealth or the product or service therefrom or securities issued in connection with the financing of electric power facilities or portions thereof; and

(b) to enter into and perform contracts for such joint or separate planning, financing, construction, purchase, operation, maintenance, use, sharing costs of, ownership, mortgaging, leasing, sale, disposal of or other participation in electric power facilities, or portions thereof, within or without the commonwealth, or the product or service therefrom, or securities issued in connection with the financing of electric power facilities or portions thereof, including, without limitation, contracts for the payment of obligations imposed without regard to the operational status of a facility or facilities and contracts with domestic or foreign electric utilities for the sale or purchase of electricity from an electric power facility or facilities for long or short periods of time or for the life of a specific electric generating unit or units; provided, however, that nothing in this section shall be construed to authorize a domestic electric utility to sell electricity at wholesale or retail within or without this commonwealth except (i) as otherwise authorized by or under its charter or the general or special laws of this commonwealth other than by this chapter; (ii) in connection with sales of economy, backup and other energy pursuant to a New England power pool agreement; and (iii) for any sale or sales of capacity and related energy from a specifically identified generating unit which is an electric power facility.

Section 4. Notwithstanding any contrary provision of any general or special law relating to the powers and authorities of foreign electric utilities, but subject to the conditions set forth in this chapter, a foreign electric utility which is a member of the New England power pool shall, in connection with its participation in such pool, have in addition the power jointly with one or more other electric utilities, including at least one domestic electric utility, to construct, purchase, operate, maintain, use, own, mortgage, lease, sell, dispose of or otherwise participate in electric power facilities or portions thereof within this commonwealth or the product or service therefrom; provided, however, that nothing in this section shall be construed to authorize a foreign electric utility to sell electricity at wholesale or retail within this commonwealth except (i) as otherwise authorized by or under the general or special laws of this commonwealth other than by this chapter; (ii) in connection with sales of economy, backup and other energy pursuant to a New England power pool agreement; and (iii) for any sale or sales of capacity and related energy from a specifically identified generating unit which is an electric power facility.

Section 5. If any domestic or foreign electric utility acquires or owns an interest as a tenant in common with one or more other domestic or foreign electric utilities in any electric power facilities in this commonwealth, the surrender or waiver by any such owner of such property of its right to partition such property for a period not exceeding the period for which the property is used or useful for electric utility purposes shall not be invalid or unenforceable by reason of the length of such period, or as unduly restricting the alienation of such property.

Section 6. Contracts under sections three and four (i) may be for a term or for an indefinite period and shall, unless otherwise provided therein, not be deemed terminated or to have been unauthorized by reason of termination of the New England power pool or of any membership therein or invalidation of any of the provisions of the New England power pool agreement; (ii) may provide for the sale or other disposition of by-products of electric power facilities; and (iii) may contain provisions for arbitration, delegation and other matters deemed necessary or desirable to carry out their purposes. Any party, public or private, desiring to purchase or use by-products of electric power facilities may enter into contracts therefor for short or long terms. Subject to clause (i) of paragraph (1) of subsection (b) of section nine, the obligation of a city or town under contracts referred to in this section shall not be included in the debt of the city or town for the purpose of ascertaining its borrowing capacity.

Section 7. (a) A foreign electric utility shall be subject to assessment and taxation in the same manner and to the same extent as is provided by law with respect to a corporation defined as an "electric company" in section one of chapter one hundred sixty-four; except that a foreign electric utility which is a governmental entity shall, with respect to payments for franchise taxes

to the commonwealth plus any other taxes not covered by subsections (b) and (d) of section eight, make payments in lieu of such taxes in the manner provided by subsection (c) of said section eight.

(b) Any foreign electric utility other than a governmental entity which owns or operates any electric power facilities in this commonwealth shall, if a corporation, be considered a "utility corporation" as defined in section fifty-two A of chapter sixty-three and subject to taxation under that section notwithstanding the limitations of clause (ix) thereof.

Section 8. (a) Notwithstanding the definition of "electric power facilities" in section one, for the purposes of this section only, "electric power facilities" with respect to municipal electric departments shall mean generating units rated twenty-five megawatts or above and transmission facilities rated sixty-nine kilovolts or above which (i) have been designated as pool or pool-planned facilities under the New England power pool agreement or (ii) are financed in whole or in part under the provisions of sections eleven to twenty-two, inclusive, and with respect to foreign electric utilities which are governmental entities shall mean generating units rated twenty-five megawatts or above and transmission facilities rated sixty-nine kilovolts or above. For the purposes of this section no such designation under clause (i) shall be made except with the written consent, or upon written application, of the electric utility or utilities having primary responsibility for the construction or operation of the facility being so designated. The provisions of this section for payments in lieu of taxes shall not apply to electric power facilities constructed or substantially under construction by a municipal electric department prior to September thirtieth, nineteen hundred and seventy-three. Taxes and payments in lieu of taxes by municipal electric departments shall be treated as operating expenses except that taxes and payments in lieu of taxes with respect to the period prior to commercial operation of a facility may be treated by the municipal light board as construction costs.

(b) (i) Interests in electric power facilities, real and personal, situated within the commonwealth and owned by any municipal electric department shall be exempt from property taxation, provided, however, that a municipal electric department which owns or has an interest in such electric power facilities shall, in lieu of property taxes, pay to any governmental body authorized to levy property taxes the amount which would be assessable as taxes on the real and personal property if such property were the property of a corporation defined as an "electric company" in section one of chapter one hundred sixty-four. Such payments shall be due, and bear interest if unpaid, as in the case of taxes on the property of such an "electric company". For purposes of such payments in lieu of taxes, the assessors of the taxing authority shall make a valuation and assessment of the property and determine the tax that would be assessable if such property were owned by a corporation so defined as an "electric company". Where property in respect to

which in lieu payments are to be made hereunder is situated in a municipality that owns said property, any ten inhabitants of said municipality may, within three months after said assessment and determination, appeal the same to the appellate tax board or, if said municipality fails to make an assessment or determination or otherwise to collect the tax, may petition the superior court in equity for declaratory or other appropriate relief for failure to act as aforesaid.

(ii) Payments in lieu of taxes made hereunder shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law, including appeals, now and hereafter in effect applicable to assessment and taxation of real and personal property, collection and abatement of such taxes and the raising of public revenues.

(c) There is hereby imposed on each municipal electric department an annual payment in lieu of taxes equal to the then equalization percentage of (A) the original cost less depreciation of its direct ownership interest in electric power facilities located within the commonwealth, excluding any portion thereof represented by any investment by others as described in (B), and (B) in the event a municipal electric department has an interest other than direct ownership described in (A), the amount of its investment less any amortization thereof through ownership of securities, prepayment or similar arrangements in such facilities under this chapter, all as at the end of the municipal electric department's last fiscal year. The equalization percentage shall be determined by the commissioner of corporations and taxation on or prior to July first of each year and shall be the percentage resulting from the fraction, the numerator of which shall be the aggregate amount paid in the preceding calendar year by all domestic electric utilities which are not municipal electric departments for franchise taxes paid to the commonwealth, plus any other taxes not covered by subsections (b) or (d) of this section paid to the commonwealth or any subdivision thereof and the denominator of which shall consist of the aggregate amount of net utility plant, as of the end of the preceding calendar year, of all domestic electric utilities which are not municipal electric departments; the amount of said taxes and net utility plant to be obtained by the commissioner from the annual reports for said preceding calendar year filed with the department of public utilities by said domestic electric utilities. If such taxes are reported for a period other than the calendar year, or if such net utility plant is reported as of a date other than the end of a calendar year, the commissioner shall use such period or date as is reasonable and practicable with such adjustments as may be necessary to carry out the purposes of this section. In the event a municipal electric department uses a fiscal year longer or shorter than twelve months, the commissioner shall appropriately adjust the payment to be made under this section. Such payment is to be in lieu of a tax upon the franchise of the municipal electric department to own or operate directly or indirectly such electric power

facilities and is to be in accordance with the following provisions:

(1) Every municipal electric department subject to this section shall annually, on or before the fifteenth day of the third month following the close of its fiscal year, make a return to the commissioner of corporations and taxation sworn to by its manager, a majority of its commissioners, or in their absence or incapacity by any other principal officer, in such form as said commissioner with the approval of the state tax commission shall prescribe, stating such information as said commissioner may require for the determination of the payment imposed by this subsection. Said payment shall be due and payable on or before the due date of the return.

(2) All provisions of chapter sixty-three relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, applicable to domestic business corporations, as defined in section thirty of chapter sixty-three, shall, so far as pertinent, be applicable to payments under this subsection.

(3) All revenue collected under the provisions of this section shall be credited to the General Fund.

(d) In connection with all sales, use, excise and other taxes imposed with respect to electric power facilities, materials included or to be included therein, or energy produced thereat and sold at wholesale therefrom under authority of this chapter, by any laws of the commonwealth and not covered by subsections (b) and (c), a municipal electric department participating in an electric power facility by ownership, prepayment or contract for purchase of capacity and related energy from a specifically identified generating unit shall be subject to payments in lieu of such taxes in the same manner and under the same procedures as a corporation defined as an "electric company" in section one of chapter one hundred sixty-four is subject to such taxes and shall be limited to only those exemptions as are available to such a corporation.

(e) Legislative consent is hereby given to the application of the laws of other states with respect to taxation, payments in lieu of taxes, and the assessment thereof to any domestic electric utility which has acquired or has an interest in an electric power facility, real or personal, situated without the commonwealth, or which is owning or operating electric power facilities without the commonwealth pursuant to authority granted in this chapter.

Section 9. (a) Except as otherwise expressly provided in this chapter, a domestic electric utility shall not be exempt from nor lose the benefits of any applicable laws of the commonwealth solely by reason of being a member of the New England power pool.

(b) (1) In addition to those sections of chapter one hundred sixty-four already applicable to a city or town owning or acquiring a municipal electric department, there shall be applicable to any municipal electric department which acquires or is acquiring or has any interest in an electric power facility, and so long as it retains such interest in such facility or has outstanding notes or bonds issued under this chapter, the following additional sections of said

chapter: fourteen, seventeen A, seventy-one, seventy-two, seventy-two A, seventy-three, seventy-four, seventy-five, seventy-six, eighty-seven, eighty-eight, ninety and ninety-one; provided, however, that:

(i) section fourteen of chapter one hundred sixty-four shall be applicable only if the financing consists of revenue bonds or notes in anticipation thereof, issued pursuant to sections eleven to twenty-two, inclusive; except with respect to refunding bonds issued under section twenty-one, the department in rendering its decision shall, in addition to the other requirements of said section fourteen of said chapter one hundred sixty-four, approve only such issue as the department finds is appropriate to finance an electric power facility necessary to supply the load plus reserve requirements created by the municipal electric department's retail customers, and by such wholesale customers as may have existed on April first, nineteen hundred and seventy-three, said load plus reserve requirements to be forecast by the department at a time three years beyond the scheduled date for commencement of commercial operation of the facility; in evaluating the ability of the municipal electric department to supply its load plus reserve requirements at said time, the department shall deduct from these requirements all capacity in other generating units to which the municipal electric department will then be entitled by ownership or contract, including any contracts for the purchase of electricity to be in force at said time;

(ii) the provisions of sections forty to sixty-nine, inclusive, of chapter one hundred sixty-four shall continue to be applicable to any such municipal electric department except insofar as such provisions are inconsistent with other provisions of this chapter or of chapter one hundred sixty-four herein made applicable to such municipal electric department;

(iii) any law, municipal by-law or ordinance relating to contracts awarded by municipal electric departments for construction, reconstruction, alteration, remodeling, repair, demolition, equipment, supplies or materials shall not be applicable to contracts related to electric power facilities wherever the utility or utilities having primary responsibility for the construction or operation of the facility are not municipal electric departments;

(iv) the provisions of sections seventy-one to seventy-four, inclusive, seventy-six, eighty-seven, eighty-eight, ninety and ninety-one of chapter one hundred sixty-four shall be applicable to municipal electric departments only with respect to electric power facilities; provided, however, that under section seventy-two of said chapter one hundred sixty-four a municipal electric department shall be not authorized to take by eminent domain any lands or interest therein of another electric utility except to the same extent that an "electric company", as defined in section one of said chapter one hundred sixty-four, may have such authority; and

(v) the provisions of section seventy-five of chapter one hundred sixty-four shall be applicable to electric power facilities out-

side the retail territory of the municipal electric department only.

(2) Sections twenty-one to twenty-two N, inclusive, and twenty-five to forty-one, inclusive, of chapter one hundred sixty-six shall, to the extent not otherwise applicable to a municipal electric department, be applicable to such electric department only with respect to electric power facilities.

(c) Legislative consent is hereby given to the application, pursuant to authority granted in this chapter, of regulatory and other laws of other states and of the United States to any domestic electric utility which owns or operates electric power facilities without the commonwealth.

(d) In addition to ownership, sole or joint, in electric power facilities, the department shall include in the rate base of a domestic electric utility any investments, including securities, prepayments, retained earnings or other investments, acquired by it in connection with its participation in an electric power facility.

Section 10. (a) Each foreign electric utility which is acting pursuant to authority granted in this chapter shall, before owning or operating any electric power facilities in this commonwealth, notify the department of the action to be taken by it; shall thereafter furnish to the department annually a copy of the annual report filed by it with the utility regulatory agency of the state of its domicile or principal locus; and shall furnish to the department from time to time such other information with respect to its activities in the commonwealth as the department may reasonably request.

(b) Any foreign electric utility which owns or operates any electric power facility in this commonwealth shall (1) be subject to sections three, three A and four of chapter one hundred eighty-one as to matters arising out of such ownership or operation and (2) as to a foreign electric utility other than a governmental entity be further subject to the requirements of chapter one hundred sixty-four and other regulatory laws within the commonwealth with respect to any financing of its interest in such electric power facility, including any borrowing or the issuance of any notes, bonds or other evidence of indebtedness or securities of any nature, provided, however, that it shall be exempt from such further requirements of this clause (2) upon certification filed with the department by a regulatory commission of the state of domicile or principal locus of such foreign electric utility, or of the United States, that said commission has regulatory jurisdiction over financing of such foreign electric utility.

Section 11. (a) Any city or town which is a member of the New England power pool, acting by its municipal light board, when authorized by a two-thirds vote as defined in section one of chapter forty-four, may, subject to the approval of the department under this chapter, borrow money by the issue of its revenue bonds for project costs, or its share of project costs, of electric power facilities scheduled for commencement of commercial operation after January first, nineteen hundred and seventy-five. Such project costs

may include all costs, whether incurred prior to or after the issue of bonds or notes hereunder, of acquisition, site development, construction, improvement, enlargement, reconstruction, alteration, machinery, equipment, furnishings, nuclear fuel, demolition or removal of existing buildings or structures, including the cost of acquiring any lands to which such buildings or structures may be moved, financing charges, interest prior to and during the carrying out of any project and for a reasonable period thereafter, planning, engineering, finance advisory and legal services, administrative expenses, prepayments under contracts made pursuant to section three or four, the funding of notes issued for project costs as hereinafter provided, such reserves for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds, and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or to placing the project in operation.

(b) The bonds of each issue shall mature at a time or times not exceeding forty years from their dates of issue and may be made redeemable before maturity with or without premiums. Subject to the provisions of this chapter and to the terms of the department's approval and of the authorizing vote, the board shall determine the date or dates of the bonds, their denomination or denominations, the place or places of payment of the principal and interest, which may be at any bank or trust company within or without the commonwealth, their interest rate or rates, maturity or maturities, redemption privileges, if any, and the form and other details of the bonds. The bonds shall be signed by the city or town treasurer, shall be countersigned by the mayor or city manager, as the case may be, of a city or by a majority of the selectmen of a town either manually or by facsimile, and shall bear the seal of the city or town or a facsimile thereof. Any coupons attached thereto shall bear the facsimile signature of the city or town treasurer.

(c) In case any officer whose signature or a facsimile of whose signature shall appear on any bonds, coupons or notes issued under this chapter shall cease to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until after such delivery.

(d) The bonds may be issued in coupon or in registered form, or both, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. Subject to the provisions of this chapter and to the terms of the department's approval and of the authorizing vote, the board may sell the bonds in such manner, either at public or private sale, and for such price, as it may determine will best effect the purposes of this chapter.

(e) Prior to the preparation of definitive bonds, the city or town may issue interim receipts or temporary bonds, with or

without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery.

(f) Upon the votes of two or more municipalities authorizing the issue of revenue bonds in conformity with the provisions of this chapter, including approval of the department as to each of said municipalities, or notes in anticipation thereof, for project costs of the same facilities, said municipalities may enter into an agreement for the consolidation of the indebtedness so authorized and the issuance of such revenue bonds, or notes in anticipation thereof, by one such municipality on behalf of itself and one or more others if the authorizing votes provide for such consolidation. The agreement for consolidation shall require the participating municipalities, severally and not jointly, to provide the funds necessary to pay their respective shares of the principal and interest on the bonds or notes so issued. Such obligation of each participating municipality shall be payable solely from the funds provided therefor under this chapter and may be secured in the same manner as bonds or notes issued separately by it under this chapter.

(g) Bonds or notes issued under this chapter by a member of the New England power pool shall not be deemed to have been unauthorized by reason of any invalidation of any of the provisions of the New England power pool agreement.

Section 12. In anticipation of the authorization or issue of bonds under this chapter, and subject to the approval of the department under this chapter, a city or town subject to this chapter, acting by its municipal light board, when authorized by a two-thirds vote as defined in section one of chapter forty-four, may issue temporary notes. Subject to the terms of the department's approval and of the authorizing vote, the board may provide for the sale of the notes at public or private sale and may determine the interest rate or rates, maturity or maturities, redemption privileges, if any, form, denomination or denominations and place or places of payment or provide for the determination thereof by an officer or officers of the board or of the city or town. Temporary notes issued hereunder shall be executed in the manner provided herein for bonds and shall be payable within six years from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes under this chapter, provided the period from the date of issue of an original note to the maturity of any note issued to renew or pay the same debt or the interest thereon shall not exceed six years. Unless otherwise provided in the authorizing vote or in the approval of the department, the board may cause notes to be refunded to the extent provided in this chapter. To the extent of any borrowing in anticipation of bonds, the maximum maturity of an equivalent amount of the bonds shall be measured from the date of the anticipatory borrowing.

Section 13. (a) In the discretion of the board, but subject to the terms of the department's approval and of the authorizing vote, any bonds or notes issued hereunder may be secured by a resolu-

tion of the board or by a trust agreement between the city or town and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the commonwealth and such trust agreement shall be in such form and executed in such manner as may be determined by the board. Such trust agreement or resolution may pledge or assign, in whole or in part, the revenues and other moneys derived or to be derived by the city or town from its electric department or system and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the city or town, and the proceeds thereof, but shall not convey or mortgage the plant or any part thereof. Such trust agreement or resolution may contain, with respect to the electric plant and its finances, such provisions for protecting and enforcing the rights, security and remedies of the bondholders or noteholders as may be reasonable and proper and not in violation of law, including without limiting the generality of the foregoing provisions defining defaults and providing for remedies in the event thereof which may include the acceleration of maturities and covenants setting forth duties of, and limitations on, the city or town in relation to the acquisition, construction, improvement, enlargement, alteration, equipping, furnishing, maintenance, use, operation, repair, insurance and disposition of property, the custody, safeguarding, investment and application of moneys, the issue of additional bonds or notes, the fixing, revision and collection of fees and charges, the obligations of the city or town to pay for electricity used by it, the use of any surplus bond or note proceeds, the establishment of reserves, and the replacement of bonds, notes or coupons which shall become mutilated or be destroyed or lost. Such trust agreement or resolution may provide for the payment of debt service on general obligation bonds and notes issued by the city or town for electric purposes from the revenues or other moneys so pledged, either on a parity with any or all bonds and notes issued hereunder or otherwise. Subject to the provisions of this chapter, moneys subject to the trust agreement or resolution shall be held, invested and applied as provided therein, provided that moneys not deposited in trust with a corporate trustee shall be in the custody of the city or town treasurer. Moneys to be applied pursuant to the trust agreement or resolution shall be deemed appropriated for the purposes to which they are to be so applied.

(b) It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds or notes or of revenues or other moneys under any such trust agreement or resolution and to furnish such indemnifying bonds or to pledge such securities as may be required by the trust agreement or resolution. Any such trust agreement or resolution may set forth the rights and remedies of the bondholders or noteholders and of the trustee, and may restrict the individual right of action by bondholders or noteholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as current oper-

ating expenses. Debt service on bonds and notes issued hereunder and sums required to be reserved from revenues pursuant to such trust agreement or resolution shall, to the extent not otherwise provided, be included in the requirements of the sinking fund or serial debt of the plant for the purposes of sections fifty-seven and fifty-eight of chapter one hundred sixty-four, provided that sums so reserved for renewals in excess of ordinary repairs, extensions, reconstruction, enlargements and additions shall be in lieu of an equivalent allowance for depreciation. The pledge by any such trust agreement or resolution shall be valid and binding and shall be deemed continuously perfected for the purposes of the Uniform Commercial Code from the time when the pledge is made; the revenues, moneys, rights and proceeds so pledged and then held or thereafter acquired or received by the city or town shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the city or town, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the board, and no filing need be made under the Uniform Commercial Code.

Section 14. Subject to the trust agreement or resolution, the proceeds of bonds or notes issued under this chapter and any other moneys governed by the trust agreement or resolution may be deposited or invested in demand deposits, time deposits or savings deposits in banks which are members of the Federal Deposit Insurance Corporation or in obligations issued or guaranteed by the United States of America or by any agency or instrumentality thereof or as may be provided by any other applicable law.

Section 15. The bonds and notes issued under this chapter shall be payable solely from the funds provided therefor under this chapter, the liability of the city or town from other funds being limited to obligations undertaken by it to pay for the electricity used by it, and a statement to this effect shall be included on the face of such bonds and notes. Subject to the provisions of clause (i) of paragraph (1) of subsection (b) of section nine, the bonds and notes and such obligations shall not at any time be included in the debt of the city or town for the purpose of ascertaining its borrowing capacity.

Section 16. All moneys received by the city or town under this chapter shall be deemed to be trust funds to be held and applied solely as provided in this chapter.

Section 17. Any holder of bonds or notes issued under this chapter, or of any of the coupons appertaining thereto, and the trustee under a trust agreement or resolution securing the same, except to the extent the rights herein given may be restricted by such trust agreement or resolution, may bring suit upon the bonds, notes or coupons and may, either at law or in equity, by suit,

action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the commonwealth or granted under this chapter or under such trust agreement or resolution, and may enforce and compel the performance of all duties required by this chapter or by such trust agreement or resolution to be performed by the city or town or by any officer thereof.

Section 18. Bonds and notes issued under this chapter are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them, and such bonds and notes are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and the income therefrom in the manner provided by paragraph two of section fifty of chapter one hundred sixty-eight. Such bonds and notes are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or obligations of the commonwealth is now or may hereafter be authorized by law.

Section 19. Notwithstanding any of the provisions of this chapter or any recitals in any bonds and notes issued under this chapter, all such bonds and notes shall be deemed to be investment securities under the Uniform Commercial Code.

Section 20. The bonds and notes issued under this chapter, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the commonwealth.

Section 21. Any city or town having bonds outstanding under this chapter, acting by its municipal light board, when authorized by a two-thirds vote as defined in section one of chapter forty-four, may issue refunding bonds for the purpose of paying bonds issued by it or on its behalf under sections eleven to twenty-two, inclusive, at maturity or upon acceleration or redemption, subject to the approval of the department under this chapter. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by a trust agreement or resolution securing bonds or notes. The refunding bonds may be issued not more than five years prior to the maturity or redemption date of bonds being refunded. The issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties and obligations of the city or town in respect of the same

shall be governed by the provisions of this chapter relating to the issue of bonds other than refunding bonds insofar as the same may be applicable, but no bonds shall be refunded to a date later than the refunded bonds could have matured hereunder.

Section 22. Bonds and notes may be issued under this chapter without the consent of any department, division, commission or agency of the commonwealth or of any political subdivision thereof and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required therefor by this chapter. The provisions of this chapter authorizing the issue of bonds and notes shall not be deemed to preclude the issue of bonds and notes under any other authority.

Section 23. For the purposes of section ten of chapter forty A, an electric power facility located within the commonwealth and used or to be used by one or more domestic or foreign electric utilities pursuant to authority set forth in this chapter shall be considered a building, structure or land used or to be used by a public service corporation and each such utility shall be considered a public service corporation.

Section 24. Lines for transmission of electricity which are electric power facilities, as defined in section one, shall, irrespective of the destination of the electricity to be transmitted thereover, be lines for the transmission of electricity for which an electric utility may petition under section seventy-two of chapter one hundred sixty-four for authority to construct and use, or continue to use, or to take by eminent domain under chapter seventy-nine lands, or rights-of-way or widenings thereof.

Section 25. A domestic electric utility shall not be subject to the provisions of section ten of chapter one hundred eighty-one in the event a foreign corporation, as defined in said chapter, owns or controls a majority of the capital stock of said domestic electric utility, provided such ownership or control results from action pursuant to authority granted by this chapter.

Section 26. With respect to municipal electric departments, this chapter shall be applicable only to such municipal electric departments as were in existence on January first, nineteen hundred and seventy-three, and to such additional municipal electric departments created after that date which comply with the following provisions:

(a) Such an additional municipal electric department shall first acquire or construct a plant for the generation, transmission or distribution of electricity only after the department, after notice and opportunity for hearing, shall have found that such acquisition or construction and the terms thereof to be consistent with the public interest and that the facilities for furnishing and distributing electricity in the territory to be served by such municipal electric department would not be diminished thereby; and

(b) The two votes required by section thirty-five or thirty-six of chapter one hundred sixty-four shall have been at meetings held

not less than twelve months apart nor more than twenty-four months apart.

Section 27. This chapter shall be construed in all respects so as to meet all constitutional requirements. Except as expressly provided herein, the provisions of this chapter shall not affect the interpretation of other laws. If any provision of this chapter shall be held unconstitutional, such unconstitutionality shall not affect any other provisions, except as hereinafter set forth in this section. In the event it is finally determined by a court of competent jurisdiction that a municipal electric department is not subject, with respect to any electric power facilities financed under sections eleven to twenty-two, inclusive, to payments in lieu of taxes under paragraphs (b), (c) or (d) of section eight by reason of the unconstitutionality of any of said paragraphs, or that the borrowing limitation set forth in clause (i) of paragraph (1) of subsection (b) of section nine is unconstitutional, the municipal electric department involved shall, and any person may, file written notice of such decision with the department. Such notice shall include a statement that it is filed pursuant to this section. After such a filing the department shall not have any further authority to approve the issue of bonds under this chapter except (i) where it finds that any electric utility has, prior to such filing, undertaken substantial expense or liability in expectation of such bond financing, or (ii) where notes have been issued, prior to such a filing, under sections eleven to twenty-two, inclusive, in anticipation of revenue bonds.

Approved August 2, 1973.

Chap. 572. AN ACT AUTHORIZING THE TOWN OF NORTH ATTLEBOROUGH TO PAY AN ANNUITY TO MURIAL MILDRED ROBERTS.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of law and for the purpose of promoting the public good, the town of North Attleborough is hereby authorized to appropriate and pay to Murial Mildred Roberts, a former employee of the school department of said town, an annuity not to exceed seven hundred and twenty dollars.

Approved August 2, 1973.

Chap. 573. AN ACT IMPOSING CRIMINAL PENALTIES FOR CERTAIN TRESPASSES INVOLVING MOTOR VEHICLES AND OTHER POWERED DEVICES.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by inserting after section 121 the following section: —

Section 121A. Whoever, without right, enters upon the private

land of another, whether or not such land be posted against trespass, and in so entering makes use of or has in his immediate possession or control any vehicle, machine, or device which includes an internal combustion engine or other source of mechanical power, shall be punished by a fine of not more than one hundred dollars.

The provisions of this section shall not apply to such an entry at the junction of a public way with a paved private roadway, unless said private roadway is distinguished from the public way by a sign, gatepost, or the display of a street number or the name of the occupant of the premises, or by the improvement of adjacent land, the type of construction of the roadway, or other distinguishing feature, or unless such entry has been forbidden by the person having lawful control of said private roadway.

Nothing herein shall in any way restrict the operation of power boats on waterways not otherwise restricted.

Approved August 2, 1973.

Chap. 574. AN ACT AUTHORIZING THE TOWN OF FRANKLIN TO RESCIND ITS ACCEPTANCE OF CERTAIN LAWS RELATIVE TO FIRE DEPARTMENTS.

Be it enacted, etc., as follows:

SECTION 1. The town of Franklin is hereby authorized to rescind its acceptance of sections forty-two, forty-three and forty-four of chapter forty-eight of the General Laws.

SECTION 2. The action taken by the town of Franklin on Article 41 at its annual town meeting duly called and held on April tenth and twelfth, nineteen hundred and seventy-three, is hereby validated and confirmed to the same extent as though section one of this act had been in full force and effect at the time of the posting of the warrant for said meeting.

SECTION 3. Nothing contained in this act shall be construed so as to affect the civil service status, seniority, rank, retirement and any other rights of any of the members of or of the incumbents of the office of chief of the fire department or of any other office within the fire department of the town of Franklin.

SECTION 4. This act shall take effect sixty days after its passage.

Approved August 2, 1973.

Chap. 575. AN ACT RELATIVE TO CALLING MEETINGS OF PROPRIETORS OF PRIVATE WAYS AND BRIDGES.

Be it enacted, etc., as follows:

Section 12 of chapter 84 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — If four or more persons are the proprietors and rightful occupants of a private way or bridge, and three of them make ap-

plication in writing to a clerk of the district court of the district or the clerk of the city or town wherein the private way or bridge is located or to a justice of the peace to call a proprietors' meeting; the clerk or justice may issue his warrant therefor, stating the time, place and purpose of the meeting. *Approved August 2, 1973.*

Chap. 576. AN ACT AUTHORIZING WILLIAM F. FITZGERALD, INCUMBENT OF THE POSITION OF ELECTRICIAN IN THE SCHOOL DEPARTMENT OF THE CITY OF FITCHBURG, TO CONTINUE IN SERVICE UNTIL AGE SIXTY-SEVEN.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, William F. Fitzgerald, incumbent of the position of electrician in the school department of the city of Fitchburg, may continue in service until he reaches age sixty-seven. *Approved August 2, 1973.*

Chap. 577. AN ACT PROVIDING FOR THE WAIVER OF VENUE OR TRANSFER OF SMALL CLAIM ACTIONS.

Be it enacted, etc., as follows:

Section 21 of chapter 218 of the General Laws is hereby amended by striking out the third sentence, as appearing in section 1 of chapter 106 of the acts of 1970, and inserting in place thereof the following two sentences: — Actions under this section and sections twenty-two to twenty-five, inclusive, shall be brought in the judicial district where the defendant lives or has his usual place of business; provided, however, each district court shall have civil jurisdiction of such actions commenced in such court, which should have been brought in some other district court, to the extent that the court in which the action is begun may hear and may dispose of the action if the venue of same is waived or, if venue requirements are not waived, the court may, on motion of any party, order the action, with all papers relating thereto, transferred for hearing disposition to the district court in which the action should have been commenced. Said action shall thereupon be entered and prosecuted in such court as if it had been originally commenced therein, and all prior proceedings otherwise regularly taken shall thereafter be valid.

Approved August 2, 1973.

Chap. 578. AN ACT AUTHORIZING THE TOWN OF NATICK TO PAY A CERTAIN SUM OF MONEY TO WILLIAM J. FANNON, A RETIRED FIREFIGHTER OF SAID TOWN.

Be it enacted, etc., as follows:

For the purpose of discharging a moral obligation, the town of Natick may appropriate and pay to William J. Fannon, a retired

firefighter of said town, the sum of four hundred dollars for hospital, medical and surgical expenses incurred by him as a result of a physical disability received by him in the performance of his duty as a firefighter with said town. *Approved August 2, 1973.*

Chap. 579. AN ACT AUTHORIZING THE CITY OF WORCESTER TO BORROW MONEY OUTSIDE THE DEBT LIMIT FOR THE PURPOSE OF ACQUIRING VOTING MACHINES.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of general or special law, the city of Worcester may incur indebtedness in an amount not to exceed six hundred thousand dollars for the purpose of acquiring voting machines. Indebtedness incurred under this act shall be payable in not more than fifteen years from the date of issue and shall be in excess of the statutory limit provided for by chapter forty-four of the General Laws, but shall, except as provided herein, be subject to the provisions of said chapter forty-four, excluding, however, the limitation contained in the first paragraph of section seven thereof. *Approved August 2, 1973.*

Chap. 580. AN ACT RELATIVE TO THE QUALIFICATIONS OF CANDIDATES FOR MUNICIPAL OFFICE IN THE CITY OF PEABODY.

Be it enacted, etc., as follows:

Chapter 300 of the Special Acts of 1916 is hereby amended by striking out section 12 and inserting in place thereof the following section: —

Section 12. Any person who will be qualified to vote at a regular municipal election, and who is a candidate for nomination for office, may have his name as such candidate printed on the official ballot to be used at a preliminary election: *provided*, that, at least ten days prior to the preliminary election, he shall file with the city clerk a statement in writing of his candidacy, and with it the petition of at least fifty voters of the city, qualified to vote for a candidate for the said office. Said statement and petition shall be in substantially the following form: —

STATEMENT OF CANDIDATE.

I, (), on oath declare that I reside at (number if any) on (name of street) in the city of Peabody; that I will be a voter therein by election day, qualified to vote for a candidate for the hereinafter mentioned office; that I am a candidate for nomination for the office of (state the office) for (state the term) to be voted for at the preliminary election for nominations to be held on Tuesday, the day of , nineteen hundred and , and I request that my name

be printed as such candidate on the official ballots to be used at said preliminary election.

(Signed)

Commonwealth of Massachusetts. Essex ss.

Subscribed and sworn to on this day of
nineteen hundred and before me,

(Signed)

Justice of the Peace
or (Notary Public)

PETITION ACCOMPANYING STATEMENT OF CANDIDATE.

Whereas (name of candidate) is a candidate for nomination for the office of (state the office) for (state the term), we the undersigned, voters of the city of Peabody, duly qualified to vote for a candidate for said office, do hereby request that the name of said (name of candidate) as a candidate for nomination for said office be printed on the official ballots to be used at the preliminary election to be held on the Tuesday of
nineteen hundred and . We further state that we believe him to be of good moral character and qualified to perform the duties of the office.

No acceptance by a candidate for nomination named in the said petition shall be necessary for its validity or for its filing, and the petition need not be sworn to. The petition may be on one or more papers.

Approved August 2, 1973.

Chap. 581. AN ACT AUTHORIZING THE TOWN OF FRANKLIN TO PAY A CERTAIN SUM OF MONEY TO DANIEL CROSTA.

Be it enacted, etc., as follows:

For the purpose of discharging a moral obligation, the town of Franklin is hereby authorized to appropriate, and after such appropriation the treasurer of said town is hereby authorized to pay to Daniel Crosta, a police officer in said town, the sum of four thousand two hundred and ninety-nine dollars and thirty-six cents to compensate him for salary loss for the period between July sixth, nineteen hundred and seventy-two and December thirty-first, nineteen hundred and seventy-two as the result of an injury sustained by him in the performance of his official duty.

Approved August 2, 1973.

Chap. 582. AN ACT FURTHER REGULATING THE SELECTION AND EXEMPTION OF PERSONS LIABLE TO SERVE AS JURORS.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 1 of chapter 234 of the General Laws, as appearing in chapter 148 of the acts of 1969, is hereby amended by striking out, in lines 22 to 24, inclusive, the words "mothers of children under sixteen years of age or women having custody of such children and women".

SECTION 2. Said section 1 of said chapter 234 is hereby further amended by adding the following paragraph: —

A parent or person having custody of and being responsible for the daily supervision of a child under fifteen years of age may elect not to have his name placed on the list of jurors and in such event he shall be treated as a person exempt from jury duty under this section.

Approved August 3, 1973.

Chap. 583. AN ACT ESTABLISHING THE CENTRAL MASSACHUSETTS MOSQUITO CONTROL PROJECT.

Be it enacted, etc., as follows:

SECTION 1. The area in Middlesex and Worcester Counties including the city of Marlborough, hereinafter called the city, and the towns of Acton, Ashland, Ayer, Berlin, Billerica, Bolton, Boxborough, Boylston, Carlisle, Chelmsford, Clinton, Grafton, Groton, Harvard, Holliston, Hopedale, Hopkinton, Hudson, Lancaster, Littleton, Milford, Northborough, Sherborn, Shirley, Shrewsbury, Southborough, Stow, Tewksbury, Upton, Westborough and Westford, is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws to the same extent as if so constituted by the state reclamation board acting under said section five A and the improvements herein authorized shall be undertaken under the identifying name of the Central Massachusetts Mosquito Control Project, hereinafter called the project.

There shall be a commission as provided under said section five A of chapter two hundred and fifty-two which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and each shall serve until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

SECTION 2. Beginning with the fiscal year commencing July first, nineteen hundred and seventy-three, to meet the expenses incurred under this act, there shall be annually expended from the state treasury, subject to appropriation, sums equal in the aggregate, to eight cents on each one thousand dollars of equalized valuations of the city and the aforementioned towns, as most recently reported by the tax commission to the general court under the provisions of section ten C of chapter fifty-eight of the General

Laws; and the state treasurer shall issue his warrant requiring the assessors of the city and said towns to assess a tax to the amount of the sums so expended, one quarter of which shall be in proportion to their said valuations and three quarters shall be in proportion to their respective areas, and such amounts shall be collected and paid to the state treasurer as provided in section twenty of chapter fifty-nine of the General Laws; provided, that the city and any such town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

SECTION 3. The funds appropriated and deposited as aforesaid shall be expended by the project for the investigation, construction and maintenance of mosquito control works in the project, under the direction and supervision of the state reclamation board in accordance with such known methods as in its opinion will effect the greatest measure of relief.

SECTION 4. The city, by vote of the city council, with the approval of the mayor, or any town by a majority vote of the voters at an annual town meeting, may, after this act has been in effect therein for a period of one year, withdraw from membership in the project hereinbefore established and thereupon the provisions of this act shall no longer apply to such city or town.

Approved August 3, 1973.

Chap. 584. AN ACT TO ASCERTAIN THE WILL OF THE VOTERS OF THE CITY OF PITTSFIELD RELATIVE TO THE MERGER OF THE BERKSHIRE MEDICAL CENTER AND HILLCREST HOSPITAL.

Be it enacted, etc., as follows:

In order to ascertain the will of the voters of the city of Pittsfield, there shall be placed upon the ballot to be used at the regular election in the current year in said city the following question: "Shall Berkshire Medical Center and Hillcrest Hospital merge as one hospital?"

If the majority of the votes in answer to said question is in the affirmative, it shall be deemed and taken to be the will of the voters of said city that such merger be carried out, and, if a majority of said votes is in the negative, it shall be deemed and taken to be the will of said voters that such merger not be carried out.

Approved August 3, 1973.

Chap. 585. AN ACT INCREASING THE CRIMINAL JURISDICTION OF THE DISTRICT COURTS.

Be it enacted, etc., as follows:

Section 26 of chapter 218 of the General Laws, as most recently amended by chapter 496 of the acts of 1969, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: —

District courts shall have original jurisdiction, concurrent with the superior court, of the following offenses committed within their respective district or otherwise made punishable therein: all violations of by-laws, orders, ordinances, rules and regulations, made by cities, towns and public officers, all misdemeanors, except libels, all felonies punishable by imprisonment in the state prison for not more than five years, the crimes mentioned in sections sixteen, seventeen, eighteen, nineteen, twenty-eight and forty-nine of chapter two hundred and sixty-six, and the crimes of forgery of a promissory note, or of an order for money or other property, and of uttering as true such a forged note or order, knowing the same to be forged.

Approved August 3, 1973.

Chap. 586. AN ACT EXEMPTING POLICE OFFICERS AND CERTAIN OTHER PERSONS FROM CIVIL AND CRIMINAL LIABILITY WHILE PERFORMING IN A REASONABLE MANNER THEIR DUTIES PURSUANT TO THE ALCOHOLISM TREATMENT AND REHABILITATION LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide, effective as of July first, nineteen hundred and seventy-three, exemption from civil and criminal liability for police officers and certain others while performing in a reasonable manner their duties pursuant to the alcoholism treatment and rehabilitation law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 111B of the General Laws is hereby amended by adding after section 12 the following section: —

Section 13. Police officers, facility administrators or other persons acting in a reasonable manner and pursuant to the provisions of this chapter shall not be held criminally or civilly liable for such acts.

SECTION 2. This act shall take effect as of July first, nineteen hundred and seventy-three.

Approved August 6, 1973.

Chap. 587. AN ACT AUTHORIZING PERSONS RETIRED FROM PUBLIC SERVICE TO BE EMPLOYED THEREIN FOR NOT MORE THAN SEVEN HUNDRED AND TWENTY HOURS IN THE AGGREGATE IN ANY CALENDAR YEAR.

Be it enacted, etc., as follows:

Section 91 of chapter 32 of the General Laws is hereby amended by striking out paragraphs (b) and (c), as appearing in chapter 676 of the acts of 1968, and inserting in place thereof the following two paragraphs: —

(b) In addition to and notwithstanding the foregoing provisions of this section or similar provisions of any special law, any person who has been retired and who is receiving a pension or retirement allowance, under the provisions of this chapter or any other general or special law, from the commonwealth, county, city, town, district or authority, or any person whose employment, in the service of the commonwealth, county, city, town, district or authority, has been terminated, under the provisions of this chapter or any other general or special law, by reason of having attained an age specified in said general or special law or by the rules and regulations of any department or agency of the commonwealth, county, city, town, district or authority without being entitled to any pension or retirement allowance, may, subject to all laws, rules and regulations, governing the employment of persons in the commonwealth, county, city, town, district or authority for not more than ninety days, or seven hundred and twenty hours in the aggregate, in any calendar year; provided that the earnings therefrom when added to any pension or retirement allowance he is receiving do not exceed the salary that is being paid for the position from which he was retired or in which his employment was terminated.

(c) Each person referred to in paragraph (b) shall certify to his employer and the treasurer or other person responsible for the payment of the compensation for the position in which he is to be employed, the number of days or hours which he has been employed in any such calendar year and the amount of earnings therefrom, and if the number of days exceeds ninety or if the number of hours exceeds seven hundred and twenty, in the aggregate, he shall not be employed, or if the earnings therefrom exceed the amount allowable under paragraph (b), he shall return to the appropriate treasurer or other person responsible for the payment of compensation all such earnings as are in excess of said allowable amount. The amount of any excess not so returned may be recovered in an action of contract by the appropriate treasurer or other person responsible for the payment of the compensation of any such person.

Approved August 6, 1973.

Chap. 588. AN ACT MAKING UNAUTHORIZED POSSESSION OF A SAWED-OFF SHOTGUN, SO CALLED, A FELONY.

Be it enacted, etc., as follows:

Section 10 of chapter 269 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 14 of chapter 799 of the acts of 1969, and inserting in place thereof the following paragraph: —

Whoever, except as provided by law, carries on his person, or carries on his person or under his control in a vehicle, a firearm as defined in section one hundred and twenty-one of chapter one hundred and forty, loaded or unloaded, without permission under sections one hundred and thirty-one or one hundred and thirty-one F of chapter one hundred and forty; or whoever so carries any stiletto, dagger, dirk knife, any knife having a double-edged blade, or a switch knife, or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and a half inches, or a slung shot, black jack, metallic knuckles or knuckles of any substance which could be put to the same use and with the same or similar effect as metallic knuckles; or whoever, when arrested upon a warrant for an alleged crime or when arrested while committing a breach or disturbance of the public peace, is armed with or has on his person, or has on his person or under his control in a vehicle, a billy or other dangerous weapon other than those herein mentioned, shall be punished by imprisonment for not less than two and one half years nor more than five years in the state prison, or for not less than six months nor more than two and one half years in a jail or house of correction, except that, if the court finds the defendant has not been previously convicted of a felony, he may be punished by a fine of not more than fifty dollars or by imprisonment for not more than two and one half years in a jail or house of correction; or whoever, after having been convicted of any of the aforesaid offenses commits the like offense or any other of the aforesaid offenses, shall be punished by imprisonment in the state prison for not less than five years, for a third such offense, by imprisonment in the state prison for not less than seven years, and for a fourth such offense, by imprisonment in the state prison for not less than ten years. The sentence imposed upon a person who, after a conviction of an offense under this paragraph, commits the same or a like offense, shall not be suspended, nor shall any person so sentenced be eligible for parole or receive any deduction from his sentence for good conduct. Whoever, except as provided by law, possesses a shotgun with a barrel less than eighteen inches in length, or possesses a machine gun, as defined in section one hundred and twenty-one of chapter one hundred and forty, without permission under section one hundred and thirty-one of said chapter, shall be punished by imprisonment in the state prison for life or for any term of years. Upon conviction of a violation of this section, the firearm or other article shall, unless otherwise ordered by the court, be confiscated by the commonwealth. The firearm or article so confiscated shall, by the authority of the written order of the court be forwarded by common carrier to the commissioner of public safety, who, upon receipt of the same, shall notify said court or justice thereof. Said commissioner may sell or destroy the same, and, in case of a sale, after paying the cost of forwarding the article, shall pay over the net proceeds to the commonwealth.

Approved August 6, 1973.

Chap. 589. AN ACT FURTHER REGULATING THE BORROWING POWER OF THE LOWELL TECHNOLOGICAL INSTITUTE BUILDING AUTHORITY, THE SOUTHEASTERN MASSACHUSETTS UNIVERSITY BUILDING AUTHORITY, THE STATE COLLEGE BUILDING AUTHORITY AND THE UNIVERSITY OF MASSACHUSETTS BUILDING AUTHORITY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide forthwith urgently needed facilities for students at Southeastern Massachusetts University, Lowell Technological Institute, the state colleges and the University of Massachusetts, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The fourth sentence of the fifth paragraph of section 7 of chapter 557 of the acts of 1961, as most recently amended by section 2 of chapter 770 of the acts of 1970, is hereby further amended by striking out, in lines 12 and 13, the word "seventy-one" and inserting in place thereof the word: — seventy-four.

SECTION 2. The fourth sentence of the fifth paragraph of section 7 of chapter 773 of the acts of 1960, as most recently amended by section 4 of said chapter 770, is hereby further amended by striking out, in line 12, the word "seventy-one" and inserting in place thereof the word: — seventy-four.

SECTION 3. The fourth sentence of the fifth paragraph of section 7 of chapter 703 of the acts of 1963, as most recently amended by section 6 of said chapter 770, is hereby further amended by striking out, in line 13, the word "seventy-one" and inserting in place thereof the word: — seventy-four.

SECTION 4. The fourth sentence of the fifth paragraph of section 7 of chapter 703 of the acts of 1964, as most recently amended by section 8 of said chapter 770, is hereby further amended by striking out, in line 12, the word "seventy-one" and inserting in place thereof the word: — seventy-four. *Approved August 7, 1973.*

Chap. 590. AN ACT INCREASING THE NUMBER OF WARDS AND WARD COUNCILLORS AND AUTHORIZING THE REDRAWING OF WARD LINES IN THE CITY OF QUINCY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 633 of the acts of 1956 is hereby amended by striking out, in line 2, the word "nine" and inserting in place thereof the word: — eleven.

SECTION 2. Notwithstanding the provisions of section two of chapter fifty-four of the General Laws to the contrary, the city of Quincy may increase the number of its wards from six to eight and

may redraw its ward lines using existing precinct lines provided, however, the wards established under the provisions of this act shall be in effect for the purpose of any municipal election and its antecedent preliminary election held in the city of Quincy in the year nineteen hundred and seventy-three and thereafter; provided, further, that, prior to the antecedent primary of the first biennial state election at which representatives are to be elected from new representative districts established subsequent to the current year under the provisions of the constitution, the wards as existing previous to such redivision shall continue and for all such purposes the election officers shall be appointed and hold office and voting lists shall be prepared and all other things required by law shall be done as if there had been no such redivision.

SECTION 3. Notwithstanding the provisions of any law or provisions of the city charter of the city of Quincy to the contrary, and notwithstanding any previous notice or order by the city council of the city of Quincy, setting the dates for the next municipal preliminary and city election, the date of the next municipal preliminary election shall be Tuesday, November sixth, nineteen hundred and seventy-three, and the date of the next city election shall be Tuesday, December fourth, nineteen hundred and seventy-three, said dates as changed shall be effective for the year nineteen hundred and seventy-three only, the dates of all subsequent municipal preliminary and city elections in the said city shall be in accordance with the General Laws.

SECTION 4. Notwithstanding any provisions of law to the contrary, a special election shall be held in the city of Quincy on September sixth in the current year for the purpose of submitting to the voters of said city the following question which the city clerk shall cause to be placed upon an official ballot to be used at said election: — "Shall an act passed by the general court in the current year entitled, 'An Act increasing the number of wards and ward councillors and authorizing the redrawing of ward lines in the city of Quincy', be accepted?". If a majority of the votes cast in answer to said question is in the affirmative, sections one and two of this act shall take effect, but not otherwise.

SECTION 5. Section four of this act shall take effect upon its passage and all provisions of law relative to the conduct of elections shall, so far as apt, apply to the election held thereunder.

Approved August 8, 1973.

Chap. 591. AN ACT ESTABLISHING THE HOUSING COURT OF THE COUNTY OF HAMPDEN.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 185A the following chapter: —

CHAPTER 185B.

HOUSING COURT OF THE COUNTY OF HAMPDEN.
JURISDICTION AND POWERS.

Section 1. There shall be in the county of Hampden, in this chapter called the county, a court of the commonwealth known as the housing court of the county of Hampden, in this chapter called the housing court.

Section 2. The housing court shall be a court of superior and general jurisdiction with reference to all cases and matters within its jurisdiction; and no order, decree, judgment, sentence, warrant, writ or process made, issued or pronounced by it need set out any adjudication or circumstances with greater particularity than would be required in other courts of superior and general jurisdiction, and the like presumption shall be made in favor of proceedings of the housing court as would be made in favor of proceedings of other courts of superior and general jurisdiction. The housing court shall be a court of record. Writs, subpoenas, citations, orders, notices, executions and all other processes issued by the housing court shall be under the seal of the housing court, signed by the clerk, temporary clerk or an assistant clerk, and bear the teste of the judge, and shall run throughout the commonwealth.

Section 3. The housing court shall have common law and statutory jurisdiction concurrent with the district courts and superior court of all crimes and of all civil actions, arising within the county, under sections twenty-one through twenty-five of chapter two hundred and eighteen, sections fourteen and eighteen of chapter one hundred and eighty-six and under so much of sections one hundred and twenty-seven A through one hundred and twenty-seven F, inclusive, and sections one hundred and twenty-seven H to one hundred and twenty-seven L, inclusive, of chapter one hundred and eleven, so much of section sixteen of chapter two hundred and seventy, so much of chapters one hundred and forty-three, one hundred and forty-eight, chapter two hundred and thirty-nine, and any other general or special law, ordinance, rule or regulation as is concerned with the health, safety or welfare of any occupant of any place used, or intended for use, as a place of human habitation. The housing court shall also have jurisdiction in equity, concurrent with the district courts, the probate courts, the superior court and the supreme judicial court, of all cases and matters so arising.

In all matters within its jurisdiction, the housing court shall have all the powers of the superior court in actions at law and suits in equity, including the power to grant temporary restraining orders and preliminary injunctions as justice and equity may require. The housing court shall have like power and authority for enforcing orders, sentences and decrees made or pronounced in the exercise of any jurisdiction vested in it, and for punishing contempts of such orders, sentences and decrees and other contempts of its

authority, as are vested for such or similar purposes in the supreme judicial or superior court.

Section 4. The housing court shall hold its sittings in the superior court house in Hampden county and in such district court houses in said county as the judge of said housing court shall from time to time deem to be expedient or convenient.

Section 5. The housing court shall always be open and the business thereof, or of the judge thereof, may be transacted at any time; but such business shall not, except as provided in section six of chapter two hundred and twenty, be transacted on Saturday or Sunday or on a legal holiday unless it relates to an application which, in the opinion of the judge to whom it is made, is of pressing necessity; provided, that, if the convenience of the public so requires, the housing court shall be open for the transaction of business on such Saturdays, not legal holidays, and during such hours thereof, as the judge may determine.

Section 6. The housing court shall have a seal which will be in the custody of its clerk, and shall be affixed to all processes issued by the housing court requiring a seal.

Section 7. The housing court shall from time to time make general rules and forms of procedure, which, before taking effect, shall be approved by the supreme judicial court or a justice thereof.

Section 8. The housing court shall have a judge who shall be a member of the bar and who, after his appointment, shall reside in the county of Hampden. He shall devote his entire time during ordinary business hours to his duties and shall not, directly or indirectly, engage in the practice of law. Said judge shall receive the same salary as an associate justice of the superior court. In case of a vacancy in the office of the judge, or of his illness or absence, his duties shall be performed by an associate justice of the superior court as the chief justice thereof may designate; further, the judge of a housing court shall, whenever he deems it necessary, and with the consent of the chief justice of the superior or district courts as the case may be, assign to the housing court associate or special judges to assist him in matters before the court, the judge of said housing court having supervisory powers over said assigned judges.

Section 9. The housing court shall have a clerk, who shall be appointed by the governor and shall hold office during good behavior, subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. He shall receive a salary of twenty-two thousand one hundred and seventy-one dollars and shall after his appointment reside in the county of Hampden.

Section 10. In case of the absence, death or removal of the clerk, the judge may appoint a temporary clerk, to act until the clerk resumes his duties or until the vacancy is filled. A temporary clerk shall be paid for each day's service an amount equal to the rate by the day of the compensation of the clerk; but compensation so paid

to a temporary clerk for services in excess of thirty days in any one year shall be deducted from the salary of the clerk; provided, however, that if a clerk is absent due to illness or physical disability for a period not exceeding thirty days in any year, in addition to said thirty days, he shall be deemed to be on sick leave and no such deduction shall be made. Such thirty days sick leave or any portion thereof not used in any year may be accumulated, but shall, in any event, not exceed one hundred and eighty days in any consecutive six-year period. If the person so appointed holds an office or position the salary or compensation for which is paid out of the treasury of the commonwealth, or of a county, or of a city or town, he shall not receive the salary or compensation of both offices or positions during the period of such temporary service.

Section 11. The clerk may, subject to the approval of the justice, appoint one or more assistant clerks, who shall be removable at his pleasure or at the pleasure of the court, for whose official acts the clerk shall be responsible and who shall be paid by him unless salaries payable by the county are authorized by the general court. All powers conferred by statute upon the clerk may be exercised, subject to the control of the clerk by an assistant clerk.

Section 12. The clerk, any temporary clerk and all assistant clerks shall be sworn; and in the case of any temporary clerk and of every assistant clerk, the oath of office shall be administered by the judge who shall, upon administering the same, forthwith make return of such act with the date thereof to the state secretary.

Section 13. The clerk, any temporary clerk and every assistant clerk, before entering upon the performance of his official duties, and thereafter, at intervals of not more than one year, so long as he continues to hold such office shall give to the county a bond, conditioned to perform faithfully his official duties, with a surety company, authorized to transact business in the commonwealth as surety, in a sum approved by the judge, but in no event less than five thousand dollars. Failure to give such bond shall be sufficient cause for his removal.

Section 14. The clerk, temporary clerk and assistant clerks or one of them shall attend all sessions of the housing court and shall keep a record of all its proceedings. The clerk shall have the care and custody of all the records, books and papers appertaining to, or filed or deposited in, his office. The clerk shall make and issue writs and processes, shall make returns of the housing court, tax bills of costs and receive fines, forfeitures, fees and costs accruing from the civil and criminal business of the housing court, including fees for blanks and copies. The clerk shall have such other powers and duties as the judge may from time to time order. The clerk may expend annually for clerical assistance such amounts as may be appropriated therefor.

The clerk and assistant clerks of the housing court may sign process issued by the housing court, and housing court records, documents or other legal papers or copies thereof made or issued by such clerk or assistant clerks in conformity with law, except

search warrants and process authorizing arrests or commitments, by imprinting thereon a facsimile of the signature of the clerk or assistant clerk; and such facsimile signatures shall have the same validity as their written signatures.

Section 15. The judge may appoint a court officer for the housing court who may be removed for any cause considered by the judge to be sufficient. Any vacancy caused by removal or otherwise may be filled by the judge. The court officer shall attend the sessions of the housing court, shall preserve order and may serve warrants, mittimus, precepts, orders and processes of the housing court. The court officer shall give bond for the faithful performance of his duties in the sum of one thousand dollars payable to the county, with sufficient sureties approved by the judge. The court officer, while on duty in the housing court, shall wear a uniform approved by the judge, which shall be furnished at the expense of the county.

Section 16. The judge may appoint such number of housing specialists as the county commissioners of the county may from time to time determine. The judge may designate one of them as chief housing specialist. All housing specialists shall hold office at the pleasure of the judge, subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. All housing specialists shall be knowledgeable in the maintenance, repair and rehabilitation of dwelling units; the problems of landlord and tenant as they pertain to dwelling units; the types of funds and services available to assist landlords and tenants in the financing and resolution of such problems; the federal and state laws, rules and regulations pertaining to the maintenance, repair and rehabilitation of such units; and the financing and resolution of such problems. The housing specialists shall have such powers and perform such duties as the judge shall from time to time prescribe. Every housing specialist shall be sworn by the judge, who shall, upon administering the oath, forthwith make return of such act with the date thereof to the state secretary.

Section 17. No clerk, temporary clerk, assistant clerk or housing specialist shall be retained or employed as an attorney in any complaint, action or suit in any court of the commonwealth.

Section 18. At the trial of any issue of fact, the judge presiding at the trial shall provide for a proper recording system which shall record the proceedings. The cost of said recording system shall be paid by the county upon the certificate of the judge. The clerk of the housing court may procure law books and blank books, blanks, stationery and other incidentals required by the housing court as the judge may approve.

Section 19. All costs and expenses of the housing court, including the salaries of the judge, clerk, assistant clerks, court officers, housing specialists and others, shall be paid by the county. The clerk of the housing court shall pay into the treasury of the county all sums received by him whether as fees, fines, forfeitures or otherwise.

PROCEDURE.

Section 20. Proceedings shall be commenced in the housing court as follows: a criminal case, by complaint in like manner as in a district court; an action at law, including an action for summary process, by writ in like manner as in the superior court or district court; and a suit in equity, by bill or petition with a writ of subpoena according to the usual course of proceedings in equity, in like manner as in the superior court.

The clerk of the housing court shall charge a fee of two dollars for the entry of an action or suit, which shall be paid by the party entering the same; and no other fee shall be charged for taxing costs, for issuing any subpoena or execution or for issuing any order of notice or other mesne, interlocutory or final order, rule, decree or process authorized by law, except a temporary restraining order or preliminary injunction for the issuance of which the clerk shall charge five dollars; provided, however, that no fee for the entry of an action or suit or for the issuance of a temporary restraining order or preliminary injunction shall be charged the commonwealth or the city or any board or officer of either. If the housing court finds that the party entering the action or suit or obtaining the restraining order or preliminary injunction is destitute and unable to pay, it may order the payment of the fee or fees prescribed by this paragraph to be waived.

Notwithstanding that a proceeding under this chapter is commenced by complaint, if the housing court finds that the offense charged was not wilful, intentional, reckless or repeated, the proceeding shall not be deemed criminal and no record of the case shall be entered in the probation records.

Suits in equity in the housing court shall be entered upon a separate docket.

Section 21. Upon the commencement of a suit in equity in the housing court, the clerk, at the request of the plaintiff or his counsel, shall issue a subpoena with a copy of the bill or petition attached. Such subpoena shall direct the defendant or defendants to appear and answer on or before a date specified therein, which shall be not less than ten nor more than fourteen days after the issuance of such subpoena. Such subpoena shall be served at least seven days prior to the date specified therein for appearance and answer. Such subpoena may be served by an officer qualified to serve civil process, by delivery to the defendant of an attested copy thereof in any manner provided by law, including, without limiting the generality of the foregoing, by leaving such copy at the last and usual place of abode of the defendant or, if the suit relates to premises of which the defendant is owner or landlord, by leaving such copy at the place to which the rent is sent or delivered or the bill for the real estate tax on such premises is sent pursuant to section three of chapter sixty. If the defendant is a corporation, such subpoena may be served by such an officer by leaving an attested copy thereof at the place of abode of the president, treasurer or

clerk of the corporation, or, in the case aforesaid, by leaving such copy at the place to which the rent is sent or delivered or the bill for the real estate tax on the premises is sent pursuant to said section three. Service of such subpoena may also be made, within the time hereinbefore prescribed, by the plaintiff by registered mail, return receipt requested; provided, that an affidavit of such service and the return receipt is filed on or before the date specified in the subpoena for appearance and answer or within such further time as the housing court may allow.

Section 22. Any action at law or suit in equity within the jurisdiction of the housing court which is pending in another court may be transferred to the housing court by any party thereto; but no action at law or suit in equity originally entered in the housing court shall be transferred to any other court, except that the supreme judicial court may direct any cause pending in the housing court to be transferred to it in whole or in part for further action or directions, and in cases of partial transfer may issue such orders or directions in regard to the part of such cause not so transferred as justice may require.

Whenever cross actions between the same parties or two or more actions, including for the purposes hereof other court proceedings, arising out of or connected with the same housing accommodation are pending, one or more in the housing court and also one or more in one or more district courts or one or more probate courts, or in the superior court, the housing court, upon motion of any party to any of such actions, may order that the action or actions pending in the district court or courts and in the probate court or courts and in the superior court, with all the papers relating thereto, be transferred to the housing court; and such action or actions shall thereafter proceed in the housing court as though originally entered there.

Section 23. All cases in the housing court, including all demurrers, pleas, motions and the like, whether interlocutory or final, shall be heard and determined by the housing court sitting without a jury, except that in all cases where a jury trial is required by the constitution of the commonwealth or of the United States and the defendant has not waived his rights to a trial by jury, the cause shall be forthwith tried in the housing court before a jury selected in accordance with chapter two hundred and thirty-four. In the trial of any complaint, action or suit in the housing court, the report of any inspector serving in the housing inspection department of any city of the county shall be prima facie evidence of the facts stated therein.

Section 24. Every judgment, order and decree entered by the housing court shall bear as its date the day when actually entered by the clerk, and at the time of the entry he shall note such date upon the judgment, order or decree and upon the docket. When a judgment or decree is entered by the housing court upon a demurrer or a case stated or when a judgment or decree is entered in an action or suit, except in open court, the clerk shall forthwith give

notice thereof to the parties or to their attorneys.

In suits in equity under this chapter, a final decree shall be entered although exceptions have been taken or a bill of exceptions has been filed and allowed, but execution and operation of the decree so entered shall be stayed until the exceptions have been disposed of unless the judge who made the ruling to which the exceptions were taken finds that the exceptions are immaterial, frivolous or intended for delay.

Section 25. If a written request by any party entitled to appeal from a decree entered by the housing court in a suit in equity is filed in the office of the clerk of the housing court within three days after the entry of such decree in open court or within five days after notice of the entry of such decree is sent such party by the clerk, whichever is earlier, the judge by whom the decree was ordered entered shall report the material facts found by him within fourteen days after the filing of the request therefor. If no request for a report of material facts is filed as aforesaid, such report shall be in the discretion of the judge ordering the decree entered. A request for a report of material facts may be accompanied by a request for action on ruling of law duly filed during the trial; and in case of such additional request, exceptions may be taken to any ruling or refusal to rule thereon within five days after notice of the action of the housing court thereon is sent by the clerk. A request for action on such requested rulings may be made also within five days after a report of material facts made by the housing court in its discretion without previous request; and exceptions may be taken within five days after notice of the action of the housing court thereon is sent. In either case the filing of such requests after trial for action on rulings of law shall constitute a waiver of the right of appeal under section twenty-five of chapter two hundred and fourteen. In case exceptions are taken as herein provided, sections one hundred and thirteen to one hundred and twenty-three, inclusive, of chapter two hundred and thirty-one shall apply.

Section 26. A party aggrieved by a final decree or judgment of the housing court may, within three days after the entry of such decree or judgment in open court or within five days after notice of the entry of such decree or judgment is sent such party by the clerk, whichever is earlier, appeal therefrom directly to the full court of the supreme judicial court; provided that simultaneously with filing such appeal or within such further time as the judge or clerk for cause shown allows, he shall file a bond executed by him or by his attorney of record on his behalf payable to the appellee in such reasonable sum and with such surety or sureties as may be approved by the appellee or by the judge or clerk, conditioned to enter and prosecute his appeal with effect, and to satisfy any judgment for costs which may be entered against him upon said appeal within thirty days after the entry thereof, except that no such bond shall be required if the appellant is the commonwealth or the city or any board or officer of either or if the judge is satisfied that the appeal is not frivolous and that the appellant is destitute and un-

able to pay for such bond. Instead of filing a bond as aforesaid, the appellant or any person in his behalf may deposit with the clerk, within the time required for filing a bond, a reasonable amount, to be fixed by the judge or clerk, as security for the prosecution of the appeal and the payment of costs. A certificate of such deposit shall be issued to the depositor by the clerk, who shall hold such deposit until the final disposition of the case, when he shall pay it, or any part thereof, to the appellee for his costs, or to the depositor thereof, as the housing court may order. The housing court may give directions as to the manner of keeping such deposit.

The completion of an appeal hereunder shall be governed by section one hundred and thirty-five of chapter two hundred and thirty-one as if the housing court were the superior court. When the appeal has been entered as aforesaid, all proceedings under such judgment or decree or judgment shall be stayed, and the cause shall thereupon be pending before the full court, which shall hear and determine the same, and affirm, reverse or modify the decree or judgment appealed from. Upon the reversal of a final decree or judgment, the supreme judicial court may remand the cause to the housing court with necessary and proper directions for further proceeding therein.

When an appeal has been taken, the housing court before the entry of the appeal in the supreme judicial court may in its discretion stay, pending the appeal, all temporary orders, judgments, injunctions, decrees or judgment or other orders of the housing court, and may make such orders for the appointment of a receiver, and of injunction or prohibition, or for continuing the same in force, as are needful for the protection of the rights of the parties pending the determination of the appeal.

A party aggrieved by an interlocutory decree of the housing court may, in like manner, appeal to the full court of the supreme judicial court; but the appeal shall not suspend the execution of such decree or judgment, except as provided in section twenty-two of chapter two hundred and fourteen, nor transfer to the full court the entire cause or any matter therein except the question, whether the interlocutory decree appealed from shall be affirmed, reversed or modified. Interlocutory decrees not appealed from shall be open to revision upon appeal from the final decree or judgment so far only as it appears to the full court that the final decree or judgment is erroneously affected thereby.

Section 27. Upon an appeal, the testimony of witnesses who have been examined orally before the housing court shall, at the request of any party, be reported to the full court. The housing court shall provide by general rules for some convenient and effectual means of having the same reported by the judge by whom the case is heard or by a person designated by him for that purpose. In appeals in suits in equity under this chapter, the provisions of sections twenty-four and twenty-five of chapter two hundred and fourteen shall apply.

Section 28. The housing court may issue execution in common

form if such process is appropriate for the enforcement of a decree in equity; provided, however, that no process for the execution of a final decree of the housing court shall issue until the expiration of five days after the entry thereof, unless all parties against whom such decree is made waive an appeal by a writing filed with the clerk or by causing an entry thereof to be made on the docket, except that if the judge by whose order the final decree was made is of the opinion that the appeal from such decree is groundless and intended merely for delay, process for the execution of the decree may be awarded notwithstanding the appeal.

Section 29. If upon making an interlocutory order or decree at law or in equity, the judge is of the opinion that is so affects the merits of the controversy that the matter ought, before further proceedings, to be determined by the full court of the supreme judicial court, he may report the question for that purpose, and stay all further proceedings except those necessary to preserve the rights of the parties.

Section 30. The bond of any receiver appointed by the housing court shall be payable to the county and shall otherwise be in such form as the housing court shall require. Such bond may be enforced in the name of the county by the county commissioners, or by any person interested therein and duly authorized by the housing court, after notice to said commissioner, to take such action. The housing court shall have exclusive original jurisdiction of actions on such bonds. Any sums recovered shall be paid over or administered as the housing court directs.

SECTION 2. The last sentence of section 127G of chapter 111 of the General Laws, added by section 3 of chapter 843 of the acts of 1971, is hereby amended by inserting after the word "Boston", in line 3, the words: — or in the housing court of the county of Hampden.

SECTION 3. Chapter 214 of the General Laws is hereby amended by striking out section 22, as most recently amended by section 4 of said chapter 843, and inserting in place thereof the following section: —

Section 22. After an appeal has been taken from a decree of the superior court or of the housing court of the city of Boston or of the housing court of the county of Hampden, the supreme judicial court may, by an order, on terms or otherwise, suspend the execution or operation of the decree appealed from, pending the appeal, and may modify or annul any order made for the protection of the rights of the parties, pending the appeal; but, until such order has been modified or annulled, the justice of the superior court by whom the order or decree appealed from was made, or any other justice of said court, or the judge of the housing court of the city of Boston or of the housing court of the county of Hampden by whom the order or decree appealed from was made, or any other judge of said court, may make any proper interlocutory orders, pending such appeal, including orders for the appointment of receivers, of injunction, of prohibition, and orders for continuing in force such orders

previously made, or for modifying or dissolving them. The justice or judge who makes any such interlocutory orders may enforce them by appropriate proceedings, pending the appeal.

SECTION 4. Section 86A of chapter 223 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 5 of said chapter 843, and inserting in place thereof the following sentence: — Upon motion of the plaintiff at any time after a verdict has been rendered or a finding of liability or a finding otherwise made in his favor in any action at law in the superior court or in the housing court of the city of Boston or in the housing court of the county of Hampden, or after a finding in his favor fixing the amount of an unliquidated claim has been made in a suit in equity in the supreme judicial or superior court or in the housing court of the city of Boston or in the housing court of the county of Hampden; and before final judgment or decree therein, such court shall thereupon have jurisdiction in equity by appropriate procedure and process to cause to be reached, held and thereafter applied in payment of any judgment or decree in his favor in such action or suit the same kind of property, right, title or interest, legal or equitable, of a defendant, within or without the commonwealth, which may be reached and applied under clauses (7) and (8) of section three of chapter two hundred and fourteen, and any property, right, title or interest, legal or equitable, real or personal, including any shares or interests in corporations organized under the laws of the commonwealth or of the United States, and located or having a general office in the commonwealth, fraudulently conveyed by the defendant with intent to defeat, delay or defraud his creditors or to defeat or delay the plaintiff in the satisfaction of his claim, or purchased, or directly or indirectly paid for, by him, the record or other title to which is retained in the vendor or is conveyed to a third person with intent to defeat, delay or defraud the creditors of the defendant or to defeat or delay the plaintiff in the satisfaction of his claim; provided, that, in reaching and applying hereunder the interest of a partner in partnership property, the business of the partnership shall not be enjoined or otherwise interrupted further than to restrain the withdrawal of any portion of the defendant's share or interest therein until final judgment or decree in such action or suit.

SECTION 5. The first sentence of section 6 of chapter 224 of the General Laws is hereby amended by striking out the words "shall be had in said housing court", inserted by section 6 of chapter 843 of the acts of 1971, and inserting in place thereof the words: — or in the housing court of the county of Hampden, shall be had in said housing courts.

SECTION 6. Section 7 of chapter 227 of the General Laws is hereby amended by inserting after the word "Boston", inserted by section 7 of said chapter 843, the words: — or in the housing court of the county of Hampden.

SECTION 7. Section 8 of said chapter 227 is hereby amended by inserting after the word "Boston", inserted by section 8 of said

chapter 843, the words: — or of the housing court of the county of Hampden.

SECTION 8. Section 55 of chapter 231 of the General Laws is hereby amended by inserting after the word "Boston", inserted by section 9 of said chapter 843, the words: — or the housing court of the county of Hampden.

SECTION 9. Section 60 of said chapter 231 is hereby amended by inserting after the word "Boston", inserted by section 10 of said chapter 843, the words: — and in the housing court of the county of Hampden.

SECTION 10. Section 60A of said chapter 231 is hereby amended by inserting after the word "Boston", inserted by section 11 of said chapter 843, the words: — or in the housing court of the county of Hampden.

SECTION 11. Section 111 of said chapter 231 is hereby amended by inserting after the word "Boston", inserted by section 12 of said chapter 843, the words: — or of the judge of the housing court of the county of Hampden.

SECTION 12. The first sentence of section 113 of said chapter 231 is hereby amended by inserting after the word "Boston", inserted by section 13 of said chapter 843, the words: — or of the housing court of the county of Hampden.

SECTION 13. Section 119 of said chapter 231 is hereby amended by inserting after the word "Boston", inserted by section 14 of said chapter 843, the words: — or in the housing court of the county of Hampden.

SECTION 14. Section 133 of said chapter 231 is hereby amended by inserting after the word "Boston", inserted by section 15 of said chapter 843, the words: — or in the housing court of the county of Hampden.

SECTION 15. The first paragraph of section 135 of said chapter 231 is hereby amended by inserting after the word "Boston", inserted by section 16 of said chapter 843, the words: — and the housing court of the county of Hampden.

SECTION 16. Section 146A of said chapter 231, inserted by section 17 of said chapter 843, is hereby amended by inserting after the word "Boston", in line 27, the words: — and the housing court of the county of Hampden.

SECTION 17. Section 9 of chapter 232 of the General Laws is hereby amended by inserting after the word "Boston", inserted by section 18 of said chapter 843, the words: — and in the housing court of the county of Hampden.

SECTION 18. Section 8 of chapter 261 of the General Laws is hereby amended by inserting after the word "Boston", inserted by section 19 of said chapter 843, the words: — and in the housing court of the county of Hampden.

SECTION 19. Section 4 of chapter 263 of the General Laws is hereby amended by inserting after the word "Boston", inserted by section 20 of said chapter 843, the words: — or in the housing court of the county of Hampden.

SECTION 20. Section 6 of said chapter 263 is hereby amended by inserting after the word "Boston", inserted by section 21 of said chapter 843, the words: — or in the housing court of the county of Hampden.

SECTION 21. Section 8A of said chapter 263, as most recently amended by section 22 of said chapter 843, is hereby further amended by inserting after the word "Boston", in line 2 and in line 4, in each instance, the words: — or the housing court of the county of Hampden.

SECTION 22. This act shall take effect upon its passage, insofar as the appointing, commissioning and qualifying of the judge and clerk of the court hereby established are concerned; and it shall be in full force and effect, and the authority and jurisdiction of the court hereby established shall begin on the first day of October, nineteen hundred and seventy-three. *Approved August 9, 1973.*

Chap. 592. AN ACT REMOVING A LIMITATION OF THE POWER OF THE SOUTH DEERFIELD WATER SUPPLY DISTRICT TO RAISE MONEY BY TAXATION AND VALIDATING CERTAIN PROCEEDINGS OF THE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 486 of the acts of 1902 is hereby amended by striking out, in lines 13 and 14, the words: — , not exceeding two thousand dollars in any one year.

SECTION 2. The vote passed by the South Deerfield Water Supply District on February twenty-eighth, nineteen hundred and seventy-three appropriating the sum of six hundred and twenty-five thousand dollars for constructing and equipping a storage dam facility to be located within the town of Conway is hereby validated, ratified and confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved August 9, 1973.

Chap. 593. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL PERIOD FROM JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR, FOR THE MAINTENANCE OF PLYMOUTH COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Plymouth county, its departments, boards, commissions and institutions of sundry

other services for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursements of county funds and the approval thereof, for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four.

PLYMOUTH COUNTY.

Item	Subtotal	Total
1. For interest on county debt		\$119,475 07
2. For reduction of county debt		316,700 00
3. For county commissioners, salaries and expenses		103,065 28
1. Personal services	\$91,374 08	
2. Contractual services	4,850 00	
3. Supplies and materials	3,500 00	
4. Current charges and obligations	1,316 20	
5. Equipment	2,025 00	
4. For transportation and expenses of county and acting commissioners		1,700 00
5. For clerk of courts, salaries and expenses		340,508 77
1. Personal services	299,708 89	
2. Contractual services	14,550 00	
3. Supplies and materials	12,500 00	
4. Current charges and obligations	9,690 00	
5. Equipment	4,059 88	
6. For county treasurer, salaries and expenses		105,237 65
1. Personal services	90,447 65	
2. Contractual services	5,900 00	
3. Supplies and materials	4,575 00	
4. Current charges and obligations	1,190 00	
5. Equipment	3,125 00	
7. For sheriff, salary and expenses		34,244 00
1. Personal services	26,664 00	
2. Contractual services	250 00	
3. Supplies and materials	500 00	
4. Current charges and obligations	1,330 00	
5. Equipment	5,500 00	
8. For registry of deeds, salaries and expenses		592,278 87
1. Personal services	486,724 87	
2. Contractual services	47,000 00	
3. Supplies and materials	21,300 00	
4. Current charges and obligations	34,937 00	
5. Equipment	2,317 00	
8a. For registry of probate, salaries and expenses		49,450 84
1. Personal services	8,200 18	
2. Contractual services	10,150 00	
3. Supplies and materials	15,868 00	
4. Current charges and obligations	3,350 00	
5. Equipment	11,882 66	
9. For law library, salaries and expenses		25,421 56
1. Personal services	9,121 56	

Item	Subtotal	Total
3. Supplies and materials	\$300 00	
4. Current charges and obligations	16,000 00	
10. For highways, including state highways, bridges and land damages		\$468,400 00
2. Contractual services	367,300 00	
3. Supplies and materials	800 00	
4. Current charges and obligations	100,300 00	
12. For superior court costs		1,093,815 63
1. Personal services	445,633 63	
2. Contractual services	621,775 00	
3. Supplies and materials	9,000 00	
4. Current charges and obligations	6,086 00	
5. Equipment	11,321 00	
13. For civil expenses in probate court		135,233 55
1. Personal services	62,183 55	
2. Contractual services	64,150 00	
3. Supplies and materials	1,400 00	
5. Equipment	7,500 00	
14. For district courts, salaries and expenses		
District Court of Brockton		871,078 96
1. Personal services	737,236 56	
2. Contractual services	29,653 00	
3. Supplies and materials	15,600 00	
4. Current charges and obligations	81,628 00	
5. Equipment	6,961 40	
Second District Court of Plymouth		589,634 92
1. Personal services	537,529 91	
2. Contractual services	27,000 00	
3. Supplies and materials	13,750 00	
4. Current charges and obligations	6,499 60	
5. Equipment	4,855 41	
Third District Court of Plymouth		340,180 87
1. Personal services	307,451 17	
2. Contractual services	13,950 00	
3. Supplies and materials	11,100 00	
4. Current charges and obligations	2,409 00	
5. Equipment	5,270 70	
Fourth District Court of Plymouth		351,859 71
1. Personal services	287,476 46	
2. Contractual services	22,620 00	
3. Supplies and materials	7,000 00	
4. Current charges and obligations	24,805 25	
5. Equipment	9,958 00	
District Court — Juvenile Division		247,663 51
1. Personal services	233,155 11	
2. Contractual services	9,000 00	
3. Supplies and materials	2,800 00	
4. Current charges and obligations	240 00	
5. Equipment	2,468 40	
District Court — Appellate Division		500 00
2. Contractual services	500 00	
15. For medical examiners and commitments of insane		200,000 00
16. For jail and house of correction, maintenance and operation		460,341 89
1. Personal services	45,439 07	
2. Contractual services	100,000 00	
3. Supplies and materials	251,086 24	
4. Current charges and obligations	30,000 00	

Item	Subtotal	Total
5. Equipment	\$31,911 58	
6. All other	1,905 00	
17. For training school		\$10,000 00
18. For court houses and registry buildings, maintenance and operation		521,388 16
1. Personal services	247,318 16	
2. Contractual services	155,875 00	
3. Supplies and materials	56,430 00	
4. Current charges and obligations	16,205 00	
5. Equipment	5,560 00	
6. All other	40,000 00	
20. For agricultural school or county cooperative extension service		205,829 79
1. Personal services	180,608 79	
2. Contractual services	15,138 00	
3. Supplies and materials	5,500 00	
4. Current charges and obligations	3,500 00	
5. Equipment	1,083 00	
24. For noncontributory pensions		115,000 00
25. For contributory retirement system and supervisory expenses		299,931 00
26. For miscellaneous and contingent expenses		30,289 87
27. For unpaid bills of previous years		9,465 27
28. For reserve fund		75,000 00
28d. For reserve for counsel for indigent defendants		75,000 00
29. For advertising recreational, industrial and agricultural advantages of the county		75,000 00
31. For police radio system		1,587 00
32a. For maintenance, forest fire apparatus		2,267 50
33. For police training school and bureau of criminal investigation		96,574 75
38. For county airplane		5,180 00
39. For group insurance		128,891 53
44. For civil defense		1,000 00
Total amount of appropriations		\$8,099,195 95
Less estimated amount available for reduction of county tax		2,418,389 61

And the county commissioners of Plymouth county are hereby authorized to levy as the county tax of said county for said fiscal period, in the manner provided by law, the sum of \$5,680,806 34

SECTION 2. This act shall take effect upon its passage.

Approved August 9, 1973.

Chap. 594. AN ACT ESTABLISHING THE AQUATIC NUISANCE CONTROL FUND FOR THE CONTROL OF AQUATIC NUISANCES IN THE WATERS OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith the aquatic nuisance

control fund for the control of aquatic nuisances in the waters of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 5F of chapter 111 of the General Laws, as amended by section 2 of chapter 722 of the acts of 1969, is hereby further amended by adding the following paragraph: —

Monies received by the commonwealth under clause (36B) of section five of chapter forty and under section thirteen of chapter sixty-four A, and all other sums received by the commonwealth from the federal government and from any and all sources pertaining to the control of aquatic nuisances in the waters of the commonwealth shall be credited on the books of the commonwealth to a fund to be known as the Aquatic Nuisance Control Fund. All monies credited to said Fund and all unexpended balances remaining in said Fund at the end of each fiscal year shall be appropriated only for the purposes of this section and of said clause (36B) as aforesaid.

SECTION 2. Clause (b) of section 13 of chapter 64A of the General Laws, as appearing in section 3 of chapter 497 of the acts of 1971, is hereby amended by striking out, in line 15, the words "division of sanitary engineering in the department of public health" and inserting in place thereof the words: — Aquatic Nuisance Control Fund established by section five F of chapter one hundred and eleven.

Approved August 9, 1973.

Chap. 595. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF ESSEX COUNTY TO ACQUIRE LAND IN THE CITY OF LYNN FOR AN ADDITIONAL PARKING AREA FOR THE DISTRICT COURT OF SOUTHERN ESSEX.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Essex county are hereby authorized to acquire two certain parcels of land by eminent domain or by purchase or otherwise for the purpose of providing an additional parking area for the district court of southern Essex in the city of Lynn, and for such purposes may expend a sum not to exceed sixty thousand dollars. Said two parcels, with the buildings thereon, are located on Washington street in said city and shown as Parcels A and B on plan of land entitled "Subdivision of Land assessed to William Barnes, dated May 3, 1954, Albert D. Martin, Registered Land Surveyor, and recorded with Essex South District Registry of Deeds, Book 4100, Page 382 and are bounded and described as follows: —

Said Parcel A is bounded and described as follows: —

NORTHEASTERLY by Washington Street, 51.16 feet;

SOUTHEASTERLY by a portion of land now or formerly of Mary R. E. Young, 86.50 feet;
 SOUTHWESTERLY by lot B as shown on plan hereinafter referred to, 50.67 feet;
 NORTHWESTERLY by a portion of land now or formerly of Martha J. Kosmas, 86.50 feet.

Said Parcel B is bounded and described as follows: —

NORTHEASTERLY: by Lot A, as shown on a plan herein referred to, 50.67 feet;
 SOUTHEASTERLY: by land now or formerly of Mary R. E. Young, 73.04 feet;
 SOUTHWESTERLY: by land now or formerly of the City of Lynn, 50.34 feet;
 NORTHWESTERLY: by land now or formerly of Martha J. Kosmas, 71.49 feet.

Be all of said measurements more or less.

SECTION 2. This act shall take effect upon its passage.

Approved August 9, 1973.

Chap. 596. AN ACT PROVIDING FOR THE NON-CRIMINAL DISPOSITION OF BICYCLE LAW VIOLATIONS.

Be it enacted, etc., as follows:

Chapter 85 of the General Laws is hereby amended by inserting after section 11B the following section: —

Section 11C. Every city and town shall provide a non-criminal ticketing procedure against violators of the provisions of sections eleven A and eleven B and of any rule, regulation, ordinance or by-law of the city or town regulating the registration, equipment and operation of bicycles.

A police officer taking cognizance of any such violation may request the offender to state his true name and address. Whoever, upon such request, refuses to state his name and address, or states a false name and address or a name and address which is not his name and address in ordinary use, shall be punished by a fine of not less than twenty nor more than fifty dollars. Any such offender so refusing to state his name and address may be arrested without a warrant, but no person shall be arrested without a warrant for any other such violation.

Every police officer who takes cognizance of such violations may give the offender a notice, which shall be in tag form, as provided in this section, to appear before the clerk of the district court having jurisdiction, at any time during office hours, not later than twenty-one days after the date of such violation. If the offender is under sixteen years of age, the officer may give such notice to the parent or guardian of the offender. All tags shall be prepared in triplicate and shall be prenumbered.

Said tag shall contain but shall not be limited to the following

information: the registration number of the bicycle, if any; the name and address of the offender, if served with notice in hand at the time of such violation; the date, time, place and nature of the violation; the amount of the fine; instructions for the return of the tag; and a notice which reads as follows: — This notice may be returned by mail, personally, or by authorized person, and if properly returned shall be deemed non-criminal. A court hearing may be obtained upon the written request of the offender. Failure to obey this notice within twenty-one days after the date of the violation will result in the offender's appearance in court on a criminal complaint. Such notice shall be signed by the officer, and shall be signed by the offender whenever practicable in acknowledgment that the notice has been received. The officer shall, if possible, deliver to the offender at the time and place of the violation a copy of said notice. Whenever it is not possible to deliver a copy of said notice to the offender at the time and place of violation, said copy shall be mailed or delivered by the officer, or by his commanding officer or any person authorized by said commanding officer to the offender's last known address. The mailing of such notice by the officer, his commanding officer or the person so authorized, to the said offender shall be deemed a sufficient notice, and a certificate of the officer or person stating that such notice has been mailed in accordance with this section shall be deemed prima facie evidence thereof, and shall be admissible in any court of the commonwealth as to the facts contained therein.

At or before the completion of each tour of duty, the officer shall give to his commanding officer those copies of each notice of such a violation taken cognizance of during such tour. Said commanding officer shall retain and safely preserve one of such copies and shall at a time no later than the beginning of the next court day after receipt of such notice deliver another of such copies to the clerk of the court before whom the offender has been notified to appear. The clerk of each district court shall maintain a separate docket of all such notices to appear.

Any person notified to appear before the clerk of a district court, as provided herein, may appear before such clerk and confess the offense charged, either personally or through an agent duly authorized in writing, or by mailing to such clerk the notice accompanied by the fine provided therein, such payment to be made only by postal note, money order or check made out to the clerk of the court. Returning the notice to the clerk of court and payment of the fine established shall operate as a final disposition of the case. Proceedings under this section shall not be deemed criminal; and no person notified to appear before the clerk of a district court as provided herein shall be required to report to any probation officer, and no record of the case shall be entered in the probation records.

If any person notified to appear before the clerk of the district court fail to appear or, having appeared, desire not to avail himself of the benefits of the procedure established by this section, the clerk shall, as soon as may be, notify the officer concerned, who

shall forthwith make a complaint against the offender and follow the procedure established for criminal cases. If any person fails to appear in accordance with the summons issued upon such complaint, the clerk shall send such person by registered mail, return receipt requested, a notice that the complaint is pending and that if the person fails to appear within twenty-one days from the mailing of such notice, a warrant for his arrest will be issued. If any person fails to appear within twenty-one days from the mailing of such notice the court shall issue a warrant for his arrest. The notice to appear, provided herein, shall be printed in such form as the chief justice of the municipal court of the city of Boston may prescribe for said court, and as the chief justice of the district courts may prescribe for district courts other than said municipal court; provided however that any city or town may request that the notice prepared for said city or town pursuant to section twenty A or section twenty C of chapter ninety be so revised or adapted that said notice may also be used for the notice provided for in this section.

All fines collected pursuant to this section shall be used by the respective cities and towns for the development and implementation of bicycle programs.

Approved August 9, 1973.

Chap. 597. AN ACT PROVIDING A CERTAIN PENSION FOR THE WIDOW OF THE LATE JUDGE SOCRATES GEANACOPOULOS, SPECIAL JUSTICE OF THE DISTRICT COURT OF SPRINGFIELD.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the widow of the late Judge Socrates Geanacopoulos, special justice of the district court of Springfield, shall be paid such pension as she would have been eligible to receive under the provisions of section sixty-five C of chapter thirty-two of the General Laws, had said Judge Socrates Geanacopoulos been eligible for retirement under the provisions of section sixty-five B of said chapter thirty-two as of the date of his death, and such pension payable to said widow shall be effective retroactively to the date of death of said judge.

Approved August 9, 1973.

Chap. 598. AN ACT FURTHER REGULATING THE SALE OF EYEGLASSES AND SUNGLASSES.

Be it enacted, etc., as follows:

Chapter 270 of the General Laws is hereby amended by striking out section 1A, inserted by section 1 of chapter 471 of the acts of 1970, and inserting in place thereof the following section: —

Section 1A. No person shall distribute, sell or deliver any eye-

glasses or sunglasses unless said eyeglasses or sunglasses are fitted with plastic lenses, laminated lenses, heat-treated glass lenses or lenses made impact-resistant by other methods. The provisions of this paragraph shall not apply if a physician or optometrist, having found that such lenses will not fulfill the visual requirements of a particular patient, directs in writing the use of other lenses and gives written notification thereof to the patient. Before they are mounted in frames, all impact-resistant eyeglass and sunglass lenses, except plastic lenses, laminated lenses, and raised ledge multifocal lenses, shall withstand an impact test of a steel ball five eighths of an inch in diameter weighing approximately fifty-six hundredths of an ounce dropped from a height of fifty inches. Raised ledge multifocal lenses shall be capable of withstanding said impact test but need not be tested beyond initial design testing. To demonstrate that all plastic lenses and laminated lenses are capable of withstanding said impact test, the manufacturer of such lenses shall subject to said impact test a statistically significant sampling of lenses from each production batch, and the lenses so tested shall be representative of the finished forms as worn by the wearer. Plastic prescription and plastic nonprescription lenses, tested on the basis of statistical significance, may be tested in uncut finished or semifinished form at the point of original manufacture.

No person shall distribute, sell, exchange or deliver or have in his possession with intent to distribute, sell, exchange or deliver any eyeglass or sunglass frame containing any form of cellulose nitrate or other highly flammable material.

Whoever violates any provision of this section shall be punished by a fine of not more than five hundred dollars for each violation.

Approved August 9, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, August 9, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 598 of the Acts of 1973, entitled "AN ACT FURTHER REGULATING THE SALE OF EYEGLASSES AND SUNGLASSES," and the enactment of which received my approval on August 9, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is in the interests of public safety and welfare that the revised

safety standards established by this act be made effective immediately.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, August 10, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at ten o'clock and thirty minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter five hundred and ninety-eight of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 599. AN ACT PROVIDING FOR CERTAIN REIMBURSEMENTS TO WAGE CONTINUATION PROGRAMS OR THEIR EQUIVALENT UNDER THE PERSONAL INJURY PROTECTION INSURANCE LAW.

Be it enacted, etc., as follows:

SECTION 1. Section 113B of chapter 175 of the General Laws is hereby amended by striking out the second paragraph, inserted by chapter 451 of the acts of 1972.

SECTION 2. The first paragraph of the definition of "Personal injury protection" in section 34A of chapter 90 of the General Laws, as appearing in section 2 of chapter 670 of the acts of 1970, is hereby amended by inserting after the word "accident", in line 44, the words: —, provided that the insurer shall reimburse those wage continuation programs or their equivalent which provide for accumulated benefits which can be converted into either cash or additional retirement credit for the amount said program or its equivalent actually pays to the insured, not to exceed seventy-five per cent of the insured's average weekly wages or salary or its equivalent for the year immediately preceding the accident.

SECTION 3. This act shall take effect on January first, nineteen hundred and seventy-four and shall apply only to claims or causes of action arising on or after said date and only to policies issued on or after said date.

Approved August 9, 1973.

Chap. 600. AN ACT AUTHORIZING THE COMMISSIONER OF INSURANCE TO REGULATE ADDITIONAL REINSURANCES AUTHORIZED FOR LIFE COMPANIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175 of the General Laws is hereby amended by inserting after section 54F the following section: —

Section 54G. Any company authorized to transact the kinds of business specified in the sixteenth clause of section forty-seven may reinsure either by itself or together with other insurers through pooling arrangements or otherwise for the purposes of spreading the insurance risk, risks of every kind and description and may reinsure in any other company any part or all of any risks assumed by it. Any such reinsurance or pooling of risks shall be subject to any regulations which may be promulgated by the commissioner. The commissioner shall have the authority to promulgate regulations necessary to protect the interests of the insurer's policyholders and the people of the commonwealth including but not limited to financial and solvency requirements and regulations designed to avoid the substantial lessening of competition generally in the insurance business.

No company shall transact business pursuant to this section without the approval of the commissioner and the issuance to it of a certificate authorizing it to transact such business. No such approval shall be given and no certificate shall be issued unless, in the case of a domestic insurer, the company maintains unallocated surplus of not less than one million dollars, and in the case of a foreign insurer, unless it maintains an unallocated surplus of one million dollars and has made a deposit in an amount and subject to the conditions specified in subdivision (3). (c) of clause Second of section one hundred and fifty-one. Companies subject to this section shall comply with all other provisions of law relating to the transaction of the business of reinsurance in the commonwealth.

SECTION 2. Section 152 of said chapter 175, as appearing in the Tercentenary Edition, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence: — Any foreign life company admitted to the commonwealth may, if its charter permits, be licensed to transact the kinds of business permitted to domestic life companies under section one hundred and nineteen and, subject to all the conditions which the commissioner may prescribe, under section fifty-four G.

Approved August 9, 1973.

Chap. 601. AN ACT ESTABLISHING THE RIGHT OF CERTAIN EMPLOYEES TO RECEIVE CERTAIN COMPENSATION PAYMENTS.

Be it enacted, etc., as follows:

Thomas A. Walsh, an employee of the state board of retirement, and employees of the division of employment security, who were employed at times between February first, nineteen hundred and sixty-four, and July first, nineteen hundred and sixty-five, and

whose positions were finally determined to be classified as "professional positions" and classified by job group in the professional salary schedule established by section forty-six B of chapter thirty of the General Laws, inserted by section three of chapter seven hundred and seventy-five of the acts of nineteen hundred and sixty-three, and covered by the provisions of section four of said chapter seven hundred and seventy-five, as amended by section one of chapter three hundred and fifty-seven of the acts of nineteen hundred and sixty-four, but whose revised compensation did not become effective until July first, nineteen hundred and sixty-five, under the provisions of chapter three hundred and ninety-one of the acts of nineteen hundred and sixty-six, are entitled to receive an amount equal to the difference between the salary they actually received and the salary due under the provisions of said section three of said chapter seven hundred and seventy-five between February first, nineteen hundred and sixty-four, and July first, nineteen hundred and sixty-five, in accordance with a decision of the supreme judicial court entitled "William Kirkpatrick and others vs. Commonwealth", 1972 A.S. 1229. *Approved August 9, 1973.*

Chap. 602. AN ACT AUTHORIZING CITIES AND TOWNS TO PUBLISH COMPILATIONS OF ZONING ORDINANCES AND BY-LAWS AND SUPPLEMENTS THERETO.

Be it enacted, etc., as follows:

SECTION 1. Chapter 40 of the General Laws is hereby amended by inserting after section 32A, as appearing in the Tercentenary Edition, the following section: —

Section 32B. A city or town may from time to time publish, distribute or sell compilations of zoning ordinances or by-laws and amendments thereto, certified by the city or town clerk, and effective as of a specified date. The compilations and supplements thereto may include zoning maps and subdivision control, public health, safety and other land use control and environmental quality laws, ordinances, by-laws, regulations, rules, and orders, notices of hearings on proposed and pending amendments which, if adopted, would affect construction begun after the notice of hearing, and claims of invalidity of ordinances or by-laws filed with the clerk, all in such manner as to permit public officials, owners, purchasers, mortgagees of property and others to ascertain the zoning pending or applicable to property at any time.

Zoning maps may, in addition to showing boundaries, also identify historic or architectural districts for which special certificates or permits may be required, certified historical landmarks or places, land publicly owned, designated as wetlands or subject to wetlands regulations, land subject to conservation or preservation restrictions under chapter one hundred and eighty-four, and other land use or environmental quality control information.

The city or town clerk may arrange for the distribution of such

compilations and supplements thereto to city, town, county, regional and state public offices, and for the public sale of such compilations and supplements thereto at appropriate places, at a price not to exceed the estimated cost of preparation, publication, distribution and sale. The commissioner of community affairs and registers of deeds may assist the clerk in such distribution. The commissioner may suggest guidelines for such compilations and supplements thereto, procedures for verifying the text of zoning enactments and the accuracy of zoning maps, require a copy of each zoning compilation, supplement and map, and may also assist in the preparation, publication, distribution and sale of such compilations and supplements thereto.

SECTION 2. The first sentence of the fifth paragraph of section 33 of chapter 184, as appearing in section 5 of chapter 666 of the acts of 1969, is hereby amended by inserting after the word "thereto", in line 2, the words: — , or where the general location of the restricted land is indicated on a zoning map published by a city or town with a reference to a marginal note or list indicating the original or then holder of the restriction and the place of record in the public records of the instrument imposing the restriction.

SECTION 3. The provisions of section thirty-three of chapter one hundred and eighty-four of the General Laws, amended by section two of this act, shall apply only to compilations and supplements thereto prepared after the effective date of this act.

Approved August 9, 1973.

Chap. 603. AN ACT PROVIDING A CERTAIN PENSION FOR THE WIDOW OF THE LATE JUDGE PHILIP H. BALL, JUSTICE OF THE DISTRICT COURT OF FRANKLIN.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, Mary A. Ball, the widow of the late Judge Philip H. Ball, justice of the district court of Franklin, shall be paid such pension as she would have been eligible to receive, under the provisions of section sixty-five C of chapter thirty-two of the General Laws, had said Judge Philip H. Ball been eligible for retirement under the provisions of section sixty-five A of said chapter thirty-two as of the date of his death, and such pension payable to said widow shall be effective retroactive to January first, nineteen hundred and sixty-three, in accordance with section two of chapter five hundred and seventy-one of the acts of nineteen hundred and sixty-three.

Approved August 9, 1973.

Chap. 604. AN ACT PROVIDING A CERTAIN PENSION FOR THE WIDOW OF THE LATE JUDGE EDWARD J. DOBIECKI, SPECIAL JUSTICE OF THE DISTRICT COURT OF SPRINGFIELD.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, Alyce Dobiecki, the widow of the late Judge Edward J. Dobiecki, special justice of the district court of Springfield, shall be paid such pension as she would have been eligible to receive under the provisions of section sixty-five C of chapter thirty-two of the General Laws, had said Judge Edward J. Dobiecki been eligible for retirement under the provisions of section sixty-five B of said chapter thirty-two as of the date of his death, and such pension payable to said widow shall be effective retroactively to the date of the death of said judge.

Approved August 9, 1973.

Chap. 605. AN ACT FURTHER REGULATING MODIFICATIONS, AMENDMENTS AND RESCISSIONS OF PRIOR APPROVALS OF SUBDIVISION PLANS UNDER THE SUBDIVISION CONTROL LAW.

Be it enacted, etc., as follows:

The second paragraph of section 81W of chapter 41 of the General Laws, as appearing in section 7 of chapter 674 of the acts of 1953, is hereby amended by inserting after the word "thereon", in line 7, the words: — ; provided, however, that nothing herein shall be deemed to prohibit such modification, amendment or rescission when there is a conveyance or a mortgage to a single grantee or mortgagee of either the entire parcel of land shown on the subdivision plan or of all the lots not previously released by the planning board.

Approved August 9, 1973.

Chap. 606. AN ACT ESTABLISHING THE SUFFOLK COUNTY MOSQUITO CONTROL PROJECT.

Be it enacted, etc., as follows:

SECTION 1. The area of Suffolk county comprising the cities of Boston and Chelsea, hereinafter called the cities, is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, to the same extent as if so constituted by the state reclamation board acting under said section five A and the improvements herein authorized shall be undertaken under the identifying name of the Suffolk County Mosquito Control Project, hereinafter called the Project.

There shall be a commission as provided under the said section five A of said chapter two hundred and fifty-two which shall consist of five members. Of the members first appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, and each shall serve until the qualification of their respective successors. Upon the expiration of the term of any member, his successor shall be appointed in like manner for a term of five years. The commission shall elect its own chairman and clerk and shall keep accurate records of its meetings.

SECTION 2. Beginning with the fiscal year commencing July first, nineteen hundred and seventy-three, to meet the expenses incurred under this act, there shall be annually expended from the state treasury, subject to appropriation, sums equal in the aggregate, to five cents of each one thousand dollars of equalized valuations of the cities, as most recently reported by the tax commission to the general court under the provisions of section ten C of chapter fifty-eight of the General Laws; and the state treasurer shall issue his warrant requiring the assessors of the cities to assess a tax to the amount of the sums so expended, one quarter of which shall be in proportion to their respective areas, and such amounts shall be collected and paid to the state treasurer as provided in section twenty of chapter fifty-nine of the General Laws; provided, that any such city may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes and deposited in the state treasury.

SECTION 3. The funds appropriated and deposited as aforesaid shall be expended by the project for the investigation, construction and maintenance of mosquito control works in the project, under the direction and supervision of the state reclamation board in accordance with such known methods as in its opinion will effect the greatest measure of relief.

SECTION 4. Any such city which is to become a member of the project established under the provisions of section one may, at any time prior to the effective date of this act, by vote of its city council and with the approval of its mayor, vote not to become a member of such project.

SECTION 5. Any city which becomes a member of the project, by a vote of its city council and with the approval of its mayor, may, after this act has been in effect therein for a period of three years, withdraw from membership in the project hereinbefore established and thereupon the provisions of this act shall no longer apply to such city.

SECTION 6. This act shall take effect ninety days after its passage.

Approved August 9, 1973.

Chap. 607. AN ACT FURTHER REGULATING THE SALE OF COMMERCIAL FERTILIZERS, SOIL CONDITIONERS, AND AGRICULTURAL LIMING MATERIALS.

Be it enacted, etc., as follows:

SECTION 1. Section twenty of chapter seventy-five of the General Laws is hereby repealed.

SECTION 2. Section 1 of chapter 94 of the General Laws, as most recently amended by chapter 180 of the acts of 1973, is hereby further amended by striking out the definitions of "Agricultural lime", "Available phosphoric acid", "Brand", "Commercial Fertil-

izer", "Commissioner", "Fertilizer", "Fertilizer grade", "Gypsum or land plaster", "Importer", "Package", "Phosphoric acid", "Potash", and "Tag".

SECTION 3. The definition of "Label" in said section 1 of said chapter 94, as most recently amended by section 1 of chapter 600 of the acts of 1961 is hereby further amended by striking out subsection (b).

SECTION 4. Sections two hundred and fifty to two hundred and sixty-one, inclusive, of said chapter ninety-four are hereby repealed.

SECTION 5. Chapter 128 of the General Laws is hereby amended by striking out section 6, as most recently amended by section 4 of chapter 598 of the acts of 1941, and inserting in place thereof the following section: —

Section 6. The commissioner may arrange for lectures before the department, and may issue for general distribution such publications as he considers best adapted to promote the interests of agriculture including, but not limited to, reports, bulletins, special circulars, or otherwise, the results of analysis of commercial fertilizers and feedstuffs made under sections fifty-one to eighty, inclusive of chapter one hundred and twenty-eight.

SECTION 6. Said chapter 128 is hereby further amended by inserting after section 63, added by section 8 of chapter 43 of the acts of 1973, the following twenty sections: —

Section 64. As used in sections sixty-five to eighty-three, inclusive, the following words shall have the following meanings: —

"Agricultural lime", all the various forms of lime intended or sold for fertilizing purposes or neutralizing acidity.

"Available phosphoric acid", the sum of the water soluble and citric soluble phosphoric acid.

"Brand", term, design, or trade-mark used in connection with one or several grades of commercial fertilizers.

"Bulk fertilizer", commercial fertilizer distributed in a non-packaged form.

"Commercial fertilizer", any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, and other products exempted by regulation of the commissioner.

"Distributor", any person who imports, consigns, manufactures, produces, compounds, mixes, or blends commercial fertilizer, or who offers for sale, sells, barter or otherwise supplies commercial fertilizers in the commonwealth.

"Fertilizer material", commercial fertilizer which either contains important quantities of no more than one of the primary plant nutrients; nitrogen, phosphoric acid and potash, or has approximately eighty-five per cent of its plant nutrient content present in the form of a single chemical compound, or is derived from a plant or animal residue or by-product or a natural deposit which has been

processed in such a way that its content of primary plant nutrients has not been materially changed except by purification and concentration.

"Grade", the percentage of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or soluble potash stated in whole numbers in the same terms, order and percentages as in the guaranteed analysis, provided, however, that fertilizer materials, bone meal, manures, and similar raw materials may be guaranteed in fractional units.

"Guaranteed Analysis", the minimum percentage of plant nutrients claimed in the following order and form: total nitrogen (N), with the percentage thereof, available phosphoric acid (P_2O_5), with the percentage thereof, and soluble potash (K_2O), with the percentage thereof.

"Gypsum or land plaster", crude calcium sulphate, and may contain twenty per cent of combined water.

"Investigational allowance", an allowance for variations inherent for the taking, preparation and analysis of an official sample of commercial fertilizers.

"Label", the display of all written, printed or graphic matter upon the immediate container or statement accompanying a commercial fertilizer, soil conditioner, or agricultural liming material.

"Labeling", all written, printed or graphic matter upon or accompanying any commercial fertilizer, or advertisements, brochures, posters and television and radio announcements used in promoting the sale of such commercial fertilizers.

"Mixed fertilizer", commercial fertilizers containing any combination or mixture of fertilizer materials.

"Official sample", any sample of commercial fertilizer taken by the commissioner or his deputy and designated as "official" by the said commissioner or his deputy.

"Phosphoric acid", phosphoric anhydride (P_2O_5).

"Potash", potassium oxide (K_2O).

"Soil conditioner", any manipulated substance or mixture of substances whose primary function is to modify the physical structure of soils so as to favorably influence plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum. Examples of unmanipulated vegetable manures are hay, straw, peat, and leaf mold. Charcoal, sand, pumice, and clay, are unmanipulated natural substances.

Substances sold or offered for sale as soil conditioners must be registered.

"Specialty fertilizer", commercial fertilizer distributed primarily for nonfarm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses and nurseries.

"Ton", means a weight of two thousand pounds avoirdupois.

"Per cent or Percentage", means the per cent by weight.

Section 65. The total phosphoric acid and the degree of fineness of unacidulated mineral phosphatic materials and basic slag, bone, tankage, and other organic phosphate materials may be guaran-

teed. Guarantees for plant nutrients other than nitrogen, phosphorus and potassium may be permitted or required by regulation of the commissioner. The guarantees for such other nutrients shall be expressed in the form of the element.

The sources of other nutrients may be required to be stated on the application for registration and may be included as a parenthetical statement on the label.

Other beneficial substances or compounds, determinable by laboratory methods also may be guaranteed by permission of the commissioner with the advice of the director of the agricultural experiment station.

When any plant nutrients or other substances or compounds are guaranteed, they shall be subject to inspection and analysis in accord with the methods and regulations prescribed by the commissioner.

Potential basicity or acidity expressed in terms of calcium carbonate equivalent in multiples of one hundred pounds per ton shall be guaranteed when required by regulations.

Section 66. No person shall manufacture or distribute in the commonwealth any type of fertilizer, except specialty fertilizers, until a license to distribute has been obtained by the person whose labeling is applied to such fertilizer from the commissioner upon payment of a one hundred and twenty-five dollar license fee. All such licenses expire on the thirty-first day of December of each year. The application for license shall include the name and address of licensee, and this information shall be shown on all labels, pertinent invoices, and bulk storage for fertilizers distributed by the licensee in the commonwealth.

No person shall distribute in the commonwealth a specialty fertilizer, soil conditioner or agricultural liming material until it is registered by the manufacturer or distributor with the commissioner. An application in duplicate, listing each brand and product name of each grade of specialty fertilizer, for each soil conditioner, and for each agricultural liming material shall be made on a form furnished by the commissioner and shall be accompanied with a registration fee of twenty-five dollars. Labels for each product for which a registration application is made shall accompany the application. Upon approval of an application by the commissioner, a copy of the registration shall be furnished the applicant. All registrations expire on the thirty-first day of December each year. An application for registration of specialty fertilizers shall include: name and address of the manufacturer or distributor, the brand and product name, the grade, the guaranteed analysis, and the package sizes for persons that package specialty fertilizers only in containers of ten pounds or less.

Section 67. All commercial fertilizers, soil conditioners, and agricultural liming materials distributed in the commonwealth in containers shall have placed thereon or affixed to the container, a label setting forth in clearly legible and conspicuous form the information required by the preceding section. The foregoing informa-

tion in written or printed form shall accompany bulk shipment deliveries and shall be supplied to the purchaser at the time of delivery.

All commercial fertilizers formulated according to specifications which are furnished by a consumer prior to mixing shall be labeled to show the guaranteed analysis, and the name and address of the distributor.

Section 68. There shall be paid to the commissioner for all commercial fertilizers, soil conditioners, and agricultural liming materials distributed in the commonwealth, an inspection fee, set by the commissioner in rules and regulations; provided, however, that sales to manufacturers or exchanges between manufacturers are exempted from said fee on individual packages of commercial fertilizer and agricultural liming materials containing ten pounds or less.

In lieu of the annual registration fee of twenty-five dollars per brand and grade and the prescribed inspection fee there shall be paid on individual packages of specialty fertilizers containing ten pounds or less an annual registration fee and inspection fee of twenty-five dollars for each brand and grade sold or distributed. If specialty fertilizer is sold in packages of ten pounds or less, and in packages of over ten pounds, the annual registration and inspection fee of twenty-five dollars shall apply only to that portion sold in packages of ten pounds or less, and the portion sold in packages of over ten pounds shall be subject to the prescribed inspection fee.

If more than one person is involved in the distribution of a commercial fertilizer, soil conditioner, or agricultural liming material, the last person in possession before distribution to a nonlicensee or to a nonregistrant shall be responsible for reporting the tonnage and paying the inspection fee, unless the report and payment has been made by a prior distributor.

Section 69. Each person who sells, offers or exposes for sale any commercial fertilizer, soil conditioner, or agricultural liming material shall on or before January first and July first of each year file with the commissioner, along with the inspection fee, a statement in such form as he prescribes setting forth the number of net tons of each grade of fertilizer, each registered soil conditioner, and each agricultural liming material, and county in which it was distributed or sold by him to nonlicensees or to nonregistrants in the commonwealth during the preceding six months, together with the permit allowing the commissioner or his authorized deputy to examine the books of the person filing the statement for the purpose of verifying the same. No information furnished the commissioner under this section shall be disclosed in such a way as to divulge the operation of any person.

Section 70. Each commercial fertilizer and brand of commercial fertilizer and each soil conditioner and agricultural liming material sold or offered or exposed for sale shall be subject to analysis by the commissioner or his duly designated deputy. The commissioner shall cause to be made each year one or more analysis of said

materials sold or exposed for sale in the commonwealth, and he, his inspectors and deputies may enter upon any premises where such material is sold or offered or exposed for sale and take samples for analysis. Analysis for all fertilizers shall be made by the methods adopted by the Association of Official Analytical Chemists. The said commissioner may publish or cause to be published reports and bulletins, special circulars or otherwise to show the results obtained by chemical analysis, said publications shall contain such additional information in relation to the character, composition, value, and use of the fertilizer analyzed as the commissioner sees fit to include. The results of any analysis made shall be sent by the commissioner to the person named in the printed label of the fertilizer analyzed, at least fifteen days prior to publication of any such results.

Section 71. If the analysis shall show that a commercial fertilizer is deficient (1) in one or more of its guaranteed primary plant foods (NPK) beyond the investigational allowances as established by regulation or (2) if the overall index value of the fertilizer is below the level established by regulations, a penalty of two times the commercial value of such deficiencies shall be assessed and paid to the consumer of the lot of commercial fertilizer represented by the sample analyzed within three months after the date of notice from the commissioner to the registrant or licensee, receipts taken therefor and promptly forwarded to the commissioner. If said consumer cannot be found, the amount of the penalty shall be paid to the treasury of the commonwealth. When a commercial fertilizer is subject to a penalty under clauses (1) and (2) the larger penalty shall apply. Deficiencies beyond the investigational allowances in any other constituent which the registrant is required to or may guarantee shall be evaluated and penalties prescribed therefor by the commissioner.

Section 72. If any commercial fertilizer, soil conditioner, or agricultural liming material in the possession of the consumer is found by the commissioner to be short in weight, the licensee or registrant of said product shall within thirty days after official notice from the commissioner pay to the consumer a penalty equal to four times the value of the actual shortage.

Section 73. The commissioner shall determine and publish annually the values per unit of nitrogen, available phosphoric acid and soluble potash in commercial fertilizers in the commonwealth. The value so published shall be used in determining and assessing penalties.

Section 74. No person shall sell, offer, or expose for sale a commercial fertilizer or brand of commercial fertilizer, soil conditioner, or agricultural liming material if its labeling is false or misleading in any particular way, or it is distributed under the name of another product, or it is not labeled as required in section sixty-six and in accordance with rules and regulations as prescribed in section seventy-five or it purports to be or is represented as a commercial fertilizer, or represented as a plant nutrient or commercial

fertilizer, unless such plant nutrient or commercial fertilizer conforms to the definition of identity, if any, prescribed by regulations.

No person shall sell, offer or expose for sale a commercial fertilizer or brand of commercial fertilizer if it contains any deleterious or harmful ingredient in sufficient amount to render it injurious to beneficial plant life when applied in accordance with directions for use on the label, or if adequate warning statements or directions for use, which may be necessary to protect plant life are not shown on the label, or its composition falls below or differs from that which it is purported to possess by its labeling, or it contains unwanted crop seed or weed seed.

Section 75. The commissioner may prescribe and enforce such rules and regulations as to the sale of commercial fertilizers, soil conditioners, or agricultural liming materials as he deems necessary to enforce sections sixty-four to seventy-eight, inclusive, and may prosecute or cause to be prosecuted any person who violates any provisions of said sections; provided, however, that the effective date of regulations pertaining to "guaranteed analysis" shall be not less than six months following the issuance thereof, and that for a period of two years following the effective date of said regulations the equivalent of phosphorus and potassium may also be shown in the form of phosphoric acid and potash; and, provided further, that after the effective date of a regulation issued under the provisions of this section, requiring that phosphorus and potassium be shown in the elemental form, the guaranteed analysis for nitrogen, phosphorus and potassium shall constitute the grade. Regulations prescribed in this section shall contain the accepted definitions and official fertilizer terms issued by the Association of American Plant Food Control Officials. No complaint based upon analysis of samples shall be made if samples are taken otherwise than as provided in section seventy.

Section 76. The commissioner or his authorized deputy may refuse to issue a certificate for any commercial fertilizer, soil conditioner or liming material, name, brand or trade-mark which is untrue in any particular or which in his opinion would be misleading or deceptive in any particular or would tend to mislead or deceive as to the constituents or properties of said fertilizer. If a certificate is issued for said products and it is afterward discovered that the certificate itself, or the granting of it, or the manner of procuring it, was in any respect in violation of any provision of sections sixty-five to seventy-eight, inclusive, the commissioner may cancel the certificate.

Section 77. Samples for analysis as stipulated in section seventy shall be collected by the commissioner or his duly authorized deputy and shall be delivered to the Massachusetts Agricultural Experiment Station of the University of Massachusetts for analysis according to methods approved by the Association of Official Analytical Chemists or other approved methods.

Section 78. When the commissioner or his deputy has reasonable cause to believe any lot of commercial fertilizer, soil condi-

tioner, or agricultural liming material, is being distributed in violation of any of the provisions of sections sixty-five to seventy-eight, inclusive, or of any of the prescribed regulations promulgated thereunder, he, or his deputy may order, in writing, that it be withheld from sale. The commissioner or his deputy may release the lot of said product, so withdrawn when said provisions and regulations have been complied with. If compliance is not obtained within thirty days, the commissioner or his deputy may begin, or upon request of the distributor shall begin, proceedings for condemnation.

Any lot of commercial fertilizer, soil conditioner, or agricultural liming material not in compliance with said provisions and regulations shall be subject to seizure on complaint of the commissioner or his deputy to a court of competent jurisdiction in the area in which said commercial fertilizer is located. In the event the court finds the said product to be in violation of sections sixty-five to seventy-eight, inclusive, and orders the condemnation of said product, it shall be disposed of in any manner consistent with the quality of the product and the laws of the commonwealth.

Section 79. Whoever sells, offers or exposes for sale any commercial fertilizer or mixture thereof, or any soil conditioner or agricultural liming material, without complying with the requirements of sections sixty-five to seventy-eight, inclusive, applicable thereto, or in violation of any rule or regulation promulgated thereunder, or whoever falsely marks, or labels any such product, or impedes, or obstructs, or hinders the commissioner or any of his duly authorized agents in the discharge of the authority or duties conferred or imposed by any provisions of said section, shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars for the first violation, or not less than one hundred dollars or more than five hundred dollars for a subsequent violation. In all prosecutions involving the composition of a lot of commercial fertilizer, a certified copy of the official analysis signed by the commissioner or his agent shall be accepted as prima facie evidence of the composition.

Section 80. The commissioner or his deputy may publish annually, in such forms as he may deem proper, information concerning the sales of commercial fertilizers, soil conditioners, and agricultural liming materials; together with such data on their production, composition and use as he may consider advisable, and a report of the results of the analyses of official samples of said products sold within the commonwealth as compared with the analyses guaranteed in the registration and on the label; but any information relating to the general business of any applicant or licensee shall be treated by the commissioner as confidential.

Section 81. The commissioner or his representative shall not be required to report for prosecution, or for the institution of seizure proceedings if there are minor violations of the preceding sections when he believes that the public interest will be best served by a suitable notice of warning in writing.

Section 82. The commissioner may prescribe and enforce such rules and regulations relative to the sale of commercial fertilizers, soil conditioners, and agricultural liming materials as he deems necessary to enforce sections sixty-four through eighty-three, inclusive.

Section 83. Nothing in this chapter shall be construed to restrict or avoid sales or exchanges of commercial fertilizers to each other by importers, manufacturers, or manipulators who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of commercial fertilizer to manufacturers or manipulators who have obtained licenses or registrations as required by the provisions of this chapter.

SECTION 7. The provisions of this act shall be deemed to be severable; and in case any section, paragraph or part of this act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair the validity of any other sections, paragraphs or parts of this act.

SECTION 8. All orders, rules and regulations adopted, and licenses, permits and certificates issued by the Department or the University of Massachusetts and in force immediately prior to the effective date of this act, shall continue in force after said effective date unless and until suspended, revised, rescinded, canceled or revoked by the commissioner. Any form approved by the said commissioner or university prior to said effective date may be continued in use after said effective date.

SECTION 9. This act shall take effect on January first, nineteen hundred and seventy-four.

Approved August 9, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, May 15, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 607 of the Acts of 1973, entitled "AN ACT FURTHER REGULATING THE SALE OF COMMERCIAL FERTILIZERS, SOIL CONDITIONERS, AND AGRICULTURAL LIMING MATERIALS," and the enactment of which received my approval on August 9, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is essential to the proper implementation of this Act that the Department of Agriculture conduct hearings on appropriate rules and regulations forthwith.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, August 22, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at three o'clock and twenty-six minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and seven of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 608. AN ACT FURTHER REGULATING THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAYS AND LEGAL HOLIDAYS.

Be it enacted, etc., as follows:

SECTION 1. The second sentence of section 33 of chapter 138 of the General Laws, as amended by chapter 286 of the acts of 1972, is hereby further amended by striking out, in line 1, the word "No" and inserting in place thereof the words: — Except as provided in section thirty-three A, no.

SECTION 2. Said chapter 138 is hereby further amended by inserting after section 33 the following section: —

Section 33A. The local licensing authority of any city or town which accepts this section may authorize licensees under section twelve to sell alcoholic beverages between the hours of one o'clock ante meridian and two o'clock ante meridian and between the hours of eleven o'clock ante meridian and twelve o'clock noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday.

Approved August 9, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, August 9, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 608 of the Acts of 1973, entitled "AN ACT FURTHER REGULATING THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAYS AND LEGAL HOLIDAYS." and the enactment of which received my approval on August 9, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

To enable local licensing authorities to immediately have jurisdiction over the hour changes permitted by this legislation.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, August 10, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at ten o'clock and thirty-one minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and eight of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 609. AN ACT PLACING CERTAIN EMPLOYEES IN GROUP 4 OF THE CONTRIBUTORY RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

The definition of *Group 4* of paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws, as most recently amended by section 2 of chapter 809 of the acts of 1972, is hereby further amended by striking out, in line 30, the words "or assistant deputy superintendent" and inserting in place thereof the words: —, assistant deputy superintendent, supervising identification agent and employees who hold the position of state hospital steward in the department of correction.

Approved August 9, 1973.

Chap. 610. AN ACT PERMITTING CERTAIN CITIES AND TOWNS TO SUBMIT THE QUESTION OF ACCEPTING THE OPERATION, HOLDING OR CONDUCTING OF THE GAME COMMONLY CALLED BEANO TO THE VOTERS THEREOF DURING THE YEARS NINETEEN HUNDRED AND SEVENTY-THREE AND NINETEEN HUNDRED AND SEVENTY-FOUR.

Be it enacted, etc., as follows:

Notwithstanding any provision of section four of chapter four hundred and eighty-six of the acts of nineteen hundred and seventy-one to the contrary, during the years nineteen hundred and seventy-three and nineteen hundred and seventy-four, the city council or the selectmen, as the case may be, of any city or town which has not authorized the operation, holding or conducting of

the game called beano, shall, upon the filing with the city or town clerk of a petition signed by registered voters of such city or town equal in number to at least five per cent of the whole number of registered voters therein and conforming to the provisions of section thirty-eight of chapter forty-three of the General Laws relative to initiative petitions, requesting that the question of licensing the game of beano in such city or town be submitted to the voters thereof, cause to be so submitted at the regular city or town election the following question: — "Shall licenses be granted in this city (or town) for the operation, holding or conducting of a game commonly called beano?"

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes cast in answer to such question is in the affirmative, such city or town shall be taken to have authorized the game called beano until December thirty-first, nineteen hundred and seventy-five, in accordance with the provisions of sections fifty-two and fifty-three of chapter one hundred and forty-seven of the General Laws.

Approved August 9, 1973.

Chap. 611. AN ACT AUTHORIZING THE WATER RESOURCES COMMISSION TO TAKE BY EMINENT DOMAIN, TWO CERTAIN TRACTS OF LAND LOCATED IN THE CITY OF MARLBOROUGH.

Be it enacted, etc., as follows:

The water resources commission, acting for and in behalf of the commonwealth, is hereby authorized to take by eminent domain under chapter seventy-nine of the General Laws or acquire by purchase or otherwise the following described land or easements therein, or both, for the purpose of flood prevention and related purposes, including water resources utilization and other purposes and uses as authorized by chapter twenty-one of the General Laws and chapter six hundred and sixty-nine of the acts of nineteen hundred and sixty, as amended, said land being located in the city of Marlborough and owned by said city and consisting of two tracts of land being bounded and described as follows:

The first tract is situated off the northeasterly side of Boundary Street, being more particularly bounded and described as follows:

Beginning at the southwesterly corner of the parcel herein described at other land of said city;

THENCE RUNNING in a general northerly direction 463.00 feet more or less to a point

THENCE RUNNING N. 25° 31' 30" W., 159.54 feet to a point;

THENCE RUNNING N. 21° 48' 05" E., 323.11 feet to a point;

THENCE RUNNING N. 06° 00' 30" W., 191.05 feet to a point;

THENCE RUNNING N. 68° 19' 10" E., 186.12 feet to a drill hole;

THENCE RUNNING N. 81° 47' 30" E., 66.05 feet to a drill hole;

THENCE RUNNING S. 03° 39' 50" W., by the downstream face of the spillway of Millham Reservoir, 40.84 feet to a drill hole;

THENCE RUNNING S. 03° 56' 01" W., 872.02 feet to a point;

THENCE RUNNING S. 04° 22' 10" W., 293.68 feet to a concrete bound;

THENCE RUNNING N. 82° 11' 50" W., 215.89 feet to the point of beginning.

The above described parcel contains 6.23 acres, more or less, and is a portion of the land conveyed to the city of Marlborough by Ezra W. Chapin in a deed recorded July 19, 1894, Middlesex South District Registry of Deeds, Book 2284, Page 137, also by William H. Mace in a deed recorded April 13, 1894, Middlesex South District Registry of Deeds, Book 2265, Page 522, also by Welcome L. Cook in a deed recorded August 2, 1894, Middlesex South District Registry of Deeds, Book 2293, Page 313.

The second tract is situated off the northeasterly side of Boundary Street and off the southeasterly side of Robin Hill Street, being more particularly bounded and described as follows:

Beginning at the southeasterly corner of the parcel herein described at the centerline of a brook;

THENCE RUNNING in a general northwesterly direction by the centerline of the brook 515 feet, more or less, to the centerline of the Assabet River at land of Leonard B. Himmelman, now or formerly;

THENCE RUNNING by the centerline of the river in a northerly, easterly and northwesterly direction 586 feet, more or less, to land of the Hillside School, Inc., now or formerly;

THENCE RUNNING N. 67° 52' 22" E., 245.00 feet, more or less, to a stone bound;

THENCE RUNNING in the same direction 50.00 feet, more or less, to a stone bound.

THENCE RUNNING S. 42° 49' 05" E., 161.21 feet to a drill hole;

THENCE RUNNING S. 68° 19' 10" W., 186.12 feet to a point;

THENCE RUNNING S. 06° 00' 30" E., 191.05 feet to a point;

THENCE RUNNING S. 21° 48' 05" W., 323.11 feet to a point;

THENCE RUNNING S. 25° 32' 30" E., 159.54 feet to the point of beginning.

The above described parcel contains 4.41 acres, more or less, and is a portion of land conveyed by William H. Mace to the City of Marlborough in a deed recorded April 13, 1894, Middlesex South District Registry of Deeds, Book 2265, Page 522 and by Welcome Cook in a deed recorded August 2, 1894, Middlesex South District Registry of Deeds, Book 2293, Page 313.

Said two tracts of land were acquired by the city of Marlborough through authority granted by chapter three hundred and eighty-six of the acts of eighteen hundred and ninety-two, for additional water supply.

Approved August 9, 1973.

Chap. 612. AN ACT AUTHORIZING THE WATER RESOURCES COMMISSION TO TAKE BY EMINENT DOMAIN CERTAIN LAND OR EASEMENTS LOCATED IN THE CITY OF MARLBOROUGH.

Be it enacted, etc., as follows:

The water resources commission, acting for and in behalf of the commonwealth, is hereby authorized to take by eminent domain under chapter seventy-nine of the General Laws or acquire by purchase or otherwise the following described land or easements therein, or both, for the purpose of flood prevention and related purposes including water resources utilization and other purposes and uses as authorized by chapter twenty-one of the General Laws and chapter six hundred and sixty-nine of the acts of nineteen hundred and sixty, as amended, said land being located in the city of Marlborough and owned by said city and consisting of four tracts and being bounded and described as follows:

The first tract is situated on the northeasterly side of Boundary Street, being more particularly bounded and described as follows:

Beginning at the southeasterly corner of the parcel herein described on the northeasterly side of Boundary Street;

THENCE RUNNING N. 64° 31' 44" W., 57.49 feet to the centerline of the Assabet River;

THENCE RUNNING by the centerline of said river northeasterly 89.8 feet, more or less, to a point;

THENCE RUNNING easterly 43. feet, more or less, to a point;

THENCE RUNNING S. 05° 41' 10" W., 105.79 feet to the point of beginning.

The above described parcel contains 4,900 square feet, more or less, and is a portion of land conveyed to the City of Marlborough by Walter LaBossiere in a deed recorded August 1, 1962, Middlesex South District Registry of Deeds, Book 10091, Page 188, and in an order of taking dated July 16, 1962 and recorded at the Middlesex District Registry of Deeds in Book 10091 Page 186.

The second tract is situated on the northeasterly side of Boundary Street being more particularly bounded and described as follows:

Beginning at the southwesterly corner of the parcel herein described at a point in the northeasterly line of Boundary Street;

THENCE RUNNING N. 05° 41' 10" E., 105.79 feet to a point;

THENCE RUNNING N. 17° 32' 57" E., 200.64 feet to a point;

THENCE RUNNING in a general northeasterly direction, on four courses, by a stone wall, 150.12 feet, more or less, 339.49 feet, more or less, 254.93 feet, more or less, and 18.89 feet, more or less, to a drill hole;

THENCE RUNNING southerly 300.0 feet, more or less, to a point;

THENCE RUNNING S. 62° 34' 50" W., 247.43 feet to a point;

THENCE RUNNING S. 26° 34' 10" W., 201.25 feet to a point;

THENCE RUNNING S. 10° 06' 00" E., 199.43 feet to a point;

THENCE RUNNING S. 41° 47' 00" W., 136.35 feet to a drill

hole on the northeasterly line of Boundary Street;

THENCE RUNNING N. $54^{\circ} 40' 40''$ W., 430.28 feet to the point of beginning.

The above described parcel contains 6.6 acres, more or less, and is a portion of the land conveyed to the City of Marlborough by Walter LaBossiere recorded July 24, 1962, Middlesex South District Registry of Deeds, Book 10091, Page 188, and in an order of taking dated July 16, 1962 and recorded at the Middlesex District Registry of Deeds in Book 10091 Page 185.

The third tract is situated off the northerly line of Boundary Street, being more particularly bounded and described as follows:

Beginning at the southwesterly corner of the parcel herein described;

THENCE RUNNING N. $44^{\circ} 14' 00''$ E., 352.64 feet, more or less to a point;

THENCE RUNNING N. $59^{\circ} 09' 20''$ E. 499.38 feet, more or less to a point;

THENCE RUNNING southerly 163.00 feet, more or less, to a drill hole;

THENCE RUNNING by a stone wall in a general southwesterly direction four courses, 18.89 feet, more or less, 254.93 feet, more or less, 339.49 feet, more or less, and 150.12 feet, more or less, to the point of beginning.

The above described parcel contains 2.15 acres, more or less, and is a portion of the land conveyed to the City of Marlborough by Hillside School Incorporated in a deed recorded August 13, 1963, Middlesex South District Registry of Deeds, Book 10333, Page 456, and in an order of taking dated July 16, 1962 and recorded at the Middlesex District Registry of Deeds in Book 10091 Page 185.

The fourth tract is situated off the northeasterly side of Boundary Street, being more particularly bounded and described as follows:

Beginning at the southwesterly corner of the parcel herein described at the center of Assabet River;

THENCE RUNNING in a general northerly direction by the centerline of the river and land of Leonard B. Himmelman, 1100 feet, more or less, to a point;

THENCE RUNNING southeasterly 515.00 feet, more or less, by a brook to a point;

THENCE RUNNING S. $59^{\circ} 09' 20''$ W., 499.38 feet, more or less to a point;

THENCE RUNNING S. $44^{\circ} 14' 00''$ W., 352.64 feet, more or less to a point;

THENCE RUNNING S. $17^{\circ} 32' 57''$ W., 200.64 feet, more or less, to a point;

THENCE RUNNING northwesterly 43 feet, more or less, to the center of the river and the point of beginning.

The above described parcel contains 4.20 acres, more or less, and is a portion of the land conveyed to the City of Marlborough by Hillside School Inc. in a deed recorded August 13, 1963, Middlesex

South District Registry of Deeds, Book 10333, Page 456, and in an order of taking dated July 16, 1962 and recorded at the Middlesex District Registry of Deeds in Book 10091 Page 185.

Said four tracts of land were taken by the City of Marlborough by virtue of the authority and in the exercise of the powers conferred by chapter two hundred and sixty-seven of the acts of nineteen hundred and fifteen and chapters forty and seventy-nine of the General Laws.

Approved August 9, 1973.

Chap. 613. AN ACT PROVIDING THAT THE MUNICIPAL BUILDINGS INSURANCE FUND MAY BE USED TO REPAIR, REBUILD OR REPLACE MUNICIPAL PROPERTY DAMAGED, DESTROYED OR LOST THROUGH VANDALISM, BURGLARY OR THEFT.

Be it enacted, etc., as follows:

Section 13 of chapter 40 of the General Laws is hereby amended by striking out the first sentence, as amended by chapter 12 of the acts of 1970, and inserting in place thereof the following sentence: — A town which at a meeting, or a city which by its city council accepts this section, or has in like manner accepted corresponding provisions of earlier laws, may appropriate an amount not exceeding in any one year one twentieth of one per cent of its equalized valuation as defined in section one of chapter forty-four to establish and maintain a municipal buildings insurance fund from which any municipal buildings or other municipal property damaged or destroyed or lost by fire, lightning, vandalism, burglary, theft or otherwise, may be repaired, rebuilt or replaced by other buildings or property to be used in place thereof; but no money shall be appropriated for such purpose while the fund equals or exceeds one per cent of such equalized valuation.

Approved August 9, 1973.

Chap. 614. AN ACT AUTHORIZING THE TOWN OF NORTH ATTLEBOROUGH TO USE FOR TOWN PURPOSES CERTAIN LAND HELD BY SAID TOWN FOR PARK PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of North Attleborough is hereby authorized to use for the purpose of constructing a town hall and other purposes incidental thereto certain land now held by said town for park purposes and being known as Barrows park, bounded and described as follows: — A certain tract of land lying on the easterly side of Washington Street in said town and bounded and described as follows viz; Beginning at a point on the easterly line of said Washington Street one hundred and thirteen and six tenths (113.6-10) feet northerly of a stone bound at the angle in said easterly line of said Washington Street, thence running easterly by

land of Henry F. Barrows one hundred and thirty-two (132) feet to a stone bound at an angle in land of the Attleborough Branch R.R. Co. thence turning and running northerly by land of said Railroad Co. two hundred and thirty three and seven tenths (233.7-10) feet to a stone bound, thence deflecting to the left at an angle of 94° 11' and running westerly one hundred and thirty eight and seventy four one hundredths (138.74-100) feet, to the easterly line of said Washington Street, thence running southerly by said easterly line of said Washington Street, two hundred and thirty and thirty-two one hundredths (230.32-100) feet to the point of beginning.

SECTION 2. The land so described in section one and known as Barrows Park shall revert to its use for park purposes if said land has not been used for the construction of a town hall or for other purposes incidental thereto within three years of the passage of this act.

Approved August 9, 1973.

Chap. 615. AN ACT AUTHORIZING THE CITY OF WORCESTER TO APPROPRIATE AND PAY A CERTAIN SUM OF MONEY TO LAWRENCE H. HOULE.

Be it enacted, etc., as follows:

SECTION 1. The city of Worcester is hereby authorized to appropriate and pay to Lawrence H. Houle the sum of sixty dollars as reimbursement for the expenses incurred by him as an assistant principal in the Worcester public schools in attending the conference of the National Association of Secondary School Assistant Principals in the city of Boston on December tenth and eleventh, nineteen hundred and seventy-two.

SECTION 2. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said city auditor, itemizing the said expenses and stating under the penalties of perjury that the same were actually incurred by the said Lawrence H. Houle in connection with his attendance at the said conference. Any person who knowingly files any such certificate which is false, and who thereby receives payment for expenses not actually incurred, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars or both.

Approved August 9, 1973.

Chap. 616. AN ACT DESIGNATING THE SKATING RINK CONSTRUCTED BY THE DEPARTMENT OF NATURAL RESOURCES IN THE TOWN OF FRANKLIN AS THE VETERANS MEMORIAL RINK.

Be it enacted, etc., as follows:

The skating rink constructed by the department of natural

resources in the town of Franklin shall be designated and known as the Veterans Memorial rink. A suitable marker bearing said designation shall be erected at said skating rink by said department.

Approved August 9, 1973.

Chap. 617. AN ACT AUTHORIZING THE CITY OF LAWRENCE TO PAY DIRECTLY TO CERTAIN EMPLOYEES OF ITS POLICE DEPARTMENT A UNIFORM ALLOWANCE.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, the city council of the city of Lawrence may, by ordinance, provide for the payment of a uniform allowance directly to those employees of its police department who are entitled to such allowance.

Approved August 9, 1973.

Chap. 618. AN ACT IMPOSING A PENALTY FOR THE COMMISSION OF A FELONY FOR HIRE.

Be it enacted, etc., as follows:

Chapter 265 of the General Laws is hereby amended by inserting after section 13E the following section: —

Section 13F. Whoever, for the payment of consideration or for the promise of the payment of such consideration, commits a felony, shall be punished by imprisonment in the state prison for not more than five years. The punishment imposed by this section shall be in addition to the punishment provided by law for the commission of a felony so committed.

Approved August 9, 1973.

Chap. 619. AN ACT ESTABLISHING THREE-YEAR TERMS FOR MEMBERS OF THE PLANNING BOARD OF THE TOWN OF NORFOLK.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section eighty-one A of chapter forty-one of the General Laws or any other general or special law to the contrary, the members of the planning board of the town of Norfolk shall be elected for terms of three years each.

Upon the expiration of the term of each member currently serving on said planning board, his successor shall be elected for a term of three years.

Approved August 9, 1973.

Chap. 620. AN ACT PROHIBITING EMPLOYERS FROM SUBJECTING APPLICANTS FOR EMPLOYMENT AS POLICE OFFICERS TO LIE DETECTOR TESTS.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by striking out section 19B, as amended by chapter 797 of the acts of 1963, and inserting in place thereof the following section: —

Section 19B. Any employer who subjects any person employed by him, or any person applying for employment, including any person applying for employment as a police officer, to a lie detector test, or requests, directly or indirectly, any such employee or applicant to take a lie detector test, shall be punished by a fine of not more than two hundred dollars. This section shall not apply to lie detector tests administered by law enforcement agencies as may be otherwise permitted in criminal investigations.

Approved August 9, 1973.

Chap. 621. AN ACT ALLOWING FOR A MOMENT OF MEDITATION FOR SCHOOL PRAYER IN THE PUBLIC SCHOOLS.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by striking out section 1A, inserted by chapter 130 of the acts of 1966, and inserting in place thereof the following section: —

Section 1A. At the commencement of the first class of each day in all grades in all public schools the teacher in charge of the room in which each such class is held shall announce that a period of silence not to exceed one minute in duration shall be observed for meditation or prayer, and during any such period silence shall be maintained and no activities engaged in.

(This Bill, returned by the Governor, to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, August 7, 1973, and, in concurrence, by the Senate, August 8, 1973, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law".)

Chap. 622. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL PERIOD FROM JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR, FOR THE MAINTENANCE OF WORCESTER COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Worcester county, its departments, boards, commissions and institutions, of

sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four.

WORCESTER COUNTY.

Item	Subtotal	Total
1. For interest on county debt		\$778,742 00
2. For reduction of county debt		1,940,000 00
3. For county commissioners, salaries and expenses		115,911 20
1. Personal services	\$108,916 20	
2. Contractual services	1,100 00	
3. Supplies and materials	3,500 00	
4. Current charges and obligations	2,195 00	
5. Equipment	200 00	
4. For transportation and expenses of county and acting commissioners		5,078 00
5. For clerk of courts, salaries and expenses		612,780 60
1. Personal services	588,795 60	
2. Contractual services	10,080 00	
3. Supplies and materials	9,950 00	
4. Current charges and obligations	2,295 00	
5. Equipment	1,660 00	
6. For county treasurer, salaries and expenses		220,723 45
1. Personal services	188,008 45	
2. Contractual services	9,900 00	
3. Supplies and materials	10,525 00	
4. Current charges and obligations	11,990 00	
5. Equipment	300 00	
7. For sheriff, salary and expenses		31,588 90
1. Personal services	28,093 90	
2. Contractual services	750 00	
3. Supplies and materials	1,475 00	
4. Current charges and obligations	1,270 00	
8. For registry of deeds, salaries and expenses		
Worcester District		832,806 05
1. Personal services	632,309 05	
2. Contractual services	83,465 00	
3. Supplies and materials	49,671 00	
4. Current charges and obligations	11,666 00	
5. Equipment	45,695 00	
Northern District		148,001 56
1. Personal services	130,699 56	
2. Contractual services	9,922 00	
3. Supplies and materials	4,325 00	
4. Current charges and obligations	3,055 00	
8a. For registry of probate, salaries and expenses		40,925 00
2. Contractual services	12,560 00	
3. Supplies and materials	16,210 00	
4. Current charges and obligations	5,770 00	
5. Equipment	6,385 00	

Item	Subtotal	Total
9. For law library, salaries and expenses		
Worcester		\$85,684 20
1. Personal services	\$49,024 20	
2. Contractual services	2,530 00	
3. Supplies and materials	1,300 00	
4. Current charges and obligations	32,200 00	
5. Equipment	630 00	
Fitchburg		24,123 30
1. Personal services	13,183 30	
2. Contractual services	280 00	
3. Supplies and materials	95 00	
4. Current charges and obligations	10,565 00	
10. For highways, including state highways, bridges and land damages		1,374,299 80
1. Personal services	624,474 80	
2. Contractual services	4,600 00	
3. Supplies and materials	11,125 00	
4. Current charges and obligations	4,330 00	—
5. Equipment	4,660 00	
6. All other	725,110 00	
12. For superior court costs		1,625,525 94
1. Personal services	771,446 14	
2. Contractual services	832,680 00	
3. Supplies and materials	12,751 50	
4. Current charges and obligations	6,555 00	
5. Equipment	2,093 30	
13. For civil expenses in probate court		59,321 80
1. Personal services	28,636 80	
2. Contractual services	19,115 00	
3. Supplies and materials	1,500 00	
4. Current charges and obligations	4,625 00	
5. Equipment	5,445 00	
14. For district courts, salaries and expenses		
Central District Court of Worcester		1,229,620 34
1. Personal services	1,152,619 54	
2. Contractual services	14,035 00	
3. Supplies and materials	51,498 00	
4. Current charges and obligations	6,753 00	
5. Equipment	4,714 80	
District Court of Fitchburg		331,606 92
1. Personal services	304,396 92	
2. Contractual services	9,940 00	
3. Supplies and materials	10,310 00	
4. Current charges and obligations	5,500 00	
5. Equipment	1,460 00	
District Court of Leominster		137,108 89
1. Personal services	118,598 89	
2. Contractual services	4,650 00	
3. Supplies and materials	6,980 00	
4. Current charges and obligations	5,415 00	
5. Equipment	1,465 00	
District Court of Winchendon		70,481 42
1. Personal services	63,061 42	
2. Contractual services	1,315 00	
3. Supplies and materials	1,715 00	
4. Current charges and obligations	3,890 00	
5. Equipment	500 00	

Item	Subtotal	Total
First District Court of Northern Worcester		\$369,836 69
1. Personal services	\$324,356 69	
2. Contractual services	10,435 00	
3. Supplies and materials	11,320 00	
4. Current charges and obligations	19,837 00	
5. Equipment	3,888 00	
First District Court of Eastern Worcester		401,756 58
1. Personal services	379,484 58	
2. Contractual services	10,425 00	
3. Supplies and materials	9,540 00	
4. Current charges and obligations	2,307 00	
Second District Court of Eastern Worcester		207,930 88
1. Personal services	194,155 88	
2. Contractual services	5,300 00	
3. Supplies and materials	6,200 00	
4. Current charges and obligations	1,400 00	
5. Equipment	875 00	
First District Court of Southern Worcester		275,798 63
1. Personal services	251,907 63	
2. Contractual services	10,801 00	
3. Supplies and materials	10,850 00	
4. Current charges and obligations	2,161 00	
5. Equipment	79 00	
Second District Court of Southern Worcester		192,242 30
1. Personal services	181,828 30	
2. Contractual services	4,185 00	
3. Supplies and materials	4,825 00	
4. Current charges and obligations	1,404 00	
Third District Court of Southern Worcester		213,103 24
1. Personal services	188,828 24	
2. Contractual services	6,025 00	
3. Supplies and materials	10,250 00	
4. Current charges and obligations	3,200 00	
5. Equipment	4,800 00	
District Court of Western Worcester		114,889 66
1. Personal services	99,447 66	
2. Contractual services	2,915 00	
3. Supplies and materials	5,175 00	
4. Current charges and obligations	6,102 00	
5. Equipment	1,250 00	
District Court — Worcester Juvenile Court		511,196 55
1. Personal services	415,174 55	
2. Contractual services	21,125 00	
3. Supplies and materials	8,695 00	
4. Current charges and obligations	57,453 00	
5. Equipment	749 00	
6. All other	8,000 00	
District Court — Northern Juvenile District		173,618 81
1. Personal services	158,874 81	
2. Contractual services	11,975 00	
3. Supplies and materials	1,825 00	
4. Current charges and obligations	410 00	
5. Equipment	534 00	
District Court — Southern Juvenile District		154,423 63
1. Personal services	143,428 63	
2. Contractual services	8,400 00	
3. Supplies and materials	1,450 00	
4. Current charges and obligations	120 00	
5. Equipment	1,025 00	

Item	Subtotal	Total
District Court — Appellate Division		\$605 00
1. Personal services	\$400 00	
2. Contractual services	105 00	
3. Supplies and materials	100 00	
15. For medical examiners and commitments of insane		85,600 00
16. For jail and house of correction, maintenance and operation		477,038 00
1. Personal services	Revenue Sharing	
2. Contractual services	100,000 00	
3. Supplies and materials	300,000 00	
4. Current charges and obligations	30,485 00	
5. Equipment	45,553 00	
6. All other	1,000 00	
18. For court houses and registry buildings, maintenance and operation		1,156,556 65
1. Personal services	712,528 05	
2. Contractual services	279,970 00	
3. Supplies and materials	100,826 00	
4. Current charges and obligations	7,045 00	
5. Equipment	47,187 60	
6. All other	9,000 00	
18a. For bindery department		37,345 00
20. For agricultural school or county cooperative extension service		320,758 98
1. Personal services	287,711 98	
2. Contractual services	18,110 00	
3. Supplies and materials	12,817 00	
4. Current charges and obligations	1,905 00	
5. Equipment	215 00	
21. For state reservation, maintenance and operation (Purgatory Chasm)		46,745 00
1. Personal services	38,118 00	
2. Contractual services	1,045 00	
3. Supplies and materials	2,770 00	
4. Current charges and obligations	812 00	
6. All other	4,000 00	
24. For noncontributory pensions		330,450 00
25. For contributory retirement system and supervisory expenses		739,395 55
26. For miscellaneous and contingent expenses		172,096 62
27. For unpaid bills of previous years		76,044 92
27a. For legal overdrafts		16,475 66
28. For reserve fund		100,000 00
28d. For reserve for counsel for indigent defendants		75,000 00
29. For advertising recreational, industrial and agricultural advantages of the county		112,500 00
31. For radio system for fire protection		2,250 00
36. For Dutch elm disease		18,000 00
39. For group insurance		496,600 00
Total amount of appropriations		\$16,542,587 72
Less estimated amount available for reduction of county tax		2,272,422 81

Item	Subtotal	Total
And the county commissioners of Worcester county are hereby authorized to levy as the county tax of said county for said fiscal period, in the manner provided by law, the sum of		\$14,270,164 91

SECTION 2. This act shall take effect upon its passage.

Approved August 13, 1973.

Chap. 623. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL PERIOD FROM JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR, FOR THE MAINTENANCE OF MIDDLESEX COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Middlesex county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four.

MIDDLESEX COUNTY.

Item	Subtotal	Total
1. For interest on county debt		\$3,083,005 17
2. For reduction of county debt		4,595,676 46
3. For county commissioners, salaries and expenses		561,803 55
1. Personal services	\$534,138 55	
2. Contractual services	10,465 00	
3. Supplies and materials	11,200 00	
4. Current charges and obligations	6,000 00	
4. For transportation and expenses of county and acting commissioners		1,600 00
5. For clerk of courts, salaries and expenses		1,322,146 84
1. Personal services	1,236,661 84	
2. Contractual services	26,430 00	
3. Supplies and materials	44,450 00	
4. Current charges and obligations	14,030 00	
5. Equipment	575 00	
6. For county treasurer, salaries and expenses		283,277 72
1. Personal services	248,693 62	
2. Contractual services	13,844 00	

Item	Subtotal	Total
3. Supplies and materials	\$12,555 00	
4. Current charges and obligations	8,185 10	
7. For sheriff, salary and expenses		\$31,924 90
1. Personal services	30,074 90	
2. Contractual services	300 00	
3. Supplies and materials	1,100 00	
4. Current charges and obligations	450 00	
8. For registry of deeds, salaries and expenses		
Northern District		503,193 79
1. Personal services	469,362 99	
2. Contractual services	20,235 00	
3. Supplies and materials	6,674 80	
4. Current charges and obligations	6,251 00	
5. Equipment	670 00	
Southern District		2,179,272 28
1. Personal services	2,003,564 88	
2. Contractual services	31,025 00	
3. Supplies and materials	65,550 00	
4. Current charges and obligations	59,812 40	
5. Equipment	19,320 00	
8a. For registry of probate, salaries and expenses		53,265 00
2. Contractual services	13,775 00	
3. Supplies and materials	35,650 00	
4. Current charges and obligations	3,840 00	
9. For law library, salaries and expenses		
Cambridge		94,735 05
1. Personal services	48,220 05	
2. Contractual services	215 00	
3. Supplies and materials	1,180 00	
4. Current charges and obligations	45,120 00	
Lowell		69,284 37
1. Personal services	38,294 30	
2. Contractual services	569 71	
3. Supplies and materials	160 00	
4. Current charges and obligations	30,120 00	
5. Equipment	140 36	
10. For highways, including state highways, bridges and land damages		2,277,608 93
1. Personal services	1,404,248 93	
2. Contractual services	40,970 00	
3. Supplies and materials	21,785 00	
4. Current charges and obligations	805 00	
5. Equipment	4,500 00	
6. All other	805,300 00	
12. For superior court costs		3,377,216 86
1. Personal services	1,618,645 16	
2. Contractual services	1,735,901 70	
3. Supplies and materials	13,685 00	
4. Current charges and obligations	8,290 00	
5. Equipment	695 00	
13. For civil expenses in probate court		204,195 95
1. Personal services	128,948 95	
2. Contractual services	67,475 00	
3. Supplies and materials	3,900 00	
4. Current charges and obligations	2,460 00	
5. Equipment	1,412 00	

Item	Subtotal	Total
14. For district courts, salaries and expenses		
District Court of Lowell		\$1,112,806 95
1. Personal services	\$1,023,784 95	
2. Contractual services	33,100 00	
3. Supplies and materials	50,700 00	
4. Current charges and obligations	4,840 00	
5. Equipment	382 00	
District Court of Somerville		1,009,134 46
1. Personal services	948,282 21	
2. Contractual services	32,175 00	
3. Supplies and materials	20,685 00	
4. Current charges and obligations	7,462 25	
5. Equipment	530 00	
District Court of Newton		530,167 77
1. Personal services	476,367 77	
2. Contractual services	30,000 00	
3. Supplies and materials	13,325 00	
4. Current charges and obligations	9,150 00	
5. Equipment	1,325 00	
District Court of Marlborough		339,577 94
1. Personal services	296,927 09	
2. Contractual services	10,024 00	
3. Supplies and materials	15,025 00	
4. Current charges and obligations	1,687 85	
5. Equipment	914 00	
6. All other	15,000 00	
District Court of Natick		220,340 90
1. Personal services	195,528 90	
2. Contractual services	7,300 00	
3. Supplies and materials	3,925 00	
4. Current charges and obligations	13,307 00	
5. Equipment	280 00	
First District Court of Eastern Middlesex		892,188 27
1. Personal services	828,455 27	
2. Contractual services	40,145 00	
3. Supplies and materials	17,325 00	
4. Current charges and obligations	5,763 00	
5. Equipment	500 00	
Second District Court of Eastern Middlesex		554,597 89
1. Personal services	513,787 69	
2. Contractual services	26,575 00	
3. Supplies and materials	8,635 00	
4. Current charges and obligations	4,636 00	
5. Equipment	964 20	
Third District Court of Eastern Middlesex		1,781,765 53
1. Personal services	1,673,126 33	
2. Contractual services	20,835 00	
3. Supplies and materials	77,856 20	
4. Current charges and obligations	8,513 00	
5. Equipment	1,435 00	
Fourth District Court of Eastern Middlesex		836,370 72
1. Personal services	784,974 72	
2. Contractual services	28,475 00	
3. Supplies and materials	14,100 00	
4. Current charges and obligations	6,571 00	
5. Equipment	2,250 00	
First District Court of Northern Middlesex		472,566 94
1. Personal services	442,663 14	

Item	Subtotal	Total
2. Contractual services	\$18,300 00	
3. Supplies and materials	9,575 00	
4. Current charges and obligations	2,028 80	
First District Court of Southern Middlesex		\$931,962 65
1. Personal services	860,482 65	
2. Contractual services	39,800 00	
3. Supplies and materials	16,950 00	
4. Current charges and obligations	8,575 00	
5. Equipment	6,155 00	
District Court of Central Middlesex		603,919 75
1. Personal services	560,414 75	
2. Contractual services	29,440 00	
3. Supplies and materials	10,660 00	
4. Current charges and obligations	3,405 00	
District Court — Juvenile Division		414,174 52
1. Personal services	388,257 92	
2. Contractual services	19,700 00	
3. Supplies and materials	3,300 00	
4. Current charges and obligations	2,276 60	
5. Equipment	640 00	
District Court — Appellate Division		9,148 40
1. Personal services	8,473 40	
2. Contractual services	227 00	
3. Supplies and materials	208 00	
4. Current charges and obligations	240 00	
15. For medical examiners and commitments of insane		211,000 00
16. For jail and house of correction, maintenance and operation — Billerica		244,323 00
1. Personal services	Revenue Sharing	
2. Contractual services	135,730 00	
3. Supplies and materials	Revenue Sharing	
4. Current charges and obligations	79,980 00	
5. Equipment	15,613 00	
6. All other	13,000 00	
16. For jail and house of correction, maintenance and operation — Cambridge		
1. Personal services	Revenue Sharing	
17. For training school		475,408 18
1. Personal services	351,742 97	
2. Contractual services	36,600 00	
3. Supplies and materials	18,913 71	
4. Current charges and obligations	29,456 50	
5. Equipment	597 00	
6. All other	38,098 00	
18. For court houses and registry buildings, maintenance and operation		3,422,117 77
1. Personal services	2,473,511 77	
2. Contractual services	707,150 00	
3. Supplies and materials	84,650 00	
4. Current charges and obligations	152,552 00	
5. Equipment	4,254 00	
20. For agricultural school or county cooperative extension service		353,411 54
1. Personal services	329,111 54	
2. Contractual services	19,000 00	
3. Supplies and materials	4,400 00	
4. Current charges and obligations	900 00	

Item	Subtotal	Total
21. For state reservation, maintenance and operation (Walden Pond)		\$153,363 81
1. Personal services	\$139,312 81	
2. Contractual services	3,700 00	
3. Supplies and materials	4,500 00	
4. Current charges and obligations	950 00	
6. All other	5,000 00	
24. For noncontributory pensions		564,242 00
25. For contributory retirement system and supervisory expenses		1,496,221 35
26. For miscellaneous and contingent expenses		270,138 00
27. For unpaid bills of previous years		285,361 06
28. For reserve fund		125,000 00
28d. For reserve for counsel for indigent defendants		360,000 00
39. For group insurance		1,115,329 31
Total amount of appropriations		\$37,422,845 58
Less estimated amount available for reduction of county tax		5,557,240 07
And the county commissioners of Middlesex county are hereby authorized to levy as the county tax of said county for said fiscal period, in the manner provided by law, the sum of		\$31,865,605 51

SECTION 2. This act shall take effect upon its passage.

Approved August 13, 1973.

Chap. 624. AN ACT FURTHER REGULATING THE PENALTY FOR THE CRIME OF RECEIVING STOLEN PROPERTY.

Be it enacted, etc., as follows:

Section 60 of chapter 266 of the General Laws, as most recently amended by chapter 681 of the acts of 1971, is hereby further amended by inserting after the word "years", in line 12, the words: — , or by imprisonment in a jail or house of correction for not more than two and one-half years.

Approved August 13, 1973.

Chap. 625. AN ACT PROTECTING MECHANICS AND APPRENTICES, TEAMSTERS, CHAUFFEURS AND LABORERS FROM THE PAYMENT OF SUBSTANDARD RATES IN FURNISHING SERVICES ON PUBLIC WORKS.

Be it enacted, etc., as follows:

SECTION 1. Section 27 of chapter 149 of the General Laws is hereby amended by striking out the first sentence, as amended by section 4 of chapter 296 of the acts of 1967, and inserting in place thereof the following sentence: — The commissioner shall prepare, for the use of such public officials or public bodies whose duty it

shall be to cause public works to be constructed, a list of the several jobs usually performed on various types of public works upon which mechanics and apprentices, teamsters, chauffeurs and laborers are employed, including the transportation of gravel or fill to the site of said public works or the removal of surplus gravel or fill from such site.

SECTION 2. Said section 27 of said chapter 149 is hereby further amended by inserting after the third sentence the following sentence: — Said rates shall apply to all persons engaged in transporting gravel or fill to the site of said public works or removing gravel or fill from such site, regardless of whether such persons are employed by a contractor or subcontractor or are independent contractors or owner-operators. *Approved August 13, 1973.*

Chap. 626. AN ACT AUTHORIZING THE ADJUTANT GENERAL TO CONVEY CERTAIN LAND OF THE COMMONWEALTH LOCATED IN THE CITY OF GLOUCESTER TO SAID CITY.

Be it enacted, etc., as follows:

The adjutant general, on behalf of the commonwealth, is hereby authorized and directed to convey to the city of Gloucester a certain parcel of land situated on the northerly side of Poplar street in said city and bounded and described more particularly as follows:

Beginning at the Northeasterly corner of the granted premises at an iron rod and running South $01^{\circ} 10' 20''$ E by other land of the City of Gloucester, a distance of 73.45 feet to a stone bound at Poplar Street; thence turning and running South $77^{\circ} 27' 20''$ W by Poplar Street a distance of 181.31 feet to a stone bound; thence turning and running South $71^{\circ} 08' 50''$ W along Poplar Street, a distance of 90.85 Feet to a point at a stone wall; thence turning and running N $13^{\circ} 07' 30''$ W and by property now or formerly of G. Carol Grant, a distance of 90 feet to a point; thence turning and running North $79^{\circ} 03' 10''$ E by the creek and marsh, a distance of 287.11 feet to the point of beginning.

Containing approximately 21,710 square feet.

The aforementioned described property is conveyed subject to two 12-ft. drainage easements running across said property from Poplar Street to the marsh and creek.

The aforementioned property and easements are shown as Lot A on Plan of Land belonging to the Commonwealth of Massachusetts in the City of Gloucester dated July 27, 1960 drawn by Henry J. Lasley, City Engineer. Being the same land conveyed to the commonwealth by said city by deed dated September first, nineteen hundred and sixty. *Approved August 13, 1973.*

Chap. 627. AN ACT INCREASING THE MAXIMUM FINE WHICH A CITY OR TOWN MAY ESTABLISH FOR A VIOLATION OF THE DOG CONTROL LAW.

Be it enacted, etc., as follows:

The first paragraph of section 173A of chapter 140 of the General Laws is hereby amended by striking out the fourth sentence, as amended by chapter 526 of the acts of 1971, and inserting in place thereof the following sentence: — Notwithstanding the foregoing procedure and schedule of fines and subject, however, to all of the other provisions of this section, a city or town may, by ordinance or by-law, provide for an alternative procedure and a different schedule of fines; provided, however, that no new schedule of fines shall contain a fine in excess of twenty-five dollars.

Approved August 13, 1973.

Chap. 628. AN ACT ESTABLISHING THE MUMFORD RIVER VALLEY REGIONAL REFUSE DISPOSAL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The towns of Douglas, Blackstone, Millville, Mendon, Hopedale, Northbridge, Sutton and Uxbridge, by vote in a town meeting, may, subject to conditions hereinafter enumerated, create a regional refuse disposal district which shall be a body corporate and be known as the Mumford River Valley Regional Refuse Disposal District, hereinafter called the district. There shall be no limit of time upon the date of acceptance of the provisions of this act.

After the initial organization of the board as set out in section two, additional eligible members shall require a majority vote of the board in order to become participating members.

SECTION 2. The district shall be under the management and control of a board which is hereby created and shall be known as the Mumford River Valley Regional Refuse Disposal Board, hereinafter called the board.

The board shall consist of members from and representing each town that has voted to accept the provisions of this act and is a member of the district. Membership shall be determined on the basis of population as follows: one board member for each five thousand inhabitants, or fraction thereof exceeding two thousand five hundred inhabitants, according to the most recent federal census. Official actions shall require an affirmative vote of at least three fourths of the board members.

The members of the board shall be appointed by the board of selectmen in accordance with each community's applicable provisions of law. Members appointed to the board shall be residents of the area which they represent and may be municipal employees. Members of the board shall be appointed by the legal appointing authorities as follows: the first representative from any member community will be appointed for a term of three years, the second, if required, for a term of two years, the third, if required, for a term of one year. Additional representatives, if required, will be

appointed for terms of three years. Each member shall serve until the qualification of a successor.

SECTION 3. The board shall appoint and determine the compensation of an engineer director who shall administer the affairs and direct the engineering work of the district as approved by the board. The board shall set forth the powers and duties of the engineer director in its by-laws. The engineer director may, upon approval of the board, enter into contracts for professional or construction services to be provided to the district by private contractors. The engineer director shall be skilled in sanitary engineering practice and a registered professional engineer, as defined by section eighty-one D of chapter one hundred and twelve of the General Laws; provided, however, that a person eligible for registration under the provisions of said section eighty-one D may be appointed acting engineer director and may serve in that capacity.

SECTION 4. The district shall have a seal consisting of a circular die bearing the words "Commonwealth of Massachusetts, Mumford River Valley Regional Refuse Disposal District, 19—", which seal may be used whenever deemed advisable by the board on papers and documents issued or executed by the board or by any officer or employee designated by the board.

SECTION 5. The board shall prepare and adopt by-laws describing and stipulating its organization and operations. The board members shall meet annually in the month of April and select a chairman, vice chairman, and secretary from among the membership who shall act as an executive committee. The chairman, vice chairman and secretary of the board may receive compensation from the district, which shall not exceed five hundred dollars per year. Board members may be reimbursed for actual expenses incurred in performance of their duties on approval of the board.

The board may appoint and may at its pleasure remove a treasurer and a clerk, who shall not be members of the board. Both offices, if the board deems it advisable, may be held by the same person. The treasurer shall give to the board a bond payable to the district with a surety company authorized to transact business within the commonwealth and satisfactory to the board as surety in such sums as the board may prescribe and conditioned on the faithful performance of his duties. The duties of the treasurer and clerk shall be those usually appertaining to said offices, respectively, and in addition such as may from time to time be prescribed by the board. The compensation of the treasurer and of the clerk shall be determined by the board. The board may retain legal counsel for any and all appropriate purposes.

The engineer director, with the approval of the board, shall from time to time appoint or employ such other engineers and such experts, agents, officers, clerks, and other employees as he deems necessary and shall determine their duties. The salaries or compensation of all persons appointed or employed under authority of this section shall be determined by the board and together with other

expenses shall be paid by the district and shall be considered a part of the expense of maintenance of the district.

The board shall establish an office in which its business may be conducted and at which maps, plans, documents, records, and other paper relating to its business, land and other works and property in its charge shall be kept.

It shall at all times keep full and accurate accounts of its receipts, expenditures, disbursements, assets and liabilities, which shall be open at all times to inspection by the towns who are members of the district or by any officer or duly appointed agent of the commonwealth.

The board shall make a report each year of its activities for the preceding year and shall, prior to February first, submit a copy to the state auditor and to the participating towns. The report shall also be submitted to the department of public health and the Central Massachusetts Regional Planning Commission.

SECTION 6. Said board, acting for and on behalf of said district, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any lands, property, rights-of-way or easements, public or private in said district, necessary for accomplishing any of the purposes of this act.

The board, acting for the district, shall purchase, construct, maintain and operate such incinerators, sanitary landfills, necessary equipment or any other facilities as may be required for disposing of refuse and other solid wastes of said towns. For such purposes the board may make such contracts or requirements as it may deem necessary. No works shall be constructed until plans have been approved by the local board of health, under the provisions of section one hundred and fifty A of chapter one hundred and eleven of the General Laws. Any construction, reconstruction, or extension of disposal facilities and other works shall be referred to the Central Massachusetts Regional Planning Commission for an advisory opinion as to the proposed facilities relationship to regional and intercommunity consideration and to its coordination with existing local and regional proposals.

No land may be purchased or otherwise acquired as a site for the disposal of refuse and other solid wastes without the approval of the local board of health and the department of public health.

The board may sell by negotiation to the participating members of the district any property, including land, acquired by it hereunder and which in its opinion is no longer needed in the performance of the powers and duties conferred and imposed on it by this act; provided however, that any land is first made available to the town in which it is located, and in the case of machinery, members shall have a priority of bid purchase at a reasonable price. The board also may from time to time lease any property which in its opinion is not then needed by it for the purposes of this act. The board may enter upon any lands for the purposes of making surveys, borings, and may take by eminent domain under said chapter seventy-nine, or acquire by purchase or otherwise, the right

to occupy any land necessary for the carrying out of the said purposes.

SECTION 7. The board shall prevent the discharge into the disposal facilities of substances which may damage or interfere with its maintenance or operation. The board shall, for the proper and reasonable operation of its works, make regulations as to the quantity and character of any refuse or other solid wastes discharged into any disposal facility under its control. The board may prohibit discharge into facilities under its control of certain unique industrial refuse and solid wastes if the board determines such refuse and solid wastes may interfere or damage the disposal facility or interfere with its maintenance or operation. The responsibility for disposal of such unique wastes or for their modification to allow disposal in district facilities shall rest with the producers thereof.

SECTION 8. No lands, rights-of-way or other easements, property, structures, or rights acquired by the district, as herein provided, and located in any town included in the district shall be assessed or taxed by the municipality if yielding no rent, but the district shall annually on July first pay to the town an amount equal to the tax it would receive upon the fair value of the land in the current year, which shall not include buildings or structures, for each year of district ownership, the value for each year being reduced by all abatements thereon. In the event there is a general re-evaluation of the assessed valuation of real property in any town of the district, the fair value of the land determined above shall be increased or decreased in the same proportion that the aggregate value of all assessed real properties in the town are increased or decreased.

SECTION 9. The district by vote of the board, in accordance with section two, is authorized to issue, from time to time, general obligation serial bonds or notes of the district to pay for the costs of capital outlays in connection with the disposing of refuse and other solid wastes of its members including the construction, acquisition and major rehabilitation of incinerators, sanitary landfills, necessary equipment, and such other facilities as may be required and including land damages and costs of demolition of existing structures on land so acquired.

Said bonds to be issued in such amount or amounts as the district acting by and through the board may determine, and the district may refund any such bonds or notes. Such serial bonds or notes may be callable with or without premium and shall contain such terms and conditions, bear such rate or rates of interest, be sold in such manner, at public or private sale, and mature at such times and in such amounts as the board shall determine; provided that each issue of such bonds or notes shall be payable in annual installments, the first of which shall be payable not later than two years after its date and the last of which shall be payable not later than thirty years from said date.

If the board votes to issue serial bonds or notes, said board may authorize the issuance, in the name of the district, of general obli-

gation temporary notes for a period of not more than two years in anticipation of the money to be received from the sale of such serial bonds or notes. The time within which such serial notes or bonds shall be payable shall not be extended by reason of the making of such temporary loans beyond the time fixed in the order authorizing such serial bonds or notes.

For the purpose of paying expenses of operation, including, without limitations any principal or interest due or about to become due on any bond or note issued by the district for which funds are not available, the board, in the name of the district is authorized to issue, from time to time, general obligation temporary notes of the district in anticipation of assessments levied against the members of said district in the year which such notes are issued.

Temporary notes in anticipation of assessments shall be payable not more than one year from their dates and shall not exceed in principal amount at any one time outstanding the amount of the assessments in anticipation of which they are issued.

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

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

Indebtedness incurred under this section shall not be included in computing the limit of indebtedness of any town included in the district.

SECTION 10. The cost of original construction of existing incinerators, sanitary landfills, necessary equipment and associated facilities, including principal payments and interest on the bonds issued for construction thereof shall be apportioned among the participating member towns in the ratio of their particular populations to the total population of the district according to the latest federal census.

The cost of construction of additional incinerators, sanitary landfills, necessary equipment, or any other works as may be required, including principal payments and interest on the bonds issued for construction thereof, shall be apportioned among the participating member towns as calculated by formulas and standards established by the board. These costs shall be prepared by the district with the assistance of the towns and the Central Massachusetts Regional Planning District Commission. Upon

acceptance of the provisions of this act by an eligible town not previously a member, the outstanding costs of construction shall be recalculated and proper adjustments shall be made to the account of each member.

The cost of the maintenance and operation of the district and its works, exclusive of principal payments and interest on bonds and notes issued for construction purposes shall, until such time as the refuse disposal facilities shall have been in regular operation for a period of three calendar years, be apportioned among the member towns in the ratio of their particular populations to the total population of the district according to the latest federal census.

After the refuse disposal facilities shall have been in regular operation for a period of the three calendar years, the board shall apportion costs of maintenance and operation to the member towns on the basis of the weighed volume of the previous year entering the district's refuse disposal facilities from each member. Upon acceptance of this act by an eligible town not previously a member and until said town shall have participated in the district's refuse disposal facility for a period of three calendar years, the allocation of its maintenance and operation costs shall be calculated on the basis of population in the manner described in this section, the remaining cost then being allocated to the remaining members on the basis of weighed volume in the manner also described in this section. Cost calculations for periods of less than a full year shall be prorated in accordance with the number of calendar days for which they are applicable.

SECTION 11. The board shall annually determine the amounts required for the payment of principal and interest on such bonds and notes issued or to be renewed by the district which will be due during the ensuing calendar year and shall apportion the amounts as determined among the several members of the district in accordance with the provisions of this act, and shall also annually determine the amounts necessary to be raised to maintain and operate the district during the said year, including capital outlay items, the cost of which is not to be funded, and for all other matters of which the district is required to raise money and shall apportion among the several members of the district the amounts so determined in accordance with the provisions of this act. Each amount so apportioned for each member shall, prior to December thirty-first in each year be certified by the board of assessors of each member of such district. The assessors of each member town shall without further vote include each amount as certified in those amounts to be annually raised by taxes under section twenty-three of chapter fifty-nine of the General Laws. The town treasurer shall pay the amount so certified to the treasurer of the district on or before July first of the then taxable year.

A town which has been assessed shall raise all or a portion of the amounts certified annually by the district to the assessors of each town, as provided in this act, through equitable and proportional charges against inhabitants, corporations and other users of the

service rendered by the district in each town.

Nothing in the procedure for arbitration authorized in section eleven A shall relieve any treasurer of each town from making timely payments to the treasurer of the district of the full amounts assessed.

SECTION 11A. In the event that within ninety days of the receipt by the board of assessors of each town, of any assessment as determined and apportioned above, the appropriate legislative body of any town, by resolution, may question any fact used in the formula for determination of the total amount to be apportioned or the apportionment thereof to the town and request a review thereof by the board.

The board shall forthwith cause a review of such apportionment and shall publish its findings no later than thirty calendar days from the receipt of such request.

The board or the aggrieved town may by resolution adopted no later than ninety calendar days from the receipt of such findings, submit the questions raised to a fact finding arbitration of three persons, not residents of the district, one to be appointed by the aggrieved member, one to be appointed by the board, and one to be appointed by the state auditor. The three persons so appointed shall consider all pertinent data, make such audits, examinations, inquiries and surveys as they deem necessary, and shall submit a finding, which shall be binding on all parties. The cost of such arbitration, if any, shall be paid by the district as an expense of the then current year and assessed to the district and the aggrieved member in a proportion to be determined by the finding. If such finding shall result in an adjustment of the apportionment of the assessment to the town, such adjustment shall be made by the board in the next annual apportionment to be certified to the respective board of assessors.

SECTION 12. To meet the cost of construction, maintenance, and operation of the works authorized by this act, the district may file application for, or accept and use, any federal or state funds or any federal or state law, or accept and use any funds from other sources.

SECTION 13. At any time not less than eight years after the acceptance of this act by a member, said member may, after approval by two thirds of the qualified voters present and voting at any annual or special town meeting, notify the board of its desire to withdraw from the district. Such withdrawal shall become effective in not less than two years after receipt of such notice by the board. In the event of such withdrawal, the withdrawing member shall:

1. continue to pay annually to the district its share of the debt outstanding at the time of withdrawal, at the rate prevailing at the time of withdrawal, until its share of such debt shall be paid in full;
2. be allowed to purchase from the district such facilities as it may desire and which the board by majority vote may agree to sell; and

3. be reimbursed by the district for the fair value of the land used for such facilities as will remain under the jurisdiction of the district. Such reimbursement may be made in equal installments, with interest at three per cent, annually over the remaining life of the bonded debt outstanding at the time of withdrawal.

Value of any facilities involved in such purchase or reimbursement shall be determined in accordance with methods described in chapter seventy-nine of the General Laws.

SECTION 14. Upon the establishment of the district all employees of the participating towns whose employment is directly related to projects to be taken over by the district may be transferred to the district and shall continue to perform the same duties at a salary not less than theretofore and every employee so transferred who immediately prior to such transfer was subject to section nine A of chapter thirty or to chapter thirty-one of the General Laws under a permanent appointment and who has served a probationary period shall continue to serve subject to the provisions of said section nine A of said chapter thirty or to sections forty-three and forty-five of said chapter thirty-one, as the case may be, whether or not thereafter reclassified, and shall retain all rights to holidays, sick leave and vacations in effect on the effective date of this act; provided, that any person transferred who was not subject to said section nine A of said chapter thirty or said chapter thirty-one and persons who are appointed after the effective date of this act shall not be subject to said section nine A of said chapter thirty or to any provisions of said chapter thirty-one.

Every employee who upon transfer to the district is covered by the group insurance provided by chapter thirty-two A of the General Laws shall continue in uninterrupted coverage and all other employees of the district are hereby likewise made eligible for said group insurance to the same extent as if they were employees of the commonwealth; provided that the share of the cost of such insurance shall, with respect to the employees of the district, be borne by said district. The district shall forward its contribution, together with all amounts withheld from the salaries or wages of its employees as provided in paragraph (a) of section eight of said chapter thirty-two A and all amounts paid by an employee as provided in paragraph (b) of said section eight, to the state employees group insurance commission at such time and in such manner as said commission may prescribe.

Every employee who immediately prior to being transferred to the district by this section is a member of the retirement system of their town shall have their retirement rights transferred into the state retirement system. All other employees of the district shall be required to become members of the state retirement system in the same manner and subject to the same laws, rules and regulations as persons entering the employ of the commonwealth. The district shall deduct from the wages of its employees and pay over to the state retirement board such sums as the commonwealth or towns would deduct and pay over if such persons were an employee

of the commonwealth or city or town; and at such times as the commissioner of insurance shall from time to time prescribe, the district shall pay to the state retirement board such sums as said commissioner shall from time to time determine the town would be obliged to pay if such person were its employee, including accruals for prior service and accidental disability.

The district shall reimburse the commonwealth its proportionate share of any amounts expended by the commonwealth under the provisions of chapter thirty-two of the General Laws for retirement allowances to or on account of its employees.

Every person who immediately prior to being transferred to the district was subject to the provisions of sections fifty-six to sixty, inclusive, of chapter thirty-two of the General Laws shall continue subject to the provisions of said sections; provided, however, that the words "retiring authority", as used in said sections shall mean the board of said district; and provided further, that the amount of all retirement allowances payable under said sections by virtue of this act shall be paid by the district, and the town shall reimburse the district for its proportionate share of the amounts as paid. Upon the retirement of any such person under said sections fifty-six to sixty, inclusive, the town shall refund to the person so retired the amount of his accumulated deductions.

SECTION 15. This act may be submitted for approval at any annual or special town meeting of the towns eligible for membership as provided in section one. The question placed on the warrant of such meeting shall be in the form of the following question: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-three entitled 'An Act establishing the Mumford River Valley Regional Refuse Disposal District', be accepted?" Such a vote shall be a standing vote of at least a majority of those present and voting. The provisions of this act may be adopted by a majority vote of those present in the affirmative.

The provisions of this act shall not take effect until acceptance by at least two towns. Additional towns may by the acceptance of the provisions of this act join as members of the Mumford River Valley Regional Refuse Disposal District as provided in section one.

The initial organization of the board representing the Mumford River Valley Regional Refuse Disposal District shall take place within one hundred and eighty days after said required acceptance. If the board does not organize itself and form the district within one hundred and eighty days, the action of any town meeting accepting the provisions of this act shall be null and void.

SECTION 16. Nothing contained in this act shall be interpreted to authorize the board to construct, operate or maintain the local refuse collection system of each town in the district.

Approved August 14, 1973.

Chap. 629. AN ACT RELATIVE TO TAKING POSSESSION OF
COLLATERAL AND DEFICIENCY JUDGMENTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 255 of the General Laws is hereby amended by striking out sections 13I and 13J, inserted by chapter 822 of the acts of 1967, and inserting in place thereof the following two sections: —

Section 13I. (a) In any consumer credit transaction involving a loan that is secured by a non-possessory security interest in consumer goods a provision relating to default is enforceable only to the extent that the default is material and consists of the debtor's failure to make one or more payments as required by the agreement, or the occurrence of an event which substantially impairs the value of the collateral.

(b) After a default under a consumer credit transaction by a debtor the secured creditor may not bring an action against the debtor or proceed against the collateral until he gives the debtor the notice required by this section. Said notice shall be deemed to be delivered when delivered to the debtor or when mailed to the debtor at the debtor's address last known to the creditor. If a debtor cures a default after receiving such notice and again defaults, the creditor shall give another notice before bringing action or proceeding against the collateral with respect to the subsequent default, but no notice is required in connection with a subsequent default if, within the period commencing on the date of the consumer credit transaction subject to this section and the date of the subsequent default, the debtor has cured a default after notice three or more times.

(c) The notice shall be in writing and shall be given to the debtor ten days or more after the default. The notice shall conspicuously state the rights of the debtor upon default in substantially the following form: —

The heading shall read: — "Rights of Defaulting Debtor under Massachusetts Law." The body of the notice shall read: — "You may cure your default in (describe transaction in a manner enabling debtor to identify it) by paying to (name and address of creditor) (amount due) before (date which is at least twenty-one days after notice is mailed). If you pay this amount within the time allowed you are no longer in default and may continue with the transaction as though no default had occurred.

If you do not cure your default by the date stated above, the said creditor may sue you to obtain a judgment for the amount of the debt or may take possession of the collateral.

If the said creditor takes possession of the collateral, you may get it back by paying the full amount of your debt plus any reasonable expenses incurred by the said creditor if you make the required payment within twenty days after he takes possession."

(d) During the twenty-one day period after delivery of the notice required by this section the creditor may not because of that

default accelerate the unpaid balance of the obligation, bring action against the debtor, or proceed against the collateral.

(e) Unless the secured creditor has first notified the debtor that he has elected to accelerate the unpaid balance of the obligation because of default, brought action against the debtor, or proceeded against the collateral, the debtor may cure a default consisting of a failure to pay money by tendering the amount of all unpaid sums due at the time of tender, without acceleration, plus any unpaid delinquency or deferral charges. Cure shall restore the debtor to his rights under the agreement as though the defaults cured have not occurred, subject to the provisions of subsection (b):

Section 13J. (a) Subject to the provisions of this section a secured creditor under a consumer credit transaction may take possession of collateral. In taking possession the secured creditor under a consumer credit transaction may proceed without a prior hearing only if the default is material and consists of the debtor's failure to make one or more payments as required by the agreement or the occurrence of an event which substantially impairs the value of the collateral, and only if possession can be obtained without use of force, without a breach of peace and, unless the debtor consents to an entry, at the time of such entry, without entry upon property owned by, or rented to the debtor.

(b) Except as provided in subsection (a) a creditor under a consumer credit transaction may proceed against collateral only after a prior hearing. In any proceeding where possession of the collateral is part of the relief sought by a creditor no court shall allow a secured creditor to take possession of collateral until the right of the creditor to take possession has been determined at a hearing at which the debtor has an opportunity to be heard, having been notified in writing of such hearing at least seven days in advance thereof.

(c) The debtor under a secured consumer credit transaction may redeem the collateral from the creditor at any time within twenty days of the creditor's taking possession of the collateral, or thereafter until the creditor has either disposed of the collateral, entered into a contract for its disposition, or gained the right to retain the collateral.

(d) The creditor may after gaining possession sell or otherwise dispose of the collateral. Unless displaced by the provisions of this section and section thirteen I, the rights and obligations of the parties, including redemption and disposition of the collateral shall be governed by the provisions of Part 5 of Article 9 of the Uniform Commercial Code. If, in connection with a consumer credit transaction which involves an unpaid balance of two thousand dollars or less and which is at the time of default secured by a non-possessory security interest in consumer goods, the creditor takes possession of or accepts surrender of the collateral, the debtor shall not be liable for any deficiency. If the agreement between the creditor and debtor provides that the debtor is to obtain insurance protecting the collateral against fire, theft, collision or other hazards and

naming the creditor as loss payee and if, prior to the repossession or surrender of the collateral, loss or damage occurs which would give rise to insurance proceeds under the terms of the policy in force, then nothing in this section shall be deemed to limit the creditor's rights to so much of the insurance proceeds as does not exceed the fair market value of the collateral existing just prior to the loss or damage and, if insurance as required by the agreement is not in force at the time of the loss or damage, nothing in this section shall be deemed to limit the creditor's rights in proceeding against any third party who is responsible for the loss or damage in the name of the debtor or otherwise. For the purposes of this section the unpaid balance of a consumer credit transaction shall be that amount which the debtor would have been required to pay upon prepayment.

(e) (1) If the unpaid balance of the consumer credit transaction at the time of default was two thousand dollars or more the creditor shall be entitled to recover from the debtor the deficiency, if any, resulting from deducting the fair market value of the collateral from the unpaid balance due and shall also be entitled to any reasonable repossession and storage costs, provided he has complied with all provisions of this section.

(2) In a proceeding for a deficiency the fair market value of the collateral shall be a question for the court to determine. Periodically published trade estimates of the retail value of goods shall, to the extent they are recognized in the particular trade or business, be presumed to be the fair market value of the collateral.

SECTION 2. Chapter 255B of the General Laws is hereby amended by striking out section 20A, as most recently amended by section 3 of chapter 464 of the acts of 1967, and inserting in place thereof the following section: —

Section 20A. (a) An agreement of the parties in a retail installment contract defining default is enforceable only to the extent that the default is material and consists of the buyer's failure to make one or more installments as required by the agreement; or the occurrence of an event which substantially impairs the value of the collateral.

(b) After a default by a buyer under a consumer credit transaction, the secured creditor may not bring an action against the buyer or proceed against the collateral until he gives the buyer the notice described in this section. The notice so required shall be deemed to be delivered when delivered to the debtor or when mailed to the debtor at the debtor's address last known to the creditor. If a buyer cures a default after receiving notice and again defaults, the creditor shall give another notice before bringing an action or proceeding against the collateral with respect to the subsequent default, but no notice is required in connection with a subsequent default if, within the period commencing on the date of the consumer credit transaction subject to this section and the date of the subsequent default, the debtor has cured a default after notice three or more times.

(c) The notice shall be in writing and shall be given to the buyer ten days or more after the default. The notice shall conspicuously state the rights of the buyer upon default in substantially the following form: —

The heading shall read: — “Rights of Defaulting Buyer under the Massachusetts Motor Vehicle Installment Sales Act.” The body of the notice shall read: — “You may cure your default in (describe transaction in a manner enabling buyer to identify it) by paying to (name and address of creditor) (amount due) before (date which is at twenty-one days after notice is mailed). If you pay this amount within the time allowed, you are no longer in default and may continue on with the transaction as though no default had occurred.

If you do not cure your default by the date stated above, the said creditor may sue you to obtain a judgment for the amount of the debt or, if applicable, may take possession of the collateral.

If the creditor takes possession of the collateral, if any, you may get it back by paying the full amount of your debt plus any reasonable expenses incurred by the said creditor if you make the required payment within twenty days after he takes possession.”

(d) During the twenty-one day period after delivery of the notice required by this section the creditor may not because of that default accelerate the unpaid balance of the obligation, bring action against the buyer, or proceed against the collateral.

(e) Unless the secured creditor has first notified the buyer that he has elected to accelerate the unpaid balance of the obligation because of default, brought action against the buyer, or proceeded against the collateral, the buyer may cure a default consisting of a failure to pay money by tendering the amount of all unpaid sums due at the time of tender, without acceleration, plus any unpaid delinquency or deferral charges. Such a cure shall restore the buyer to his rights under the agreement as though the defaults had not occurred subject to the provisions of subsection (b).

SECTION 3. Said chapter 255B is hereby further amended by striking out section 20B, inserted by section 3 of chapter 284 of the acts of 1966, and inserting in place thereof the following section: —

Section 20B. (a) Subject to the provisions of this section and section 20A a secured creditor under a consumer credit transaction may take possession of collateral. In taking possession the secured creditor under a consumer credit transaction may proceed without a prior hearing only if the default is material and consists of the debtors failure to make one or more payments as required by the agreement or the occurrence of an event which substantially impairs the value of the collateral and only if possession can be obtained without use of force, without breach of peace and unless the debtor consents to an entry, at the time of such entry, without entry on property owned by or rented to the debtor.

(b) Except as provided in subsection (a) a creditor under a consumer credit transaction may proceed against collateral only

after a prior hearing. In any proceeding where possession of the collateral is part of the relief sought by a holder no court shall allow a secured creditor to take possession of collateral until the right of the creditor to take possession has been determined at a hearing at which the buyer has an opportunity to be heard having been notified in writing of said hearing at least seven days in advance thereof.

(c) The buyer under a secured consumer credit transaction may redeem the collateral from the holder at any time within twenty days of the creditor's taking possession of the collateral, or thereafter until the creditor has either disposed of the collateral, entered into a contract for its disposition, or gained the right to retain the collateral in satisfaction of the buyer's obligation.

(d) The creditor may after gaining possession sell or otherwise dispose of the collateral. Unless displaced by the provisions of this section and section twenty A the rights and obligations of the parties, including the redemption and disposition of the collateral shall be governed by the provisions of Part 5 of Article 9 of the Uniform Commercial Code. If, in connection with a consumer credit transaction which involves an unpaid balance of two thousand dollars or less and which is at the time of default secured by a non-possessory security interest in consumer goods, the creditor takes possession of or accepts surrender of the collateral, the debtor shall not be liable for any deficiency. If the agreement between the creditor and debtor provides that the debtor is to obtain insurance protecting the collateral against fire, theft, collision or other hazards and naming the creditor as loss payee and if, prior to the repossession or surrender of the collateral, loss or damage occurs which would give rise to insurance proceeds under the terms of the policy in force, then nothing in this section shall be deemed to limit the creditor's rights to so much of the insurance proceeds as does not exceed the fair market value of the collateral existing just prior to the loss or damage and, if insurance as required by the agreement is not in force at the time of the loss or damage, nothing in this section shall be deemed to limit the creditor's rights in proceeding against any third party who is responsible for the loss or damage in the name of the debtor or otherwise. For the purposes of this section the unpaid balance of a consumer credit transaction shall be that amount which the debtor would have been required to pay upon prepayment.

(e) (1) If the unpaid balance of the consumer credit transaction at the time of default was two thousand dollars or more the creditor shall be entitled to recover from the debtor the deficiency, if any, resulting from deducting the fair market value of the collateral from the unpaid balance due and shall also be entitled to any reasonable repossession and storage costs, provided he has complied with all provisions of this section.

(2) In a proceeding for a deficiency the fair market value of the collateral shall be a question for the court to determine. Periodically published trade estimates of the retail value of goods shall,

to the extent they are recognized in the particular trade or business, be presumed to be the fair market value of the collateral.

SECTION 4. Chapter 255D of the General Laws is hereby amended by striking out section 21, as most recently amended by section 46 of chapter 517 of the acts of 1969, and inserting in place thereof the following section: —

Section 21. (a) An agreement of the parties in a retail installment contract defining default is enforceable only to the extent that the default is material and consists of the buyer's failure to make one or more installments as required by the agreement; or occurrence of an event which substantially impairs the value of the collateral.

(b) After a default by a buyer under a consumer credit transaction, the secured creditor may not bring an action against the buyer or proceed against the collateral until he gives the buyer the notice described in this section. The notice so required shall be deemed to be delivered when delivered to the debtor or when mailed to the debtor at the debtor's address last known to the creditor. If a buyer cures a default after receiving notice and again defaults, the creditor shall give another notice before bringing an action or proceeding against the collateral with respect to the subsequent default, but no notice is required in connection with a subsequent default, if within the period commencing on the date of the consumer credit transaction subject to this section and the date of the subsequent default, the debtor has cured a default after three or more times.

(c) The notice shall be in writing and shall be given to the buyer ten days or more after the default. The notice shall conspicuously state the rights of the buyer upon default in substantially the following form: —

The heading shall read: — "Rights of Defaulting Buyer Under the Massachusetts Retail Installment Sales Act." The body of the notice shall read: — "You may cure your default in (describe transaction in a manner enabling buyer to identify it) by paying to (name and address of creditor) (amount due) before (date which is at least twenty-one days after notice is mailed). If you pay this amount within the time allowed, you are no longer in default and may continue on with the transaction as though no default had occurred.

If you do not cure your default by the date shown above, the said creditor may sue you to obtain a judgment for the amount of the debt or, if applicable, may take possession of the collateral.

If the said creditor takes possession of the collateral, if any, you may get it back by paying the full amount of your debt plus any reasonable expenses incurred by the said creditor if you make the required payment within twenty days after he takes possession."

(d) During the twenty-one day period after a delivery of the notice required by this section the holder may not because of that default accelerate the unpaid balance of the obligation, bring action against the buyer, or proceed against the collateral.

(e) Unless the secured creditor has first notified the buyer that he has elected to accelerate the unpaid balance of the obligation because of default, brought action against the buyer, or proceeded against the collateral, the buyer may cure a default consisting of a failure to pay money by tendering the amount of all unpaid sums due at the time of tender, without acceleration, plus any unpaid delinquency or deferral charges. Cure shall restore the buyer to his rights under the agreement as though the defaults cured had not occurred subject to the provisions of subsection (b).

SECTION 5. Said chapter 255D is hereby further amended by striking out section 22 as appearing in section 1 of chapter 284 of the acts of 1966, and inserting in place thereof the following section: —

Section 22. (a) Subject to the provisions of this section and section twenty-one, on default by the buyer a secured creditor under a consumer credit transaction may take possession of collateral. In taking possession the secured creditor under a consumer credit transaction may proceed without a prior hearing only if the default is material and consists of the debtors failure to make one or more payments as required by the agreement or the occurrence of an event which substantially impairs the value of the collateral, and only if possession can be obtained without use of force, without breach of peace and unless the debtor consents to an entry, at the time of such entry, without entry on property owned by or rented to the debtor.

(b) Except as provided in subsection (a) a creditor under a consumer credit transaction may proceed against collateral only after a prior hearing. In any proceeding where possession of the collateral is part of the relief sought by a holder no court shall allow a secured creditor to take possession of collateral until the right of the creditor to take possession has been determined at a hearing at which the buyer has an opportunity to be heard having been notified in writing of said hearing at least seven days in advance thereof.

(c) The buyer under a secured consumer credit transaction may redeem the collateral from the holder at any time within twenty days of the creditor's taking possession of the collateral, or thereafter until the creditor has either disposed of the collateral, entered into a contract for its disposition, or gained the right to retain the collateral in satisfaction of the buyer's obligation.

(d) The creditor may after gaining possession sell or otherwise dispose of the collateral. Unless displaced by the provisions of this section and section twenty-one the rights and obligations of the parties, including redemption and disposition of the collateral shall be governed by the provisions of Part 5 of Article 9 of the Uniform Commercial Code. If, in connection with a consumer credit transaction which involves an unpaid balance of one thousand dollars or less and which is at the time of default secured by a non-possessory security interest in consumer goods, the creditor takes possession of or accepts surrender of the collateral, the debtor shall not be liable for any deficiency. If the agreement between the

creditor and debtor provides that the debtor is to obtain insurance protecting the collateral against fire, theft, collision or other hazards and naming the creditor as loss payee and if, prior to the repossession or surrender of the collateral, loss or damage occurs which would give rise to insurance proceeds under the terms of the policy in force, then nothing in this section shall be deemed to limit the creditor's rights to so much of the insurance proceeds as does not exceed the fair market value of the collateral existing just prior to the loss or damage and, if insurance as required by the agreement is not in force at the time of the loss or damage, nothing in this section shall be deemed to limit the creditor's rights in proceeding against any third who is responsible for the loss or damage in the name of the debtor or otherwise. For the purposes of this section the unpaid balance of a consumer credit transaction shall be that amount which the debtor would have been required to pay upon prepayment.

(e) (1) If the unpaid balance of the consumer credit transaction at the time of default was one thousand dollars or more the creditor shall be entitled to recover from the debtor the deficiency, if any, resulting from deducting the fair market value of the collateral from the unpaid balance due and shall also be entitled to any reasonable repossession and storage costs, provided he has complied with all provisions of this section.

(2) In a proceeding for a deficiency the fair market value of the collateral shall be a question for the court to determine. Periodically published trade estimates of the retail value of goods shall, to the extent they are recognized in the particular trade or business, be presumed to be the fair market value of the collateral.

SECTION 6. This act shall take effect on January first, nineteen hundred and seventy-four and shall apply to consumer credit transactions entered into on or after said date.

Approved August 14, 1973.

Chap. 630. AN ACT REGULATING PAYMENTS FOR LOSS OR DAMAGE UNDER CERTAIN MOTOR VEHICLE INSURANCE POLICIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175 of the General Laws is hereby amended by inserting after section 113N the following section: —

Section 131 O. All policies providing comprehensive coverage, so called, shall pay for loss or damage to the insured vehicle under the terms of the policy up to a limit equal to the actual cash value of the vehicle. In determining actual cash value, no deductions for depreciation shall be allowed to reduce the value of the vehicle to less than the average retail value of that particular vehicle's year and model unless the policy was purchased at a reduced rate due to the mileage and condition of the insured vehicle.

SECTION 2. This act shall take effect on January first, nineteen hundred and seventy-four, and shall apply to policies issued on and after said date.

Approved August 15, 1973.

Chap. 631. AN ACT REQUIRING INCUMBENT TOWN MEETING MEMBERS IN THE TOWN OF AMHERST TO FILE CERTAIN NOMINATION PAPERS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section ten of chapter fifty-three of the General Laws or of any other special or general law to the contrary, the nomination of candidates for town meeting members in the town of Amherst shall be by nomination papers bearing the signatures of not less than ten voters of the precinct in which the candidate resides.

Approved August 15, 1973.

Chap. 632. AN ACT PROVIDING THAT CERTAIN REPORTS RELATIVE TO THE BOSTON FIREMEN'S RELIEF ASSOCIATION AND MINING CORPORATIONS SHALL BE FILED WITH THE STATE SECRETARY.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 308 of the acts of 1909 is hereby amended by striking out the second sentence, as appearing in chapter 140 of the acts of 1952, and inserting in place thereof the following sentence: — The corporation shall annually file a report with the city clerk of said city and with the office of the state secretary showing in detail its assets and liabilities, its receipts of money or other property, the source of such receipts, and a statement of all sums paid out for relief or for expenses, with the names of the person receiving the same.

SECTION 2. Section 15 of chapter 93 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 8 and 9, the words "commissioner of corporations and taxation" and inserting in place thereof the words: — state secretary.

SECTION 3. Section 16 of said chapter 93, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "commissioner of corporations and taxation" and inserting in place thereof the words: — state secretary.

Approved August 15, 1973.

Chap. 633. AN ACT PROVIDING THAT EMPLOYEES OF THE OLD COLONY PLANNING COUNCIL SHALL BE MEMBERS OF THE STATE EMPLOYEES' RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 32 of the General Laws is hereby amended by striking out the definition of "Political subdivision", as most recently amended by section 2 of chapter 436 of the acts of 1972, and inserting in place thereof the following paragraph: —

"Political subdivision", the metropolitan district commission or any county, hospital district, city, town, district or housing authority, established under the provisions of section five of chapter one hundred and twenty-one B, the Massachusetts Turnpike Authority, the Massachusetts Parking Authority, the Old Colony Planning Council, the Massachusetts Bay Transportation Authority, the Massachusetts State College Building Authority, the Lowell Technological Institute Building Authority or any other public unit in the commonwealth.

SECTION 2. Section 2 of said chapter 32 is hereby amended by striking out the fourth sentence, as most recently amended by section 3 of said chapter 436, and inserting in place thereof the following sentence: — Subject to said sections, an employee of the commonwealth or of the metropolitan district commission, or of the Massachusetts State College Building Authority, or of the Lowell Technological Institute Building Authority, or of the Old Colony Planning Council, or of the Massachusetts Parking Authority shall be included in the state employees' retirement system, except that a register of probate shall be included in the system of the county in which he is elected, a teacher as defined in section one shall be included in the teachers' retirement system, an employee of a county or of a hospital district, an employee of a mosquito control district or a mosquito control project, located within a county shall be included in the system of such county, an employee of a city or town other than a teacher as defined in section one shall be included in the system of or which pertains to the municipality by which he is employed, an employee of the Massachusetts Turnpike Authority shall be included in the Massachusetts Turnpike Authority employees' retirement system, an employee of the police department of the Massachusetts Bay Transportation Authority shall be included in the Massachusetts Bay Transportation Authority police retirement system, and an employee of a district shall be included in a system as provided for in subdivision (4) of section twenty-eight, except that in the case of a district which comprises cities and towns located in more than one county, or in the case of a district in which the cities and towns comprising such district may vary from time to time, the employees of such district may become members of the state employees' retirement system, subject to the provisions of subdivision (4) of section twenty-eight.

SECTION 3. Any person who is an employee of the Old Colony Planning Council on the effective date of this act shall, if otherwise eligible, become a member in service of the state employees' retirement system and shall, upon paying into the annuity fund of such system an amount equal to five per cent of the total salary received by him during such period, plus regular interest to the date of payment, be allowed credit for all his service with said council prior to said effective date.

SECTION 4. The Old Colony Planning Council shall annually reimburse the state board of retirement for its pro rata share of any retirement allowance paid by said board during the preceding

calendar year which is based in whole or in part on service with said council.

SECTION 5. The third paragraph of section 4 of chapter 332 of the acts of 1967 is hereby amended by striking out, in line 4, the words "chapters thirty-one and thirty-two" and inserting in place thereof the words: — chapter thirty-one.

Approved August 15, 1973.

Chap. 634. AN ACT EXEMPTING THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF BROOKLINE FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police of the town of Brookline shall, upon the completion of service of the incumbent of the office of chief of police of said town, be exempt from the provisions of chapter thirty-one of the General Laws; provided, however, that upon the acceptance of this act pursuant to section two, the term of the office of the chief of police appointed after the completion of service of the incumbent of said office shall be one year; provided, however, that the chief of police may be removed from office by the board of selectmen at any time upon a finding made by said board, after a hearing, that the public interest so requires. At the written request of the chief of police made prior to the commencement of such removal hearing, such hearing shall be public.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Brookline at an annual town meeting in the form of the following question which shall be placed on the official ballot to be used at said meeting: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-three entitled 'An Act exempting the office of chief of police of the town of Brookline from the provisions of the civil service law' be accepted?" If a majority of the votes in answer to said question is in the affirmative this act shall take full effect, but not otherwise.

SECTION 3. After the acceptance of this act pursuant to section two, the chief of police appointed after the completion of service of the incumbent of said office shall, at the time of appointment, have held, for at least twelve months prior to such appointment, the permanent rank of lieutenant or above in the police department of the town of Brookline. The board of selectmen shall prescribe the duties, authority, and compensation of such chief.

Approved August 15, 1973.

Chap. 635. AN ACT AUTHORIZING THE CITY OF LEOMINSTER TO GRANT AN ANNUITY TO YOLANDA DIPAOOLI.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the con-

trary, the city of Leominster may grant to Yolanda DiPaoli, the widow of Gino DiPaoli, a former police officer in the police department of the city, an annuity, so long as she remains unmarried, in such amount as said city may determine, but not to exceed two-thirds of the pension received by said Gino DiPaoli at the time of his death. The annuity provided by this section shall be in lieu of any annuity or pension payable to said widow under any other general or special law.

SECTION 2. This act shall take effect upon its acceptance by the city of Leominster.

Approved August 15, 1973.

Chap. 636. AN ACT RELATIVE TO THE EFFECTIVE DATE OF THE LAW RELATIVE TO THE QUALIFICATIONS OF CANDIDATES FOR MUNICIPAL OFFICE IN THE CITY OF PEABODY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 580 of the acts of 1973 is hereby amended by adding the following section:—

Section 2. This act shall take effect upon its passage.

SECTION 2. This act shall take effect as of August second, nineteen hundred and seventy-three.

Approved August 16, 1973.

Chap. 637. AN ACT RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN CLUBS AND VETERANS' ORGANIZATIONS IN THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any limitations imposed by section eleven or eleven A of chapter one hundred and thirty-eight of the General Laws as to the time and manner of voting upon the questions therein set forth, the city clerk of the city of Medford shall cause to be placed on the official ballot to be used in the city of Medford by the registered voters of said city at the biennial city election to be held in the year nineteen hundred and seventy-three the following question, to wit:

Shall licenses be granted in the city of Medford for the sale therein of all alcoholic beverages by nationally chartered fraternal corporations, war veterans organizations, and clubs which are not organized for commercial purposes.

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes cast in said city in answer to said question is in the affirmative, said city shall be taken to have authorized, until the end of calendar year nineteen hundred and seventy-four, the sale in said city of all alcoholic beverages to be drunk on the premises of nationally chartered fraternal corporations and veterans' organizations as defined and limited in section twelve of said chapter one hundred and thirty-eight notwithstand-

ing any provisions of said section twelve to the contrary, and of clubs which are not organized for commercial purposes as defined and limited in section one of chapter one hundred and thirty-eight, notwithstanding any provisions of said section one to the contrary. Said licenses shall be subject, however, to all other provisions of said chapter one hundred and thirty-eight.

SECTION 2. The state secretary shall cause the following question to be placed on the official ballot to be used in the city of Medford at the next biennial state election, and at each biennial state election thereafter until the voters of said city have voted in the affirmative three consecutive times or in the negative three consecutive times:

Shall licenses be granted in the city of Medford for the sale therein of all alcoholic beverages by nationally chartered fraternal corporations, war veterans organizations, and clubs which are not organized for commercial purposes.

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes cast in said city in answer to said question is in the affirmative, said city shall be taken to have authorized, for the two calendar years next succeeding, the sale in said city of all alcoholic beverages to be drunk on the premises of nationally chartered fraternal corporations and veterans' organizations as defined and limited in section twelve of said chapter one hundred and thirty-eight, notwithstanding any provisions of said section twelve to the contrary, and of clubs which are not organized for commercial purposes as defined and limited in section one of chapter one hundred and thirty-eight, notwithstanding any provisions of said section one to the contrary. Said licenses shall be subject, however, to all other provisions of said chapter one hundred and thirty-eight.

SECTION 3. This act shall take effect upon its passage.

Approved August 17, 1973.

Chap. 638. AN ACT ESTABLISHING THE OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT INTERIM PLANNING COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the office of the state secretary the Old King's Highway regional historic district interim planning commission, hereinafter called the commission, which shall consist of nine members, who shall be appointed by the selectmen of each of the following towns, respectively: — Barnstable, Bourne, Brewster, Dennis, Eastham, Harwich, Orleans, Sandwich and Yarmouth; and two additional members who shall be appointed by the chairman of the Massachusetts Historic Commission, one of whom shall be an architect. The commission shall organize forthwith upon its formation by the election of a chairman and secretary-treasurer from its membership. The members shall be unpaid.

SECTION 2. The commission shall make an investigation of the desirability of establishing the Old King's Highway Regional Historic District, including its organization, operation and control, to estimate the operating costs of such district, to prepare a major inventory identifying all the man-made and natural historically significant features and areas of the proposed district and to prepare an analysis of said inventory to determine the location and concentration of historically significant features and areas. Such analysis shall identify important characteristics and allot values to them, in order that the commission may determine what is important to preserve, and where, how and what type of new development should occur. The commission shall prepare a master plan combining the inventory, analysis and a plan for growth, which plan may become the basis for policy to be established regarding historic and aesthetic preservation and proposed development. This plan shall be a guide providing the towns with a basis for enacting zoning by-laws and developing criteria for the issuance of certificates of appropriateness within the proposed Old King's Highway Regional Historic District, and to preserve the intrinsic values of their communities while providing for controlled growth. The commission shall develop criteria for use by member town committees, to be established in said district, in issuing certificates of appropriateness as defined in sections six and seven of chapter forty C of the General Laws. The commission may hold hearings in and shall consult with the selectmen and planning boards of the several towns within the district, and with other appropriate agencies.

SECTION 3. The commission may accept and disburse grants from the federal government and from private persons, foundations and trusts, and expend such sums as may be appropriated therefor. The commission may appoint agents and may contract for services and for the printing and distributing its report.

SECTION 4. The commission shall prepare a report and shall send a copy to the registered voters of the towns within the district prior to October fifteenth, nineteen hundred and seventy-four. Such report shall explain the purposes of an Old King's Highway Regional Historic District and may contain such other matter as the commission may determine.

SECTION 5. Upon the establishment of an Old King's Highway Regional Historic District Commission, the interim planning commission established under section one of this act shall be dissolved.

Approved August 17, 1973

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, August 17, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: I, Donald R. Dwight, pursuant to the

provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 638 of the Acts of 1973, entitled "AN ACT ESTABLISHING THE OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT INTERIM PLANNING COMMISSION," and the enactment of which received my approval on August 17, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

In order that the Commission may make its report to the voters prior to October 15th, 1974, it is important that the members be appointed immediately.

Sincerely,
DONALD R. DWIGHT,
Acting Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, August 20, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Honor the Lieutenant Governor, Acting Governor of the Commonwealth of Massachusetts at one o'clock and thirty-five minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and thirty-eight of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 639. AN ACT EXTENDING THE EXISTENCE OF THE BOARD OF SCHOOLHOUSE STRUCTURAL STANDARDS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 1 of chapter 675 of the acts of 1955 is hereby amended by striking out the word "eighteen", inserted by section 1 of chapter 788 of the acts of 1970, and inserting in place thereof the word: — twenty-one.

SECTION 2. Said chapter 675 is hereby further amended by striking out section 2, as most recently amended by section 2 of said chapter 788, and inserting in place thereof the following section: —

Section 2. The regulations issued under section fifty-four of chapter one hundred and forty-three of the General Laws, shall, insofar as they pertain to schoolhouses, be issued until January first, nineteen hundred and seventy-five, by the board of schoolhouse structural standards, any provisions of said section to the contrary notwithstanding.

SECTION 3. Chapter 596 of the acts of 1960 is hereby amended by striking out section 4, as most recently amended by section 3 of said chapter 788, and inserting in place thereof the following section: —

Section 4. This act shall become inoperative on January first, nineteen hundred and seventy-five. *Approved August 17, 1973.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, August 17, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Donald R. Dwight, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 639 of the Acts of 1973, entitled "AN ACT EXTENDING THE EXISTENCE OF THE BOARD OF SCHOOLHOUSE STRUCTURAL STANDARDS," and the enactment of which received my approval on August 17, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is imperative that the provisions of this act become effective forthwith in order to avoid having the Board's authority lapse before this act would otherwise become effective.

Sincerely,
DONALD R. DWIGHT,
Acting Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, August 20, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Honor the Lieutenant Governor, Acting Governor of the Commonwealth of Massachusetts at one o'clock and thirty-six minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and thirty-nine of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 640. AN ACT REDUCING THE PERIOD OF HOLDING UNCLAIMED PROPERTY IN THE POSSESSION OF POLICE DEPARTMENTS.

Be it enacted, etc., as follows:

Section 8 of chapter 135 of the General Laws, as amended by section 1 of chapter 98 of the acts of 1938, is hereby further amended by striking out, in line 3, the words "two months" and inserting in place thereof the words: — one month.

Approved August 17, 1973.

Chap. 641. AN ACT RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN CLUBS IN THE CITY OF MELROSE.

Be it enacted, etc., as follows:

SECTION 1. The following question shall be placed on the official ballot to be used for the election of officers in the city of Melrose at the municipal election to be held in said city in the current year: "Shall licenses be granted in the city of Melrose for the sale therein of all alcoholic beverages by clubs as defined in section one of chapter one hundred and thirty-eight of the General Laws."

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes cast in answer to said question is in the affirmative, said city shall be taken to have authorized, until January first, nineteen hundred and seventy-five, the sale in said city of all alcoholic beverages to be drunk on the premises of clubs as defined in section one of chapter one hundred and thirty-eight of the General Laws, notwithstanding any provisions of section twelve of said chapter one hundred and thirty-eight to the contrary. Said licenses shall be subject, however, to all other provisions of said chapter one hundred and thirty-eight.

SECTION 2. This act shall take effect upon its passage.

Approved August 17, 1973.

Chap. 642. AN ACT EXEMPTING THE OFFICE OF TOWN ENGINEER OF THE TOWN OF FRAMINGHAM FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The office of town engineer of the town of Framingham shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Approved August 17, 1973.

Chap. 643. AN ACT FURTHER REGULATING THE COMMITMENT OF ALCOHOLICS.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 35 of chapter 123

of the General Laws, as appearing in section 4 of chapter 888 of the acts of 1970, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Any police officer, physician, spouse, blood relative or guardian may petition in writing any district court for an order of commitment of a person whom he has reason to believe is an alcoholic.

SECTION 2. Said second paragraph of said section 35 of said chapter 123 is hereby further amended by inserting after the second sentence the following sentence: — In the event of the person's failure to appear at the time summoned, the court may issue a warrant for the person's arrest.

Approved August 17, 1973.

Chap. 644. AN ACT REMOVING CERTAIN POSITIONS IN THE OFFICE OF THE PLANNING BOARD IN THE CITY OF LYNN FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The positions of planning director, associate planner and principal clerk stenographer in the office of the planning board in the city of Lynn shall not be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Approved August 20, 1973.

Chap. 645. AN ACT RELATIVE TO THE INCLUSION OF THE TOWN OF MARBLEHEAD WITHIN THE SOUTH ESSEX SEWERAGE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 643 of the acts of 1972 is hereby amended by striking out section 12 and inserting in place thereof the following section: —

Section 12. To meet the cost of such construction and other works, including such interest, less the amount received for such purposes from the federal and state governments, and to fund temporary loans issued to meet such cost as hereinafter authorized, the treasurer of the South Essex sewerage district with the approval of the board, may issue serial bonds of the district to an amount not exceeding in the aggregate, the sum of two million two hundred thousand dollars. Said bonds shall bear on their face the words South Essex Sewerage District Loan, Act of 1972, shall bear the district seal, shall be authorized by two thirds of the board, shall bear such rate or rates of interest as shall be fixed by the treasurer with the approval of the board, shall be signed by the treasurer of said district and countersigned by at least a majority of the board, and shall be payable in not more than thirty years from their respective dates, provided that the term of such bonds need not be

reduced by the period of any temporary loans funded thereby and the first annual payment thereof shall be made not later than two years from the dates thereof. Each issue of bonds herein authorized shall constitute a separate issue. Until such construction and other work is completed and the total cost thereof ascertained, to meet the cost of such construction and other work, said treasurer, with the approval of the board, may from time to time borrow for periods of not more than two years, and may refund or may renew said loans from time to time. To the extent they are not renewed, said temporary loans may be repaid from the proceeds of bonds issued hereunder, from the proceeds of federal or state grants or from other available funds of the district. The treasurer of said district in any year may also from time to time borrow to meet interest payments coming due in such year and to meet payments of principal on bonds issued hereunder when such payments must be met before the assessment of costs for such year to the town of Marblehead has been made as hereinafter provided, but the amounts of any such loans shall be added to and included in the next year's assessment to said town of Marblehead of the cost of construction and other work hereunder, and the term of such loans shall not extend beyond the time limited for the making of such next year's assessment. For any borrowings herein authorized, the treasurer of said district may from time to time issue notes of said district, which need not bear the district seal, but shall be authorized, signed and countersigned, and bear interest as is herein provided for in the case of bonds, or may be sold at a discount fixed in the same manner that interest on bonds may be fixed hereunder, and such discount shall be treated as interest paid in advance. Except as otherwise provided herein, all indebtedness incurred in carrying out the provisions of this act shall be subject to such of the applicable provisions of chapter forty-four of the General Laws as relate to loans made by districts, including sections sixteen B and sixteen C thereof.

SECTION 2. Section 13 of said chapter 643 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The board shall determine annually, on or before the fifteenth day of February in each year, the total amount of the principal retirement and interest payments falling due in that year on bonds and notes issued under this act for the payment of which other funds are not to be provided, including notes issued to pay annual interest on bonds or notes previously issued, and any and all other sums to be apportioned as a cost of construction and other work authorized by this act.

SECTION 3. Said chapter 643 is hereby amended by striking out section 14 and inserting in place thereof the following section: —

Section 14. Prior to the completion of construction herein authorized, the town of Marblehead shall pay annually, as its share of the annual over-head charges of the district, eight and one-half per cent of the account of the district presently identified as the "G" account.

SECTION 4. Said chapter 643 is hereby amended by inserting after section 16 the following section: —

Section 16A. Subdivision (E) of said section 6 of said chapter 516 is hereby amended by striking out, in line 4, the words "town of Danvers" and inserting in place thereof the words: — towns of Danvers and Marblehead.

SECTION 5. Said chapter 643 is hereby amended by striking out section 17 and inserting in place thereof the following three sections: —

Section 17. Said section 6 of said chapter 516 is hereby further amended by adding the following subdivision: —

(F) There shall be a charge for the use of various existing facilities of the district which shall be apportioned by the board among the cities of Salem, Beverly and Peabody and the towns of Danvers and Marblehead, the Danvers state hospital, Essex county industrial farm, Essex county tuberculosis hospital and Essex county agricultural institute and Hathorne state school as they may agree and if they fail to so agree, as may be determined by said division of water pollution control.

Section 17A. Subdivision (f) of section 18 of chapter 339 of the acts of 1925 is hereby amended by striking out, in line 8, the words "town of Danvers" and inserting in place thereof the words: — towns of Danvers and Marblehead.

Section 17B. Subdivision (g) of said section 18 of said chapter 339 is hereby amended by striking out, in line 4, the words "town of Danvers" and inserting in place thereof the words: — towns of Danvers and Marblehead.

SECTION 6. Said chapter 643 is hereby amended by inserting after section 21 the following section: —

Section 21A. This act shall not be construed or interpreted as conferring on the town of Marblehead or its representative on the board of the said district, any rights, benefits or privileges not enjoyed by the other members of the District or their representatives on the board except as specifically granted herein.

SECTION 7. This act shall take effect upon its passage.

Approved August 20, 1973.

Chap. 646. AN ACT ESTABLISHING A PARK AND RECREATION COMMISSION IN THE TOWN OF ARLINGTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 503 of the acts of 1952 is hereby amended by striking out section 20 and inserting in place thereof the following section: —

Section 20. *Appointment of a Park and Recreation Commission.* — The town manager, subject to the approval of the board of selectmen, shall appoint a park and recreation commission to consist of five suitably qualified persons. One of said persons shall be appointed for a term of one year, two for a term of two years, and

two for a term of three years; and annually thereafter there shall be appointed by the town manager, subject to the approval of the board of selectmen, a member for a term of three years in the place of the member whose term is to expire. The members shall serve until their successors are appointed and qualified. If for any reason a vacancy occurs in the membership of the park and recreation commission, the vacancy shall be filled forthwith by the town manager, subject to the approval of the board of selectmen, for the unexpired term. Upon the appointment and qualification of the members of the park and recreation commission as provided in this section the terms of office of the members of the then existing board of park commissioners of the town shall terminate. The members of the park and recreation commission appointed hereunder shall organize for the proper conduct of their duties and shall possess all the powers and rights and be subject to all the duties and liabilities conferred or imposed by law upon the board of park commissioners of towns, but in the performance of their duties they shall be subject to the general supervision and direction of the town manager. They shall be sworn to the faithful performance of their duties by the town clerk or by a justice of the peace.

SECTION 2. This act shall take effect upon its passage.

Approved August 20, 1973.

Chap. 647. AN ACT AUTHORIZING THE CHAIRMAN OF THE PAROLE BOARD TO DESIGNATE MEMBERS OF THE PAROLE BOARD STAFF AS HEARING OFFICERS IN CERTAIN CASES.

Be it enacted, etc., as follows:

SECTION 1. Section 134 of chapter 127 of the General Laws, as most recently amended by section 2 of chapter 769 of the acts of 1965, is hereby further amended by inserting after the word "appointed", in line 8, the words: — and except, further, that in the case of an inmate committed to a jail or house of correction by the superior court for a term of one year or less or by a district court for a term of one year, the chairman may designate the director of parole services, a parole supervisor, a parole employment officer, the legal counsel to the parole board, an institutional parole manager, the executive assistant to the parole board, a parole officer, a junior parole officer, or a parole board employee whose primary function is to serve as a hearing officer, to make an investigation and to conduct a hearing in lieu of the board for the purpose of ascertaining the suitability of such inmate for a parole permit. The staff member so designated shall report his findings of fact and recommendations as to parole and conditions of parole to the board. The board may grant or deny a parole permit to such inmate after considering said report and recommendations.

SECTION 2. Section 136 of said chapter 127, as appearing in section 5 of chapter 543 of the acts of 1946, is hereby amended by

inserting after the word "felony", in line 6, the words: —, except for those prisoners serving a sentence for any offense from the superior court for a term of one year or less or from the district court for a term of one year to a jail or house of correction.

SECTION 3. Said section 136 of said chapter 127 is hereby further amended by adding the following paragraph: —

For those prisoners serving a sentence for any offense from the superior court for a term of one year or less, or from a district court for a term of one year to a jail or house of correction, hearings shall be granted in accordance with section one hundred and thirty-four.

Approved August 20, 1973

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, August 20, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 647 of the Acts of 1973, entitled "AN ACT AUTHORIZING THE CHAIRMAN OF THE PAROLE BOARD TO DESIGNATE MEMBERS OF THE PAROLE BOARD STAFF AS HEARING OFFICERS IN CERTAIN CASES," and the enactment of which received my approval on August 20, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is in the public interest to permit the prompt designation of certain individuals as Hearings Officers authorized to conduct interviews regarding parole eligibility and to make reports of their findings and recommendations to the Parole Board.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, August 21, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at eleven o'clock and thirty-six minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and forty-seven of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 648. AN ACT AUTHORIZING THE BOARD OF FIRE PREVENTION REGULATIONS TO MAKE RULES AND REGULATIONS RELATING TO THE SALE AND MANUFACTURE OF CERTAIN TYPES OF CHILDREN'S CLOTHING AND SLEEPWEAR.

Be it enacted, etc., as follows:

Chapter 148 of the General Laws is hereby amended by inserting after section 25C the following section: —

Section 25D. The board shall make rules and regulations relating to the manufacture and sale of sleepwear and clothing for children up to and including size fourteen, which rules and regulations may specifically prohibit the sale or manufacture of any such clothing or sleepwear which it deems to be a fire hazard.

Approved August 20, 1973.

Chap. 649. AN ACT FURTHER REGULATING THE DISTRIBUTION AND SALE OF HAZARDOUS SUBSTANCES.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 94B of the General Laws is hereby amended by striking out the definition of "Flammable", as appearing in section 1 of chapter 506 of the acts of 1972, and inserting in place thereof the following definition: —

"Flammable", when used with respect to a substance, any substance which has a flash point of above twenty degrees to and including eighty degrees Fahrenheit, as determined by the Tagliabue Open Cup Tester; when used with respect to a fabric or related material, or finished piece of clothing, any fabric, related material or finished piece of clothing which is used in the manufacture, or sold as items, of children's sleepwear up to and including size 14 and which exceeds the acceptance criteria as to maximum char length and residual flame time specified in the federal children's sleepwear standard, DOC FF 3-71, established under the federal Flammable Fabrics Act, Public Law 94-542, as amended, determined by a vertical flammability test performed in accordance with said standard; except the flammability of solids and of the contents of self-pressurized containers shall be determined by methods generally recognized as applicable to such containers and established by regulations issued by the commissioner.

SECTION 2. Said section 1 of chapter 94B is hereby further amended by striking out the definition of "Misbranded hazardous substance", as so appearing, and inserting in place thereof the following definition: —

"Misbranded package" or "misbranded package of a hazardous substance", a hazardous substance in a container, or not in a container if the substance can be handled or transported without one, which is intended or suitable for household use or personal use and which, except as otherwise provided by or pursuant to section two, fails to bear a label (1) which states conspicuously (a) the name

and place of business of the manufacturer, packer, distributor or seller; (b) the common or usual name or the chemical name (if there be no common or usual name) of the hazardous substance or of each component which contributes substantially to its hazard, unless the commissioner by regulation permits or requires the use of a recognized generic name; (c) the signal word "DANGER" on substances which are corrosive, extremely flammable or highly toxic; (d) the signal word "WARNING" or "CAUTION" on all other hazardous substances, except fabric or related material or finished piece of clothing which is defined as "flammable" by this section; (e) the signal word "FLAMMABLE" and the statement "Should not be worn near sources of fire" on all fabrics or related material or finished pieces of clothing which are defined as "flammable" by this section; (f) an affirmative statement of the principal hazard or hazards, such as "Flammable", "Vapor Harmful", "Causes burns", "Absorbed Through Skin", or similar wording descriptive of the hazard, except in the case of substances labeled in accordance with clause (e) of this clause; (g) precautionary measures describing the action to be followed or avoided, except when modified by regulations of the commissioner pursuant to section two; (h) instructions, when necessary or appropriate, for first-aid treatment; (i) the word "POISON" for any hazardous substance which is defined as "highly toxic" by this section; (j) instructions for handling and storage of packages which require special handling or storage; and (k) the statement "Keep out of reach of children", or its practical equivalent, and (2) on which any statements required under clause (1) are located prominently in the English language in conspicuous and legible type in contrast by typography, layout or color with other printed matter on the label.

SECTION 3. Chapter 111 of the General Laws is hereby amended by inserting after section 186A the following section: —

Section 186B. It shall be unlawful to sell or offer for sale any fabric or related material or finished piece of clothing which is designed to be used in the manufacture, or sold as items, of children's sleepwear up to and including size 14, when such fabric or related material or finished piece of clothing shall be defined as "Flammable" under the provisions of chapter ninety-four B. Whoever himself or by his servant or agent, violates any provision of this section shall, for the first offense, be punished by a fine of not less than fifty nor more than two hundred dollars; and, for the second or subsequent offense, by a fine of not less than two hundred nor more than one thousand dollars, or by imprisonment for not more than ninety days, or both.

SECTION 4. Notwithstanding any contrary provision of section one hundred and eighty-six B of chapter one hundred and eleven of the General Laws, inserted by section three of this act, items of children's sleepwear of sizes 7 to 14, defined as "Flammable" under the provisions of chapter ninety-four B of the General Laws, may be offered for sale for a period not to exceed sixty days from the effective date of this act, provided that such items were manufac-

tured prior to said effective date and that all such items are conspicuously and permanently labeled with the words "FLAMMABLE — Do Not Wear Near Sources of Heat". Whoever himself or by his agent or servant, offers any such item for sale which was manufactured after the said effective date or fails to label in the manner hereinbefore described any item required by the provisions of this section to be so specially labeled shall, for the first offense, be punished by a fine of not less than fifty nor more than two hundred dollars; and, for the second or subsequent offense, by a fine of not less than two hundred nor more than one thousand dollars, or by imprisonment for not more than ninety days, or both.

SECTION 5. This act shall take effect on December first, nineteen hundred and seventy-three. *Approved August 20, 1973.*

Chap. 650. AN ACT REQUIRING THE REPORTING OF CERTAIN BURN INJURIES CAUSED BY FABRIC IGNITION BY CERTAIN PERSONS EXAMINING OR TREATING SUCH INJURIES.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by inserting after section 199 the following section: —

Section 200. Any physician, intern or medical assistant, registered as provided in section nine A of chapter one hundred and twelve, public health nurse or any other person who professionally examines or treats a person with a burn injury affecting five per cent or more of the surface area of his body, and who knows or has reason to know, that such injury arose from or was caused by fabric ignition, shall report such injury to the department in accordance with the rules and regulations of the department. Such reports shall be made on forms prescribed by the commissioner, and shall be submitted not later than three days after said physician, intern, medical assistant, nurse or other person first examines the injured person.

The department shall maintain comprehensive records of all reports submitted pursuant to this section. Such reports and records shall be open to public inspection and constitute public records. The department shall annually compile such records and reports and publish a statistical abstract thereof which shall also be a public record and open to inspection by the public.

Approved August 20, 1973.

Chap. 651. AN ACT REQUIRING PUBLIC EDUCATION RELATIVE TO FIRE SAFETY AND THE TREATMENT AND PREVENTION OF BURNS.

Be it enacted, etc., as follows:

Section 1 of chapter 71 of the General Laws, as most recently amended by chapter 66 of the acts of 1972, is hereby amended by

striking out the fifth sentence and inserting in place thereof the following sentence: — In connection with physiology and hygiene, instruction as to the effects of alcoholic drinks and of stimulants and narcotics on the human system, as to tuberculosis and its prevention, and as to fire safety, including instruction in the flammable qualities of certain fabrics, and the prevention and treatment of burn injuries, shall be given to all pupils in all schools under public control, except schools maintained solely for instruction in particular branches.

Approved August 20, 1973.

Chap. 652. AN ACT REGULATING THE ACTIVITIES OF FIDUCIARIES ENGAGED IN THE CONDUCT OF TRUST BUSINESS, SO CALLED.

Be it enacted, etc., as follows:

Chapter 203 of the General Laws is hereby amended by inserting after section 4 the following two sections: —

Section 4A. The following words as used in this section and section four B shall, unless the context otherwise requires, have the following meanings: —

“Customer” — any resident of this commonwealth, who engages in trust business with, or enters into discussions or correspondence creating a trust business relationship with a fiduciary, or where such relationship arises from a revision or amendment of an existing trust relationship involving any material change in matters subject to disclosure under this section and section four B except in such cases where the resulting fiduciary functions are to be performed without compensation.

“Trust business” — any activity conducted by an executor of a will or codicil, an administrator with the will annexed, an administrator of the estate of any person, a guardian, a conservator, or a trustee under a will or instrument creating a trust for the care and management of property, while he is acting in such a fiduciary capacity.

“Fiduciary” — as used in this section refers to any corporation, bank, trust company or individual who charges compensation for its or his services while acting in any of the capacities set forth in the paragraph defining “Trust Business”, and whose gross annual compensation from all such fiduciary services is in excess of twenty-five thousand dollars for each of the three next immediate preceding taxable years.

“Trust company” — any trust company incorporated in the commonwealth and any corporation or association which acts as a corporate fiduciary or trustee within the commonwealth.

Section 4B. Prior to the execution by a customer of any document creating a fiduciary relationship, the fiduciary, if on notice of the customer's intent to execute such document, shall furnish to the customer a written or printed statement which is clear and understandable and applicable to the type of fiduciary business

contemplated by the customer and which shall contain the following information: —

(a) That a fiduciary cannot act as executor unless there is a will or codicil nor as administrator of the will annexed unless there is a will, nor as trustee unless there is a will or instrument creating a trust for the care and management of property, nor as an executor or administrator of an estate, or a guardian, conservator or trustee under a will unless appointed by the court of jurisdiction.

(b) That, unless the fiduciary is himself an attorney, the customer should obtain and pay for the services of an attorney at law of his own selection to represent his interests and to plan and draft any will, instrument creating a trust, or other trust or fiduciary document, including documents required by a probate court, and that the fiduciary may have such documents reviewed by counsel representing its interests.

(c) That the interests of the customer, his estate and the beneficiaries under any will or instrument creating a trust may at times be in conflict with the interests of the named fiduciary or fiduciaries.

(d) That the officers and employees of a trust company may not engage in the practice of law, which includes the preparation of documents described in clause (b), and may not appear for the customer or his estate before the courts; and that many persons in the employ of the trust company contribute to the management and servicing of fiduciary accounts, and that personnel of a trust company will change with the passage of time.

(e) That if the customer desires to have a trust company act as guardian or conservator, a petition for appointment of a trust company must be prepared and presented to the probate court by an attorney at law, and that the trust company cannot act as guardian of the person but only of the estate.

(f) That, with regard to charges and fees, the fiduciary shall furnish to the customer a statement of all charges, currently applicable, which such prospective fiduciary makes for the services to be performed in its capacity as such fiduciary, and that such charges may be subject to change in the future; a statement setting forth in reasonable detail what services, under conditions existing at the time, will be rendered for the fee described; a statement that legal services, whether performed by an independent attorney or performed by the fiduciary in his capacity as an attorney, are payable in addition to the compensation of the fiduciary; and a statement as to whether the existence of one or more co-fiduciaries will increase the total compensation payable from the account.

(g) That, with regard to investments, the fiduciary shall, if it is contemplated that any part of the customer's estate will be invested in any common or pooled fund operated by the fiduciary, furnish to the customer a copy of the most recent audited published report of such fund, and if such is not available, a copy of the following information on such fund: the history and purpose of the fund; the investment policy and investments permitted; the

management; provisions for payment of dividends; provisions for capital gains; provisions for purchasing participations; provisions for redeeming participations; compensation for management each year; certified audit and statement of assets; certified statement of fees and expenses charged against the fund; a complete list of investments; and if the funds are to be separately invested, a description of the fiduciary's facilities and procedures for selecting and supervising investments.

In the case of one or more individuals serving with a trust company as co-trustees, the disclosures required by the preceding paragraphs may be made in a joint statement affirmed by each co-trustee.

Approved August 20, 1973.

Chap. 653. AN ACT REPEALING CERTAIN LAWS RELATIVE TO THE TAKING OF ALEWIVES AND HERRINGS.

Be it enacted, etc., as follows:

Sections ninety-seven and ninety-seven A of chapter one hundred and thirty of the General Laws are hereby repealed.

Approved August 20, 1973.

Chap. 654. AN ACT TRANSFERRING TO THE BOARD OF HIGHER EDUCATION AUTHORITY OVER THE PROGRAM OF FINANCIAL AID FOR VIETNAM VETERANS ATTENDING STATE INSTITUTIONS OF HIGHER EDUCATION AND PERMITTING SUCH AID TO APPLY TO VETERANS REGISTERING AT TIMES OTHER THAN THE BEGINNING OF AN ACADEMIC YEAR.

Be it enacted, etc., as follows:

Chapter 601 of the acts of 1966 is hereby amended by striking out section 1, as amended by chapter 480 of the acts of 1968, and inserting in place thereof the following section: —

Section 1. The board of higher education is hereby authorized to issue a certificate of exemption from tuition at any state institution of higher education within the commonwealth to any Vietnam veteran, as defined in section seven of chapter four of the General Laws, whose service was credited to the commonwealth, provided said veteran was discharged or released from active duty under conditions other than dishonorable. Said board shall issue such certificate to any person who applies for such exemption, who satisfactorily establishes his status as a Vietnam veteran, and who is otherwise deemed qualified to attend such institution. The certificate shall entitle such veteran to attend any such institution free of tuition and shall remain in effect for a period of time sufficient for said veteran to complete one full academic year, so long as said veteran remains a student in good standing at said institution. It shall be renewed annually in accordance with regulations prescribed by said board.

Approved August 20, 1973

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, August 20, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 654 of the Acts of 1973, entitled "AN ACT TRANSFERRING TO THE BOARD OF HIGHER EDUCATION AUTHORITY OVER THE PROGRAM OF FINANCIAL AID FOR VIETNAM VETERANS ATTENDING STATE INSTITUTIONS OF HIGHER EDUCATION AND PERMITTING SUCH AID TO APPLY TO VETERANS REGISTERING AT TIMES OTHER THAN THE BEGINNING OF AN ACADEMIC YEAR." and the enactment of which received my approval on August 20, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is essential that this act take effect immediately in order that the tuition payments of some veterans will not be jeopardized by the change of administration.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, August 21, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at four o'clock and sixteen minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and fifty-four of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 655. AN ACT FURTHER REGULATING PETITIONS FOR VOTER REGISTRATION SESSIONS IN CERTAIN PLACES OF ACTIVITY.

Be it enacted, etc., as follows:

Chapter 51 of the General Laws is hereby amended by striking out section 42B, as most recently amended by chapter 113 of the acts of 1972, and inserting in place thereof the following section: —

Section 42B. The registrars or election commissioners shall hold a registration session in any factory, mill, school, college or univer-

sity, hospital, nursing or rest home, or any other place where there are persons who are entitled to be registered who are regularly gathered by reason of employment or other principal activity within their city or town on or before the last day for registration for the biennial state primary and election or the presidential preference primary if ten or more voters of such city or town file a petition with said registrars or commissioners, not less than forty days before such primary or election, for the holding of a registration session at such place as specified in the petition, signed by the petitioners with their names and places of residence in said city or town and stating that ten or more persons employed, resident or otherwise regularly at such place desire and are entitled to be registered as voters in said city or town. Such registration session shall then be held if, at the time such petition is filed, said registrars or commissioners are in receipt of permission in writing from the tenant or, if there is no tenant, from the owner of such place to use his premises for the purpose of holding said session; provided however, that, if the place as specified in the petition is public property of the city, town, county or commonwealth, no such permission shall be required but the persons in custody of such property shall be notified of the registrars intention to hold such session and shall meet with said registrars to confirm the time and place for the conduct of such session. Such registration session shall last a minimum of two hours if the petitioners so request in their petition. No application under section one A to qualify for voting for electors of president and vice-president shall be received at any registration session held as provided in this section.

Approved August 20, 1973.

Chap. 656. AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF NORTH ATTLEBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the town of North Attleborough a board of public works, hereinafter called the board, consisting of three members. The initial members thereof shall be elected to serve as follows: — one for three years, one for two years, one for one year from the date of the annual town election at which they are elected, and thereafter when the term of any such member expires, his successor shall be elected to serve for three years and until their successors are elected and qualified. The members of the board shall forthwith after each annual town election, elect from its members a chairman and a clerk for the ensuing year. In case of a vacancy, the remaining members of the board shall, jointly with the board of selectmen, within thirty days, fill such vacancy until the next town election, when a new member or members shall be elected to fill the unexpired term. No person shall serve on the board who holds an elective or appointive office in the town other than that of town meeting member, and no person who is an

employee of the department of public works shall serve on the board.

SECTION 2. Upon the qualification of the initial members of the board of public works, the board shall have all the powers and duties now and from time to time vested by general or special law or town by-law in the following boards, departments and offices, or in boards, departments, and offices, having corresponding powers and duties in the town of North Attleborough to wit: water commissioners, sewer commissioners, tree warden, selectmen with respect to appointment of the highway superintendent and moth superintendent. No existing contracts or liability shall be affected by such abolition, but the board of public works shall in all respects be the lawful successor of the boards, departments and offices so abolished. The board shall have such added powers with respect to public works as the town may from time to time by by-laws provide, any other provisions of the law to the contrary notwithstanding.

SECTION 3. The board shall appoint and fix the compensation of a superintendent of public works who shall exercise and perform, under its supervision and direction, such of the powers, rights and duties transferred to it under section two and as it may from time to time designate. He shall be responsible for the efficient exercise and performance of such powers, rights, and duties and shall hold office subject to the will of the board. He shall be specially fitted by education, training and experience to perform the duties of his office and need not be a resident of the town during his tenure of office. During his tenure, he shall hold no elective office nor shall he engage in any other business or occupation. He shall, subject to the approval of the board, appoint such assistants, agents and employees as the exercise and performance of his powers and duties and rights may require. He shall keep a full and complete record of the doings of his office, shall render to the board, as often as it may require, a full report of all operations under his control during the period reported upon, and annually, and from time to time as required by the board, shall make a synopsis of such reports for publication and shall keep the board fully advised as to the needs of the town within the scope of his duties, and shall annually, not less than ten days prior to the expiration of the calendar year, furnish to the board a carefully prepared and detailed estimate in writing for the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said rights and duties. Each permanent employee of any board, department or office abolished by this act shall be transferred to and become an employee of the board of public works and shall not be reduced or dismissed without just cause.

SECTION 4. The town of North Attleborough may after the expiration of three years from the effective date of this act vote at an annual meeting to revoke this act, and the question of such revocation shall be submitted to the voters in the form of the following question: "Shall the acceptance by the town of North Attleborough of an act passed by the General Court in the year

nineteen hundred and seventy-three, entitled 'An Act establishing a department of public works in the town of North Attleborough', be revoked?" If a majority of votes cast in answer to said question is in the affirmative, then at the next annual town election held after said vote of revocation, the town shall elect such officers as are necessary to exercise and perform the powers, rights, and duties transferred to the board of public works by said act. Such action shall not affect any contract or liability then created or existing. All general laws respecting town administration and town officers, and any special laws, relative to said town, the operation of which has been superseded by this act, shall then be in full force and effect. Any by-law inconsistent with such special or general laws shall be revoked thereby. Any subsequent vote to revoke this act shall not be taken more often than once in three years, or do or act in any manner relative thereto.

Approved August 20, 1973.

Chap. 657. AN ACT RELATIVE TO APPEALS FROM GUILTY FINDINGS OR SENTENCES IMPOSED IN THE DISTRICT COURTS.

Be it enacted, etc., as follows:

Chapter 278 of the General Laws is hereby amended by striking out section 18, as amended by section 8 of chapter 131 of the acts of 1955, and inserting in place thereof the following section: —

Section 18. Whoever is convicted of a crime before a district court may appeal the finding of guilty or the sentence imposed thereon to the superior court or may appeal to and claim a jury of six in a district court in accordance with section twenty-seven A of chapter two hundred and eighteen and at the time of conviction shall be notified of his right to take such appeal. The case shall be entered in the superior court on the return day next after the appeal is taken, and the appellant shall be released on personal recognizance or committed, in accordance with the procedures set forth in section fifty-eight of chapter two hundred seventy-six, until he recognizes to the commonwealth, in such sum and with such surety or sureties as the court requires, with condition to appear at the superior court on said return day and at any subsequent time to which the case may be continued, if not previously surrendered and discharged, and so from time to time until the final sentence, order or decree, and not depart without leave, and in the meantime to keep the peace and be of good behavior. If the appellant is not released on personal recognizance and is committed for failure to recognize, the superior court shall thereupon have jurisdiction of the case for the purpose of revising the amount of bail required as aforesaid. The appellant shall not be required to advance any fees upon claiming his appeal or in prosecuting the same. Notwithstanding any other provision of law, a defendant, after a finding of guilty in a district court, may appeal therefrom and shall thereafter be entitled to a trial de novo in the superior court or may appeal to and claim a jury of six in a district court

in accordance with said section twenty-seven A.

Approved August 20, 1973.

Chap. 658. AN ACT MAKING CERTAIN TECHNICAL CHANGES IN THE LAW RELATING TO DOMESTIC CORPORATIONS FOR CHARITABLE AND CERTAIN OTHER PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 180 of the General Laws, as appearing in section 3 of chapter 819 of the acts of 1971, is hereby amended by striking out the fourth paragraph.

SECTION 2. The third paragraph of section 6A of said chapter 180, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Except as otherwise expressly provided, the corporation may by its by-laws determine the manner of calling and conducting its meetings; the number of members which shall constitute a quorum; the mode of voting by proxy; and the tenure of office of the directors and officers and the manner of their selection and removal; and may annex suitable penalties to such by-laws, not exceeding twenty dollars for one offence; but no by-law inconsistent with law shall be made by a corporation.

SECTION 3. Said chapter 180 is hereby further amended by striking out section 10A, as appearing in section 5 of said chapter 819, and inserting in place thereof the following section: —

Section 10A. Every corporation shall except as otherwise provided in this chapter, be subject to sections six, eight, ten, eleven, fourteen, thirty-two, thirty-five, thirty-seven, thirty-eight, forty-three, forty-nine, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty-eight, sixty-nine, one hundred and two, one hundred and four, one hundred and five, one hundred and six, one hundred and eight, and one hundred and fifteen of chapter one hundred and fifty-six B, except that: —

(a) the filing fees provided in section eleven C shall be applicable;

(b) the provisions of such sections of chapter one hundred and fifty-six B pertaining to stock and stockholders, shares and classes or series of shares and stock and transfer records, and the like shall, except in the case of a corporation having capital stock outstanding be applicable as nearly as may be to members, classes of members and records of membership;

(c) the definitions of terms provided in this chapter shall be applicable;

(d) no corporation may assume a name that is misleading as to its corporate purposes.

SECTION 4. Chapter 819 of the acts of 1971 is hereby amended by striking out section 11 and inserting in place thereof the following section: —

Section 11. Nothing in this act shall affect the validity of capital

stock heretofore lawfully issued nor the rights of holders of such stock; provided, that no additional capital stock shall be issued by a corporation to which chapter one hundred and eighty of the General Laws applies.

SECTION 5. The provisions of sections two and four of this act shall take effect as of October first, nineteen hundred and seventy-one.
Approved August 20, 1973.

Chap. 659. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE LAW MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-FOUR, FOR THE MAINTENANCE OF THE DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SINKING FUND AND SERIAL BOND REQUIREMENTS AND FOR CERTAIN PERMANENT IMPROVEMENTS.

Be it enacted, etc., as follows:

SECTION 1. Item 4232-1010 of section 2 of chapter 466 of the acts of 1973 is hereby amended by striking out the word "thirty-three" and inserting in place thereof the word: — eight.

SECTION 2. Item 4233-1010 of said section 2 of said chapter 466 is hereby amended by striking out the word "twenty-five" and inserting in place thereof the word: — sixteen.

SECTION 3. Item 4234-1010 of said section 2 of said chapter 466 is hereby amended by striking out the word "twenty-five" and inserting in place thereof the word: — fifteen.

SECTION 4. Item 4235-1010 of said section 2 of said chapter 466 is hereby amended by striking out the word "twenty-five" and inserting in place thereof the word: — sixteen.

SECTION 5. Item 4236-1010 of said section 2 of said chapter 466 is hereby amended by striking out the word "fifty-four" and inserting in place thereof the word: — five.

SECTION 6. Item 4237-1010 of said section 2 of said chapter 466 is hereby amended by striking out, in the last line, the words "three hundred and forty-six" and inserting in place thereof the words: — four hundred and forty-eight.

SECTION 6A. Said section 2 of said chapter 466 is hereby further amended by inserting after item 7116-0100 the following item: —

8071-02) From the unexpended balance of item 8071-02 of section two of
8071-50) chapter six hundred and thirty-three of the acts of nineteen hundred and seventy the sum of three hundred and ten thousand dollars is hereby transferred and made available for the purposes of item 8071-50 of section two of said chapter six hundred and thirty-three; provided, that the provisions of chapter seven hundred and eighty-one of the acts of nineteen hundred and seventy-two shall not apply to said item 8071-50.

SECTION 6B. Said section 2 of said chapter 466 is hereby further amended by striking out the item number "3600-0100" and inserting in place thereof the number: — 9091-0100-, by striking

out the item number "3622-1000" and inserting in place thereof the number: — 9091-0200, by striking out the item number "3622-9001" and inserting in place thereof the number: — 9091-0300-, by striking out the item number "3632-9001" and inserting in place thereof the number: — 9091-0400 — and by striking out the item number "3690-0010" and inserting in place thereof the number: — 9091-2000.

SECTION 6C. Said section 2 of said chapter 466 is hereby further amended by inserting after item 7114-0100 the following item: —

8072-03} From the unexpended balance of item 8072-03 of section two of
8072-46} chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one the sum of one million seven hundred and thirty thousand four hundred and seventy-two dollars is hereby transferred and made available for the purposes of item 8072-46 of section two of said chapter nine hundred and seventy-six; provided, that the provisions of chapter seven hundred and eighty-one of the acts of nineteen hundred and seventy-two shall apply to said item 8072-46.

SECTION 6D. Said section 2 of said chapter 466 is hereby further amended by inserting after item 8420-0001 the following item: —

8500-0400 For the life safety code inspection unit under Title XIX of the Social Security Act \$355,379

SECTION 7. This act shall take affect as of July first, nineteen hundred and seventy-three. *Approved August 20, 1973.*

Chap. 660. AN ACT EXEMPTING TEACHERS FROM CIVIL LIABILITY FOR EMERGENCY FIRST AID OR TRANSPORTATION RENDERED TO INJURED STUDENTS.

Be it enacted, etc., as follows:

Section 55A of chapter 71 of the General Laws, inserted by section 3 of chapter 265 of the acts of 1938, is hereby amended by adding the following paragraph: —

No public school teacher, principal, or nurse who, in good faith, renders emergency first aid or transportation to a student who has become injured or incapacitated in a public school building or on the grounds thereof shall be liable in a suit for damages as a result of his acts or omissions either for such first aid or as a result of providing emergency transportation to a place of safety, nor shall he be liable to a hospital for its expenses if under such emergency conditions he causes the admission of such injured or incapacitated student, nor shall he be subject to any disciplinary action by the school committee for such emergency first aid or transportation.

Approved August 20, 1973.

Chap. 661. AN ACT INCREASING THE AMOUNT WHICH MAY BE BORROWED BY THE COUNTY COMMISSIONERS OF HAMPSHIRE COUNTY FOR COURT HOUSE AND HALL OF RECORDS CONSTRUCTION AND RENOVATION PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 454 of the acts of 1972 is hereby amended by striking out, in line 5, the words "three hundred" and inserting in place thereof the words: — nine hundred.

SECTION 2. This act shall take effect upon its passage.

Approved August 21, 1973.

Chap. 662. AN ACT RELATIVE TO THE CIVIL SERVICE STATUS OF CERTAIN MEMBERS OF THE POLICE DEPARTMENT OF THE TOWN OF PLAINVILLE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, Gregory Fiske, William MacKenzie, Edward Orlando and Stephen West, incumbents of the positions of regular or permanent members of the police department of the town of Plainville shall, except as otherwise provided in this act, be subject to the provisions of chapter thirty-one of the General Laws, and the tenure of office of said incumbents shall be unlimited, provided, however, that each of the said incumbents shall be subject to a qualifying examination prescribed by the director of civil service for such position. Each incumbent who passes said examination shall be certified for such position and shall be deemed to be permanently appointed thereto subject to serving a probationary period from the date of such appointment. Each incumbent who fails to pass said examination may serve in such position until January first, nineteen hundred and seventy-four, but not thereafter.

Approved August 21, 1973.

Chap. 663. AN ACT ESTABLISHING COUNCILLOR AND SENATORIAL DISTRICTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 57 of the General Laws is hereby amended by striking out sections 2 and 3 and inserting in place thereof the following two sections: —

Section 2. For the purpose of choosing councillors until the next decennial apportionment, the commonwealth is divided, conformably with the constitution, into the following eight councillor districts: —

First. — Consisting of the Bristol, the Bristol and Plymouth, the Bristol and Norfolk, the Bristol, Plymouth and Norfolk and the Cape, Plymouth and Islands senatorial districts.

Second. — Consisting of the first Middlesex and Norfolk, the second Middlesex and Norfolk, the Norfolk and Suffolk, the second Suffolk and the first Suffolk and Norfolk senatorial districts.

Third. — Consisting of the first and fifth Middlesex, the third Middlesex and Norfolk, the Middlesex and Suffolk and the Middlesex and Worcester senatorial districts.

Fourth. — Consisting of the Norfolk, the Norfolk and Plymouth, the Plymouth and Norfolk, the first Suffolk and the second Suffolk and Norfolk senatorial districts.

Fifth. — Consisting of the first, second and third Essex, the first Essex and Middlesex and the second Essex and Middlesex senatorial districts.

Sixth. — Consisting of the second, third, and fourth Middlesex, the Suffolk and Middlesex and the Suffolk, Essex and Middlesex senatorial districts.

Seventh. — Consisting of the first and second Worcester, the Worcester and Middlesex, the Worcester and Norfolk and the Worcester, Franklin, Hampden and Hampshire senatorial districts.

Eighth. — Consisting of the Berkshire, the Franklin, Hampshire and Hampden, the Hampden, the Hampden and Berkshire and the Hampden and Hampshire senatorial districts.

Section 3. For the purpose of choosing senators, and of electing members of state committees of political parties as provided in section one of chapter fifty-two, until the next decennial apportionment, the commonwealth is divided, conformably with the constitution, into the following forty senatorial districts: —

Berkshire. — Consisting of the cities of North Adams and Pittsfield and the towns of Adams, Alford, Becket, Cheshire, Clarksburg, Dalton, Florida, Great Barrington, Hancock, Hinsdale, Lanesborough, Lee, Lenox, New Ashford, Peru, Richmond, Savoy, Stockbridge, Tyringham, Washington, West Stockbridge, Williamstown and Windsor, all in the county of Berkshire.

Bristol. — Consisting of the city of Fall River and the towns of Acushnet, Berkley, Freetown, Somerset and Westport, all in the county of Bristol.

Bristol and Norfolk. — Consisting of the cities of Attleboro and Taunton, and the towns of Dighton, North Attleborough, Raynham, Rehoboth, Seekonk and Swansea, all in the county of Bristol; and the towns of Plainville and Wrentham, both in the county of Norfolk.

Bristol and Plymouth. — Consisting of the city of New Bedford and the towns of Dartmouth and Fairhaven, all in the county of Bristol; and the town of Mattapoisett, in the county of Plymouth.

Bristol, Plymouth and Norfolk. — Consisting of the towns of Easton, Mansfield and Norton, all in the county of Bristol; the towns of Bridgewater, Carver, Duxbury, East Bridgewater, Halifax, Hanson, Kingston, Lakeville, Middleborough, Pembroke, Plympton, Rochester, West Bridgewater and Whitman, all in the county of Plymouth; and the town of Foxborough, in the county of Norfolk.

Cape, Plymouth and Islands. — Consisting of the towns in Barnstable, Dukes and Nantucket counties; and the towns of Marion, Plymouth and Wareham, all in the county of Plymouth.

First Essex. — Consisting of the city of Lynn and the towns of Lynnfield, Marblehead, Nahant and Swampscott, all in the county of Essex.

Second Essex. — Consisting of the cities of Beverly, Peabody and Salem and precincts numbered one, two, three, five and seven of the town of Danvers, all in the county of Essex.

Third Essex. — Consisting of the cities of Haverhill and Newburyport and the towns of Amesbury, Groveland, Merrimac, Methuen, North Andover, Salisbury and West Newbury, all in the county of Essex.

First Essex and Middlesex. — Consisting of the city of Gloucester, precincts numbered five and six of the town of Andover, the town of Boxford, precincts numbered four, six and eight of the town of Danvers, and the towns of Essex, Georgetown, Hamilton, Ipswich, Manchester, Middleton, Newbury, Rockport, Rowley, Topsfield and Wenham, all in the county of Essex; and the towns of North Reading and Reading, both in the county of Middlesex.

Second Essex and Middlesex. — Consisting of the city of Lawrence and precincts one, two, three and four of the town of Andover, both in the county of Essex; and the towns of Billerica and Tewksbury, both in the county of Middlesex.

Franklin, Hampshire and Hampden. — Consisting of the towns of Ashfield, Bernardston, Buckland, Charlemont, Colrain, Conway, Deerfield, Erving, Gill, Greenfield, Hawley, Heath, Leverett, Leyden, Monroe, Montague, Northfield, Rowe, Shelburne, Shutesbury, Sunderland, Warwick, Wendell and Whately, all in the county of Franklin; the city of Northampton and the towns of Amherst, Chesterfield, Cummington, Easthampton, Goshen, Granby, Hadley, Hatfield, Middlefield, Pelham, Plainfield, South Hadley, Williamsburg and Worthington, all in the county of Hampshire; and the town of Chester, in the county of Hampden.

Hampden. — Consisting of wards numbered two, four, five, seven and eight of the city of Springfield and the town of Ludlow, both in the county of Hampden.

Hampden and Berkshire. — Consisting of wards numbered three and six of the city of Springfield, wards numbered two, three, four and five of the city of Westfield and the towns of Agawam, Blandford, Granville, Longmeadow, Russell, Southwick, Tolland and West Springfield, all in the county of Hampden; and the towns of Egremont, Monterey, Mount Washington, New Marlborough, Otis, Sandisfield and Sheffield, all in the county of Berkshire.

Hampden and Hampshire. — Consisting of the cities of Chicopee and Holyoke, ward numbered one of the city of Springfield, ward numbered one of the city of Westfield and the town of Montgomery, all in the county of Hampden; and the towns of Huntington, Southampton and Westhampton, all in the county of Hampshire.

First Middlesex. — Consisting of the city of Lowell and the towns of Ashby, Dracut, Dunstable, Croton, Pepperell, Townsend, Tyngsborough and Westford, all in the county of Middlesex.

Second Middlesex. — Consisting of wards numbered one, two, three, four, five and seven of the city of Medford and the city of Somerville, both in the county of Middlesex.

Third Middlesex. — Consisting of the cities of Malden and Melrose and the towns of Stoneham and Wakefield, all in the county of Middlesex.

Fourth Middlesex. — Consisting of ward numbered six of the city of Medford, the city of Woburn, the town of Arlington, precincts numbered one, two, three and five of the town of Lexington and the town of Winchester, all in the county of Middlesex.

Fifth Middlesex. — Consisting of wards numbered two, three and four of the city of Waltham, the town of Bedford, precincts numbered two and three of the town of Belmont and the towns of Burlington, Carlisle, Chelmsford, precincts four, six, seven, eight and nine of the town of Lexington and the towns of Lincoln and Wilmington, all in the county of Middlesex.

First Middlesex and Norfolk. — Consisting of the towns of Ashland, Framingham, Holliston and Natick, all in the county of Middlesex; and the towns of Franklin and Medway, both in the county of Norfolk.

Second Middlesex and Norfolk. — Consisting of wards numbered one, five, six, seven, eight and nine of the city of Waltham, and the towns of Sherborn, Wayland and Weston, all in the county of Middlesex; and the towns of Dover, Medfield, Millis, Needham and Wellesley, all in the county of Norfolk.

Third Middlesex and Norfolk. — Consisting of the city of Newton, in the county of Middlesex; and the town of Brookline, in the county of Norfolk.

Middlesex and Suffolk. — Consisting of wards numbered seven, nine, ten and eleven of the city of Cambridge, precincts one, four, five, six, seven and eight of the town of Belmont and the town of Watertown, all in the county of Middlesex; and precincts numbered seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen of ward numbered twenty-one and ward numbered twenty-two of the city of Boston, in the county of Suffolk.

Middlesex and Worcester. — Consisting of the city of Marlborough and the towns of Acton, Ayer, Boxborough, Concord, Hudson, Littleton, Maynard, Shirley, Stow and Sudbury, all in the county of Middlesex; and the towns of Berlin, Bolton, Harvard and Northborough, all in the county of Worcester.

Norfolk. — Consisting of the city of Quincy and the towns of Braintree and Holbrook, all in the county of Norfolk.

Norfolk and Plymouth. — Consisting of the towns of Cohasset and Weymouth, both in the county of Norfolk; and the towns of Hanover, Hingham, Hull, Marshfield, Norwell and Scituate, all in the county of Plymouth.

Norfolk and Suffolk. — Consisting of the towns of Canton, Norfolk, Norwood, Sharon and Walpole, all in the county of Norfolk; and precincts numbered one, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen,

eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three of ward numbered eighteen in the city of Boston, in the county of Suffolk.

Plymouth and Norfolk. — Consisting of the city of Brockton and the towns of Abington and Rockland, all in the county of Plymouth; and the towns of Avon and Stoughton, both in the county of Norfolk.

First Suffolk. — Consisting of precincts numbered five, six, seven and eight of ward numbered three, wards numbered five, six and seven, precincts numbered one, two and six of ward numbered eight, precincts numbered three, five, six, seven, eight, nine and ten of ward numbered thirteen and precincts numbered one, two, three, four, five and six of ward numbered twenty-one of the city of Boston, in the county of Suffolk.

Second Suffolk. — Consisting of ward numbered four, precincts numbered three, four, five and seven of ward numbered eight, ward numbered nine, precincts numbered one, two, five, six and seven of ward numbered ten, precincts numbered one, two and three of ward numbered eleven, ward numbered twelve, precincts numbered one, two and four of ward numbered thirteen, ward numbered fourteen and precincts numbered two and three of ward numbered eighteen of the city of Boston, in the county of Suffolk.

Suffolk, Essex and Middlesex. — Consisting of the cities of Chelsea and Revere, both in the county of Suffolk; the town of Saugus, in the county of Essex; and the city of Everett, in the county of Middlesex.

Suffolk and Middlesex. — Consisting of wards numbered one and two and precincts numbered one, two, three and four of ward numbered three of the city of Boston and the town of Winthrop, both in the county of Suffolk; and wards numbered one, two, three, four, five, six and eight of the city of Cambridge, in the county of Middlesex.

First Suffolk and Norfolk. — Consisting of precincts numbered three, four, eight and nine of ward numbered ten, precincts numbered four, five, six, seven, eight, nine and ten of ward numbered eleven and wards numbered nineteen and twenty of the city of Boston, in the county of Suffolk; and the towns of Dedham and Westwood, both in the county of Norfolk.

Second Suffolk and Norfolk. — Consisting of wards numbered fifteen, sixteen and seventeen of the city of Boston, in the county of Suffolk; and the towns of Milton and Randolph, both in the county of Norfolk.

First Worcester. — Consisting of wards numbered one, two, three, four, nine and ten of the city of Worcester and the towns of Boylston, Clinton, Shrewsbury and West Boylston, all in the county of Worcester.

Second Worcester. — Consisting of the cities of Fitchburg, Gardner and Leominster and the towns of Ashburnham, Holden, Hubbardston, Lancaster, Lunenburg, Oakham, Princeton, Rutland, Sterling and Westminster, all in the county of Worcester.

Worcester and Middlesex. — Consisting of wards numbered five,

six, seven and eight of the city of Worcester and the towns of Grafton, Hopedale, Leicester, Millbury, Paxton, Southborough, Upton and Westborough, all in the county of Worcester; and the town of Hopkinton, in the county of Middlesex.

Worcester and Norfolk. — Consisting of the towns of Auburn, Blackstone, Douglas, Dudley, Mendon, Milford, Millville, Northbridge, Oxford, Southbridge, Sutton, Uxbridge and Webster, all in the county of Worcester; and the town of Bellingham, in the county of Norfolk.

Worcester, Franklin, Hampden and Hampshire. — Consisting of the towns of Athol, Barre, Brookfield, Charlton, East Brookfield, Hardwick, New Braintree, North Brookfield, Petersham, Phillips-ton, Royalston, Spencer, Sturbridge, Templeton, Warren, West Brookfield and Winchendon, all in the county of Worcester; the towns of New Salem and Orange, both in the county of Franklin; the towns of Brimfield, East Longmeadow, Hampden, Holland, Monson, Palmer, Wales and Wilbraham, all in the county of Hampden; and the towns of Belchertown and Ware, both in the county of Hampshire.

SECTION 2. The supreme judicial court shall have jurisdiction of any petition for a writ of mandamus relative to the establishment of the forty senatorial districts under section one of this act. Every such petition shall be filed in court within ten days after the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

Approved August 21, 1973.

Chap. 664. AN ACT RELATIVE TO APPEALS BY PERSONS AGGRIEVED BY REFUSAL OF ASSESSORS TO ABATE TAXES ON REAL ESTATE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate certain appeals by persons aggrieved by the refusal of assessors to abate a tax on real estate, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of the first paragraph of section 64 of chapter 59 of the General Laws, as amended by section 5 of chapter 621 of the acts of 1945, is hereby amended by striking out, in lines 4 and 5, the words "one thousand" and inserting in place thereof, in each instance, the words: — fifteen hundred.

SECTION 2. This act shall apply to taxes levied for the eighteen-month fiscal period beginning January first, nineteen hundred and seventy-three, and ending June thirtieth, nineteen hundred and seventy-four, and subsequent fiscal years.

Approved August 22, 1973.

Chap. 665. AN ACT AUTHORIZING THE COMMISSIONER OF LABOR AND INDUSTRIES TO SUSPEND THE OPERATION OF CERTAIN LABOR LAWS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide for the alleviation of emergency or hardship conditions in an industry, branch of an industry, or individual establishment, by continuing without interruption the temporary authority of the commissioner of labor and industries to suspend the application or operation of any provision of chapter one hundred and forty-nine of the General Laws or of any rule or regulation made thereunder, regulating, limiting or prohibiting the employment of women, or of minors over the age of sixteen, or both, therefore it is hereby declared to be an emergency law, necessary for the immediate protection of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of labor and industries is hereby authorized, in conformity with Article XX of Part the First of the Constitution of the Commonwealth, to suspend until July first, nineteen hundred and seventy-five the application or operation of any provision of chapter one hundred and forty-nine of the General Laws or of any rule or regulation made thereunder, regulating, limiting or prohibiting the employment of women, or of minors over the age of sixteen, or both. The commissioner shall exercise this authority when he finds, after opportunity has been given to interested parties to be heard, that an emergency exists or that conditions of hardship in an industry, branch of an industry, or individual establishment require or justify the suspension of any provision of such laws, rules or regulations. Suspensions issued by the commissioner shall prescribe, and may be either granted or limited to, one or more particular departments, operations or occupations within an establishment, or a particular industry or branch of an industry. The commission shall appoint industry advisory committees, on which employers and employees shall be equally represented, to consult and advise with him in matters relating to the suspension authorized by this act.

SECTION 2. Section one of this act shall take effect as of July first, nineteen hundred and seventy-three.

Approved August 22, 1973.

Chap. 666. AN ACT AUTHORIZING THE TOWN OF BRAINTREE TO REIMBURSE WILLIAM AND ANNE MEADOWS FOR A SEWER BETTERMENT INCORRECTLY ASSESSED AGAINST THEIR PROPERTY AND PAID BY THEM.

Be it enacted, etc., as follows:

SECTION 1. The town of Braintree is hereby authorized to appropriate and after such appropriation to pay to William Meadows

and Anne Meadows of said town the sum of one hundred and fifty-nine dollars and seventy-six cents, as reimbursement for a sewer betterment incorrectly assessed against their property and paid by them.

SECTION 2. This act shall take effect upon its passage.

Approved August 22, 1973.

Chap. 667. AN ACT AUTHORIZING THE TOWN OF BRAINTREE TO PAY CERTAIN COMPENSATION TO ITS CHIEF OF POLICE AND THE CHIEF AND FORMER CHIEF OF ITS FIRE DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of paying compensation due the chief of police and the chief and a former chief of the fire department of the town of Braintree for the year nineteen hundred and seventy-two, under the provisions of section fifty-seven G of chapter forty-eight of the General Laws, said town is hereby authorized to appropriate, and after such appropriation, to pay to the following persons the following sums of money: — John V. Polio, Sr., two thousand seven hundred and twenty-nine dollars and twenty cents; Robert A. Tenney, two thousand two hundred and thirty-four dollars and eighty cents; and Daniel B. Ryan, one thousand one hundred and forty-four dollars.

SECTION 2. This act shall take effect upon its passage.

Approved August 22, 1973.

Chap. 668. AN ACT AUTHORIZING THE TOWN OF WATERTOWN TO GRANT RETROACTIVE PAY RAISES TO STAFF EMPLOYEES OF THE WATERTOWN LIBRARY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the town of Watertown may grant an increase of four and five-tenths per cent in salary from January first, nineteen hundred and seventy-three, through June thirtieth, nineteen hundred and seventy-four, to the staff employees of the Watertown Library in the group under Chapter 10 of the By-Laws, Classification and Compensation Plan, of said town.

SECTION 2. This act shall take effect upon its passage.

Approved August 22, 1973.

Chap. 669. AN ACT FURTHER REGULATING ACCOUNTS FILED IN THE PROBATE COURT BY TRUSTEES, GUARDIANS AND CONSERVATORS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 206 of the General Laws is hereby amended

by striking out section 2, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 2. Accounts rendered to the probate court by an executor, administrator, trustee, guardian or conservator shall be for a period distinctly stated therein, and consist of three schedules, of which the first shall show the amount of personal property, and with respect to a trustee, guardian or conservator also the amount of the real property, according to the inventory, or, instead thereof, the amount of the balance of the next prior account, as the case may be, and all income and other property received and gains from the sale of any property or otherwise; the second shall show payments, charges, losses and distributions; the third shall show investment of the balance of such account, if any, and changes of investment. A trustee shall state in his accounts the receipts of principal and income separately and also the payments and charges on account of such principal and income separately.

SECTION 2. Said chapter 206 is hereby further amended by striking out sections 5 and 6, as so appearing, and inserting in place thereof the following two sections: —

Section 5. An executor or administrator with respect to personal property or guardian, conservator or trustee with respect to real and personal property shall account for such property at its appraised value, but he shall make no profit by the increase nor sustain any loss by the decrease or destruction of any part thereof without his fault. If he sells any of such property for more than its appraised value, he shall account for the excess; if he sells for less than its appraised value, he shall be allowed for the loss if the court finds that the sale was expedient, and for the interest of all concerned; and he shall not be accountable for a debt inventoried as due to the estate if the court finds that it remains uncollected without his fault.

Section 6. An executor or administrator with respect to personal property including the proceeds from any sale or mortgage of real estate, or guardian, conservator or trustee with respect to real and personal property, shall be chargeable in his account with all such property of the estate coming to him and which is by law to be administered, although not included in the inventory; and with all interest, profit and income coming to him from the property.

SECTION 3. This act shall take effect on January first, nineteen hundred and seventy-four; provided, however, that accounts rendered for accounting periods which have terminated prior to said date shall be rendered in accordance with the provisions of sections two, five and six of chapter two hundred and six of the General Laws in effect prior to said date.

Approved August 22, 1973.

Be it enacted, etc., as follows:

The town of Truro is hereby authorized to appropriate, and to pay the sum of one hundred and forty-seven dollars and seventy cents to Harold Harris as reimbursement for his overpayment of real estate taxes in the years nineteen hundred and sixty-nine, nineteen hundred and seventy and nineteen hundred and seventy-one due to an overassessment of such real estate.

Approved August 22, 1973.

Chap. 671. AN ACT REQUIRING THE CLASSIFICATION OF PROPERTY
IN THE VALUATION LISTS OF THE ASSESSORS.

Be it enacted, etc., as follows:

SECTION 1. Section 44 of chapter 59 of the General Laws is hereby amended by inserting after the word "estate", in line 6, as appearing in the Tercentenary Edition, the words: — , a designation of a classification of each estate in such forms as the commissioner may prescribe.

SECTION 2. Section 46 of said chapter 59, as amended by section 21 of chapter 160 of the acts of 1963, is hereby further amended by adding the following sentence: — Such valuation book shall contain at the end thereof a summary listing the total valuation for each classification of property as prescribed by the commissioner.

SECTION 3. This act shall be applicable to assessments made after December thirty-first, nineteen hundred and seventy-three.

Approved August 22, 1973.

Chap. 672. AN ACT REQUIRING EMPLOYERS TO FILE INFORMATION
FOR INCOME TAX PURPOSES AS TO COMPENSATION PAID
TO CERTAIN EMPLOYEES NOT PREVIOUSLY SUBJECT TO
A REPORT.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 33 of chapter 62 of the General Laws, as appearing in section 15 of chapter 555 of the acts of 1971, is hereby amended by adding the following sentence: — In addition thereto, reports furnished under this section shall contain like information relative to payments of any income subject to taxation under this chapter but for which no such report is required by the federal government under the provisions of the said Code.

SECTION 2. This act shall apply to taxable years commencing after December thirty-first, nineteen hundred and seventy-two.

Approved August 22, 1973.

Chap. 673. AN ACT RELATIVE TO THE VALIDITY OF ATTACHMENTS OF REAL ESTATE HELD BY A DEBTOR AS TRUSTEE.

Be it enacted, etc., as follows:

Section 67 of chapter 223 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "conveyance", in line 10, the words: — , or which was acquired by the debtor by a deed describing him as trustee, regardless of the validity of the trust or the legal effect of the designation as trustee".

Approved August 22, 1973.

Chap. 674. AN ACT AUTHORIZING THE DEPARTMENT OF VETERANS' SERVICES TO PAY A CERTAIN SUM OF MONEY TO THE TOWN OF CLARKSBURG FOR CERTAIN VETERANS' BENEFITS PAID BY SAID TOWN.

Be it enacted, etc., as follows:

There shall be allowed and paid out of the state treasury to the town of Clarksburg, subject to appropriation and subject to the approval of the commissioner of veterans' services, such sum, not exceeding six thousand eight hundred and fifty-seven dollars and forty-three cents, as said town would have been entitled to receive in reimbursement for veterans' benefits paid by it in the years nineteen hundred and sixty-five through nineteen hundred and seventy, under the provisions of section six of chapter one hundred and fifteen of the General Laws, had said town made a proper and seasonable report thereof to said commissioner as required by said section six.

Approved August 22, 1973.

Chap. 675. AN ACT DIRECTING THE DEPARTMENT OF MENTAL HEALTH TO TRANSFER THE CONTROL OF CERTAIN LAND IN THE TOWNS OF DOVER AND MEDFIELD TO THE DEPARTMENT OF NATURAL RESOURCES.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of mental health is hereby authorized and directed to transfer to the department of natural resources, under conditions and with adjustments of boundaries to be agreed upon between the said departments, the control of the following lands of the Medfield state hospital in the towns of Medfield and Dover:

(a) The land now of said hospital in the town of Dover which was conveyed to the commonwealth in 1890 by deeds of Moses B. H. Bishop, Daniel B. Morrill, Amos W. Shumway, Benjamin F. Shumway and Frederick E. Wight, said deeds being recorded in the registry of deeds in Norfolk county in volume 647, pages 182, 187, 190, 192 and 194 respectively;

(b) All land bounded by the west edge of the road to the hospital heating plant, Hospital road, and the Charles river, except for the hospital cemetery and the access road thereto; and

(c) Lands of said hospital south of Hospital road west of the right of way of the Penn Central Transportation Company, a corporation organized under the laws of the commonwealth of Pennsylvania, and east of the Charles river, excluding herefrom the hospital sewerage treatment plant and gravel pit and the areas immediately adjacent thereto.

Said transfer may provide for the reservation of such easements or restrictions as the commissioner of mental health and the commissioner of natural resources may agree to. Said transfer shall also be subject to such further conditions and restrictions as the commissioner of mental health may deem advisable, including a provision that control of the aforesaid premises shall revert to the department of mental health if such conditions are not complied with.

SECTION 2. Properties transferred from the Medfield state hospital to the department of natural resources shall be administered by said department as the Medfield Charles River Reservation for the protection and public enjoyment of the natural features of the area.

Approved August 22, 1973.

Chap. 676. AN ACT AUTHORIZING THE COUNTY TREASURER OF PLYMOUTH COUNTY TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law the county treasurer of Plymouth county with the approval of the county commissioners shall pay from any available funds an unpaid bill in the sum of two hundred and fifty-five dollars to Belledue Inc. of Boston for goods sold and delivered to the Fourth District Court of Plymouth in the year nineteen hundred and seventy which bill is legally unenforceable against said county by reason of its having been incurred in excess of available appropriations.

SECTION 2. No bill shall be approved by the county treasurer of said county for payment or paid by the treasurer thereof under authority of this act unless and until certificates have been signed and filed with said county treasurer, stating under the penalties of perjury that the goods for which said bill has been submitted were ordered by an official or an employee of said county and that such goods were delivered and actually received by said county.

SECTION 3. Any person who knowingly files a certificate required by section two which is false and who thereby receives payment for goods which were not received by said county shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved August 22, 1973.

Chap. 677. AN ACT PROVIDING THAT CERTAIN DECREES FOR THE SALE OF REAL OR PERSONAL PROPERTY AUTHORIZE OTHER ACTION REQUIRING PROBATE COURT LICENSES.

Be it enacted, etc., as follows:

Chapter 202 of the General Laws is hereby amended by adding the following section: —

Section 37. The decree of a probate court upon a petition for leave to sell real or personal property shall be sufficient to authorize any action requiring a license by said court by any general or special law. A decree, authority or order of said court may refer to the petition for the description of real or personal property, or the terms of a sale of real or personal property.

Approved August 22, 1973.

Chap. 678. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The city of Springfield is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay, such unpaid bills incurred by said city and totalling six thousand six hundred and seventeen dollars and fifty-eight cents, as are set forth in a list on file in the office of the director of accounts in the department of corporations and taxation, and as are certified for payment by the department of public welfare by which said bills were incurred; provided, that the money so appropriated to pay such bills shall be raised by taxation or made available from appropriated surplus funds of the city.

SECTION 2. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said city auditor, stating under the penalties of perjury that the goods, materials or services for which said bill was submitted were ordered by an official or an employee of said city, and that such goods and materials were delivered to and actually received by said city or that such services were rendered to said city, or both.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false and who thereby receives payment for goods, materials or services which were not received by or rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars.

SECTION 4. This act shall take effect upon its acceptance during the current year by the city of Springfield.

Approved August 22, 1973.

Chap. 679. AN ACT CHANGING THE DATE OF SUBMISSION OF THE ANNUAL BUDGET OF THE TOWN OF HOLDEN.

Be it enacted, etc., as follows:

Section 19 of chapter 406 of the acts of 1951 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — On or before the fifteenth day of February of each year the town manager shall prepare and submit to the finance committee a budget for the ensuing year and all supplementary information in such form and detail as they deem necessary or the town may require by by-law.

Approved August 22, 1973.

Chap. 680. AN ACT FURTHER DEFINING THE POWERS OF THE UPPER BLACKSTONE WATER POLLUTION ABATEMENT DISTRICT RELATIVE TO THE TOWN OF MILLBURY.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 752 of the acts of 1968 is hereby amended by striking out the first two paragraphs and inserting in place thereof the following two paragraphs: —

Said Board, acting for and on behalf of said district, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any lands, property, water rights, rights-of-way or easements, public or private in said district and in the town of Millbury, necessary for accomplishing any purpose mentioned in this act, and may construct such main drains and sewers under or over any bridge, railroad, railway, boulevard or other public way, or within the location of any railroad, and may enter upon and dig up any private land, public way or railroad location, for the purpose of laying such drains and sewers and of maintaining and repairing the same, and may do any other thing proper or necessary for the purposes of this act; provided that they shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drain or sewer within the location of any railroad corporation except at such time and in such manner as they may agree upon with such corporation, or, in case of failure to agree, as may be approved by the department of public utilities.

The Board, acting for the district, shall purchase, construct, maintain and operate in the district and in the town of Millbury such trunk sewers, pumping stations, intercepting sewers, connections, sewage treatment works, laboratories and other works as may be required for collecting, treating and disposing of sewage and other waterborne wastes to be discharged from the sewerage systems of said city, towns or districts. For such purposes the Board may make such contracts, or make other arrangements as it may deem necessary. No work shall be constructed until plans have been approved by the department of public health, division of

water pollution control and the department of natural resources. Any construction, reconstruction, or extension of trunk sewers, pumping stations, intercepting sewers, connections, sewage treatment works, laboratories, and other works shall be referred to the central Massachusetts regional planning commission for an advisory opinion as to the proposed works relationship to regional and intercommunity considerations and to its coordination with existing local and regional proposals.

SECTION 2. Any and all action taken by the district pursuant to section six of chapter seven hundred and fifty-two of the acts of nineteen hundred and sixty-eight, as amended by section one of this act, is confirmed and validated notwithstanding that such action was taken prior to passage of this act.

SECTION 3. This act shall take effect upon its passage.

Approved August 23, 1973.

Chap. 681. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF WORCESTER COUNTY TO BORROW MONEY TO CONSTRUCT AND EQUIP A COURT HOUSE IN THE CITY OF GARDNER FOR THE FIRST DISTRICT COURT OF NORTHERN WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Worcester county are hereby authorized to acquire by purchase, or take by eminent domain under chapter seventy-nine of the General Laws, sufficient land for the construction of suitable and adequate facilities, including parking facilities for the first district court of northern Worcester which shall be located in the city of Gardner.

Said county commissioners are further authorized to cause plans and specifications to be prepared for the construction of such facilities provided, that the total cost of such plans and specifications and the cost of acquisition of such land, including appraisal fees shall not exceed two hundred and fifty thousand dollars; provided, further that such plans and specifications shall be so drawn and the total cost for the construction and original equipping of said facility shall not exceed one and one half million dollars; provided, further that the said county commissioners shall construct and originally equip said court house. Any sums received from the federal government for the purposes of this act shall be included in, and considered a part of, the total amount authorized to be expended hereunder.

SECTION 2. For the purposes authorized by section one, the treasurer of Worcester county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, one million seven hundred and fifty thousand dollars and may issue bonds or notes of the county therefor, which shall bear on their face the words, First District Court of Northern Worcester Court

House Loan, Act of 1973. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than twenty years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale, upon such terms and conditions as the county commissioner may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 3. The first paragraph of section 1 of chapter 629 of the acts of 1972 is hereby amended by striking out, in line 5, the words “, for the first district court of northern Worcester and”.

SECTION 4. Said section 1 of said chapter 629 is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

Said county commissioners are further authorized to cause plans and specifications to be prepared for the construction of such facilities; provided, that the total cost of such plans and specifications and the cost of acquisition of such land, including appraisal fees shall not exceed two hundred and fifty thousand dollars; and provided, further, that such plans and specifications shall be so drawn that the total cost for the construction and original equipping of said facilities shall not exceed one and one half million dollars. Any sums received from the federal government for the purposes of this act shall be included in, and considered a part of, the total amount authorized to be expended hereunder.

SECTION 5. Section two of said chapter six hundred and twenty-nine is hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved August 23, 1973.

Chap. 682. AN ACT AUTHORIZING THE CONSTRUCTION AT THE ESSEX AGRICULTURAL AND TECHNICAL INSTITUTE OF A BUILDING FOR INSTRUCTION OF HIGH SCHOOL STUDENTS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing adequate educational facilities for students on the secondary level, the board of trustees of the Essex Agricultural and Technical Institute is hereby authorized to construct and originally equip and furnish a combination classroom and laboratory building, and to install and establish the roadways, walkways, landscaping, identification, and the utility services necessary for its full completion. Said board may expend for said purpose, including the preparation of plans and specifications in connection therewith, such sums as may be necessary, not exceeding, in the aggregate, one million dollars.

SECTION 2. For the purpose aforesaid, the treasurer of Essex county, with the approval of the county commissioners, may

borrow upon the credit of the county such sums as may be necessary, not to exceed one million dollars in the aggregate, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Essex Agricultural and Technical Institute Building Loan, Act of 1973. Each authorized issue shall constitute a separate loan and such loans shall be payable not more than twenty years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 3. This act shall take effect upon its passage.

Approved August 23, 1973.

Chap. 683. AN ACT FURTHER REGULATING THE ISSUANCE OF MARINE INSURANCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for minimum net cash assets on the part of marine insurers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 160 of chapter 175 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "companies", in line 13, the words: — ; provided, however, no duly licensed insurance broker or special insurance broker shall act in negotiating, continuing or renewing policies of insurance on transportation, inland navigation and ocean and coastwise marine risks with a foreign company not authorized to transact business in the commonwealth unless such company is possessed of net cash assets of at least one million dollars computed on the basis fixed by sections ten to twelve, inclusive, and meets all the requirements of section one hundred and sixty-eight relating to foreign companies not authorized to transact business in the commonwealth.

No insurance broker or special insurance broker shall negotiate, continue or renew any such policies in any company, whether licensed, authorized to transact business in the commonwealth by section one hundred and sixty-eight, or authorized by this section, if the primary obligation to meet the actual risk assumed under any such policy is reinsured or otherwise transferred by such a company to a company that is not licensed or possessed of net cash assets as prescribed by this section or authorized to transact business by this section or section one hundred and sixty-eight.

The commissioner may, after an appropriate hearing authorize a company that does not have net assets as prescribed or a deposit

in the amount required by section one hundred and sixty-eight to be used by insurance brokers and special insurance brokers to issue coverage on transportation, inland navigation and ocean and coast-wise marine risks if he finds on the basis of the evidence presented at such a hearing that necessary coverage is not available to such risks from companies meeting the aforesaid requirements so long as he is satisfied that its officers and directors are of good repute and that the management of the company is carrying out its insurance contracts in good faith and that it shall file with the commissioner the reports required of companies authorized to transact business in the commonwealth pursuant to section one hundred and sixty-eight. Any such finding shall be reduced to writing and the authorization so given may at any time be revoked by the commissioner.

SECTION 2. Section 3A of chapter 175B of the General Laws, as appearing in chapter 781 of the acts of 1950, is hereby amended by striking out, in lines 5 and 6, the words "one hundred and sixty or".

Approved August 23, 1973.

Chap. 684. AN ACT INCREASING THE SCOPE OF THE WORLD WAR II MEMORIAL COMMISSION TO INCLUDE THE KOREAN EMERGENCY AND THE VIETNAM CONFLICT AND TO HONOR CERTAIN DECEASED VETERANS THEREOF.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 124 of chapter 6 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 2 of chapter 83 of the acts of 1965, and inserting in place thereof the following sentence: — There shall be a World War II, Korean Emergency and Vietnam Conflict memorial commission, hereinafter called the commission, consisting of the commissioner of veterans' services, ex officio, and two persons to be appointed by the governor, of whom one shall be a director of the U.S.S. Massachusetts Memorial Committee, Incorporated, a charitable corporation established under chapter one hundred and eighty.

SECTION 2. Said section 124 of said chapter 6 is hereby amended by striking out the second paragraph, as amended by chapter 492 of the acts of 1967, and inserting in place thereof the following paragraph: —

Upon the transfer of the U.S.S. Massachusetts from the United States to said corporation said commission shall, with the consent of said corporation, subject to appropriation, erect and maintain thereon an honor roll in memory of those members of the armed forces of the United States from the commonwealth who died in the service of their country during World War II, the Korean Emergency and the Vietnam Conflict and suitable facilities to honor the dead of said wars. Said U.S.S. Massachusetts is hereby designated as the Massachusetts World War II, Korean Emergency and Vietnam Conflict Memorial.

Approved August 23, 1973.

Chap. 685. AN ACT RELATIVE TO PENSIONS FOR WIDOWS AND CHILDREN OF CERTAIN PUBLIC EMPLOYEES KILLED IN THE PERFORMANCE OF DUTY.

Be it enacted, etc., as follows:

Chapter 32 of the General Laws is hereby amended by striking out section 100, as most recently amended by section 17 of chapter 1012 of the acts of 1971, and inserting in place thereof the following section: —

Section 100. Notwithstanding any provision of this chapter or any other law, if a firefighter while in the performance of his duties and as the result of an accident while responding to or returning from an alarm of fire or any emergency, or while at the scene of a fire or any emergency is killed or sustains injuries which result in his death, or if a police officer while in the performance of his duties and as the result of an assault on his person or as a result of an accident involving a police department vehicle which he is operating or in which he is riding in the performance of his duties as a police officer is killed or sustains injuries which result in his death, or if a corrections officer while in the performance of his duties and as the result of an assault on his person is killed or sustains injuries which result in his death, there shall be paid to the widow of such firefighter, police officer or corrections officer an annual amount of pension which shall be equal to the amount of salary which would have been paid to such firefighter, police officer or corrections officer had he continued in service in the position held by him at the time of his death; provided, however, that the amount of pension immediately payable shall be equal to the maximum salary set for the position whether or not such firefighter, police officer or corrections officer had reached the maximum at the time of his death. Any pension payable to a widow under this section shall be paid to her so long as she remains unmarried. In the event of the death or remarriage of any widow eligible to receive a pension under this section, and in case there is any child of such deceased firefighter, police officer or corrections officer, there shall be paid to the legal guardian for the benefit of each such child the sum of three hundred and twelve dollars per annum in addition to a payment equal to seventy-two per cent of the pension which said widow was receiving at the time of her death or remarriage; such payment to be made in proportionate shares to the legal guardian for the benefit of each such child until such time as all such children have attained age eighteen or have attained age twenty-one if full-time students, and such payment shall continue for the benefit of such children who are over age eighteen and physically or mentally incapacitated from earning. The words "full-time student" shall mean a child who is in full-time attendance in an accredited educational institution offering full-time courses of study equivalent to or higher than secondary school study. The words "accredited educational institution" shall mean any school, college or university that is licensed, approved or accredited, as the case may be,

in the state in which it is located.

The benefits provided by this section shall be in the alternative to the benefits provided by any other section of this chapter; provided, however, that if any such deceased firefighter, police officer or corrections officer was a member of a contributory retirement system established under the provisions of section twenty, any accumulated total deductions credited to his account in the annuity savings fund of such system shall be paid in one sum in accordance with the provisions of subdivision (2) of section eleven, to his surviving beneficiary or beneficiaries entitled thereto.

The benefits payable under this section to the widow of such deceased firefighter, police officer or corrections officer shall be paid as follows: — if her husband was a member of the state employees' retirement system or any county, city or town contributory retirement system, as the case may be, established under the provisions of sections one to twenty-eight, inclusive, or under corresponding provisions of earlier laws, and subject thereto, or any contributory retirement system established for the employees of any governmental unit under the provisions of any special law, from the same appropriation, and in the same manner, as accidental death benefits payable under the provisions of section nine; if her husband was not a member of a contributory retirement system, from the same appropriation, and in the same manner, as annuities to dependents payable under the provisions of section eighty-nine or section eighty-nine A.

If any firefighter, police officer or corrections officer is killed or sustains injuries resulting in his death in the manner set forth in this section, and he was so killed or sustained such injuries while assisting another governmental unit, pursuant to the provisions of subdivision (4) of section seven, the benefits provided by this section shall be paid to the widow as provided in the preceding paragraph, but the government unit which requested such assistance shall annually, on or before January fifteenth, reimburse the governmental unit which had employed such deceased firefighter, police officer or corrections officer in the amount of any benefits paid to his widow during the preceding calendar year.

The presumptions created by section ninety-four and ninety-four A shall not be applicable to the death of any firefighter, police officer or corrections officer for which a pension is provided under this section.

This section shall be administered by the state board of retirement as to employees of the commonwealth or the metropolitan district commission; by the appropriate retirement board; established under section twenty, having jurisdiction in the governmental unit in which any such firefighter or police officer was employed at the time of his death; or by the Massachusetts Bay Transportation Authority police retirement board; or if such firefighter, police officer, or corrections officer was employed by a town and was not a member of any contributory retirement system, by the board of selectmen of such town. *Approved August 23, 1973.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, September 5, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 685 of the Acts of 1973, entitled "AN ACT RELATIVE TO PENSIONS FOR WIDOWS OF CERTAIN PUBLIC EMPLOYEES KILLED IN THE PERFORMANCE OF DUTY," and the enactment of which received my approval on August 23, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

In order that all who would come within the scope of the provisions of this Act will be treated equally, it is imperative that its provisions become effective immediately.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, September 5, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at one o'clock, p.m., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and eighty-five of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 686. AN ACT DIRECTING THE CITY OF SOMERVILLE TO RETIRE DISTRICT CHIEF JOSEPH POLCARI, A FIRE-FIGHTER OF THE CITY OF SOMERVILLE, AT FULL SALARY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary and in order to promote the public good, the retirement board of the city of Somerville is hereby authorized and directed to retire District Chief Joseph Polcari of the fire department of the city of Somerville, who as the result of injuries sustained while in the performance of his duties on August twenty-eighth, nineteen hundred and seventy-one, is totally and permanently incapacitated

for further service as a firefighter.

SECTION 2. The yearly amount of pension payable to said Joseph Polcari under this act shall be fixed in an amount equal to the regular rate of compensation which he would have been paid had he continued in service as a firefighter of said city at the grade held by him at the time of his retirement. Such retirement shall become effective as of the date following the last day on which he received regular compensation. Upon such retirement, the retirement board of said city shall forthwith pay to him the amount credited to him as accumulated total deductions in the annuity savings fund of the Somerville retirement system.

SECTION 3. Said Joseph Polcari shall be entitled to receive such indemnification for all hospital, medical, and related expenses that have been, or may be, incurred after the date of his retirement as a result of the injuries sustained by him while in the performance of his duties, according to the provisions of section one hundred of chapter forty-one of the General Laws.

SECTION 4. Upon the death of said Joseph Polcari, leaving his wife, Nathalie Polcari, surviving him, said city shall pay to her for as long as she remains unmarried an annuity in the amount of three-fourths of the amount of the pension payable to him at the time of his death.

SECTION 5. This act shall become effective upon its acceptance by the city of Somerville.

Approved August 23, 1973.

Chap. 687. AN ACT DESIGNATING THE METROPOLITAN DISTRICT COMMISSION SWIMMING POOL ON THE VETERANS OF FOREIGN WARS PARKWAY IN THE WEST ROXBURY DISTRICT OF THE CITY OF BOSTON AS THE JAMES E. PHELAN MEMORIAL SWIMMING POOL.

Be it enacted, etc., as follows:

The swimming pool on the Veterans of Foreign Wars parkway in the West Roxbury district of the city of Boston shall be designated and known as the James E. Phelan Memorial Swimming Pool, in honor of James E. Phelan, who was a member of the house of representatives from nineteen hundred and thirteen through nineteen hundred and sixteen. A suitable marker bearing such designation shall be attached thereto by the metropolitan district commission.

Approved August 23, 1973.

Chap. 688. AN ACT DESIGNATING A CERTAIN BRIDGE UNDER RECONSTRUCTION IN THE CITY OF BOSTON AS THE HONORABLE JOHN F. GILMORE BRIDGE.

Be it enacted, etc., as follows:

The name of the bridge presently referred to as the Prison Point bridge and under reconstruction by the metropolitan district com-

mission shall, when such reconstruction is completed, be designated and known as the Honorable John F. Gilmore bridge, in memory of John F. Gilmore, a former state representative from the Charlestown district of the city of Boston and a former justice of the municipal court of the Charlestown district. A suitable marker bearing said designation shall be attached thereto by said commission.

Approved August 23, 1973.

Chap. 689. AN ACT CHANGING THE RATE OF INTEREST PAID ON REIMBURSEMENTS OF PROPERTY TAXES ABATED ON WHICH INTEREST HAS BEEN PAID BY THE TAXPAYER.

Be it enacted, etc., as follows:

Section 69 of chapter 59 of the General Laws, as most recently amended by section 3 of chapter 597 of the acts of 1965, is hereby further amended by inserting after the word "sixty-two", in line 5, the words:— ; provided, however, that in any case where a taxpayer has paid interest at eight per cent, pursuant to the provisions of section fifty-nine, on all or a portion of said tax, the interest allowed hereunder shall be at eight per cent on said tax or portion thereof for the period on account of which interest was paid at eight per cent.

Approved August 23, 1973.

Chap. 690. AN ACT AUTHORIZING THE COUNTY TREASURER OF NORFOLK COUNTY TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The county treasurer of Norfolk county is hereby authorized to pay from any available funds a certain unpaid bill in the amount of one thousand one hundred and sixty dollars to A. Walter Ciani, M.D., of the city of Quincy for services rendered, and which bill is legally unenforceable against said county.

SECTION 2. No bill shall be approved by the county commissioners of said county or paid by said treasurer under authority of this act unless and until a certificate has been signed and filed with said treasurer stating under the penalties of perjury that the goods, materials and services for which said bill has been submitted was ordered by an official or an employee of said county and that such goods and materials were delivered to and actually received by said county or that such services were rendered to said city, or both.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for goods, materials or services which were not received by or rendered to said county shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved August 23, 1973.

Chap. 691. AN ACT PROVIDING THAT MEMBERS OF THE POLICE DEPARTMENT OF THE TOWN OF BLACKSTONE BE EXEMPTED FROM CIVIL SERVICE LAW AND RULES AND FURTHER REGULATING THE APPOINTMENT OF MEMBERS OF THE POLICE DEPARTMENT OF THE TOWN OF BLACKSTONE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law, appointments to the police department of the town of Blackstone shall not be subject to the civil service law and rules, and any person so appointed who serves in such position for a period of three consecutive years may hold such position until he reaches age sixty-five unless sooner incapacitated by physical or mental disability from performing the duties of police officer or unless removed by the selectmen in accordance with the provisions of chapter thirty-one of the General Laws and the rules made thereunder, relative to removal from the classified civil service.

SECTION 2. The provisions of section one of this act shall not impair the civil service status of any member of the police department of the town of Blackstone holding civil service status on the effective date of this act.

SECTION 3. This act shall be submitted for acceptance to the voters of said town at its next annual town meeting in the form of the following question, which shall be placed on the official ballot to be used for the election of town officers at said meeting: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-three, entitled 'An Act providing that members of the police department of the town of Blackstone be exempted from civil service law and rules and further regulating the appointment of members of the police department of the town of Blackstone', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take full effect, but not otherwise.

Approved August 23, 1973.

Chap. 692. AN ACT PROVIDING ADDITIONAL FUNDS FOR THE SUITABLE RECOGNITION OF THOSE RESIDENTS OF MASSACHUSETTS WHO SHALL HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES DURING THE VIETNAM CONFLICT, AND MAKING CERTAIN CHANGES IN THE DATES OF ELIGIBILITY THEREFOR.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide prompt recognition of Massachusetts residents upon their honorable discharge or release from duty in the armed forces of the United States during the hostilities in Vietnam, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 646 of the acts of 1968 is hereby amended by striking out the first paragraph, as amended by chapter 325 of the acts of 1969, and inserting in place thereof the following section: —

Section 1. Upon application, as hereinafter provided, there shall be allowed and paid out of the treasury of the commonwealth without appropriation to each person, who shall have served in the armed forces of the United States in active service, since July first, nineteen hundred and fifty-eight and prior to April first, nineteen hundred and seventy-three who was discharged or released under honorable conditions from such service, the sums hereinafter specified; provided that the domicile of every person on account whose service the application is filed shall have been in the commonwealth for a period of not less than six months prior to the time of his entry into the service.

(1) Three hundred dollars to each such Vietnam veteran who performed active service outside the continental limits of the United States in the Vietnam area, as said area is described by proper federal authority.

(2) Two hundred dollars to each such Vietnam veteran who performed active duty within the continental limits of the United States, or without the continental limits of the United States in an area other than the Vietnam area for a period of six months or more.

SECTION 2. In anticipation of the issue of bonds authorized in section three of this act, the state treasurer may borrow, from time to time on the credit of the commonwealth, such sums of money as may be necessary for the purpose of meeting payments authorized by chapter six hundred and forty-six of the acts of nineteen hundred and sixty-eight, and amendments thereto, and may issue and renew, as hereinafter provided, notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; but the final maturity of such notes, whether original or renewal, shall be not later than June thirtieth, nineteen hundred and seventy-five.

SECTION 3. To meet the expenditures necessary in carrying out the provisions of sections one, three, four and five of said chapter six hundred and forty-six, and amendments thereto, or to refinance notes issued as provided in section two of this act, the state treasurer shall, upon the request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of fifteen million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on

their face, Vietnam Conflict Loan, Act of 1973, and shall be on the serial payment plan for such maximum term of years, not exceeding ten years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization, other than the final year, shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rates as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, nineteen hundred and ninety-six.

Approved August 24, 1973.

Chap. 693. AN ACT AUTHORIZING THE CITY OF MELROSE TO CONSTRUCT A SKATING RINK OR ARENA AT MOUNT HOOD MEMORIAL PARK IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seven of chapter forty-five of the General Laws, the park commissioners of the city of Melrose may construct a skating rink or arena at Mount Hood Memorial Park in the city of Melrose. Said rink or arena may be in excess of six hundred square feet.

SECTION 2. This act shall take effect upon its passage.

Approved August 24, 1973.

Chap. 694. AN ACT CHANGING THE NAME OF THE TOWN OF ARLINGTON TO THE TOWN OF MENOTOMY.

Be it enacted, etc., as follows:

SECTION 1. The town of Arlington is hereby authorized and directed to change the name of said town to the town of Menotomy.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Arlington at the annual town meeting to be held in the year nineteen hundred and seventy-four in the form of the following question, which shall be placed on the official ballot to be used for the election of town officers at said meeting: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-three entitled, 'An Act changing the name of the town of Arlington to the town of Menotomy', be accepted?" If a majority of votes cast in answer to said question is in the affirmative, this act shall thereupon take full effect on April nineteenth, nineteen hundred and seventy-six, but not otherwise.

Approved August 24, 1973.

Chap. 695. AN ACT DESIGNATING LAND IN HAVERHILL AS THE VIETNAM VETERANS MEMORIAL.

Be it enacted, etc., as follows:

The land adjacent to the Ralph C. Basiliere Memorial Bridge in the city of Haverhill shall be known and designated as the Vietnam Veterans Memorial. A suitable marker bearing such designation shall be attached thereon by the department of public works.

Approved August 24, 1973.

Chap. 696. AN ACT INCREASING THE WHOLE ESTATE WHICH CERTAIN INDIVIDUALS MAY HAVE TO QUALIFY FOR A REAL ESTATE TAX EXEMPTION.

Be it enacted, etc., as follows:

SECTION 1. Clause Seventeenth of section 5 of chapter 59 of the General Laws, as most recently amended by section 1 of chapter 1110 of the acts of 1971, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — Real estate, to the value of two thousand dollars or the sum of one hundred and seventy-five dollars, whichever would result in an abatement of the greater amount of actual taxes due, of a widow, or of any minor whose father is deceased, occupied by such widow, or minor as her or his domicile, or a person or persons over the age of seventy who has owned and occupied it as a domicile for not less than ten years; provided, that the whole estate, real and personal, of such widow, person or minor does not exceed in value the sum of twenty thousand dollars, exclusive of property otherwise exempt under the twelfth, twentieth and twenty-first clauses of this section and exclusive of the value of the mortgage interest held by persons other than the person or persons to be exempted in such mortgaged real estate as may be included in such whole estate.

SECTION 2. Clause Twenty-second of said section 5 of said chapter 59 is hereby amended by striking out paragraph (f), as most recently amended by section 4 of said chapter 1110, and inserting in place thereof the following paragraph: —

(f) Widows of soldiers or sailors who served in the armed forces of the United States between April the sixth, nineteen hundred and seventeen and November the eleventh, nineteen hundred and eighteen, or who were awarded the World War I Victory Medal; provided such widows have remained unmarried and have resided in the commonwealth for five consecutive years next prior to the date of filing for exemption under this section; and provided, further, that the whole estate, real and personal, of such widow does not exceed in value the sum of twenty thousand dollars, exclusive of the value of the mortgage interest held by persons other than such widow in such mortgaged real estate as may be included in such whole estate. After the assessors have allowed an exemption under

this clause, no further evidence of the existence of the facts required by this paragraph will be required in any subsequent year in the city or town in which the exemption has been so allowed, except that the assessors may require an annual statement that such widow has remained unmarried.

SECTION 3. This act shall apply to taxes levied for the eighteen month fiscal period beginning January first, nineteen hundred and seventy-three, and ending June thirtieth, nineteen hundred and seventy-four, and subsequent fiscal years.

Approved August 24, 1973.

Chap. 697. AN ACT AUTHORIZING THE TOWN OF WEYMOUTH TO RESCIND ITS ACCEPTANCE OF CERTAIN PROVISIONS OF LAW RELATIVE TO THE ESTABLISHMENT OF AN AIRPORT AND AN AIRPORT COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the town of Weymouth is hereby authorized to rescind its previous acceptance of sections fifty-one D and fifty-one E of chapter ninety of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Approved August 27, 1973.

Chap. 698. AN ACT PROVIDING THAT THE LAWS PERTAINING TO PRICE DISCRIMINATION SHALL APPLY TO SALES OF WINE.

Be it enacted, etc., as follows:

Paragraph (h) of section 25D of chapter 138 of the General Laws, as appearing in chapter 706 of the acts of 1966, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — For the purpose of this section alcoholic beverages shall not include malt beverages.

Approved August 27, 1973.

Chap. 699. AN ACT FURTHER REGULATING THE AMOUNT OF DAMAGES RECOVERABLE IN ACTIONS FOR DEATH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 229 of the General Laws is hereby amended by striking out section 2 and inserting in place thereof the following section: —

Section 2. A person who (1) by his negligence causes the death of a person, or (2) by willful, wanton or reckless act causes the death of a person under such circumstances that the deceased could have recovered damages for personal injuries if his death

had not resulted, or (3) operates a common carrier of passengers and by his negligence causes the death of a passenger, or (4) operates a common carrier of passengers and by his willful, wanton or reckless act causes the death of a passenger under such circumstances that the deceased could have recovered damages for personal injuries if his death had not resulted, or (5) is responsible for a breach of warranty arising under Article 2 of chapter one hundred and six which results in injury to a person that causes death, shall be liable in damages in the amount of: (1) the fair monetary value of the decedent to the persons entitled to receive the damages recovered, as provided in section one, including but not limited to compensation for the loss of the reasonably expected net income, services, protection, care, assistance, society, companionship, comfort, guidance, counsel, and advice of the decedent to the persons entitled to the damages recovered; (2) the reasonable funeral and burial expenses of the decedent; (3) punitive damages in an amount of not less than five thousand dollars in such case as the decedent's death was caused by the malicious, willful, wanton or reckless conduct of the defendant or by the gross negligence of the defendant; except that (1) the liability of an employer to a person in his employment shall not be governed by this section, (2) a person operating a railroad shall not be liable for negligence in causing the death of a person while walking or being upon such railroad contrary to law or to the reasonable rules and regulations of the carrier and (3) a person operating a street railway or electric railroad shall not be liable for negligence for causing the death of a person while walking or being upon that part of the street railway or electric railroad not within the limits of a highway. A person shall be liable for the negligence or the willful, wanton or reckless act of his agents or servants while engaged in his business to the same extent and subject to the same limits as he would be liable under this section for his own act. Damages under this section shall be recovered in an action of tort by the executor or administrator of the deceased. No recovery shall be had under this section for a death which does not occur within two years after the injury which caused the death. An action to recover damages under this section shall be commenced within two years from the date of death or within such time thereafter as is provided by section four, four B, nine or ten of chapter two hundred and sixty.

SECTION 2. This act shall take effect on January first, nineteen hundred and seventy-four, and shall apply to causes of action arising on or after said date.

Approved August 27, 1973.

Chap. 700.

AN ACT DIRECTING THE BOARD OF TRUSTEES OF THE UNIVERSITY OF MASSACHUSETTS TO SELL AND CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF AMHERST TO SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The board of trustees of the University of Massachusetts are hereby authorized and directed to sell and convey to the town of Amherst for fire station purposes, by deed approved as to form by the attorney general, all the rights, title and interest of the commonwealth in and to a certain parcel of land located in the town of Amherst, bounded and described as follows: —

Beginning at highway bound #16 in the easterly sideline of East Pleasant Street; thence N 3°36'37" E along the easterly sideline of East Pleasant Street a distance of 185.53 feet to a concrete bound; thence S 80°39'23" E a distance of 219.98 feet to a concrete bound; thence N 54°20'37" E a distance of 70.70 feet to a concrete bound; thence S 80°39'23" E distance of 245.00 feet to a concrete bound; thence S 9°20'37" W a distance of 90.00 feet to a concrete bound; thence S 42°37'40" W a distance of 195.94 feet to a concrete bound; thence N 82°34'20" W a distance of 115.00 feet to a concrete bound; thence S 6°13'30" W a distance of 235.00 feet to a concrete bound; thence N 84°29'20" W a distance of 217.83 feet to a concrete bound, the last eight courses being along other land of the grantor herein; thence N 4°57'40" W along said East Pleasant Street a distance of 280.97 feet to the point of beginning 3.852 acres.

SECTION 2. The board of trustees of the University of Massachusetts are further authorized and directed to grant an easement to the town of Amherst to pass and re-pass over an existing service road, known as Tillson road, running easterly from East Pleasant street in said town. This easement shall also include the right to install all utility supports necessary for servicing said fire station.

Approved August 27, 1973.

Chap. 701. AN ACT PROHIBITING DISCRIMINATION IN THE RECRUITMENT AND EMPLOYMENT OF CERTAIN PERSONS WHO HAVE BEEN DISCHARGED FROM MENTAL HEALTH FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 151B of the General Laws is hereby amended by inserting after paragraph 9 the following paragraph: —

9A. For an employer himself or through his agent to refuse, unless based upon a bonafide occupational qualification, to hire or employ or to bar or discharge from employment any person by reason of his or her failure to furnish information regarding his or her admission, on one or more occasions, voluntarily or involuntarily, to any public or private facility for the care and treatment of mentally ill persons, provided that such person has been discharged from such facilities and can prove by a psychiatrist's certificate that he is mentally competent to perform the job or the job for which he is applying. No application for employment shall

contain any question or requests for information regarding the admission of an applicant, on one or more occasions, voluntarily or involuntarily, to any public or private facility for the care and treatment of mentally ill persons, provided that such applicant has been discharged from such public or private facility or facilities and is no longer under treatment directly related to such admission.

SECTION 2. This act shall take effect on January first, nineteen hundred and seventy-four.

Approved August 27, 1973.

Chap. 702. AN ACT AUTHORIZING THE REGISTRAR OF MOTOR VEHICLES TO APPOINT A DIRECTOR OF FIELD OPERATIONS.

Be it enacted, etc., as follows:

Section 29 of chapter 90 of the General Laws is hereby amended by striking out the second sentence, as amended by chapter 216 of the acts of 1965, and inserting in place thereof the following sentence: — He may also appoint, and for cause remove, a director of field operations, a deputy registrar, an assistant to the registrar, hearings officers, supervising inspectors with power to hold hearings, supervisors of special services, and assistant supervisors of special services, and may delegate to such director of field operations, deputy assistant, hearings officers, supervising inspectors, supervisors and assistant supervisors the performance of any duty imposed upon the registrar relative to the administration or enforcement of laws relating to motor vehicles.

Approved August 27, 1973.

Chap. 703. AN ACT INCREASING THE SALARY OF THE COMMISSIONER OF CORRECTION.

Be it enacted, etc., as follows:

The third sentence of section 1 of chapter 27 of the General Laws is hereby amended by striking out the words "twenty-six thousand eight hundred and thirty-eight", inserted by section 39 of chapter 426 of the acts of 1973, and inserting in place thereof the words: — thirty-two thousand five hundred and forty-nine.

Approved August 29, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, August 29, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Donald R. Dwight, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in

my opinion the immediate preservation of the public convenience requires that the law being Chapter 703 of the Acts of 1973, entitled "AN ACT INCREASING THE SALARY OF THE COMMISSIONER OF CORRECTION," and the enactment of which received my approval on August 29, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is in the public interest that this Act, which will be of significant assistance in the prompt selection of a Commissioner of Correction, be made effective forthwith.

Sincerely,
DONALD R. DWIGHT,
Acting Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, August 29, 1973.

I, Raymond D. Lavalley, Deputy Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Honor the Lieutenant Governor, Acting Governor, of the Commonwealth of Massachusetts at three o'clock and thirty-five minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter seven hundred and three of the acts of nineteen hundred and seventy-three.

RAYMOND D. LAVALLEY,
Deputy Secretary of the Commonwealth.

Chap. 704. AN ACT AUTHORIZING THE TOWN OF HOLBROOK TO GRANT CERTAIN RETROACTIVE SALARY INCREASES TO CERTAIN EMPLOYEES OF THE SCHOOL DEPARTMENT OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation the town of Holbrook is hereby authorized to appropriate money for the payment of or to pay from available funds the following retroactive salary increases for the year nineteen hundred and seventy-two to the following employees of the school department of said town: —

Helen Kuehn	\$702.00
Paula Van Gemert	728.00
Elaine McCarthy	650.00
Phyllis Holden	56.00
Florence Collins	723.66
Norma Clark	473.20
Eleanor McGuire	621.40
Verna Larson	569.40
Helen Sheridan	642.20
Elizabeth Hartshorn	642.60

Mary E. Caron	621.40
Mary Houlahan	560.50
Alice Fermano	334.80
Beatrice McKinnon	27.90

SECTION 2. This act shall take effect upon its passage.

Approved August 29, 1973.

Chap. 705. AN ACT AUTHORIZING THE USE OF FACILITIES APPROVED BY THE SUPREME JUDICIAL COURT FOR STORAGE OF OLD COURT RECORDS.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 185 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 5, the first time it appears, the word "shall" and inserting in place thereof the word: — may.

SECTION 2. Section 14 of chapter 216 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word "shall" and inserting in place thereof the word: — may.

SECTION 3. Section 27A of chapter 221 of the General Laws, as most recently amended by section 1 of chapter 276 of the acts of 1952, is hereby further amended by adding the following paragraph: —

Any papers or records which have been filed or deposited in any court of the commonwealth may be moved to places of storage approved by the supreme judicial court. Said court may by rule or order designate persons employed at such places to be authorized custodians of all papers and records so moved. All costs related to the moving and storage of such papers or records shall be borne by the commonwealth.

Approved August 29, 1973.

Chap. 706. AN ACT RELATIVE TO THE FILING OF A BOND OR DEPOSIT BY NON-RESIDENT CONTRACTORS UNDER THE SALES AND USE TAX LAWS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 64H of the General Laws is hereby amended by inserting after section 30 the following section: —

Section 30A. (a) Where a non-resident contractor enters into a contract with a person pursuant to which or in the carrying out of which tangible personal property will be consumed or used within the commonwealth, the non-resident contractor shall deposit with the commissioner a sum equivalent to three per cent of the total amount to be paid under the contract, or shall furnish the commissioner with a guarantee bond satisfactory to the commissioner in a sum equivalent to three per cent of such total amount, to secure payment of the tax payable relative to tangible personal property consumed or used pursuant to or in the carrying out of

the contract and shall obtain a certificate in duplicate from the commissioner that the requirements of this subsection have been met.

(b) Any person dealing with a non-resident contractor without first obtaining the duplicate copy of the certificate from the commissioner as required in subsection (a) shall deduct three per cent of all amounts payable to the non-resident contractor and pay it over to the commissioner on behalf of or as agent for the non-resident contractor, or shall furnish the commissioner with a guarantee bond satisfactory to the commissioner in a sum equivalent to three per cent of such total amount, to secure payment of the tax payable relative to tangible personal property consumed or used pursuant to or in the carrying out of the contract.

(c) Where a person dealing with a non-resident contractor fails to comply with subsection (b), he is personally liable for payment of the tax imposed by this chapter relative to tangible personal property consumed or used pursuant to or in the carrying out of the contract.

As used in this section "contractor" shall mean any person engaged in the construction, reconstruction, alteration, remodeling or repair of real property.

SECTION 2. Chapter 64I of the General Laws is hereby amended by inserting after section 31 the following section: —

Section 31A. (a) Where a non-resident contractor enters into a contract with a person pursuant to which or in the carrying out of which tangible personal property will be consumed or used within the commonwealth, the non-resident contractor shall deposit with the commissioner a sum equivalent to three per cent of the total amount to be paid under the contract, or shall furnish the commissioner with a guarantee bond satisfactory to the commissioner in a sum equivalent to three per cent of such total amount, to secure payment of the tax relative to tangible personal property consumed or used pursuant to or in the carrying out of the contract and shall obtain a certificate in duplicate from the commissioner that the requirements of this subsection have been met.

(b) Any person dealing with a non-resident contractor without first obtaining the duplicate copy of the certificate from the commissioner as required in subsection (a) shall deduct three per cent of all amounts payable to the non-resident contractor and pay it over to the commissioner on behalf of or as agent for the non-resident contractor, or shall furnish the commissioner with a guarantee bond satisfactory to the commissioner in a sum equivalent to three per cent of such total amount, to secure payment of the tax payable relative to tangible personal property consumed or used pursuant to or in the carrying out of the contract.

(c) A person dealing with a non-resident contractor who fails to comply with subsection (b), shall be personally liable for payment of the tax imposed by this chapter relative to tangible personal property consumed or used pursuant to or in the carrying out of the contract.

As used in this section, "contractor" shall mean any person engaged in the construction, reconstruction, alteration, remodeling or repair of real property.

Approved August 29, 1973.

Chap. 707. AN ACT INCREASING THE MEMBERSHIP OF THE BOARD OF DENTAL EXAMINERS.

Be it enacted, etc., as follows:

Chapter 13 of the General Laws is hereby amended by striking out section 19, as amended by section 6 of chapter 1099 of the acts of 1971, and inserting in place thereof the following section: —

Section 19. There shall be a board of dental examiners, in the two following sections called the board, consisting of seven persons, each of whom shall be a legal resident of the commonwealth. Six of such persons shall each be a graduate of a reputable dental college and a reputable dentist with an actual practice in dentistry in the commonwealth for the ten years next preceding his appointment. The seventh person shall be a representative of the public, subject to the provisions of section nine B. No member shall be a member of the faculty or a trustee of any institution engaged in educating dentists or having power to confer degrees in dentistry. One member thereof shall annually in April be appointed by the governor, for a term of five years. No member shall serve more than two full terms.

Approved August 29, 1973.

Chap. 708. AN ACT PROVIDING THAT UNIFORM RATES OF INTEREST SHALL BE PAID ON REFUNDS OF TAXES RESULTING FROM APPLICATION FOR REFUND OF SUCH TAXES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 58 of the General Laws is hereby amended by inserting after section 31A the following section: —

Section 31B. Notwithstanding any other provision of law to the contrary, if any refund of any tax is made as the result of an abatement of such tax by the state tax commission, the state treasurer shall repay to the taxpayer assessed the amount of such abatement with interest thereon at the rate of six per cent per annum from the time when the tax was paid; provided, however, that in cases where an overpayment arises from the fact that the total of the credit allowed under section nine of chapter sixty-two B and the aggregate payments on account of the declaration of estimated tax pursuant to said chapter sixty-two B exceeds the tax imposed by chapter sixty-two, interest shall be paid at the rate of six per cent per annum from a date six months after the date of the payment of the tax or six months from the date upon which the return for the taxable year, or the application for abatement where no return is required, was actually filed, whichever is later. No interest shall be paid in the case of an overpayment arising from the fact that an

employee has understated in the withholding exemption certificate filed by him pursuant to paragraph (a) of section four of chapter sixty-two B the number of dependency exemptions therein defined to which he was entitled, or has failed to claim a personal exemption pursuant to section five B of chapter sixty-two. No interest shall be paid on a refund under section fifty-one of chapter sixty-three in cases where a corporation return itself is treated as an application for abatement. No interest shall be paid on a refund made pursuant to Article VIII of the Compact on Taxation of Motor Fuels Consumed by Interstate Buses, as appearing in section one of chapter four hundred and sixty-five of the acts of nineteen hundred and sixty-three. No interest shall be paid on a refund under section four of chapter sixty-four D, or section five of chapter sixty-four E, or section four of chapter sixty-four F, or section seven A of chapter sixty-four G.

SECTION 2. Section 43 of chapter 62 of the General Laws is hereby amended by striking out the second paragraph, as amended by section 23 of chapter 698 of the acts of 1966, and inserting in place thereof the following paragraph: —

If after a hearing, or otherwise, the commission finds that the tax assessed or paid exceeds the tax due it shall abate such excess. The commission shall notify the applicant by certified mail of its decision upon the application for abatement.

SECTION 3. Section 8 of chapter 62B of the General Laws is hereby amended by striking out the fifth sentence, as appearing in section 1 of chapter 17 of the acts of 1959.

SECTION 4. Section 51 of chapter 63 of the General Laws is hereby amended by striking out the fifth sentence, as appearing in section 1 of chapter 503 of the acts of 1958.

SECTION 5. Chapter 63A of the General Laws is hereby amended by striking out sections 4 and 5, as appearing in section 1 of chapter 580 of the acts of 1955, and inserting in place thereof the following section: —

Section 4. All provisions of chapter sixty-three relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, applicable to domestic business corporations, as defined in section thirty of said chapter, shall, so far as pertinent, be applicable to the excise imposed by this chapter. The commissioner shall have for the collection of all sums due under this chapter all the powers and remedies which are provided in chapter sixty-two and sixty-three for the collection of income and corporation taxes.

SECTION 6. Section 7 of chapter 64B of the General Laws is hereby amended by striking out the last sentence, as appearing in chapter 564 of the acts of 1946.

SECTION 7. The second paragraph of section 20 of chapter 64H of the General Laws, as appearing in section 1 of chapter 757 of the acts of 1967, is hereby amended by striking out, in lines 3 and 4, the words “, with interest thereon at the rate of six per cent per annum from the time it was paid;”.

SECTION 8. The second paragraph of section 21 of chapter 64I of the General Laws, as appearing in section 2 of said chapter 757, is hereby amended by striking out, in lines 3 and 4, the words “, with interest thereon at the rate of six per cent per annum from the time when it was paid;”.

SECTION 9. The last sentence of section 6 of chapter 65A, as appearing in chapter 529 of the acts of 1945, is hereby amended by striking out, in lines 3 and 4, the words “, with interest at four per cent from the date of payment;”.

SECTION 10. This act shall apply to refund payments made on or after January first, nineteen hundred and seventy-four.

Approved August 29, 1973.

Chap. 709. AN ACT REGULATING THE RIGHTS OF NONRESIDENTS TO OBTAIN A LICENSE TO TAKE LOBSTERS OR EDIBLE CRABS.

Be it enacted, etc., as follows:

The third paragraph of section 38 of chapter 130 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 2 of chapter 393 of the acts of 1973, and inserting in place thereof the following sentence: — A non-resident of the commonwealth who is a citizen of the United States, temporarily residing or intending temporarily to reside in any coastal city or town, and who owns more than five thousand dollars in real estate within the commonwealth as determined by tax records may, in any year, upon payment of the fee required by this section, obtain a license to take lobsters or edible crabs during June, July, August and September of such year, for consumption only by the licensee and his family who are so residing.

Approved August 29, 1973.

Chap. 710. AN ACT PROVIDING FOR THE DESIGNATION OF AN ASSISTANT CLERK OF THE COURTS FOR THE COUNTY OF PLYMOUTH TO PERFORM THE DUTIES OF CLERK PERTAINING TO THE CRIMINAL PROCEEDINGS IN THE SUPERIOR COURT FOR SAID COUNTY.

Be it enacted, etc., as follows:

Chapter 221 of the General Laws is hereby amended by inserting after section 6I, inserted by chapter 384 of the acts of 1973, the following section: —

Section 6J. The justices of the superior court may designate, for a term of three years from the date of such designation, one of the assistant clerks for the county of Plymouth, appointed under section five, to perform, under the direction of the clerk of the courts for the county of Plymouth, the duties of clerk pertaining to the criminal proceedings in said court, who shall receive from said county, in addition to the salary paid to him as an assistant

clerk under section five, a sum equivalent to ten per cent of the salary of the clerk.

Approved August 29, 1973.

Chap. 711. AN ACT ESTABLISHING AN ARCHIVES ADVISORY COMMISSION IN THE DEPARTMENT OF THE STATE SECRETARY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 9 of the General Laws is hereby amended by inserting after section 2 the following section: —

Section 2A. There shall be in the department of the state secretary an archives advisory commission, hereinafter called the commission. Said commission shall consist of seven members, broadly representative of the public, and of public and private institutions concerned with the custody and use of archival and manuscript materials, two of whom shall be appointed by the governor, and five of whom shall be appointed by the state secretary. For each member, the governor and state secretary shall appoint an alternate. The state secretary shall be chairman of the commission. The commission shall advise the state secretary on archival matters, and shall review and approve, disapprove or modify a comprehensive statewide documentary preservation plan that shall be prepared by the archivist of the commonwealth, and shall assist in its administration. The commission may, acting under the chairmanship of the state secretary, or, in the secretary's absence, the archivist, acting for him and under his direction, receive grants, gifts and contributions and bequests from individuals, foundations and from federal, state or other governmental bodies for furthering and putting into effect the comprehensive statewide documentary preservation plan. The state treasurer shall be the custodian of funds so received, and such funds shall be expended by the state secretary, or the archivist acting for him, without special appropriation, subject, however, to the prior approval of the house and senate committees on ways and means, on state, local and private projects approved by the commission, which carry out the comprehensive statewide documentary preservation plan.

The members of the commission shall serve without compensation but shall receive from the commonwealth the necessary travel and other expenses actually incurred in the performance of their duties.

SECTION 2. The two members and alternate members originally appointed to the archives advisory commission, established by section two A of chapter nine of the General Laws, added by section one of this act, by the governor shall serve for terms of three years, and of the five members and alternate members originally appointed to said commission by the state secretary one shall serve for a term of three years, two for terms of two years and two for terms of one year, as the state secretary may designate.

Approved August 29, 1973.

Chap. 712. AN ACT REGULATING THE CONDUCT OF MOTOR VEHICLE DAMAGE APPRAISAL.

Be it enacted, etc., as follows:

Section 113M of chapter 175 of the General Laws, inserted by section 1 of chapter 1078 of the acts of 1971, is hereby amended by inserting after the second paragraph the following paragraph: —

Each licensee, while engaged in appraisal duties, shall carry such license issued to him by the commissioner and shall display it, upon request to any owner whose vehicle is being appraised, to any person engaged in the business of repairing, or to any authorized representative of the commissioner or the insurer. The licensee, if acting on behalf of an insurer or owner, shall leave a legible copy of his itemized appraisal with the person selected to make repairs, and, if acting on behalf of a person selected to make repairs, shall provide a legible copy of his appraisal to the insurer. Such appraisal shall identify the person ordering such appraisal, the name of the insurance company ordering it, if any, the insurance file number, the number of the appraiser's license and the proper identification number of the appraised vehicle. Said appraisal shall designate whether the damage is old or recent, and related or unrelated to any accident. If the appraiser and the person engaged in the business of repairing fail to agree on an estimated cost for repairs, the appraiser shall, if the owner of the appraised vehicle consents, attempt to agree on estimated costs for repair from another such person; provided, however, that such estimate shall be based on an actual examination of the damaged vehicle by such person. Every licensee shall reappraise damaged vehicles when additional costs for repair are requested by persons making such repairs. Licensees shall not estimate the cost of repairs to any appraised vehicle on the basis of used equipment or parts which materially affects the safety of such vehicle.

Approved August 29, 1973.

Chap. 713. AN ACT FURTHER REGULATING THE LICENSING OF AUTOMOBILE CLUBS.

Be it enacted, etc., as follows:

Chapter 174B of the General Laws is hereby amended by striking out section 4, as appearing in chapter 754 of the acts of 1972, and inserting in place thereof the following section: —

Section 4. An automobile club which offers its members any of the services referred to in section two shall not render any automobile club service prior to being licensed by the commissioner. The annual license fee shall be one hundred dollars payable to the commonwealth.

Approved August 29, 1973.

Chap. 714. AN ACT AUTHORIZING THE COUNTY TREASURER OF BARNSTABLE COUNTY TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The county treasurer of Barnstable county is hereby authorized to pay from any available funds a certain unpaid bill in the amount of one hundred and ninety-seven dollars and fifty cents to the West Publishing Company, a corporation organized under the laws of the state of Minnesota, for goods supplied to said county during the years nineteen hundred and sixty-nine, nineteen hundred and seventy and nineteen hundred and seventy-one, which bill is legally unenforceable against said county.

SECTION 2. No bill shall be approved by the county commissioners of said county or paid by said treasurer under authority of this act unless and until a certificate has been signed and filed with said treasurer stating under the penalties of perjury that the goods for which said bill has been submitted were ordered by an official or an employee of said county and that such goods were delivered to and actually received by said county.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for goods which were not received by said county shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved August 29, 1973.

Chap. 715. AN ACT AUTHORIZING THE CITY OF LOWELL TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The city of Lowell is hereby authorized to appropriate money for the payment of, and after such appropriation, the treasurer of said city is hereby authorized to pay, such of the unpaid bills incurred by said city and totalling eighty thousand nine hundred forty-eight dollars and seven cents, as set forth in the list on file in the office of the director of accounts in the department of corporations and taxation, as are legally unenforceable against said city, and as are certified for payment by the department, wherein the bills were contracted; provided, that the money so appropriated to pay such bills shall be raised by taxation.

SECTION 2. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said city auditor, stating under the penalties of perjury that the goods, materials or services for which said bill has been submitted were ordered by an official or an employee of said city, and that such goods and materials were delivered to and actually received by said city or that such services were rendered to said city, or both.

SECTION 3. Any person who knowingly files a certificate re-

quired by section two which is false and who thereby receives payment for goods, materials or services which were not received by or rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its acceptance by the city of Lowell during the current year.

Approved August 29, 1973.

Chap. 716. AN ACT RELATIVE TO THE SALARIES OF CLERKS AND ASSISTANT CLERKS IN CERTAIN DISTRICT COURTS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section four of chapter six hundred and sixty-eight of the acts of nineteen hundred and seventy-one, a clerk or an assistant clerk of a district court who was appointed to said office between November eleventh, nineteen hundred and seventy-one and January third, nineteen hundred and seventy-three, both dates inclusive, shall receive the salary which was provided by section seventy-nine and section eighty of chapter two hundred and eighteen of the General Laws in effect prior to January first, nineteen hundred and seventy-three, said salary to be effective as of the date of his appointment.

SECTION 2. Section four of chapter six hundred and sixty-eight of the acts of nineteen hundred and seventy-one is hereby repealed.

SECTION 3. Section two of this act shall take effect as of January first, nineteen hundred and seventy-three.

SECTION 4. This act shall take effect upon its passage.

Approved August 30, 1973.

Chap. 717. AN ACT RELATIVE TO THE EMPLOYMENT OF PRISONERS ON STATE PROPERTY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate the employment of certain prisoners on state property, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 127 of the General Laws is hereby amended by inserting after section 49A the following section: —

Section 49B. Prisoners in state correctional institutions, except prisoners who are housed in the maximum security section at the Massachusetts Correctional Institution at Walpole, may, in the custody of an officer, be eligible to provide care of buildings and grounds or services for patients in residential care at facilities of the department of mental health or the department of public

health. No prisoner may participate in a program under this section unless he has been screened both by the committee established under the provisions of section forty-nine A for the correctional institution wherein he is confined and by a member of the professional staff of the institution at which he is to provide such care or service, who shall be designated by the head of said institution. Any prisoner who escapes from the premises at which he is providing care or service under this section shall be deemed to have escaped from the institution of which he is an inmate. No prisoner, except as provided in section forty-nine, shall be employed outside the precincts of the place of his imprisonment doing work of any kind for private persons.

No person who is serving a sentence for violation of or for an attempt to commit any crime referred to in section two, three, four, five, six, seven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, twenty-four, twenty-six, twenty-eight, twenty-eight A, twenty-eight B, twenty-nine, thirty, thirty A, thirty-one, thirty-two, thirty-four, thirty-five or thirty-five A of chapter two hundred and seventy-two or section thirteen B, twenty-two, twenty-two A, twenty-three, twenty-four, twenty-four B of chapter two hundred and sixty-five or who is under commitment under the provisions of chapter one hundred and twenty-three A may participate in a program under the provisions of this section.

Approved August 30, 1973.

Chap. 718. AN ACT DIRECTING THE DEPARTMENT OF NATURAL RESOURCES TO CONVEY CERTAIN LAND OF THE COMMONWEALTH IN THE TOWN OF IPSWICH TO THE COUNTY OF ESSEX.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the use for highway purposes by the county of Essex of certain land of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The department of natural resources, on behalf of the commonwealth, is hereby authorized and directed to convey to the county of Essex, to be used for highway purposes, the land of the commonwealth under the control of said department, located in the town of Ipswich, described in a plan of land entitled, "County of Essex, Massachusetts, Plan of Land Owned by the Commonwealth of Massachusetts located in Ipswich, Mass., James R. Carlin, County Engineer, Nov. 3, 1972, Scale 1" = 40'", filed in the office of the County Engineer and to be filed in the southern district registry of deeds in Essex county, and more particularly described as follows: —

Parcel #1. A parcel of land located on the southerly side of Line-

brook Road in the town of Ipswich and bounded northerly by Linebrook Road about 1030 feet; and southerly by remaining land of the Commonwealth of Massachusetts about 1023 ft., said parcel containing about 16,000 square feet.

Approved August 30, 1973.

Chap. 719. AN ACT RELATIVE TO THE DATES FOR HOLDING PROBATE COURT FOR NORFOLK COUNTY.

Be it enacted, etc., as follows:

Section 62 of chapter 215 of the General Laws is hereby amended by striking out the paragraph amended by chapter 132 of the acts of 1935 and inserting in place thereof the following paragraph: —

Norfolk, at Dedham every Wednesday except the first, second, fourth and fifth Wednesdays in the month of August.

Approved August 30, 1973.

Chap. 720. AN ACT PROVIDING FOR COLLECTIVE PURCHASES BY POLITICAL SUBDIVISIONS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 4A of chapter 7 of the General Laws, inserted by chapter 644 of the acts of 1972, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: — Said bureau shall make collective purchases for the political subdivisions of the commonwealth for the purpose of providing maximum purchasing power and effecting economies in the manner provided by sections twenty-two A and twenty-two B.

SECTION 2. Said chapter 7 is hereby amended by striking out section 22A, as amended by chapter 53 of the acts of 1971, and inserting in place thereof the following two sections: —

Section 22A. Notwithstanding any contrary provision of law relating to collective purchasing, but subject, however, to all other laws regulating public purchases and competitive bidding, the commonwealth and one or more of its cities, towns, districts, counties, or authorities, or two or more cities, towns, districts, counties, or authorities, hereinafter called political subdivisions, may make purchases of materials, supplies or equipment through the state purchasing agent subject to such rules, regulations and procedures as may be established from time to time by said purchasing agent; provided that the political subdivision shall accept sole responsibility for any payment due the vendor for its share of such purchase.

Section 22B. Notwithstanding any contrary provision of law relating to collective purchasing, but subject, however, to all other laws regulating public purchases and competitive bidding, any two or more political subdivisions, as defined in section twenty-two A,

may join together for the purpose of obtaining and accepting competitive bids on similar items of materials, supplies or equipment which they intend to purchase, provided that each political subdivision shall accept sole responsibility for any payment due the vendor for its share of such purchase.

Approved August 30, 1973.

Chap. 721. AN ACT INCREASING THE AMOUNT OF ANNUAL PENSION PAYABLE TO CERTAIN PERSONS RETIRED FOR PHYSICAL OR MENTAL DISABILITY CAUSED BY ILLNESS OR INJURY INCURRED IN PERFORMANCE OF DUTY.

Be it enacted, etc., as follows:

Paragraph (b) of subdivision (2) of section 26 of chapter 32 of the General Laws is hereby amended by striking out clause (ii) and inserting in place thereof the following clause: —

(ii) A yearly amount of pension equal to seventy-two per cent of the annual rate of his regular compensation on the date such illness or injury was incurred, or equal to seventy-two per cent of the average annual rate of his regular compensation for the twelve-month period for which he last received regular compensation immediately preceding the date his retirement allowance becomes effective, whichever is greater.

Approved August 30, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, August 30, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Donald R. Dwight, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 721 of the Acts of 1973, entitled "AN ACT INCREASING THE AMOUNT OF ANNUAL PENSION PAYABLE TO CERTAIN PERSONS RETIRED FOR PHYSICAL OR MENTAL DISABILITY CAUSED BY ILLNESS OR INJURY INCURRED IN PERFORMANCE OF DUTY," and the enactment of which received my approval on August 30, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is important that the provisions of this Act become effective immediately in order that all who are retired after this date will be treated equally.

Sincerely,
DONALD R. DWIGHT,
Acting Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, August 31, 1973.

I, Raymond D. Lavallee, Deputy Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Honor the Lieutenant Governor, Acting Governor, of the Commonwealth of Massachusetts at eleven o'clock and thirty-five minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter seven hundred and twenty-one of the acts of nineteen hundred and seventy-three.

RAYMOND D. LAVALLEE,
Deputy Secretary of the Commonwealth.

Chap. 722. AN ACT REQUIRING A SIGNED WRITTEN REQUEST FOR A RECOUNT BY A CANDIDATE.

Be it enacted, etc., as follows:

The second paragraph of section 135 of chapter 54 of the General Laws, as most recently amended by chapter 321 of the acts of 1967, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — Such petition shall be on a form furnished by the state secretary, shall be accompanied by a written request for a recount signed by the candidate on whose behalf the recount is being conducted, shall be sworn to by one of the subscribers before a notary public, and shall contain a statement that they have reason to believe and do believe that the records, or copies of records, made by the election officers of such ward or town, or of such precinct in a town having more than twenty-five hundred voters and voting by precincts, are erroneous, specifying wherein they deem such records or copies thereof to be in error, or that challenged votes were cast by persons not entitled to vote therein, and that they believe a recount of the ballots cast in such ward, precinct or town will affect the nomination or election of one or more candidates voted for at such primary, preliminary election or election, specifying the candidate or candidates or will affect the decision of a question voted upon at such election, specifying the question, the city or town clerk shall forthwith transmit such petition and statement, and the envelopes or containers containing the ballots cast, sealed, to the registrars of voters, together with the original tally sheets, and the absentee ballot envelopes and applications for such absentee ballots as were cast at the election.

Approved August 30, 1973.

Chap. 723. AN ACT RELATIVE TO THE TAX LAWS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 59 of the General Laws is

hereby amended by striking out clause Twenty-eighth.

SECTION 2. Chapter 62 of the General Laws is hereby amended by striking out sections 1 to 8, inclusive, as most recently amended by section 5 of chapter 555 of the acts of 1971, and inserting in place thereof the following nine sections: —

Section 1. When used in this chapter the following words or terms shall, unless the context indicates otherwise, have the following meanings: —

(a) "Commissioner", the commissioner of corporations and taxation.

(b) "Commission", the state tax commission.

(c) "Code", the Internal Revenue Code of the United States, as amended on January first, nineteen hundred and seventy-one.

(d) "Federal gross income", gross income as defined under the Code.

(e) "Dividend", any distribution of property made by a corporation, partnership, association or trust, the beneficial interest in which is represented by transferable shares, to its shareholders — (1) out of its accumulated earnings and profits, or (2) out of its earnings and profits of the year in which such dividend is paid, computed as of the close of such year without diminution by reason of any distributions made during such year, without regard to the amount of the earnings and profits at the time the distribution was made.

Every distribution is made out of earnings and profits to the extent thereof, and from the most recently accumulated earnings and profits. Earnings and profits, as used herein, mean the earnings and profits shown by the books of the corporation or other entity making the distribution.

(f) "Resident" or "inhabitant", any natural person domiciled in the commonwealth. The word "non-resident" shall mean any natural person whose domicile is outside the commonwealth.

(g) The determination of whether the taxpayer is married shall be made as of the close of his taxable year, except that if his spouse dies during his taxable year such determination shall be made as of the time of such death. An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

(h) "Taxable year" shall have the same meaning as in the Code, except as otherwise provided in section sixty-two of this chapter.

(i) "Interest" shall have the same meaning as in section one hundred and sixty-three of the Code, including all amounts treated as interest by virtue of the operation of any other sections of the Code, including, without limitation, section four hundred and eighty-three of the Code, and including any amount required to be included currently in income under sections four hundred and fifty-four or one thousand two hundred and thirty-two (a) (3) of the Code.

(j) "Corporate trust", any partnership, association or trust, the beneficial interest of which is represented by transferable shares.

(k) "Net capital gain", the excess of all capital gains over all capital losses recognized during the year; and "net capital loss" means the excess of all capital losses over all capital gains recognized during the year. The term "capital gain" means any item of federal gross income, modified as required by section seven, which is, or is treated as being, derived from the sale or exchange of a capital asset under the Code. The term "capital loss" means any item of loss allowable under section one hundred and sixty-five of the Code in computing taxable income and arising from the sale, exchange, or other disposition of property but only if, had such sale, exchange or other disposition resulted in a gain, such gain would have been capital gain in whole or in part; provided, however, that the term "capital loss" does not include any item the deduction of which is, or but for some other section would be, prohibited by section two hundred and sixty-two of the Code.

(1) "Trade or business" shall have the same meaning as in section sixty-two of the Code.

Section 2. (a) Massachusetts gross income shall mean the federal gross income, modified as required by section seven, with the following further modifications: —

(1) The items to be added thereto are: —

(A) Interest on governmental obligations excluded under section one hundred and three of the Code, other than interest from any such obligation issued by the commonwealth, any political subdivision thereof, or any agency or instrumentality of either of the foregoing, which is exempt from taxation under clause Twenty-fifth of section five of chapter fifty-nine or any other provision of law.

(B) The dividends excluded under section one hundred and sixteen of the Code.

(C) Earned income from foreign sources excluded under section nine hundred and eleven of the Code.

(D) Contributions for annuity contracts excluded under section four hundred and three (b) of the Code to the extent that such contributions were made pursuant to a salary reduction agreement authorized under said section and were not required under a retirement program of the employer.

(E) Amounts excluded under Subchapter S of the Code.

(F) Amounts included in or considered to be Massachusetts gross income under any other provision of this chapter.

(2) The items to be deducted therefrom are: —

(A) Interest on obligations of the United States exempt from state income taxation to the extent included in federal gross income.

(B) Amounts included in federal gross income under Subchapter S of the Code.

(C) Income received from any trustee or other fiduciary, which income is taxable under this chapter to the trustee or other fiduciary.

(D) Dividends received from a corporate trust subject to taxation under this chapter to the extent that such dividends are exempt from taxation under section eight of this chapter.

(E) Income from any contributory annuity, pension, endow-

ment or retirement fund of the United States government or the commonwealth or any political subdivision thereof, to which the employee has contributed.

(F) Income from annuity contracts described in section four hundred and three (b) of the Code until an aggregate amount of such income has been deducted under this subparagraph equal to the aggregate of all amounts previously added to federal gross income under section two (a) (1) (D) or other comparable sections.

(b) Massachusetts gross income shall be divided into two classes:

(1) Part A gross income shall be the total interest, dividends and net capital gain, included in Massachusetts gross income, other than:

(A) Interest and dividends from savings deposits, savings accounts, share or share savings accounts in any savings or cooperative bank, trust company or credit union incorporated in or chartered by the commonwealth; in any national banking association, federal savings or loan association or federal credit union located in the commonwealth; in any banking company or Morris Plan company subject to chapter one hundred and seventy-two A; in any savings or loan association under the supervision of the commissioner of banks.

(B) Interest from loans made in the course of business by persons subject to the provisions of sections seventy to eighty-five, inclusive, of chapter one hundred and forty.

(2) Part B gross income shall be the remainder of the Massachusetts gross income.

(c) Part A adjusted gross income shall be the Part A gross income less the following deductions:

(1) Any excess of the deductions allowable under paragraph (d) below over the Part B gross income; but the amount deductible under this paragraph shall not exceed the amount of Part A gross income which is effectively connected with the active conduct of a trade or business of the taxpayer.

(2) The net capital loss or one thousand dollars, whichever is smaller, shall be applied against any interest and dividends taxable under this subsection. Any excess of such net capital loss shall be applied to reduce the net capital gain of the taxpayer and one thousand dollars of interest and dividends taxable under this subsection in each of the five succeeding taxable years to the extent that such amount exceeds the total of any net capital gain and one thousand dollars of interest and dividends taxable under this subsection of any taxable year intervening between the taxable year in which the net capital loss arose and such succeeding taxable year.

(d) Part B adjusted gross income shall be the Part B gross income less the deductions allowable under sections sixty-two and four hundred and four, without regard to section two hundred and sixty-five, of the Code, provided, however, the following deductions shall not be allowed: —

(1) The deduction for long-term capital gains allowed by section one thousand two hundred and two of the Code.

(2) The deductions allowed to life tenants and income beneficiaries by paragraph six of section sixty-two of the Code, insofar as such deductions are allowed to a trust or estate subject to taxation under this chapter.

(3) The deduction for moving expenses allowed by section two hundred and seventeen of the Code to the extent that such expenses relate to moving to a new principal place of work where the income from such work is not subject to taxation in the commonwealth.

(4) Any deduction allowed by Subchapter S of the Code.

(5) Any deduction relating or allocable to any income not includable in Massachusetts gross income, or a proportionate part of any deduction which is in part so relating or allocable.

(6) Any net operating loss deduction allowed by section one hundred and seventy-two of the Code.

(e) The Part A taxable income shall be the Part A adjusted gross income less the deductions and exemptions allowable under Part A of section three.

(f) The Part B taxable income shall be the Part B adjusted gross income less the deductions and exemptions allowable under Part B of section three.

Section 3. A. In determining the Part A taxable income, the Part A adjusted gross income shall be reduced by the following deductions and exemptions.

(a) There shall be deducted from the Part A Adjusted gross income in determining the Part A taxable income: —

(1) Such net amount of the Part A adjusted gross income of trustees or other fiduciaries subject to taxation under sections nine or ten as is payable to or accumulated for persons not inhabitants of the commonwealth to the extent that such income would not be subject to taxation under section five A if received by a non-resident.

(2) Such net amount of the Part A adjusted gross income of trustees, executors or administrators as is pursuant to the terms of the will, deed or other instrument governing the estate or trust currently payable to or irrevocably set aside for public charitable purposes, or to or for the benefit of any organization or organizations established and operated exclusively for charitable purposes.

(b) An exemption shall be allowed under this section equal to the amount by which the total exemptions allowable under Part B of section three exceed the Part B adjusted gross income less the deductions allowable under paragraph (a) of Part B of section three. No exemption shall be allowed hereunder to any married person unless a joint return is filed.

B. In determining the Part B taxable income, the Part B adjusted gross income shall be reduced by the following deductions and exemptions:

(a) There shall be deducted from the Part B adjusted gross income in determining the Part B taxable income:

(1) Such net amount of the Part B adjusted gross income of trustees or other fiduciaries subject to taxation under sections nine or ten as is payable to or accumulated for persons not inhabitants

of the commonwealth to the extent that such income would not be subject to taxation under section five A if received by a non-resident.

(2) Such net amount of the Part B adjusted gross income of trustees, executors or administrators as is pursuant to the terms of the will, deed or other instrument governing the estate or trust currently payable to or irrevocably set aside for public charitable purposes, or to or for the benefit of any organization or organizations established and operated exclusively for charitable purposes.

(3) Taxes paid to the United States under the provisions of the Federal Insurance Contributions Act or the Federal Railroad Retirement Act.

(4) All sums deducted from wages as contributions to an annuity, pension, endowment or retirement fund of the United States government, the commonwealth or any political subdivision thereof, and any income from any contributory annuity, pension, endowment or retirement fund of the United States government or the commonwealth or any political subdivision thereof, to which the employee has contributed, or any income from a contributory annuity, pension, endowment or retirement fund of any other state or any political subdivision thereof, provided that income from any such similar fund established under the laws of the commonwealth is not subject to taxation in such other state or political subdivision.

(5) All amounts deductible as alimony under section two hundred and fifteen of the Code.

(6) Interests and dividends in the amount of one hundred dollars for a single person or a married person filing a separate return or two hundred dollars for a husband and wife filing a joint return from savings deposits, savings accounts, shares or share savings accounts included in Part B gross income.

(b) The following exemptions shall be allowable to individuals against the Part B income:

(1) In the case of a single person,

(A) a personal exemption of two thousand dollars,

(B) an additional exemption of two thousand dollars if the taxpayer was totally blind at the close of his taxable year, and

(C) an additional exemption of six hundred dollars if the taxpayer had attained the age of sixty-five before the close of his taxable year.

(2) In the case of a husband and wife filing a joint return,

(A) a personal exemption of two thousand dollars and an amount, not exceeding two thousand dollars, equal to the earned income included in Part B gross income of the spouse having the smaller amount of such income; and an additional exemption of six hundred dollars for the spouse having the smaller amount of such income, provided that the total of such income of such spouse for the calendar year in which the taxable year of the taxpayer began did not exceed two thousand dollars. "Earned income", as used herein, shall mean salary, wages, other employee compensation, self-employment income and any amount received as a pension or

annuity to the extent includable in earned income as defined under section nine hundred and eleven (b) of the Code.

(B) an additional exemption of two thousand dollars for each spouse who was totally blind at the close of his taxable year, and

(C) an additional exemption of six hundred dollars for each spouse who had attained the age of sixty-five before the close of his taxable year.

(3) In the case of a married person filing a separate return,

(A) a personal exemption of one thousand dollars,

(B) an additional exemption of two thousand dollars if the taxpayer was totally blind at the close of his taxable year, and

(C) an additional exemption of six hundred dollars if the taxpayer had attained the age of sixty-five before the close of his taxable year.

(4) An exemption of six hundred dollars for each individual who qualifies for exemption as a dependent under section one hundred and fifty-one (e) of the Code.

(5) An amount equal to the deduction for medical, dental and other expenses allowed under section two hundred and thirteen of the Code. No exemption shall be allowable under this paragraph to an individual who elects the standard deduction under section one hundred and forty-one of the Code on his federal income tax return or to one who files a joint federal income tax return with his spouse unless a joint return is also filed under this chapter.

(6) An amount equal to the fees, in excess of three per cent of the Part B adjusted gross income paid within the taxable year to any agency licensed to place children for adoption by the taxpayer on account of the adoption of a minor child.

(c) Except as hereinafter provided for a non-resident, if the taxable year of any person subject to tax under this chapter is a short taxable year, and such short taxable year is not due to the death of such person, any exemption under paragraph (b) of this section shall be limited to an amount equal to the exemption otherwise allowable by this section multiplied by a fraction the numerator of which is the number of days in the taxable year and the denominator of which is three hundred and sixty-five. If a taxpayer is a non-resident for all or any part of a taxable year, he shall be allowed exemptions under this section equal to the amount otherwise determined under this section multiplied by a fraction the numerator of which is his Massachusetts gross income and the denominator of which is the amount which would have been his Massachusetts gross income had he been a resident of the commonwealth throughout the taxable year.

Section 4. Residents shall be taxed on their taxable income, non-residents shall be taxed, to the extent specified in section five A on their taxable income, and corporate trusts shall be taxed to the extent specified in section eight on their taxable income, as follows:

(a) Part A taxable income shall be taxed at the rate of nine per cent.

(b) Part B taxable income shall be taxed at the rate of five

per cent.

Section 5. (a) Notwithstanding the provisions of section four, Part A taxable income and Part B taxable income shall be exempt from all taxes imposed by this chapter if the total income of the taxable year does not exceed three thousand dollars for a single individual or five thousand dollars in the aggregate for a husband and wife. No tax shall be imposed under this chapter which shall reduce such total income below three thousand dollars and five thousand dollars respectively. No exemption shall be allowed under this section to any married individual unless a joint return is filed. In the case of a short taxable year, occurring for any reason other than residence during one portion of the normal taxable year and non-residence during another portion, there shall be substituted for the amounts of three thousand dollars and five thousand dollars those amounts which bear the same relation to such sums as the number of days in the taxable year bears to three hundred and sixty-five. For purposes of this section, "total income" means the sum of (i) the Part A adjusted gross income, (ii) the Part B adjusted gross income, (iii) the amount deducted under subparagraphs (A) and (C) of section two (a) (2), and (iv) interest on governmental obligations excluded under section one hundred and three of the Code to the extent not includable in Massachusetts gross income under section two (a) (1) (A). With respect to a person who is a non-resident for all or part of the taxable year, total income shall be determined as if he were a resident of the commonwealth throughout the entire taxable year.

(b) Notwithstanding any other provision of this chapter, no tax shall be imposed under this chapter upon any stock bonus, pension or profit-sharing trust qualifying under section four hundred and one of the Code.

Section 5A. (a) The amount of the Part A taxable income and the Part B taxable income of any non-resident of the commonwealth derived from the Massachusetts gross income of such person shall be taxed in accordance with the provisions of section four. The Massachusetts gross income shall be determined solely with respect to items of gross income from sources within the commonwealth of such person and in determining the adjusted gross income of each Part only those deductions shall be allowed which are attributable to items included in Massachusetts gross income as so determined. Items of gross income from sources within the commonwealth are items of gross income derived from or effectively connected with any trade or business, including employment carried on by the taxpayer in the commonwealth or derived from the ownership of any interest in real or tangible personal property located in the commonwealth. In computing the taxable income of each Part, the non-resident shall be allowed the deduction and exemptions provided as to each Part in section three.

(b) The commission shall adopt regulations providing for the method of determining the items and amounts of Massachusetts gross income derived from sources within the commonwealth by a

non-resident, based upon the method set forth in section thirty-eight of chapter sixty-three or upon any other reasonable method.

(c) In applying this section, the compensation paid by the United States to its uniformed military personnel assigned to duty at military posts, bases or stations within the commonwealth for services rendered by said personnel while on active duty, shall be deemed to be from sources other than sources within the commonwealth.

Section 6. The following credits shall be allowed against the tax imposed by this chapter:

(a) A credit shall be allowed against taxes imposed by this chapter to a resident for taxes due any other state, territory or possession of the United States, or the Dominion of Canada or any of its provinces on account of any item of Massachusetts gross income subject to the following restrictions and limitations: (i) the amount of such taxes due on such income shall exclude interest and penalties; (ii) the amount of such taxes due shall be reduced by any federal credit therefor allowable on the resident's federal income tax return; and (iii) the amount of the credit allowable shall be the lesser of such taxes as reduced by (i) and (ii), or the amount of tax imposed by this chapter multiplied by a fraction the numerator of which is such item of Massachusetts Part A or Part B gross income and the denominator of which is the total Massachusetts Part A or Part B gross income, as the case may be.

(b) (1) Every qualified taxpayer, as defined in paragraph three of this subsection, shall be entitled to a credit of four dollars for himself, four dollars for his spouse, if any, and eight dollars for each qualified dependent, as hereinafter defined, provided, however, that no such credit shall be allowable if the total income of such individual and his spouse, as defined in paragraph (a) of section five, exceeds five thousand dollars for such year. No such credit shall be allowable to a married individual unless a joint return is filed. If the tax due as shown by the return of any individual is less than the total amount of the credits which he is entitled to claim pursuant to this paragraph, such individual shall be entitled to a refund in the amount of the excess of the credits over the tax otherwise due.

(2) Any individual entitled to claim any credit pursuant to paragraph one of this subsection and not otherwise required to file a return under this chapter may obtain a refund in the amount of such credit by filing a return and claiming a refund. Any refund to which an individual is entitled under the provisions of this paragraph shall be made in the same manner as other refunds under this chapter. No refund or credit shall be allowed pursuant to this paragraph unless such credit or refund is claimed on a return filed on or before the fifteenth day of the fourth month following the close of the taxable year or within any extension of time granted for filing such return.

(3) As used in this subsection, the term "qualified taxpayer" means an individual who was an inhabitant of the commonwealth

for not less than six months during the preceding calendar year, and who was not a person whom another taxpayer was entitled to claim as a dependent under Part B of section three, and the term "qualified dependent" means an individual other than a spouse whom a qualified taxpayer was entitled to claim as a dependent under said Part B of section three.

Section 7. (a) In determining Massachusetts gross income, if the federal gross income includes any item of gain or has been reduced by any item of loss, with respect to property, then the federal gross income shall be increased by the excess of the federal adjusted basis of such property over the Massachusetts adjusted basis thereof; and shall be decreased by the excess of the Massachusetts adjusted basis of such property over the federal adjusted basis thereof.

(b) The Massachusetts adjusted basis of property shall be the Massachusetts initial basis determined under paragraph *(c)* of this section, adjusted as provided in paragraphs *(d)* and *(e)* of this section.

(c) (1) The Massachusetts initial basis of property held on December thirty-first, nineteen hundred and seventy shall be determined as follows:

(A) In the case of property as to which, if it had been sold on December thirty-first, nineteen hundred and seventy in the course of business, a gain realized on such sale would have been taxable under this chapter to its then owner:

(i) the Massachusetts initial basis shall, for purposes of computing gain, be its adjusted basis as computed under this chapter as in effect on December thirty-first, nineteen hundred and seventy, and

(ii) the Massachusetts initial basis shall, for the purpose of computing loss, be the lower of the basis computed under the clause *(i)* of this subparagraph or the federal adjusted basis for the determination of loss as of such date.

(B) In the case of any other property the Massachusetts initial basis shall be its federal adjusted basis on such date, determined without regard to any federal adjustment made under section one thousand and fifteen *(d)* of the Code.

(2) The Massachusetts initial basis of property acquired after December thirty-first, nineteen hundred and seventy shall be determined as follows:

(A) If the taxpayer's federal basis of the property at acquisition is determined without regard to the basis of such property in the hands of the transferor or of other property in the hands of the transferee, hereinafter called the "basis of prior property", the Massachusetts initial basis shall be the such federal basis, determined without regard to any federal adjustment made under section one thousand and fifteen *(d)* of the Code.

(B) If such federal basis is determined in whole or in part by application of the basis of prior property, and

(i) if no item of gain is includable in federal gross income and federal gross income has not been reduced by any item of loss, with respect to the transaction, the Massachusetts initial basis shall be

the initial federal basis, increased by the excess of the Massachusetts adjusted basis over the federal adjusted basis of prior property, or decreased by the excess of the federal adjusted basis over the Massachusetts adjusted basis of prior property, or

(ii) otherwise, the Massachusetts initial basis shall be the initial federal basis of the acquired property.

(d) (1) The Massachusetts initial basis of property shall be adjusted by applying the same adjustments as are made to the federal basis for periods after determination of the initial basis, except that the federal adjustments specified in subparagraphs (2), (3), (4) and (5) of this paragraph shall not be taken into account.

(2) In determining adjustments to the Massachusetts basis of any bond or other evidence of indebtedness the income from which is included in federal gross income but excluded from Massachusetts gross income there shall be disregarded any federal adjustment to basis under subsection one thousand two hundred and thirty-two (a) (3) (E) of the Code.

(3) In determining adjustments to the Massachusetts basis of property there shall be disregarded any federal adjustment to basis under subsection one thousand three hundred and seventy-six of the Code, and any federal adjustment to basis under section three hundred and one (c) of the Code with respect to distributions under subsection one thousand three hundred and seventy-five (d) of the Code.

(4) In determining adjustments to the Massachusetts basis of property there shall be disregarded any federal adjustment under section one thousand and sixteen (a) (6) of the Code to the extent relating to any municipal bond the interest from which is includable in Massachusetts gross income.

(5) In determining adjustments to the Massachusetts basis of property and in determining the Massachusetts initial basis of property there shall be disregarded, and the federal basis shall be modified to the extent necessary to disregard, any federal adjustment under section one thousand and fifteen (d) of the Code.

(e) The rules prescribed in this section shall apply to non-residents; except that if any non-resident has owned any items of property during a period when the income or gains from such item were not subject to taxation under this chapter, and if the income or gains from such item subsequently became or become subject to taxation under this chapter, then the special limitations of subparagraphs (2), (3), and (4) of paragraph (d) of this section shall not apply as to such period.

Section 8. (a) A corporate trust engaged within the commonwealth in any business, activity or transaction, whether or not it maintains an office or place of business within the commonwealth, shall be subject to the taxes imposed by this chapter.

The Massachusetts adjusted gross income of such corporate trust shall be redetermined as if it were a resident natural person, provided, however, that for purposes of any determination involving sections three hundred and fifty-one through three hundred and

sixty-eight of the Code any corporate trust shall be treated as a corporation. No deductions or exemptions allowable under sections three A or three B of this chapter shall be allowed to a corporate trust. The taxable income of each Part shall be the Massachusetts adjusted gross income of such Part apportioned to Massachusetts in accordance with section thirty-eight of chapter sixty-three.

(b) The provisions of paragraph (a) shall not apply to any corporate trust which (i) is a regulated investment company under section eight hundred and fifty-one of the Code or a real estate investment trust under section eight hundred and fifty-six of the Code; (ii) is a holding company as hereinafter defined; or (iii) its apportionment percentage for apportioning its Massachusetts adjusted gross income under paragraph (a) of this section is less than ten per cent. As used in this paragraph, the term "holding company" means any corporate trust in which ninety per cent of the book value of its assets, at the end of the taxable year, are securities and at least seventy-five per cent of such securities are issued by affiliates and at least ninety per cent of its Massachusetts gross income is Part A gross income; the word "affiliate" means a member of an affiliated group as defined under section one thousand five hundred and four of the Code; and the word "securities" means transferable shares of beneficial interest in any corporation or other entity, bonds or debentures of any issuer or notes and other evidences of indebtedness of affiliates.

(c) Dividends on shares of any corporate trust subject to taxation under this chapter shall be exempt from taxation except as hereinafter provided. Any earnings and profits accumulated prior to taxable years commencing after December thirty-first, nineteen hundred and seventy, and during a period, if any, that such corporate trust was not subject to taxation under this chapter solely by reason of the fact that it had elected not to file with the commissioner an agreement to pay a tax shall be considered tax-free earnings and profits and the amount thereof shall be determined as of the first day of the first taxable year commencing after December thirty-first, nineteen hundred and seventy. Any earnings and profits accumulated for taxable years commencing after December thirty-first, nineteen hundred and seventy, to the extent that such earnings and profits were not subject to tax under this chapter, shall also be considered tax-free earnings and profits. Notwithstanding any other provision of this chapter, dividends paid by any corporate trust at any time while it has tax-free earnings and profits, as so determined, shall be deemed to have been made from such tax-free earnings and profits to the extent thereof; and any such dividends deemed to have been made from tax-free earnings and profits shall be includable in Massachusetts gross income, and the deduction provided for in section two (a) (2) (D) shall not apply to such dividends. Except for dividends paid from tax-free earnings and profits, all such dividends shall be exempt from taxation.

SECTION 3. Subsection (b) of section 10 of said chapter 62, as

amended by section 6 of chapter 555 of the acts of 1971, is hereby amended by striking out, in line 17, the words "or persons".

SECTION 4. Section 12 of said chapter 62, as appearing in section 7 of said chapter 555, is hereby amended by inserting after the word "by", in line 2, the words: — paragraph (a).

SECTION 5. Section 12A of said chapter 62, as so appearing, is hereby amended by striking out, in line 2, and in lines 8 and 9, the words "section five B" and inserting in place thereof, in each instance, the words: — clauses one, two, three, and four of paragraph (b) of Part B of section three.

SECTION 6. Subsection (c) of section 17 of said chapter 62 is hereby amended by striking out paragraph (1), as amended by section 10 of said chapter 555, and inserting in place thereof the following paragraph: —

(1) the offset against interest and dividends and the carryover on account of net capital loss provided in clause two of paragraph (c) of section two; (2) the exemptions provided in section five and clauses one, two, three, and four of paragraph (b) of section three; (3) the credit for taxes provided in subsection (a) of section six to the extent that such taxes are assessed to the partners in their individual capacities, but such credit shall be allowed to the partners in their individual returns, and (4) the credits provided in subsection (b) of section six.

SECTION 7. Section 22 of said chapter 62, as most recently amended by section 13 of said chapter 555, is hereby further amended by inserting after the word "year", in line 2, the word: — Massachusetts, — and inserting after the word "whose", in line 14, the word: — Massachusetts.

SECTION 8. Said section 22 of said chapter 62 is hereby further amended by striking out the second and third paragraphs and inserting in place thereof the following paragraph: —

Every non-resident, whose Massachusetts gross income, determined in accordance with section five A, exceeds two thousand dollars, every corporate trust taxable under section eight, and every other corporate trust doing business within the commonwealth and every other partnership, association or trust whose federal gross income exceeds one hundred dollars, shall make a return of such income.

SECTION 9. Section 36A of said chapter 62, inserted by section 22 of chapter 698 of the acts of 1966, is hereby amended by striking out, in line 3, the word "five A" and inserting in place thereof the word: — four.

SECTION 10. Section 37B of said chapter 62, as amended by section 16 of chapter 555 of the acts of 1971, is hereby further amended by adding the following paragraph: —

For the purposes of this section, the term "person" shall include any individual, partnership, trust, corporate trust or any other fiduciary subject to taxation under this chapter.

SECTION 11. Said chapter 62 is hereby further amended by striking out section 63, as amended by section 18 of said chapter

555, and inserting in place thereof the following section: —

Section 63. (a) For purposes of this section, the term "installment transaction" means any transaction which:

(1) is treated for federal income tax purposes under sections four hundred and fifty-three (a) or (b) of the Code, and

(2) would, but for the application of section four hundred and fifty-three of the Code, result in an item of Massachusetts gross income for the taxable year of the transaction.

(b) In the case of any person having an installment transaction for a taxable year, the federal gross income of such taxable year shall be modified for the purpose of applying section two as follows:

(1) the federal gross income shall be increased by the excess of the federal adjusted basis of the property disposed of in the transaction over the Massachusetts adjusted basis of such property, or, if there is more than one such transaction by the sum of all such excesses; and

(2) the federal gross income shall be decreased by the excess of the Massachusetts adjusted basis of the property disposed of in the transaction over the federal adjusted basis of such property, or, if there is more than one such transaction, by the same of all such excesses.

(3) no modification shall be made under this subsection to the extent that such modification would duplicate a modification required under section seven.

(c) Any person having an installment transaction in a taxable year shall file a return for such taxable year and shall, with respect to all such transactions in such year, as a group and not separately, file with the return an election to be treated either under paragraph (d) or (e) of this section. Once made election shall not be revoked without the consent of the commissioner. In the case of a person having an installment transaction treated under section four hundred and fifty-three (a) of the Code such election shall apply to the taxable year and to all subsequent taxable years, unless the commissioner consents to a new election for any taxable year and all subsequent taxable years.

(d) If installment transaction treatment under this paragraph is elected for any taxable year no further modifications with respect to installment transactions of such taxable year shall be made to federal gross income by determining Massachusetts gross income for such taxable year or for any subsequent taxable year of any person. There shall be computed the excess, if any, of the tax which would have been imposed under this chapter for the taxable year had the method of paragraph (e) of this section been elected over the tax actually imposed by this chapter for such taxable year. The person making the election shall deposit with the commissioner security, in a form satisfactory to the commissioner, in an amount equal to such excess for the payment of future taxes under this chapter. When all federal gross income to be included with respect to installment transactions of such taxable year has been included in federal gross income, and all resulting taxes have been paid to the com-

monwealth, the commissioner shall release the security deposited for such taxable year. The commission shall by regulation provide for proportionate releases in intervening years. All items of federal gross income arising from such installment transactions shall be deemed to be income from sources within the commonwealth.

(e) If installment transaction treatment under this paragraph is elected for any taxable year the federal gross income of such taxable year shall be further modified, for the purpose of applying section two by eliminating the effect of the treatment under section four hundred and fifty-three of the Code of all installment transactions of such taxable year. For each subsequent taxable year as to which an item of federal gross income is includable by any person with respect to such an installment transaction, the federal gross income of such person shall be modified, for purposes of applying section two, by reducing federal gross income by the sum of all such items.

SECTION 12. The paragraph defining "Taxable charge" in section 1 of chapter 64B of the General Laws, as most recently amended by inserting after the word "thirty-eight", in lines 5 and 6, the words: —, including cover and other charges.

SECTION 13. Section 1 of chapter 65 of the General Laws is hereby amended by striking out the fourth paragraph, inserted by section 52 of said chapter 555, and inserting in place thereof the following paragraph: —

Provided, however, that proceeds of insurance receivable under policies on the life of the decedent shall be subject to the tax imposed by this chapter to the extent of (1) the amounts receivable by the executor or administrator of the estate of the decedent and (2) the amounts receivable by all other beneficiaries under policies with respect to which the decedent possessed at his death any incidents of ownership, exercisable either alone or in conjunction with any other person, within the meaning of section two thousand forty-two of the Federal Internal Revenue Code, as amended and in effect at the date of death of the decedent; and provided, further, that twenty-five thousand dollars of the proceeds receivable as named beneficiaries under said policies by a surviving husband, wife or issue, or any combination of the foregoing, or by trustees of intervivos trusts for their benefit shall be exempt from tax; and if the proceeds receivable by such persons and such trustees exceed twenty-five thousand dollars, the exemption shall first apply to proceeds receivable by the surviving husband or wife, secondly, to the proceeds receivable by the surviving issue, allocated among them in proportion to the amounts receivable by each, thirdly to the proceeds receivable by the trustees for the benefit of the surviving husband or wife and fourthly to the proceeds receivable by trustees for the benefit of issue.

SECTION 14. Section 7 of said chapter 65, as amended by section 54 of said chapter 555, is hereby further amended by striking out, in lines 5 and 6, the words "a devise, descent or bequest" and inserting in place thereof the words: — an interest which is — and, by inserting after the word "ownership", in line 21, the words: —

or any proceeds of insurance.

SECTION 15. The fourth sentence of section 13 of said chapter 65, as amended by section 56 of said chapter 555, is hereby further amended by inserting after the word "tenant", in line 7, the word: — and.

SECTION 16. Section 1 of chapter 62 of the General Laws, as amended by section 2 of this act, is hereby amended by striking out subsection (e) and inserting in place thereof the following subsection: —

(e) "Dividend", any item of federal gross income which is a dividend under section three hundred and sixteen of the Code or which is treated as a dividend under any other provision of the Code.

SECTION 17. Section twenty-four of chapter five hundred and fifty-five of the acts of nineteen hundred and seventy-one is hereby repealed.

SECTION 18. If any provision, section or subsection of this act or the application thereof shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed to affect the validity or constitutionality of any of the remaining provisions, sections or subsections of this act or their application to persons or circumstances other than those as to which it is held invalid. It is hereby declared to be the legislative intent that said remaining provisions, sections or subsections would have been adopted had such invalid or unconstitutional provision, section or subsection not been included therein.

SECTION 19. Sections one to eleven, inclusive, of this act shall apply to taxable years commencing after December thirty-first, nineteen hundred and seventy-two. Section twelve shall apply to taxable charges made on or after August first, nineteen hundred and seventy-one. Sections thirteen to fifteen, inclusive, shall apply with respect to property or interest therein passing or accruing upon the death of persons who die on or after July twenty-second, nineteen hundred and seventy-one. Section sixteen shall apply to taxable years commencing after December thirty-first, nineteen hundred and seventy-three. Section seventeen shall apply to taxable years commencing after December thirty-first, nineteen hundred and seventy-one.

Approved August 30, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, August 30, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Donald R. Dwight, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being chapter 723 of the Acts of 1973, entitled

"AN ACT RELATIVE TO THE TAX LAWS OF THE COMMONWEALTH." and the enactment of which received my approval on August 30, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

In order to preserve the present level of tax collections by the Commonwealth, it is imperative that the provisions of this Act take effect forthwith.

Sincerely,
DONALD R. DWIGHT,
Acting Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, August 31, 1973.

I, Raymond D. Lavallee, Deputy Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Honor the Lieutenant Governor, Acting Governor, of the Commonwealth of Massachusetts at eleven o'clock and thirty-six minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter seven hundred and twenty-three of the acts of nineteen hundred and seventy-three.

RAYMOND D. LAVALLEE,
Deputy Secretary of the Commonwealth.

Chap. 724. AN ACT DESIGNATING THE BRIDGE AT THE INTERSECTION OF STATE HIGHWAY ROUTE 3 AND SUMMER STREET IN THE TOWN OF PLYMOUTH AS THE AMERICAN LEGION, PLYMOUTH POST #40 BRIDGE.

Be it enacted, etc., as follows:

The bridge at the interesection of state highway route 3 and Summer street in the town of Plymouth shall be known and designated as the American Legion, Plymouth Post #40 bridge. A suitable marker bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department and as authorized by the federal highway administration.

Approved August 30, 1973.

Chap. 725. AN ACT PLACING ALL POLICE OR FIRE SIGNAL OPERATORS AND SIGNAL MAINTENANCE REPAIRMEN IN GROUP 2 OF THE CONTRIBUTORY RETIREMENT LAW.

Be it enacted, etc., as follows:

The definition of *Group 2* in paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws, as most recently amended by section 1 of chapter 809 of the acts of 1972, is hereby further amended by striking out, in line 8, the words "fire or police

department who are employed as" and inserting in place thereof the words: — department who are employed as fire or police.

Approved August 30, 1973.

Chap. 726. AN ACT FURTHER REGULATING THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE BEDFORD FREE PUBLIC LIBRARY.

Be it enacted, etc., as follows:

Chapter 198 of the acts of 1952 is hereby amended by striking out section 2, as amended by chapter 407 of the acts of 1973, and inserting in place thereof the following section: —

Section 2. The inhabitants of the town of Bedford are authorized to elect nine members of the board of trustees of the Bedford Free Public Library in such manner that one third thereof shall be elected for one year, one third for two years, one third for three years and thereafter one third shall be elected annually for a term of three years; and said members shall constitute the board of trustees of the Bedford Free Public Library with all the powers appertaining thereto or to the trustees of a free public library. The election of any trustee of the free public library at any town meeting held before the effective date of this act is hereby ratified and confirmed as the election of said trustee as a trustee of the Bedford Free Public Library. The board of trustees of the Bedford Free Public Library is authorized to fill vacancies among the elected members of the board until the next ensuing annual town meeting. The board shall, from its own number, annually choose a chairman and a secretary. The town treasurer shall act as treasurer of the Bedford Free Public Library. *Approved August 30, 1973.*

Chap. 727. AN ACT PROVIDING THAT THE MEMBERS OF THE FIRE DEPARTMENT OF THE TOWN OF AYER SHALL BE EXEMPT FROM THE CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

SECTION 1. The positions of the regular and permanent members of the fire department of the town of Ayer shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Ayer at an annual town meeting in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers at said meeting: — "Shall an act passed by the general court in the year nineteen hundred and seventy-three, entitled 'An Act providing that the members of the fire department of the town of Ayer shall be exempt from the civil service law and rules', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take full effect, but not otherwise.

Approved August 30, 1973.

Chap. 728. AN ACT AUTHORIZING THE PROBATE COURT TO PERMIT THE DEPOSIT OF FUNDS OF AN UNSETTLED ESTATE IN CERTAIN ACCOUNTS WHICH REQUIRE PRIOR NOTICE OF INTENTION TO WITHDRAW SUCH FUNDS.

Be it enacted, etc., as follows:

Chapter 215 of the General Laws is hereby amended by striking out section 41, as most recently amended by chapter 105 of the acts of 1970, and inserting in place thereof the following section: —

Section 41. A probate court may, upon application of a person interested in an estate in process of settlement in such court, direct the temporary investment of any money belonging to such estate in securities approved by the judge, or on paid-up shares and accounts of and in co-operative banks, or in share accounts or savings deposits of federal savings and loan associations or a savings and loan association located in the commonwealth; or it may authorize the money to be deposited in any bank or savings institution in the commonwealth empowered to receive such deposits and said sums may be placed in accounts which require prior notice of intention to withdraw, provided that the interest payable on such accounts is at a rate higher than accounts where no notice to withdraw is required. *Approved August 30, 1973.*

Chap. 729. AN ACT FURTHER REGULATING THE GAME COMMONLY CALLED BEANO AND CERTAIN OTHER LOTTERIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide forthwith funds to be used exclusively for educational, charitable and religious purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 36 the following five sections: —

Section 37. The director may license any religious organization under the control of or affiliated with an established church within the commonwealth, any veterans' organization incorporated or chartered by the Congress of the United States or listed in clause (12) of section five of chapter forty and any fraternal or private educational organization operating a school approved by a school committee in accordance with section one of chapter seventy-six, licensed to conduct the game of beano under the provisions of section thirty-eight to sell lottery tickets or shares; provided such tickets are sold in conjunction with a properly licensed game commonly called beano or substantially the same game under another name and sold only on the premises of said organization for which such license has been issued and provided further that the funds derived therefrom shall be used exclusively for educational, charitable and religious purposes. The commission shall sell lottery

tickets to such licensed organizations and any such licensed organization reselling such tickets shall not be subject to prosecution for setting up and promoting a lottery or any other crime incidental thereto or for selling or having in its possession said lottery tickets.

The commission shall sell lottery tickets to such licensed organizations and shall determine the price at which said licensed organizations shall resell said tickets, which price shall be printed on each ticket. Each licensed organization shall be entitled to retain as gross profit a minimum of thirty per cent of the resale value of tickets sold by it, and shall be solely responsible for paying prizes won by tickets sold by it, which prizes shall be determined by the commission and be not less than forty-five per cent of the resale value of said tickets.

The commission shall sell lottery tickets to said licensed organizations for ten per cent of their resale value. The revenue derived by the commission from said sales of lottery tickets shall be apportioned as follows: — (1) for the payment of costs; provided, however, that notwithstanding the provisions of section twenty-five, the costs incurred by the commission in the operation and administration of the activities authorized by this section, including the expenses of the commission and the costs resulting from any contract or contracts entered into for promotional, advertising or operational service or for the purchase or lease of lottery equipment, materials and tickets, in no case shall exceed one half of said revenue, subject to appropriation; (2) the balance of said revenue shall be used for the purposes set forth in clause (c) of section thirty-five.

Organizations licensed under this section shall be considered sales agents for the purposes of this chapter. Activities authorized by this section shall be subject to all provisions of the state lottery law not inconsistent herewith.

Section 38. Any fraternal organization having chapters or branches in at least one other New England state, or any fraternal organization organized under the provisions of chapter one hundred and eighty and in existence for a minimum of ten years, any religious organization under the control of or affiliated with an established church of the commonwealth and any veterans' organization incorporated or chartered by the Congress of the United States or listed in clause (12) of section five of chapter forty, any volunteer, non-profit fire company or similiar organization furnishing public fire protection, any voluntary association for promotion of the interests of retarded children, the Boston Firemen's Relief Fund, any volunteer, non-profit organization furnishing a public ambulance service, and non-profit athletic associations, desiring to operate or conduct the game commonly called beano, or substantially the same game under another name, in connection with which prizes are offered to be won by chance, may upon application to the state lottery commission be granted a license to conduct said game in a city or town which has voted to allow granting of licenses for the operation, holding or conducting of said game therein; pro-

vided, that the application of such organization is in the case of a city, other than the city of Boston, approved by the majority of the city council and approved by the mayor, in a town by the board of selectmen, and in the city of Boston by the licensing board for said city; and provided further, that such organization has been in existence for at least five years immediately prior to June the first, nineteen hundred and sixty-eight.

The fee for such license shall be fifty dollars per annum. The proceeds of said fees shall be paid into the treasury of the commonwealth and shall be used by the commission to defray the cost of administering this section, subject to appropriation.

Such license may be revoked at the discretion of the director and shall be suspended or revoked upon written request to the director by the city or town approving authority as set forth above in this section. The action of the director in suspending or revoking a license shall be final, and the licensee shall not have a right of appeal.

Each license shall limit the playing of said game to the hours between seven o'clock postmeridian and twelve o'clock midnight. Each such organization licensed hereunder shall be limited to conducting said games to one night, other than Sunday, in each calendar week and said night shall be set forth in the license.

No licensee shall give a prize which exceeds fifty dollars in value, either in cash or merchandise.

No alcoholic beverages shall be sold, dispensed or consumed in that portion of any building or premises of the licensee during the hours such game is being conducted.

No person under eighteen years of age shall be permitted in that portion of any building or premises of the licensee during such time as such game is being played.

No game shall be advertised or publicized by sign or billboard beyond the city or town limits covered by each license.

Any organization licensed under this section to conduct said game shall operate, manage and control said game by members of the local branch of said organization who have been such members for at least two years. Whoever, not being a member of such organization, operates said game under a license issued to such organization shall be punished by a fine of one thousand dollars and by imprisonment for not more than one year.

If an organization licensed to conduct beano fails to exercise exclusive control and management of said game, or fails to have one of its members in good standing in full control and management of the game at all times during its operation, it shall be punished by a fine of not more than one thousand dollars.

The profits of any game licensed to be conducted under this section shall be the property of the organization conducting said game, and shall be used for charitable, religious or educational purposes, and shall not be distributed to the members of such organization. No person shall be entitled to a percentage of any money received as a result of conducting said game.

Accurate records and books shall be kept by each licensee show-

ing the total amount of all monies deposited by people who played, attended or participated in said games, the expenses incurred and the name and address of each person receiving said money. A separate checking account shall be kept of receipts and expenditures of beano and money for expenses shall be withdrawn only by checks having preprinted consecutive numbers and made payable to a specific person or corporation and at no time shall a check be made payable to cash. Proceeds from beano shall be kept in a separate bank account and the organization shall file an annual report in January of the charitable, religious or educational disbursements of the preceding year with the director and the mayor and council or selectmen in such form as the director may prescribe. Such annual report shall be a public record. All monies expended for said charitable, religious or educational purposes shall be duly and accurately recorded as to specific amounts expended and the purposes for which expended. A copy of such records shall be filed with the local licensing authority on or before December the thirty-first of each year. The director, the approving authority of the city or town wherein said game is conducted, or their duly authorized agents or representatives, shall at all times have access to said records and books of any licensee for the purpose of examining and checking the same.

The commission may make such other rules and regulations for the conduct of said game as it may deem necessary to carry out the provisions of this section and section thirty-nine.

The director shall on or before March the first file a report with the clerk of the house of representatives and the clerk of the senate showing the cities and towns which have licenses issued therein, the number of licenses by categories of organizations, the revenue received from these licenses, and such other information as he may deem relevant, together with his recommendations for any legislation he may deem appropriate. Whoever violates any regulation promulgated by the commission under this section may be punished by a fine not exceeding one thousand dollars.

Section 39. Any organization operating or conducting a game under section thirty-eight shall file a return with the commissioner of corporations and taxation, on a form prepared by him and approved by the state tax commission, within ten days after such game is held or within such further time as said commissioner of corporations and taxation may allow, and shall pay therewith a tax of ten per cent of the gross receipts derived from such game. Such return shall include the names and addresses of all persons receiving prizes over twenty-five dollars in such game, and the amount of each such prize. All such returns and the amounts of all such payments shall be public records.

The provisions of chapter sixty-two relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, shall, so far as pertinent, apply to the tax imposed by this section. Every officer, employee or member of an organization which fails to pay any sums required by this section

to be paid shall be personally and individually liable therefor to the commonwealth. All sums received by said commissioner from the tax imposed by this section as taxes, interest thereon, fees, penalties, forfeitures, costs of suits or fines, less all amounts refunded thereon, together with any interests or costs paid on account of such refunds, shall be paid into the treasury of the commonwealth.

Section 40. Whoever violates any provision of sections thirty-eight and thirty-nine the punishment for which is not otherwise provided, and whoever submits false information on any application, report or return required by any provision of said sections, shall be punished by a fine of not more than one thousand dollars or by imprisonment in the house of correction for not more than one year, or both.

Section 41. The state treasurer, upon certification of the state tax commission, shall annually distribute to each of the cities and towns in which any game has been licensed, operated or conducted under section thirty-eight during the previous calendar year an amount equal to one half of all sums received under section thirty-nine during such year as taxes, by reason of any game or games operated or conducted in such city or town.

SECTION 2. Sections fifty-two to fifty-five, inclusive, of chapter one hundred and forty-seven of the General Laws are hereby repealed.

SECTION 3. Chapter 271 of the General Laws is hereby amended by striking out section 22B, inserted by section 2 of chapter 486 of the acts of 1971, and inserting in place thereof the following section: —

Section 22B. Nothing in this chapter shall authorize the prosecution, arrest or conviction of any person for promoting or playing, or for allowing to be conducted, promoted or played, the game commonly called beano, or substantially the same game under another name in connection with which prizes are offered to be won by chance or for selling lottery tickets or shares; provided, said game or sales are conducted under a license issued by the director of the state lottery, under the provisions of sections thirty-seven or thirty-eight of chapter ten.

Approved September 4, 1973.

Chap. 730. AN ACT FURTHER REGULATING THE LAW RELATING TO THE DISCLOSURE OF CAMPAIGN CONTRIBUTIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to amend forthwith the law relating to the disclosure of campaign contributions, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of the first paragraph of section 2 of chapter 55 of the General Laws, is hereby amended by striking

out the word "twenty-five", inserted by chapter 167 of the acts of 1973, and inserting in place thereof the word: — fifteen.

SECTION 2. Section 16 of said chapter 55 is hereby amended by striking out the first paragraph, as appearing in section 7 of chapter 444 of the acts of 1962, and inserting in place thereof the following paragraph: —

Except as otherwise provided herein, every candidate for nomination for or election to a public office, and the treasurer of every political committee receiving, expending or disbursing any money or its equivalent, or incurring any liability to pay money in connection with any nomination or election to an amount exceeding fifty dollars during any reporting period hereunder, shall file a statement setting forth the name and residential address of each contributor who has made one or more contributions to or for such candidate or committee in an aggregate amount or value in excess of fifteen dollars listed alphabetically in the case of an individual or political committee and the data required by section eight in the case of a trust, foundation or other association and the total amount of contributions from such contributor and each sum of money and thing of value in an aggregate amount or value in excess of fifteen dollars expended, contributed or promised by him or it or by a person on his or its behalf, for the purpose of securing or in any way affecting the nomination or election to office of any candidate and the name of the person or political committee to or by whom the payment, contribution or promise was made, the name and address of the recipient thereof and the date thereof and, unless such expenditure or disbursement was made to another political committee, shall clearly state the purpose of such expenditure or disbursement and shall also state the aggregate amount or value of all contributions and of all expenditures, and then existing promises or liabilities not in excess of fifteen dollars, or, if less than an aggregate of fifty dollars has been paid or promised to him or it, or to a person on his or its behalf or contributed, expended or promised by him or it or by a person on his or its behalf, a statement to that effect. Such statement shall also set forth the date and amount of each then existing promise or liability, from such candidate or committee, remaining unfulfilled and in force when the statement is made, the name of the person or committee to whom the liability exists, and a clear statement of the purpose for which it was incurred.

Approved September 4, 1973.

Chap. 731. AN ACT PROVIDING ADDITIONAL POWERS AND DUTIES FOR THE REDEVELOPMENT BOARD IN THE TOWN OF ARLINGTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 738 of the acts of 1971 is hereby amended by striking out section 2 and inserting in place thereof the following section: —

Section 2. The redevelopment board shall have all the powers and perform all the duties presently or from time to time hereafter conferred or imposed by statute or by-law or otherwise on planning boards of towns in the commonwealth established under the provisions of section eighty-one A of chapter forty-one of the General Laws and the town of Arlington shall be deemed to have a planning board established under said section eighty-one A and shall be empowered to take such actions and shall have such powers and perform such duties as if it had established a planning board under said section eighty-one A, except that the redevelopment board shall not have any of the powers or perform any of the duties of, or in conflict with the powers or duties of, a board of survey all of which powers and duties shall continue to be exercised and performed by the board of selectmen constituted as a board of survey unless and until such town by vote of a town meeting shall vote to terminate the existence of the board of survey or to accept the provisions of the subdivision control law contained in sections eighty-one K to eighty-one GG, inclusive, of said chapter forty-one and any amendments thereof or additions thereto, and the subdivision control law shall not be or be deemed to be in effect in such town unless and until such town by vote of a town meeting shall vote to accept the provisions thereof.

SECTION 2. This act shall take effect upon its passage.

Approved September 4, 1973.

Chap. 732. AN ACT AUTHORIZING THE CITY OF FALL RIVER TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The city of Fall River is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay, such of the unpaid bills incurred by said city and totaling two thousand five hundred and seven dollars and five cents, as set forth in the list on file in the office of the director of accounts in the department of corporations and taxation which bills were incurred in the year nineteen hundred and seventy-two and payment for which are legally unenforceable against said city.

SECTION 2. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said city auditor, stating under the penalties of perjury that the goods, materials or services for which bills have been submitted were ordered by an official or an employee of said city, and that such goods and materials were delivered and actually received by said city or that such services were rendered to said city, or both.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for goods, materials or services which were not received by

or rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its passage.

Approved September 4, 1973.

Chap. 733. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO COMPLY WITH THE FEDERAL UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970.

Be it enacted, etc., as follows:

Chapter 81 of the General Laws is hereby amended by striking out section 7J, as most recently amended by section 2 of chapter 162 of the acts of 1967, and inserting in place thereof the following section: —

Section 7J. In any federally aided program, the department of public works, in this section referred to as the department, is hereby authorized and directed to do all things necessary to comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646), as amended and supplemented, or with any other federal act relating to relocation assistance or acquisition, insofar as the federal government requires compliance with said Public Law 91-646 or said other federal acts in order to receive said federal aid. Under a federally aided program, in relation to any person whose real property is acquired, in whole or in part, by the department for a highway purpose, or any person lawfully occupying real property acquired by the department for highway purposes, or any person who vacated real property at the written request of the department because of a proposed acquisition for highway purposes, the department is hereby authorized and directed to make such payments, provide such assistance and do such other things as are necessary for the department to comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. If a highway project is not federally aided, then in relation to any person whose real property is acquired, in whole or in part, by the department for highway purposes, or any person lawfully occupying real property acquired by the department for highway purposes, or any person who vacates real property at the written request of the department because of a proposed acquisition for highway purposes, the department shall make the same payments, provide the same assistance and do the same things as the department would be required to pay to, provide or do for such persons under a federally aided program. This section shall not affect the obligations of the department under chapter seventy-nine A.

Approved September 4, 1973.

Chap. 734. AN ACT AUTHORIZING CITIES AND TOWNS TO INCUR TEMPORARY DEBT FOR THE ACQUISITION OF LAND FOR CONSERVATION OR RECREATION PURPOSES IN ANTICIPATION OF STATE AND FEDERAL REIMBURSEMENTS.

Be it enacted, etc., as follows:

Chapter 44 of the General Laws is hereby amended by inserting after section 8B the following section: —

Section 8C. A city or town which has appropriated money for the acquisition of land, to be expended together with a sum or sums of money allotted by the commissioner of natural resources under section eleven of chapter one hundred and thirty-two A or by the United States or by both, may, if said city or town is required primarily to pay a portion of the expense of acquiring such land which is to be reimbursed by the commonwealth or the United States or both, incur debt outside its debt limit in the amount of such reimbursable expense and may issue notes therefor which shall be payable in or within two years from their dates; provided, that prior to the issuance of such notes such reimbursement has been agreed upon by the commonwealth or the United States or by both; and provided, further, that the proceeds of such reimbursement shall be applied to the payment of the notes without further appropriation, notwithstanding the provisions of section fifty-three. The provisions of chapter seventy-four of the acts of nineteen hundred and forty-five shall not apply to borrowing under this section.

Approved September 4, 1973.

Chap. 735. AN ACT RELATIVE TO INVESTMENTS BY SAVINGS BANKS AND CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

SECTION 1. Paragraph 7 of section 49 of chapter 168 of the General Laws, as most recently amended by section 3 of chapter 430 of the acts of 1968, is hereby further amended by striking out clause (d) and inserting in place thereof the following clause: —

(d) has a combined total of capital stock, surplus, undivided profits, capital debentures and reserves for contingencies at least equal to six per cent of its aggregate deposit liability at the end of the calendar year immediately preceding the date of investment; and.

SECTION 2. Paragraph (f) of subsection 4A of section 26 of chapter 170 of the General Laws, as appearing in section 1 of chapter 461 of the acts of 1971, is hereby amended by striking out clause (iv) and inserting in place thereof the following clause: —

(iv) has a combined total of capital stock, surplus, undivided profits, capital debentures and reserves for contingencies equal to six per cent of its aggregate deposit liability at the end of the calendar year immediately preceding the date of investment; and.

Approved September 4, 1973.

Chap. 736. AN ACT AUTHORIZING THE CITY OF BROCKTON TO PAY A SUM OF MONEY TO GAIL V. HOGAN AND ANNE M. STEFANONI.

Be it enacted, etc., as follows:

The treasurer of the city of Brockton is hereby authorized to pay, subject to appropriation, to Gail V. Hogan, a female police officer of said city, the sum of four hundred and thirty-nine dollars and twenty-eight cents and to Anne M. Stefanoni, a female police officer of said city, the sum of three hundred and ninety-five dollars and eighty-seven cents, said sums representing compensation effective December first, nineteen hundred and seventy-two, equalizing their compensation with that paid male police officers as required by section one hundred and eight K of chapter forty-one of the General Laws.

Approved September 4, 1973.

Chap. 737. AN ACT RELATIVE TO THE LICENSING OF PRIVATE SCHOOLS.

Be it enacted, etc., as follows:

The second paragraph of section 3 of chapter 75D of the General Laws, as appearing in section 1 of chapter 1096 of the acts of 1971, is hereby amended by inserting after the first sentence the following two sentences: — Such certification shall establish the eligibility of the applicant for a single license period of one year. Renewal of such license for any succeeding year shall be issued only after a like investigation has been conducted and certification of the financial eligibility of the applicant for renewal has been made by the state auditor.

Approved September 4, 1973.

Chap. 738. AN ACT PROVIDING THAT THE INCUMBENT OF THE OFFICE OF SUPERVISOR OF RECREATION FACILITY CONSTRUCTION PROGRAM IN THE DIVISION OF WATERWAYS IN THE DEPARTMENT OF PUBLIC WORKS SHALL BE DEEMED TO BE PERMANENTLY APPOINTED PROVIDED THAT HE PASSES AN EXAMINATION BY THE DIVISION OF CIVIL SERVICE.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, the incumbent, on the effective date of this act, of the office of supervisor of recreation facility construction program, in the division of waterways in the department of public works, shall be deemed to be permanently appointed to said position subject to the civil service law and rules, provided that he meets all requirements for certification and appointment to said position, and further provided that he passes a qualifying examination to which he shall be subjected by the division of civil service.

(This Bill returned by the Governor, to the Senate, the branch in which it originated, with his objections thereto, was passed by the Senate, September 4, 1973, and, in concurrence, by the House of Representatives, September 4, 1973, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 739. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW FURTHER REGULATING THE MASSACHUSETTS CLEAN WATERS ACT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make a corrective change in the law further regulating the Massachusetts Clean Waters Act, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 17 of chapter 546 of the acts of 1973 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — No suit, action or other proceeding lawfully commenced under sections twenty-six to fifty-three, inclusive, and sections fifty-seven and fifty-eight of chapter twenty-one of the General Laws prior to the effective date of this act shall abate by reason of the passage of this act.

SECTION 2. This act shall take effect as of July twenty-seventh, nineteen hundred and seventy-three.

Approved September 5, 1973.

Chap. 740. AN ACT PROVIDING THAT RECRIMINATION SHALL NOT BE A DEFENSE TO LIBEL FOR DIVORCE.

Be it enacted, etc., as follows:

Section 1 of chapter 208 of the General Laws, as most recently amended by section 1 of chapter 585 of the acts of 1967, is hereby further amended by inserting after the word "her", in line 8, the words: — ; provided, however, that a divorce shall be decreed although both parties have cause, and no defense founded upon recrimination shall be entertained by the court.

Approved September 5, 1973.

Chap. 741. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF NORFOLK COUNTY TO ACQUIRE CERTAIN LAND SITUATED IN THE TOWN OF DEDHAM.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Norfolk county are

hereby authorized to take, by eminent domain or acquire by purchase or otherwise, a certain parcel of land and any buildings thereon located in the town of Dedham and bounded and described as follows:

NORTHERLY	by High Street eighty-one and sixteen hundredths (81.16) feet;
WESTERLY	by land of Samuel Dexter Lodge, I.O.O.F. sixty-eight and sixty-two hundredths (68.62) feet;
SOUTHERLY	by land of Clara T. Towne et al forty-four and twenty hundredths (44.20) feet;
SOUTHERLY	again by land of Dedham Historical Society by two lines measuring twenty-six and sixty hundredths (26.60) feet and twelve and eighty-four hundredths (12.84) feet, respectively; and
EASTERLY	by land of Dedham Historical Society forty-four and thirty-two hundredths (44.32) feet.

Containing 4,761 square feet according to a plan of land in Dedham, Massachusetts, dated October 2, 1953, E. W. Pilling, Engineer, recorded with Norfolk Deeds herewith.

For such purposes, said commissioners may expend a sum not to exceed five hundred thousand dollars.

SECTION 2. For the purposes aforesaid, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary not exceeding five hundred thousand dollars in the aggregate and may issue bonds or notes of the county therefor which shall bear on their face the words, Norfolk County Building Facility Loan, Act of 1973. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than twenty years from their date. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 3. In the event that the property described in section one is leased or rented in whole or in part to any person other than a governmental agency, it shall be assessed proportionately and the real estate taxes due thereon shall be paid to the town of Dedham.

Approved September 5, 1973.

Chap. 742. AN ACT INCREASING THE CONTRIBUTION RATE SCHEDULE OF THE EMPLOYMENT SECURITY LAW.

Be it enacted, etc., as follows:

The Contribution Rate Schedule G in paragraph (9) of subsec-

tion (i) of section 14 of chapter 151A of the General Laws, as appearing in section 4 of chapter 614 of the acts of 1961, is hereby amended by striking out, in line 6, the figure "3.7" and inserting in place thereof the figure: — 3.9. *Approved September 5, 1973.*

Chap. 743. AN ACT DESIGNATING THE BRIDGE OVER STATE HIGHWAY ROUTE 24 ON STATE HIGHWAY ROUTE 104 IN THE TOWN OF BRIDGEWATER AS THE JAMES A. OLIVER V.F.W. POST 2125 BRIDGE.

Be it enacted, etc., as follows:

The bridge over state highway route 24 on state highway route 104 in the town of Bridgewater shall be designated and known as the James A. Oliver V.F.W. Post 2125 bridge. A suitable marker bearing such designation shall be attached thereto by the department of public works. *Approved September 5, 1973.*

Chap. 744. AN ACT FURTHER PROVIDING FOR THE FINANCING OF POLLUTION CONTROL FACILITIES IN CERTAIN TOWNS.

Be it enacted, etc., as follows:

Chapter 21 of the General Laws is hereby amended by inserting after section 33 the following section: —

Section 33A. Notwithstanding the provisions of section thirty-three, if a town having a population of more than twenty thousand inhabitants according to the latest federal census, has received a grant from the division equal to sixty per cent of the cost of construction, the division shall make an additional grant to said town to ensure a total of ninety per cent federal and state funding on the eligible portions of the project or projects of said town.

Approved September 5, 1973.

Chap. 745. AN ACT VALIDATING CERTAIN PROCEEDINGS OF THE TOWN OF BOURNE AND AUTHORIZING THE TOWN OF BOURNE TO BORROW MONEY TO PAY A PROPORTIONATE PART OF THE COST OF CONSTRUCTING A MARINA AND RELATED FACILITIES AT TAYLOR'S POINT, BUZZARDS BAY IN THE TOWN.

Be it enacted, etc., as follows:

SECTION 1. The action taken by the town of Bourne at its special town meeting held on October eighteenth, nineteen hundred and seventy-one, in voting to appropriate the sum of two million four hundred thousand dollars for acquiring land and for dredging a harbor, establishing a new harbor anchorage and constructing dockage facilities in Buzzard's Bay at Taylor's Point in said town are hereby validated, ratified and confirmed.

SECTION 2. For the purposes authorized under section one of chapter eight hundred and fourteen of the acts of nineteen hundred and seventy-two and by section one of this act, the treasurer of the town of Bourne may, with the approval of the selectmen, from time to time, borrow on behalf of the town such sums as may be necessary, not exceeding in the aggregate two million four hundred thousand dollars, and may issue bonds or notes therefor pursuant to votes described in section one of this act. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit provided by chapter forty-four of the General Laws and shall, except as provided herein, be subject to the provisions of said chapter, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 3. The town of Bourne shall assume liability for all damages that may be incurred under section one of said chapter eight hundred and fourteen in connection with the project described therein.

SECTION 4. This act shall take effect upon its passage.

Approved September 7, 1973.

Chap. 746. AN ACT INCREASING THE AMOUNT OF MONEY THE COUNTY COMMISSIONERS OF BRISTOL COUNTY MAY EXPEND FOR THE PREPARATION OF PLANS AND SPECIFICATIONS FOR A NEW JAIL, HOUSE OF CORRECTION AND SHERIFF'S QUARTERS.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 412 of the acts of 1973 is hereby amended by striking out, in lines 7 and 8, the words "one hundred and twenty-five" and inserting in place thereof the words: — four hundred.

SECTION 2. This act shall take effect upon its passage.

Approved September 7, 1973.

Chap. 747. AN ACT DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO CONTRACT FOR EMERGENCY REPAIRS AND RECONSTRUCTION WORK TO A CERTAIN BRIDGE IN THE CITY OF HOLYOKE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate emergency repairs and reconstruction of a bridge between the city of Holyoke and the town of South Hadley, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law, the department of public works is hereby authorized and directed to

forthwith negotiate and contract for the necessary emergency repairs and reconstruction of bridge No. H-21-1-S-18-4 between the city of Holyoke and the town of South Hadley on state highway route 116 over the Connecticut river. The provisions of chapter twenty-nine of the General Laws shall not apply to any contract entered into under the provisions of this act.

SECTION 2. This act shall take effect as of July twenty-third, nineteen hundred and seventy-three.

Approved September 7, 1973.

Chap. 748. AN ACT CHANGING THE SMALL CLAIMS PROCEDURE IN THE DISTRICT COURTS.

Be it enacted, etc., as follows:

SECTION 1. The last sentence of section 21 of chapter 218 of the General Laws, as appearing in section 1 of chapter 106 of the acts of 1970, is hereby amended by inserting after the word "business", in line 4, the words: — or employment.

SECTION 2. Said chapter 218 is hereby further amended by striking out section 23, as amended by section 1 of chapter 500 of the acts of 1950, and inserting in place thereof the following section: —

Section 23. Every cause begun under the procedure shall be determined initially in the district court. No such cause may be removed for trial in the superior court. A plaintiff beginning a cause under the procedure shall be deemed to have waived a trial by jury and any right of appeal to the superior court; but if said cause shall be appealed to the superior court by the defendant as herein-after provided, the plaintiff shall have the same right to claim a trial by jury as if the cause had been begun in the superior court. The defendant may, within ten days after receipt of the court's finding, file in the court where the cause was determined a claim of trial by jury, and his affidavit that there are questions of law and fact in the cause requiring a trial by jury, with specifications thereof, and that such trial is intended in good faith. The defendant's claim of trial by jury shall be accompanied by five dollars for the entry of the cause in the superior court and a bond in the amount of the judgment in the district court, payable to the other party or parties to the cause, conditioned to satisfy any judgment for costs which may be entered against him in the superior court in said cause within thirty days after the entry thereof.

The clerk shall forthwith transmit such original papers or attested copies thereof as the rules for the procedure may provide, and the superior court may try the cause as transmitted or may require pleadings as in a cause begun by writ, but the cause may be marked for trial on the list of causes advanced for speedy trial by jury. A finding for the plaintiff in the district court shall be prima facie evidence for the plaintiff in the superior court trial. At such trial, the plaintiff may, but need not, introduce evidence.

No bond shall be required of a county, city, town or other municipal corporation, or of a board, officer or employee thereof represented by the city solicitor, town counsel or other officer having similar duties, or of a political subdivision, or of a party who has given bond according to law to dissolve an attachment or of a defendant in an action of tort arising out of the ownership, operation, maintenance, control or use of a motor vehicle or trailer as defined in section one of chapter ninety if the payment of any judgment for costs which may be entered against him is secured, in whole or in part, by a motor vehicle liability bond or policy or a deposit as provided in section thirty-four D of chapter ninety.

The court shall waive the requirement of a bond in the amount of the judgment if it is satisfied that the defendant has insufficient funds available to him to furnish the necessary bond and that the defendant's appeal is not frivolous.

No party to a cause under the procedure shall be entitled to a report. If the court is of the opinion that a question of law requires review, it may submit the matter, in the form of a report of a case stated, to the appellate division. *Approved September 7, 1973.*

Chap. 749. AN ACT RELATIVE TO CERTAIN REQUIREMENTS PRIOR TO THE APPRAISAL OF CERTAIN STOCK OF BUSINESS CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. The second sentence of section 86 of chapter 156B of the General Laws is hereby amended by striking out clause (1), as amended by section 40 of chapter 685 of the acts of 1965, and inserting in place thereof the following clause: —

(1) he files with the corporation before the taking of the vote of the shareholders on such corporate action, written objection to the proposed action stating that he intends to demand payment for his shares if the action is taken and.

SECTION 2. The second paragraph of section 87 of said chapter 156B, as appearing in section 1 of chapter 723 of the acts of 1964, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — If the action proposed is approved by the stockholders at the meeting and effected by the corporation, any stockholder (1) who files with the corporation before the taking of the vote on the approval of such action, written objection to the proposed action stating that he intends to demand payment for his shares if the action is taken and (2) whose shares are not voted in favor of such action has or may have the right to demand in writing from the corporation (*or, in the case of a consolidation or merger, the name of the resulting or surviving corporation shall be inserted*), within twenty days after the date of mailing to him of notice in writing that the corporate action has become effective, payment for his shares and an appraisal of the value thereof.

SECTION 3. Section 88 of said chapter 156B, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences: — The corporation taking such action, or in the case of a merger or consolidation the surviving or resulting corporation, shall, within ten days after the date on which such corporate action became effective, notify each stockholder who filed a written objection meeting the requirements of section eighty-six and whose shares were not voted in favor of the approval of such action, that the action approved at the meeting of the corporation of which he is a stockholder has become effective. The giving of such notice shall not be deemed to create any rights in any stockholder receiving the same to demand payment for his stock.

SECTION 4. Said chapter 156B is hereby amended by striking out section 89, as so appearing, and inserting in place thereof the following section: —

Section 89. If within twenty days after the date of mailing of a notice under subsection (e) of section eighty-two, subsection (f) of section eighty-three, or section eighty-eight, any stockholder to whom the corporation was required to give such notice shall demand in writing from the corporation taking such action, or in the case of a consolidation or merger from the resulting or surviving corporation, payment for his stock, the corporation upon which such demand is made shall pay to him the fair value of his stock within thirty days after the expiration of the period during which such demand may be made.

Approved September 7, 1973.

Chap. 750.

AN ACT PROVIDING THAT LACK OF PRIVACY OF CONTRACT SHALL NOT BE A DEFENSE IN ACTIONS FOR BREACH OF WARRANTY OR NEGLIGENCE BROUGHT AGAINST A LESSOR OF GOODS AND ESTABLISHING A STATUTE OF LIMITATIONS FOR THE COMMENCEMENT OF SUCH ACTIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 106 of the General Laws is hereby amended by striking out section 2-318, as amended by section 1 of chapter 670 of the acts of 1971, and inserting in place thereof the following section: —

Section 2-318. Lack of Privacy in Actions Against a Manufacturer, Seller, Lessor or Supplier of Goods.

Lack of privacy between plaintiff and defendant shall be no defense in any action brought against the manufacturer, seller, lessor or supplier of goods to recover damages for breach of warranty, express or implied, or for negligence, although the plaintiff did not purchase the goods from the defendant if the plaintiff was a person whom the manufacturer, seller, lessor or supplier might reasonably have expected to use, consume or be affected by the goods. The manufacturer, seller, lessor or supplier may not exclude

or limit the operation of this section. Failure to give notice shall not bar recovery under this section unless the defendant proves that he was prejudiced thereby. All actions under this section shall be commenced within two years next after the date the injury occurs.

SECTION 2. Section 2-318 of chapter one hundred and six of the General Laws, as amended by section one of this act, shall apply to leases which are made and to injuries which occur after the effective date of this act.

Approved September 7, 1973.

Chap. 751. AN ACT AUTHORIZING THE BOARD OF REGIONAL COMMUNITY COLLEGES TO CONVEY A CERTAIN PARCEL OF LAND WITH THE BUILDINGS THEREON KNOWN AS THE CENTRAL JUNIOR HIGH SCHOOL TO THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

The board of regional community colleges, in the name and on behalf of the commonwealth, is hereby authorized to convey, by deed approved as to form by the attorney general, to the city of Pittsfield the parcel of land with the buildings thereon known as Central Junior High School, bounded and described as follows: Beginning at a stone bound in the westerly line of Second Street said stone bound being at the southeast corner of the parcel being described; thence northerly in the said westerly line of Second Street 173.10 feet to a stone bound at the northeasterly corner of the parcel being described; thence deflecting to the left 89° 14' and running westerly 254.45 feet to a stone bound in the easterly line of the "Common", so-called, and at the northwesterly corner of the parcel being described; thence deflecting to the left 90° 45' and running southerly along the said easterly line of the "Common" 176.80 feet to a stone bound at the southwesterly corner of the parcel being described; thence deflecting to the left 90° 06' and running easterly 254.37 feet to a stone bound in the said westerly line of Second Street and the place of beginning.

Being the same premises conveyed to the commonwealth of Massachusetts, by deed of the city of Pittsfield dated June 13, 1960 and recorded in Berkshire County Middle Registry of Deeds at Pittsfield in Book 707 Page 278.

Approved September 7, 1973.

Chap. 752. AN ACT EXTENDING THE INVESTMENT CREDIT UNDER THE CORPORATION EXCISE LAW AND PROVIDING OTHER INCENTIVES THEREUNDER.

Be it enacted, etc., as follows:

SECTION 1. Clause (b) of paragraph 5 of section 30 of chapter 63 of the General Laws, as appearing in section 46 of chapter 698 of the acts of 1966, is hereby amended by striking out subdivision (ii) and inserting in place thereof the following subdivision: —

(ii) losses sustained in other taxable years except that for the first five consecutive taxable years of a corporation, measured from the date of its organization whether or not organized under the laws of the commonwealth, so much of the loss as determined under section one hundred and seventy-two of the Federal Internal Revenue Code, as amended and in effect for the taxable year, as is represented by net operating loss carryovers for taxable years ending December thirty-first, nineteen hundred and seventy-three and thereafter shall be deducted; provided, however, that such carry-over losses shall not be allowed to any corporation fifty per cent or more of whose voting stock is owned by another corporation whether or not such owning corporation is taxable in this commonwealth; and provided, further, that in the case of a foreign corporation losses incurred before such corporation becomes subject to tax liability in this commonwealth shall not be allowed, and.

SECTION 2. Said section 30 of said chapter 63 is hereby amended by adding the following two paragraphs: —

14. "DISC" — a corporation which meets the requirements of section 992(a) (1) of the Federal Internal Revenue Code, as amended and in effect for the taxable year.

15. "Wholly-owned DISC" — a DISC all of whose outstanding shares, except directors' qualifying shares, are owned by a single corporation, either directly or indirectly through other corporations all of whose shares are owned directly or indirectly by such corporation.

SECTION 3. Section 31A of said chapter 63, inserted by section 2 of chapter 634 of the acts of 1970, is hereby amended by adding the following paragraph: —

(f) A corporation renting or leasing tangible property otherwise qualifying for the credit under this section from a regional business development corporation or authority authorized under chapter forty D or a regional business development corporation organized as a non-profit corporation under any special act shall be deemed to have acquired such property by purchase as defined under Sec. 179(d) of the Federal Internal Revenue Code, as amended and in effect for the taxable year, for the purposes of this section and shall be eligible for the credit under paragraph (a). The amount of such credit shall be one per cent of the value of qualifying property leased and placed in qualified use during the taxable year. Such value shall be the cost of such property to the regional business development corporation and the books and records of such corporation shall for the purposes of this section be open to the commissioner for inspection. For the purposes of this section, a termination or cessation of such rental or lease for any reason other than a transfer of ownership of such property to the lessee shall be considered a disposition of such property. No further credit shall be allowed to such lessee or any successor corporation, as the case may be, on account of such property in the event of successive rentals or leases, replacement, alteration or change of the property rented or leased; transfer of ownership of such property to the lessee; or

the merger, consolidation or other reorganization of such lessee.

SECTION 4. Subsection (a) of section 38 of said chapter 63 is hereby amended by striking out clause (1), as amended by section 33 of chapter 555 of the acts of 1971, and inserting in place thereof the following clause: —

(1) Dividends included therein, other than dividends from partnerships, associations or trusts engaged in business in the commonwealth the beneficial interest in which is represented by transferable shares, shall be deducted; provided, however, that deemed distributions and actual distributions, except actual distributions out of previously taxed income, from a DISC which is not a wholly-owned DISC, shall not be treated as dividends for the purpose of this section; and.

SECTION 5. Subsection (d) of said section 38 of said chapter 63, as appearing in section 58 of chapter 698 of the acts of 1966, is hereby amended by adding the following sentence: — For the purpose of this subsection leaseholds and leasehold improvements, whether located within or without the commonwealth, shall be included within the meaning of real and tangible personal property.

SECTION 6. Said section 38 of said chapter 63, is hereby further amended by striking out subsection (e), as so appearing, and inserting in place thereof the following subsection: —

(e) The payroll factor is a fraction, the numerator of which is the total amount paid in this commonwealth during the taxable year by the corporation for compensation, and the denominator of which is the total compensation paid everywhere during the taxable year.

The payroll factor for a manufacturing corporation or a business corporation engaged primarily in research and development, which has been deemed to be such under the provisions of section thirty-eight C or forty-two B, is a fraction the numerator of which is the lesser of the following amounts: —

(i) the total amount paid in this commonwealth by the corporation for compensation during the taxable year; or

(ii) the total amount paid in this commonwealth by the corporation for compensation during the taxable year ended in the year nineteen hundred and seventy-two increased by five per cent per year for each taxable year subsequent to the taxable year ended in nineteen hundred and seventy-two, or seventy-five per cent of the total amount paid in this commonwealth by the corporation for compensation during the taxable year, whichever is greater.

The denominator of the payroll factor for such corporation shall be adjusted for compensation paid in this commonwealth to include in total compensation paid everywhere only that amount for compensation paid in this commonwealth which is equal to the amount included in the numerator as determined under (i) and (ii) in this subsection.

Notwithstanding the provisions of this subsection, a corporation shall be eligible for the credit provided for in section thirty-one C. For the purposes of determination of the credit under section thirty-one C, the total amount of compensation paid in this com-

monwealth by the corporation for the taxable year shall be allowed.

As used in this subsection, "compensation" means wages, salaries, commissions, and any other form of remuneration paid to employees for personal services. Compensation is paid in this commonwealth if:

1. the employee's service is performed entirely within this commonwealth; or

2. the employee's service is performed both within and without this commonwealth, but the service performed without this commonwealth is incidental to the employee's service within this commonwealth; or

3. some of the service is performed in this commonwealth and (i) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in this commonwealth, or (ii) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the employee's residence is in this commonwealth.

SECTION 7. Subsection (f) of said section 38 of said chapter 63 is hereby amended by adding the following paragraph: —

For the purposes of this subsection, sales by a corporation to its wholly owned DISC shall be treated as though made directly by such corporation to the customer of such DISC.

SECTION 8. Section 38B of said chapter 63, as most recently amended by section 35 of chapter 555 of the acts of 1971, is hereby further amended by striking out subsections (a) and (b) and inserting in place thereof the following two subsections: —

(a) Every domestic business corporation or foreign corporation, which is engaged exclusively in buying, selling, dealing in, or holding securities on its own behalf and not as a broker, except securities of a corporation defined in this chapter as a DISC, and is not a regulated investment or bank holding company under the Federal Internal Revenue Code, as amended and in effect for the taxable year, and, which either applies to the commissioner to be classified a security corporation before the end of the taxable year and is so classified, or has been so classified by the commissioner for a prior taxable year and such classification has not been revoked before the end of the taxable year, shall pay, on account of each taxable year, an excise equal to one and two tenths per cent of the gross income, as defined in section thirty of this chapter, received by such corporation during the taxable year or one hundred and fourteen dollars, whichever is greater.

(b) Every domestic business corporation or foreign corporation, which is engaged exclusively in buying, selling, dealing in, or holding securities on its own behalf and not as a broker, except securities of a corporation defined in this chapter as a DISC, and is a regulated investment or bank holding company under the Federal Internal Revenue Code, as amended and in effect for the taxable year, and which either applies to the commissioner to be classified as a security corporation before the end of the taxable year and is

so classified, or has been so classified by the commissioner for a prior taxable year and such classification has not been revoked before the end of the taxable year, shall pay, on account of each taxable year, an excise equal to three tenths of one per cent of the gross income, as defined in section thirty of this chapter, received by such corporation during the taxable year or one hundred and fourteen dollars, whichever is the greater.

SECTION 9. Said chapter 63 is hereby further amended by inserting after section 38F the following section: —

Section 38G. A domestic or foreign corporation subject to tax under this chapter shall for the purposes of determining its excise under the provisions of this chapter include in the report of its income all the income of any wholly-owned DISC, whether such DISC is organized under the laws of the commonwealth or the laws of any other state, for the taxable year of such wholly-owned DISC which ends immediately after the taxable year of such corporation and shall include in its assets and liabilities all of the assets and liabilities of any such wholly-owned DISC as of the end of the taxable year of such wholly-owned DISC which ends immediately after the taxable year of such corporation.

Every domestic or foreign corporation subject to tax under this chapter which has such a wholly-owned DISC shall include in its return: (1) a copy of the federal income tax return filed by such DISC for the taxable year which ends immediately after the taxable year of such corporation and (2) a statement that the income, assets and liabilities reported by such corporation for the taxable year and upon which its excise under this chapter has been determined includes the income, assets and liabilities of such DISC for the taxable year of the DISC which ends immediately after the taxable year of such corporation.

SECTION 10. Chapter seven hundred and forty-six of the acts of nineteen hundred and seventy-two shall apply to subsection (f) of section thirty-one A of chapter sixty-three of the General Laws, inserted by section three of this act.

SECTION 11. Notwithstanding the provisions of subsection (a) of section thirty-one A of chapter sixty-three of the General Laws, the credit allowed by said section shall be three per cent for taxable years ending on and after December thirty-first, nineteen hundred and seventy-four and before December thirty-first, nineteen hundred and seventy-eight and as limited by paragraph twelve of section thirty of said chapter sixty-three; provided, however, that any corporation claiming such credits meets all other requirements of said section thirty-one A; and provided, further, that any corporation claiming such credit shall furnish such information relative to job opportunities created by the investment, for which the credit is allowed, as is required by the commissioner of corporations and taxation, in a form approved by the state tax commission.

SECTION 12. This act shall apply to taxable years ending on and after December thirty-first, nineteen hundred and seventy-three.

Approved September 7, 1973.

Chap. 753. AN ACT RELATIVE TO THE NUMBER AND TERM OF OFFICE OF FINANCE COMMISSIONERS IN THE TOWN OF NORWOOD.

Be it enacted, etc., as follows:

Chapter 197 of the acts of 1914 is hereby amended by striking out section 16 and inserting in place thereof the following section: —

Section 16. At the first annual meeting after the adoption of this act, the voters of the town shall elect by ballot from among their number five persons who shall serve and be known as the finance commission who shall hold office, two for the term of three years, two for the term of two years, and one for the term of one year from the date of said annual meeting. At each annual meeting thereafter there shall be elected in place of those finance commissioners whose terms are about to expire an equal number of finance commissioners, each to serve for three years. The members of the finance commission shall serve until their successors are elected and qualified and shall not receive any salary. During the term for which they are chosen they shall be ineligible, either by appointment or by election, to any town office other than that for which they have been chosen, nor shall, during any such term, they hold any other such office. They shall be sworn to the faithful performance of their duties by the moderator, town clerk and accountant or by a justice of the peace.

Approved September 7, 1973.

Chap. 754. AN ACT AUTHORIZING THE CITY OF BROCKTON TO PAY A CERTAIN SUM OF MONEY TO D. EDWARD SULLIVAN, A RETIRED CAPTAIN OF THE POLICE DEPARTMENT OF SAID CITY.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of law, the city of Brockton is hereby authorized to appropriate money for the payment of and to pay D. Edward Sullivan, a retired captain of the police department of said city, the sum of four thousand two hundred and two dollars and ten cents as compensation due him for the years nineteen hundred and sixty-four, nineteen hundred and sixty-five, nineteen hundred and sixty-six, nineteen hundred and sixty-seven and nineteen hundred and sixty-eight in accordance with the provisions of chapter two hundred and seventy-seven of the acts of nineteen hundred and sixty-five.

Approved September 7, 1973.

Chap. 755. AN ACT AUTHORIZING THE CITY OF TAUNTON TO GRANT A PENSION TO ROBERT H. PARK.

Be it enacted, etc., as follows:

For the purpose of promoting the public good and in recognition

of forty-eight years of meritorious service, the city of Taunton is hereby authorized to grant to Robert H. Park, a former band instructor at Taunton high school, an annual retirement allowance of three thousand dollars, payable in equal monthly installments.

Approved September 7, 1973.

Chap. 756. AN ACT REPEALING THE LAW RELATIVE TO THE TOUR OF DUTY FOR MEMBERS OF THE POLICE FORCE OF THE TOWN OF LYNNFIELD.

Be it enacted, etc., as follows:

Chapter seventy of the acts of nineteen hundred and fifty-one is hereby repealed.

Approved September 7, 1973.

Chap. 757. AN ACT DIRECTING THE DIVISION OF CIVIL SERVICE TO PERMIT WAYNE C. HOOPER TO TAKE A QUALIFYING EXAMINATION FOR THE POSITION OF FIREFIGHTER IN THE TOWN OF BEDFORD.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of any general or special law, Wayne C. Hooper, incumbent of the position of regular or permanent member of the fire force of the town of Bedford shall, upon the effective date of this act, be subject to the provisions of chapter thirty-one of the General Laws, and the tenure of office of said incumbent shall be unlimited, subject, however to the provisions of said chapter; provided, however, that said incumbent shall be subject to a qualifying examination prescribed by the director of civil service for such position and shall also be subject to a physical examination by the division of civil service. If said incumbent passes said examinations, he shall be certified for such position and shall be deemed to be permanently appointed thereto. If said incumbent fails to pass said examinations, he shall, after receipt of the results of said examinations, immediately terminate his service as a member of said fire force.

Approved September 7, 1973.

Chap. 758. AN ACT RELATIVE TO THE TENURE OF GRANT M. PALMER, JR., INCUMBENT OF THE OFFICE OF REPORTER OF DECISIONS OF THE SUPREME JUDICIAL COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the continued tenure of the incumbent of the office of reporter of decisions of the supreme judicial court from August eighth, nineteen hundred and seventy-three, until December thirty-first, nineteen hundred and seventy-three, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of the law to the contrary, Grant M. Palmer, Jr., incumbent of the office of reporter of decisions of the supreme judicial court, may continue to serve in said office, subject to the pleasure of the justices of the supreme judicial court, until December thirty-first, nineteen hundred and seventy-three. His participation and that of his wife in the state group insurance program may be continued unchanged. Upon retirement at the termination of his service his retirement rights shall be determined as though he had retired on August thirty-first, nineteen hundred and seventy.

SECTION 2. This act shall take effect as of August eighth, nineteen hundred and seventy-three.

Approved September 11, 1973.

Chap. 759. AN ACT RELATIVE TO THE METHOD OF ENGROSSMENT BY THE LEGISLATIVE ENGROSSING DIVISION OF CERTAIN BILLS AND TO THE PRINTING AND PUBLICATION OF SUCH BILLS UPON THEIR BECOMING LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, to expedite the engrossment procedure pertaining to matters before the General Court, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 23 of chapter 3 of the General Laws is hereby amended by adding the following two paragraphs: —

If the clerk of the senate, with the approval of the president thereof, and the speaker of the house, determines that the business of the general court will be expedited thereby, the legislative engrossing division shall prepare for final passage by the general court an exact copy of any bill specified by said clerk, as passed to be engrossed by both branches, so far as possible by pasting a printed copy of said bill, as so passed, on the kind and size of paper designated by the said committees on rules and the copy so prepared shall be deemed to have been fairly engrossed as hereinbefore required.

Notwithstanding the provisions of sections two, three and four of chapter five, if the state secretary deems that the public convenience would be served thereby, he shall not cause said bill, as enacted into law, to be printed and published, as provided in said sections, but shall print in the publications provided for by said sections, under the chapter number of said bill as enacted, its title, the date when it becomes law and an appropriate reference indicating that the bill has been prepared for final passage as hereinbefore provided; and he shall cause five hundred copies of said bill, as enacted, to be printed and published separately in such form as he

may determine. He shall distribute the same in such manner as he may determine. Copies of said act so separately printed and published shall have the same force and effect as though printed and published in accordance with said sections.

Approved September 11, 1973.

Chap. 760. AN ACT FURTHER REGULATING THE QUALIFICATIONS FOR CREDIT FOR SERVICE UNDER THE CONTRIBUTORY RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES.

Be it enacted, etc., as follows:

Subdivision (1) of section 4 of chapter 32 of the General Laws is hereby amended by inserting after paragraph (o) the following paragraph: —

(p) Any member of a contributory retirement system who is engaged in a teaching position and holds a certificate issued by the department of education or is exempted from the requirement of certification and who was previously engaged in teaching pupils in any non-public school in the commonwealth, if the tuition of all such pupils taught was financed in part or in full by the commonwealth may, before the date any retirement allowance becomes effective for him, establish such service as creditable service by depositing into the annuity savings fund of the system of which he is a member in one sum, or in installments, upon such terms and conditions as the board may prescribe, an amount equal to five per cent of the compensation received by him during such period of service plus regular interest to the date of such deposit for such previous period, or most recent portion thereof, as he may elect. Payment shall not be made and no credit shall be allowed for such non-public school service in excess of the total service rendered in a public school of the commonwealth to which the member would be entitled to receive credit if he remained in service to age sixty-five, with the maximum credit for service in such non-public schools not to exceed ten years; provided, that no credit shall be allowed and no payment shall be accepted for any service for which the member shall be entitled to receive a retirement allowance, annuity or pension from any other source. Upon completion of such payments, such member shall receive the same credit for such period of his previous non-public school service or portion thereof elected, as would have been allowed had such service been rendered by him in a public school of the commonwealth. Such member shall furnish the board with such information as it shall require to determine the amount to be paid and the credit to be allowed under this paragraph. At the time a retirement allowance becomes due to a member or to a beneficiary under option (d) of subdivision (2) of section twelve, if the service rendered in public schools of the commonwealth on the date either the retirement allowance becomes effective, or on the date the member attained age sixty-five, whichever occurs first, is less than the service in said non-public schools

for which the member has paid, credit shall be allowed only for the most recent service rendered in said non-public schools equal to such service rendered in the public schools of the commonwealth and the amount paid for such additional service shall be refunded with accumulated interest, refund to be made only when the retirement allowance becomes due to the member or to the beneficiary under option (d) of subdivision (2) of section twelve, and if it is found that payment has been accepted for any service for which the member is entitled to a retirement allowance, annuity or pension from any other source, the amount paid for such service with accumulated interest shall also be refunded with no retirement credit allowed.

(This Bill, returned by the Governor, to the Senate, the branch in which it originated, with his objections thereto, was passed by the Senate, September 10, 1973, and, in concurrence, by the House of Representatives, September 11, 1973, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 761. AN ACT AUTHORIZING THE REGISTRAR OF MOTOR VEHICLES TO CONSTRUCT NEW FACILITIES FOR THE BRANCH OFFICE OF THE REGISTRY OF MOTOR VEHICLES IN THE CITY OF HAVERHILL.

Be it enacted, etc., as follows:

The registrar of motor vehicles, subject to appropriation, is hereby authorized to acquire a site for and thereafter construct thereon and maintain facilities for the branch office of the registry of motor vehicles in the city of Haverhill which shall be relocated at said site. For the purpose of this act, said registrar may, with the consent of the governor, acquire a suitable site by eminent domain, or by purchase or otherwise.

Approved September 12, 1973.

Chap. 762. AN ACT PROVIDING THAT CERTAIN LICENSES FOR THE PURPOSE OF PLACING AND MAINTAINING FILL OVER CERTAIN TIDEWATERS IN BOSTON HARBOR BE IRREVOCABLE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide that certain licenses for the placing and maintaining fill over certain tidewaters in Boston harbor be irrevocable, therefore it is hereby declared to be an emergency law, necessary for the preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The licenses granted by the harbor and land com-

missioners numbered 1109, 1249, 1273, and 1313 dated October first, eighteen hundred and eighty-nine, May third, eighteen hundred and ninety, July twelfth, eighteen hundred and ninety, and January twenty-sixth, eighteen hundred and ninety-one, respectively, and the licenses granted by the directors of the port of Boston, being licenses numbered 42 and 49, both dated March eighteenth, nineteen hundred and thirteen, and the license granted by the department of public works, being licence numbered 1563 dated July twenty-fourth, nineteen hundred and thirty-four, and any and all other licenses or authorizations granted by the department of public works or by any predecessor to construct and maintain sea walls, bulkheads, in-take tunnels, and drains and to place and maintain fill, piles, and other structures in certain former tidewaters on the westerly side of Border Street in the East Boston district of the city of Boston, comprising portions of the land known as and numbered 408-424 on said Border Street, as shown on "Plan of Land in East Boston, Mass. Prepared for Shore Plaza Company Showing Licensed Areas of Fill and Structures" dated December 5, 1972 by Boston Survey Consultants, Inc., the subject premises being described in a deed from Paul D. Kaneb, Administrator, to Max R. Kargman and William M. Kargman, the General Partners of Shore Plaza Company dated October 14, 1970 and recorded with Suffolk County Registry of Deeds in Book 8395, Page 60, shall, notwithstanding any provisions of general or special law to the contrary, be irrevocable; provided, however, that if the commonwealth or any of its political subdivisions shall take, within ten years after the effective date of this act, any land which has the benefit of said licenses, the damages recoverable by reason of such taking shall not exceed the fair value of such land on the effective date of this act together with the cost of any buildings or improvements thereon, with interest at four per cent annually from such effective date or date such cost was incurred as the case may be.

SECTION 2. License numbered 6184, pending on the effective date of this act before the department of public works or any successor authority pursuant to chapter ninety-one of the General Laws to fill or maintain fill or erect or maintain pile or other structures within the areas presently filled or containing such pile or other structures as shown on said plan referred to in section one shall, notwithstanding any provision of general or special law to the contrary, be irrevocable, subject, however, to the conditions, which shall be expressed in any such license, that applicable provisions of said chapter ninety-one are complied with, and that if the commonwealth or any of its political subdivisions shall take, within ten years after such license is granted, any land which has the benefit of such license, the damages recoverable by reason of such taking shall not exceed the fair value of such land on the date of granting of such license together with the cost of any buildings or improvements thereon, with interest at four per cent annually from such date of granting or date any such cost was incurred as the case may be.

Approved September 14, 1973.

Chap. 763. AN ACT RELATIVE TO THE AUTHORITY OF THE BURBANK HOSPITAL IN THE CITY OF FITCHBURG TO BORROW MONEY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 422 of the acts of 1890 is hereby amended by inserting after section 2 the following section: —

Section 2A. In addition to the above, the corporation shall also have authority, in furtherance of its corporate purposes, to make contracts, give guaranties and incur liabilities, borrow money, issue notes, bonds and other obligations and secure any of its obligations by mortgage, pledge or encumbrance of, or security interest in, all or any of its property or any interest therein, wherever situated. The Burbank Hospital shall be deemed to be a "hospital" as that term is defined in chapter four hundred and fifty-four of the acts of nineteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved September 14, 1973.

Chap. 764. AN ACT AUTHORIZING THE CITY OF MARLBOROUGH TO ESTABLISH THE POSITION OF ASSISTANT COMMISSIONER OF PUBLIC WORKS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the city of Marlborough is hereby authorized to establish the position of assistant commissioner of the department of public works for said city. Said position shall not be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 2. The office of the assistant commissioner of the department of public works for the city of Marlborough shall be filled by appointment by the commissioner of said department of public works and the term of office shall be coterminous with the term of said commissioner.

SECTION 3. This act shall take effect upon its passage.

Approved September 14, 1973.

Chap. 765. AN ACT AUTHORIZING A LEAVE OF ABSENCE STATUS FOR REASONS OF ILLNESS TO CONTINUE THE INSURANCE COVERAGE OF INSURED EMPLOYEES NOT HOLDING PERMANENT APPOINTMENTS UNDER THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

Paragraph (b) of section 2 of chapter 32A of the General Laws is hereby amended by adding the following four sentences: — A person serving on a temporary or provisional basis in a position which is subject to the provisions of chapter thirty-one, notwith-

standing the provisions of said chapter, and only for purposes of continuation of insurance coverages granted herein, may be granted a leave of absence by the appointing authority for reasons of illness of such person provided that the person agrees in writing to return to an active working status at the conclusion of such leave of absence in the same or similar position. Any such illness shall be evidenced by a certificate as prescribed by the commission of a registered physician approved by the commission. The appointing authority may extend such leave of absence from month to month subject to concurrence by the commission as to the continuation of the person's insurance coverages. Such a leave of absence in the case of employment subject to said chapter thirty-one shall not be deemed to confer on the person any civil service rights which the person did not hold when said leave of absence was granted; and no person whose name is on an eligible civil service list for said position shall lose any rights to appointment to said position.

Approved September 14, 1973.

Chap. 766. AN ACT ESTABLISHING A MEDICAL ADVISORY BOARD
FOR THE REGISTRY OF MOTOR VEHICLES.

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by inserting after section 8B the following section: —

Section 8C. There is hereby created in the registry a medical advisory board, consisting of the commissioner of the department of public health or his designee, who shall serve as chairman thereof, and fifteen members appointed by the registrar and approved by said commissioner, who shall be registered under the laws of the commonwealth as qualified physicians, optometrists or chiropractors, but not more than one of said appointees shall be a chiropractor and not more than one of said appointees shall be an optometrist. The members of the said board except said commissioner, shall serve at the pleasure of the registrar. The registrar may refer to said board for advisory opinions on standards of fitness for applicants for learner's permits or licenses to operate motor vehicles, and, in addition, for advisory opinions on the applications of persons who apply for learner's permits or licenses to operate motor vehicles or whose right to operate has been suspended or revoked, or whenever the registrar has reason to believe that the operation of a motor vehicle by such person upon any way or in any place to which members of the public have access as invitees or licensees would be a threat to the safety and the welfare of the public because of physical or mental disability. The board shall meet at the call of said commissioner at such times and places as he may select, but shall convene at the request of the registrar. Said commissioner shall provide such facilities as he may determine to be necessary or appropriate to the function of the board. Each member of the board shall receive as compensation for

his service thereon a sum not to exceed thirty-five dollars for each meeting he attends.

Approved September 14, 1973.

Chap. 767. AN ACT PROVIDING THAT EMPLOYEES OF THE BOSTON ARENA AUTHORITY SHALL BE MEMBERS OF THE STATE EMPLOYEES' RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The paragraph defining "Employee" in section 1 of chapter 32 of the General Laws is hereby amended by adding the following sentence: — "Employee", as applied to persons whose regular compensation is paid by the Boston Arena Authority, shall mean any person who is engaged in duties which require that his time be devoted to the service of the authority in each year during the ordinary working hours of regular and permanent employees.

SECTION 2. Said section 1 of said chapter 32 is hereby further amended by striking out the paragraph defining "Political subdivision", as most recently amended by section 1 of chapter 633 of the acts of 1973, and inserting in place thereof the following paragraph: —

"Political subdivision", the metropolitan district commission or any county, hospital district, city, town, district or housing authority, established under the provisions of section five of chapter one hundred and twenty-one B, the Massachusetts Turnpike Authority, the Massachusetts Parking Authority, the Old Colony Planning Council, the Massachusetts Bay Transportation Authority, the Massachusetts State College Building Authority, the Lowell Technological Institute Building Authority, the Boston Arena Authority, or any other public unit in the commonwealth.

SECTION 3. The first paragraph of section 2 of said chapter 32 is hereby amended by striking out the fourth sentence, as most recently amended by section 2 of said chapter 633, and inserting in place thereof the following sentence: — Subject to said sections, an employee of the commonwealth or of the metropolitan district commission or of the Massachusetts Parking Authority or of the Massachusetts State College Building Authority or of the Lowell Technological Institute Building Authority, the Old Colony Planning Council or of the Boston Arena Authority shall be included in the state employees' retirement system, except that a register of probate shall be included in the system of the county in which he is elected, a teacher as defined in section one shall be included in the teachers' retirement system, an employee of a county or of a hospital district, an employee of a mosquito control district or mosquito control project, located within a county shall be included in the system of such county, an employee of a city or town other than a teacher as defined in section one shall be included in the system of or which pertains to the municipality by which he is employed, an employee of the Massachusetts Turnpike Authority shall be included in the Massachusetts Turnpike Authority employees' retirement system, an employee of the police department of the

Massachusetts Bay Transportation Authority shall be included in the Massachusetts Bay Transportation Authority police retirement system, and an employee of a district shall be included in a system as provided for in subdivision (4) of section twenty-eight, except that in the case of a district which comprises cities and towns located in more than one county, or in the case of a district in which the cities and towns comprising such district may vary from time to time, the employees of such district may become members of the state employees' retirement system, subject to the provisions of subdivision (4) of section twenty-eight.

SECTION 4. Any person who is an employee of the Boston Arena Authority on the effective date of this act shall, if otherwise eligible, become a member in service of the state employees' retirement system and shall, upon paying into the annuity savings fund of such system an amount equal to five per cent of the total salary received by him during such period, plus regular interest to the date of payment, be allowed credit for all his service with said authority prior to said effective date.

SECTION 5. The Boston Arena Authority shall annually reimburse the state board of retirement for its pro rata share of any retirement allowance paid by said board during the preceding calendar year which is based in whole or in part on service with said authority.

SECTION 6. This act shall take effect after the coverage under the Social Security Act of the employees of the Boston Arena Authority, as defined in section one of chapter thirty-two of the General Laws, has been terminated, but not otherwise.

Approved September 14, 1973.

Chap. 768. AN ACT INCREASING THE SALARY OF THE ASSISTANT COMMISSIONER OF LABOR AND INDUSTRIES, AND THE SALARY OF THE DIRECTOR OF THE DIVISION OF MARINE AND RECREATIONAL VEHICLES.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 23 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 29 of chapter 426 of the acts of 1973 and inserting in place thereof the following sentence: — The commissioner shall receive a salary of twenty thousand six hundred and seventy dollars, the assistant commissioner a salary of fifteen thousand dollars and the associate commissioners a salary of twelve thousand three hundred and thirty-four dollars, and each shall devote his full time during business hours to the duties of his office.

SECTION 2. The third sentence of section 12 of chapter 16 of the General Laws is hereby amended by striking out the words "sixteen thousand six hundred and seventy-four", inserted by section 19 of said chapter 426, and inserting in place thereof the words: — nineteen thousand six hundred and seventy-four.

SECTION 3. This act shall take effect as of January first, nine-

teen hundred and seventy-three. *Approved September 14, 1973.*

Chap. 769. AN ACT PROVIDING FOR EMERGENCY PROJECTS UNDER THE LAW RELATING TO THE PROTECTION OF THE INLAND WETLANDS OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide that certain projects relating to the inland wetlands of the commonwealth which are necessary for the protection of the health or safety of the people may be performed without giving the notice which is otherwise required, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 40 of chapter 131 of the General Laws is hereby amended by inserting after the eleventh paragraph, as appearing in section 1 of chapter 784 of the acts of 1972, the following paragraph: —

The notice of intention required in the first paragraph of this section shall not apply to emergency projects necessary for the protection of the health or safety of the commonwealth which are to be performed or which are ordered to be performed by an agency of the commonwealth or a political subdivision thereof. An emergency project shall mean any project certified to be an emergency by the commissioner and the conservation commission of the city or town in which the project would be undertaken, or if none, by the mayor of said city or the selectmen of said town. In no case shall any removal, filling, dredging or alteration authorized by such an emergency certification extend beyond the time necessary to abate the emergency.

Approved September 17, 1973.

Chap. 770. AN ACT CLARIFYING THE ELIGIBILITY OF THE EMPLOYEES OF THE DIVISION OF SAVINGS BANK LIFE INSURANCE TO PARTICIPATE IN THE COMMONWEALTH'S GROUP INSURANCE PROGRAM.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide a program of group insurance for the employees of the division of savings bank life insurance and reimbursement to the commonwealth for contributions made on behalf of their employees, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of paragraph (b) of section 2 of chapter 32A of the General Laws is hereby amended by inserting after the word "council", inserted by section 1 of chapter 686 of the acts of 1972, the words: — , the division of savings bank life insurance.

SECTION 2. Section 8 of said chapter 32A is hereby amended by

striking out paragraph (c), as most recently amended by section 2 of said chapter 686, and inserting in place thereof the following paragraph: —

(c) All amounts withheld from an employee's salary or wages as provided in paragraph (a) and all amounts withheld from pensions or retirement allowances under the provisions of section nineteen of chapter thirty-two shall be forwarded by the department, institution, or other agency responsible for the payment of employee salaries and wages or pensions and retirement allowances to the commission. The Massachusetts Parking Authority, the metropolitan area planning council, the division of savings bank life insurance, local housing authorities and redevelopment authorities shall reimburse the commonwealth for all contributions made on behalf of their employees. The commission, from funds appropriated therefor, may empower the executive secretary to authorize payment of the contribution of the commonwealth as provided in said paragraphs (a) and (b), which, together with the employee payments, shall be paid at least once each month to the carrier or carriers entitled to the premium. *Approved September 17, 1973.*

Chap. 771. AN ACT PROVIDING FOR THE GUARANTEE BY THE COMMONWEALTH OF TWO THIRDS OF ANY DEFICIT, WITH LIMITATIONS, INCURRED BY THE NATIONAL RAIL PASSENGER CORPORATION TO INSURE CONTINUING RAIL PASSENGER SERVICE BETWEEN BOSTON AND SPRINGFIELD VIA WORCESTER FOR TWO YEARS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to guarantee the payment of two thirds of any deficit incurred by the National Rail Passenger Corporation as the result of the continuation without interruption of essential intrastate railroad passenger service between Boston and Springfield via Worcester, which guaranty is a condition precedent to the route becoming a permanently federally-financed basic railroad passenger service network, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The governor and the secretary of the executive office of transportation and construction are hereby authorized and empowered to guarantee the payment of two thirds of any deficit incurred by the National Rail Passenger Corporation for a period of two years, not exceeding the sum of one hundred and seventy-five thousand dollars in any one year, as the result of the coincidental establishment of railroad passenger service between the city of Boston and the city of Springfield via the city of Worcester under the provisions of Sections 403a and 403b of the Federal Rail Passenger Act of 1970, which is a segment of the Boston-New York City Inland Route.

SECTION 2. Notwithstanding any other provision of general or

special law to the contrary, the commonwealth shall not be liable for the payment of any deficit incurred by the National Rail Passenger Corporation on a daily basis for any railroad passenger train, the arrival of which is later than thirty minutes from the scheduled time of arrival for such train. Such time schedule shall be approved by the mayor and city council of any city in which railroad passenger service operates. Said corporation shall promote and advertise the railroad passenger service provided and the fares for such service shall be competitive with the fares for other forms of transportation.

Approved September 17, 1973.

Chap. 772. AN ACT PROVIDING COST-OF-LIVING SALARY ADJUSTMENTS FOR CERTAIN COUNTY EMPLOYEES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide without delay cost-of-living salary adjustments for certain officers and employees of certain counties, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (1) of section 51B of chapter 35 of the General Laws is hereby amended by striking out the salary schedule, as most recently amended by section 1 of chapter 600 of the acts of 1972, and inserting in place thereof the following schedule: —

SALARY SCHEDULE

Effective January 1, 1973.

JOB GROUP.	STEP 1.	STEP 2.	STEP 3.	STEP 4.	STEP 5.	STEP 6.	STEP 7.	INCRE- MENT.
1 . . .	\$5,246.80	\$5,415.80	\$5,584.80	\$5,753.80	\$5,922.80	\$6,091.80	\$6,260.80	\$169.00
2 . . .	5,397.60	5,566.60	5,735.60	5,904.60	6,073.60	6,242.60	6,411.60	169.00
3 . . .	5,571.80	5,761.80	5,951.40	6,141.20	6,331.00	6,520.80	6,710.60	189.80
4 . . .	5,795.40	5,985.20	6,175.00	6,364.80	6,554.60	6,744.40	6,934.20	189.80
5 . . .	5,967.00	6,175.00	6,383.00	6,591.00	6,799.00	7,007.00	7,215.00	208.00
6 . . .	6,268.60	6,476.60	6,684.60	6,892.60	7,100.60	7,308.60	7,516.60	208.00
7 . . .	6,531.20	6,757.40	6,983.60	7,209.80	7,436.00	7,662.20	7,888.40	226.20
8 . . .	6,778.20	7,025.20	7,272.20	7,519.20	7,766.20	8,013.20	8,260.20	247.00
9 . . .	7,173.40	7,436.00	7,698.60	7,961.20	8,223.80	8,486.40	8,749.00	262.60
10 . . .	7,571.20	7,852.00	8,132.80	8,413.60	8,694.40	8,975.20	9,256.00	280.80
11 . . .	7,966.40	8,270.60	8,574.80	8,879.00	9,183.20	9,487.40	9,791.60	304.20
12 . . .	8,442.20	8,762.00	9,081.80	9,401.60	9,721.40	10,041.20	10,361.00	319.80
13 . . .	9,061.00	9,399.00	9,737.00	10,075.00	10,413.00	10,751.00	11,089.00	338.00
14 . . .	9,630.40	10,025.60	10,420.80	10,816.00	11,211.20	11,606.40	12,001.60	395.20
15 . . .	10,251.80	10,653.40	11,115.00	11,546.60	11,978.20	12,409.80	12,841.40	431.60
16 . . .	10,834.00	11,377.60	11,861.20	12,344.80	12,828.40	13,312.00	13,795.60	483.60
17 . . .	11,650.60	12,157.60	12,664.60	13,171.60	13,678.60	14,185.60	14,692.60	507.00
18 . . .	12,287.60	12,836.20	13,384.80	13,933.40	14,482.00	15,030.60	15,579.20	548.60
19 . . .	13,007.80	13,598.00	14,188.20	14,778.40	15,368.60	15,958.80	16,549.00	590.20
20 . . .	13,793.00	14,401.40	15,009.80	15,618.20	16,226.60	16,835.00	17,443.40	608.40
21 . . .	14,510.60	15,165.80	15,821.00	16,476.20	17,131.40	17,786.60	18,441.80	655.20
22 . . .	15,314.00	16,013.40	16,712.80	17,412.20	18,111.60	18,811.00	19,510.40	699.40

SECTION 2. Section 99B of chapter 276 of the General Laws is hereby amended by striking out subdivision (2), as most recently amended by section 1A of said chapter 600, and inserting in place thereof the following subdivision: —

(2) All probation officers in all courts of the commonwealth shall be compensated in accordance with the following salary schedule: —

SALARY SCHEDULE FOR PROBATION OFFICERS

Effective January 1, 1973.

JOB GROUP.	STEP 1.	STEP 2.	STEP 3.	STEP 4.	STEP 5.	STEP 6.	STEP 7.	INCRE- MENT.
1 . .	\$11,651.00	\$12,158.60	\$12,666.20	\$13,173.80	\$13,681.40	\$14,189.00	\$14,696.60	\$507.60
2 . .	12,287.60	12,835.40	13,383.30	13,931.20	14,479.10	15,027.00	15,574.90	547.90
3 . .	13,007.30	13,598.20	14,189.10	14,780.00	15,370.90	15,961.80	16,552.70	590.90
4 . .	13,794.30	14,404.00	15,013.70	15,623.40	16,233.10	16,842.80	17,452.50	609.70
5 . .	14,511.40	15,166.70	15,822.00	16,477.30	17,132.60	17,787.90	18,443.20	655.30
6 . .	15,314.40	16,012.70	16,711.00	17,409.30	18,107.60	18,805.90	19,504.20	698.30
7 . .	16,179.30	16,899.10	17,618.90	18,338.70	19,058.50	19,778.30	20,498.10	719.80
8 . .	16,985.00	17,745.10	18,505.20	19,265.30	20,025.40	20,785.50	21,545.60	760.10
9 . .	17,788.10	18,590.20	19,393.30	20,194.40	20,996.50	21,798.60	22,600.70	802.10
10 . .	18,507.80	19,351.10	20,194.40	21,037.70	21,881.00	22,724.30	23,567.60	843.30
11 . .	19,375.40	20,242.90	21,110.40	21,977.90	22,845.40	23,712.90	24,580.40	867.50

SECTION 3. The salary of each officer and employee in the service of the various counties, except Suffolk, and paid from the treasury thereof, other than an officer or employee with a salary fixed by statute, or an employee whose salary is increased by section one of this act, shall be increased over the rate paid December thirty-first, nineteen hundred and seventy-two, by an amount equal to three and three-tenths per cent thereof.

SECTION 4. This act shall take effect as of January first, nineteen hundred and seventy-three. *Approved September 17, 1973.*

Chap. 773. AN ACT REQUIRING CITIES, TOWNS AND DISTRICTS TO ESTABLISH SEPARATE FUNDS FOR THE DEPOSIT AND DISBURSEMENT OF MONIES RECEIVED AS PAYMENT FOR OFF-DUTY WORK DETAILS PERFORMED BY THEIR EMPLOYEES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to require cities, towns and districts, including regional school districts, to deposit all monies received from off-duty work details of employees in a separate fund therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

Chapter 44 of the General Laws is hereby amended by striking

out section 53C, inserted by chapter 344 of the acts of 1970, and inserting in place thereof the following section: —

Section 53C. All money received by a city, town or district as compensation for work performed by one of its employees on an off-duty work detail which is related to the employee's regular employment shall be deposited in the treasury and shall be kept in a fund separate from all other monies of such city, town or district and notwithstanding the provisions of section fifty-three, shall be expended without further appropriation, in such manner and at such times as shall, in the discretion of the authority authorizing such off-duty work detail, compensate the employee for such services.

When necessary, a city, town or district may appropriate funds to be placed in the special fund authorized by the preceding paragraph to be used for the purposes for which the fund was established and a city, town or district may establish a fee not to exceed ten per cent of the costs of services authorized under this section. Any such fee received shall be credited as general funds of the city, town or district and shall not be used again without further appropriation.

Districts shall include regional school districts.

Approved September 17, 1973.

Chap. 774. AN ACT MAKING CORRECTIVE CHANGES IN SALARIES FOR ASSOCIATE DIRECTORS OF THE COMMONWEALTH SERVICE CORPS IN THE DEPARTMENT OF COMMUNITY AFFAIRS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make forthwith corrective changes in salaries for associate directors of the commonwealth service corps in the department of community affairs, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 766 of the acts of 1969 is hereby amended by inserting after section 7 the following section: —

Section 7A. The second sentence of the second paragraph of section 121 of said chapter 6, added by section 2 of chapter 622 of the acts of 1964, is hereby amended by striking out the words "ten thousand", in lines 4 and 5, and inserting in place thereof the words: — eleven thousand four hundred.

SECTION 2. Chapter 116 of the acts of 1971 is hereby amended by inserting after section 7 the following section: —

Section 7A. The second sentence of the second paragraph of section 121 of said chapter 6 is hereby amended by striking out the words "eleven thousand four hundred", inserted by section one of this act, and inserting in place thereof the words: — twelve thousand eighty-four.

SECTION 3. Chapter 300 of the acts of 1972 is hereby amended by inserting after section 7 the following section: —

Section 7A. The second sentence of the second paragraph of section 121 of said chapter 6 is hereby amended by striking out the words "twelve thousand eighty-four", inserted by section two of this act, and inserting in place thereof the words: — twelve thousand six hundred and three.

SECTION 4. Chapter 426 of the acts of 1973 is hereby amended by inserting after section 7 the following section: —

Section 7A. The second sentence of the second paragraph of section 121 of said chapter 6 is hereby amended by striking out the words "twelve thousand six hundred and three", inserted by section three of this act, and inserting in place thereof the words: — thirteen thousand nineteen.

SECTION 5. Section one of this act shall take effect as of January first, nineteen hundred and sixty-nine.

SECTION 6. Section two of this act shall take effect as of December twenty-seventh, nineteen hundred and seventy.

SECTION 7. Section three of this act shall take effect as of January first, nineteen hundred and seventy-two.

SECTION 8. Section four of this act shall take effect as of January first, nineteen hundred and seventy-three.

Approved September 17, 1973.

Chap. 775. AN ACT PROVIDING THAT CERTAIN STUDENT TRUSTEES AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION MAY BE EMPLOYED BY SAID INSTITUTIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith that certain student trustees at public institutions of higher education may be employed by said institutions, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 268A of the General Laws is hereby amended by striking out section 23A and inserting in place thereof the following section: —

Section 23A. No trustee of any public institution of higher education operated by the commonwealth shall be eligible to be appointed to or to hold any other office or position with said institution for a period of three years next after the termination of his service as such trustee or in the case of an elected student trustee at said institution, for a period of one year next after the termination of his services as such trustee; provided, however, that any such elected student trustee may accept and hold part-time employment at said institution while a student thereat.

Approved September 17, 1973.

Chap. 776. AN ACT VALIDATING CERTAIN ACTIONS TAKEN BY THE SWANSEA WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The action taken by the Swansea water district at its regular meeting held on February thirteenth, nineteen hundred and sixty-seven, to extend said district to include a parcel of land hereinafter described and such taxable inhabitants as reside therein:

Beginning, at a point in the southeasterly corner of the Town of Rehoboth; thence running north $7^{\circ}18'$ west by the Rehoboth town line and partly by the westerly side of Purchase Street, 12,260 feet to a point in the westerly line of said Purchase Street at the north-west corner of the Town of Swansea; thence turning and running south $87^{\circ}14'$ east by the town line of the Town of Dighton for a distance of 4,710 feet to a point for a corner; thence turning and running by the town line of Dighton and partly by the easterly line of Sharps Lot Road, 9,770 feet to a point; thence turning and running north $89^{\circ}13'$ east, 4,878 feet by the town line of Town of Dighton to a point for a corner; thence turning and running southerly by the town line of the Town of Somerset, 3,200 feet to a point in the Somerset town line, 1,000 feet north of the intersection of Marvel Street and the town line of the Town of Somerset; thence turning and running in a line, 1,000 feet from and parallel to said Marvel Street to Sharps Lot Road; thence crossing Sharps Lot Road in a westerly direction and running westerly to the southeast corner of the Town of Rehoboth and the point of beginning. Containing 1,784 acres, more or less, notwithstanding that notice as required by section thirteen of chapter one hundred and thirty-seven of the acts of nineteen hundred and forty-nine was not given, is hereby validated and confirmed in all respects and further provided that such certification as required by said section shall be filed within ten days of the effective date of this act.

SECTION 2. This act shall take effect upon its passage.

Approved September 17, 1973.

Chap. 777. AN ACT CHANGING THE STATUTE OF LIMITATIONS FOR TORT ACTIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 2A of chapter 260 of the General Laws, as appearing in section 2 of chapter 274 of the acts of 1948, is hereby amended by striking out, in line 4, the word "two" and inserting in place thereof the word: — three.

SECTION 2. Section 2B of said chapter 260, inserted by chapter 612 of the acts of 1968, is hereby amended by striking out, in line 4, the word "two" and inserting in place thereof the word: — three.

SECTION 3. The first paragraph of section 4 of said chapter 260, as appearing in chapter 302 of the acts of 1965, is hereby amended

by striking out, in lines 3 and 4, the words "shall be commenced only within three years next after the cause of action accrues;"—, and by striking out, in line 22, the word "two" and inserting in place thereof the word: — three.

SECTION 4. This act shall take effect on January first, nineteen hundred and seventy-four, and shall apply to causes of action arising on and after said date. *Approved September 17, 1973.*

Chap. 778. AN ACT PROHIBITING EVICTIONS EXCEPT THROUGH JUDICIAL PROCESS.

Be it enacted, etc., as follows:

SECTION 1. Section 18 of chapter 184 of the General Laws is hereby amended by adding the following paragraph: —

No person shall attempt to recover possession of land or tenements in any manner other than through an action brought pursuant to chapter two hundred and thirty-nine or such other proceedings authorized by law. The superior and district courts shall have jurisdiction in equity to enforce the provisions of this section.

SECTION 2. Chapter 186 of the General Laws is hereby amended by striking out section 14, as most recently amended by chapter 114 of the acts of 1957, and inserting in place thereof the following section: —

Section 14. Any lessor or landlord of any building or part thereof occupied for dwelling purposes, other than, a room or rooms in a hotel, but including a mobile home or land therefor, who is required by law or by the express or implied terms of any contract or lease or tenancy at will to furnish water, hot water, heat, light, power, gas, elevator service, telephone service, janitor service or refrigeration service to any occupant of such building or part thereof, who willfully or intentionally fails to furnish such water, hot water, heat, light, power, gas, elevator service, telephone service, janitor service or refrigeration service at any time when the same is necessary to the proper or customary use of such building or part thereof, or any lessor or landlord who directly or indirectly interferes with the furnishing by another of such utilities or services, or who transfers the responsibility for payment for any utility services to the occupant without his knowledge or consent, or any lessor or landlord who directly or indirectly interferes with the quiet enjoyment of any residential premises by the occupant, or who attempts to regain possession of such premises by force without benefit of judicial process, shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment for not more than six months. Any person who commits any act in violation of this section shall also be liable for actual and consequential damages or three month's rent, whichever is greater, and the costs of the action, including a reasonable attorney's fee, all of which may be applied in setoff to or in recoupment against

any claim for rent owed or owing. The superior and district courts shall have jurisdiction in equity to restrain violations of this section. The provisions of section eighteen of chapter one hundred and eighty-six and section two A of chapter two hundred and thirty-nine shall apply to any act taken as a reprisal against any person for reporting or proceeding against violations of this section.

SECTION 3. Chapter 239 of the General Laws is hereby amended by inserting after section 1 the following section: —

Section 1A. A lessor of land or tenements used for residential purposes may bring an action under this chapter to recover possession thereof before the determination of the lease by its own limitation, subject to the following conditions and restrictions. The tenancy of the premises at issue shall have been created for at least six months duration by a written lease in which a specific termination date is designated, a copy of which, signed by all parties, shall be annexed to the summons. No such action may be initiated before the latest date permitted by the lease for either party to notify the other of his intention to renew or extend the rental agreement, or in any case before thirty days before the designated termination date of the tenancy. The person bringing the action shall notify all defendants by registered mail that he has done so, which notification shall be mailed not later than twenty-four hours after the action is initiated. The person bringing the action shall demonstrate substantial grounds upon which the court could reasonably conclude that the defendant is likely to continue in possession of the premises at issue without right after the designated termination date, which grounds shall be set forth in the writ. No execution for possession may issue in any such action before the day next following the designated termination date of the tenancy. Any action brought pursuant to this section shall conform to and be governed by the provisions of this chapter in all other respects and no remedy or procedure otherwise available to any party, including any stay of execution which the court has discretion to allow, shall be denied solely because the action was brought pursuant to this section.

Approved September 17, 1973.

Chap. 779. AN ACT INCREASING THE SALARY OF THE CHANCELLOR OF THE BOARD OF HIGHER EDUCATION AND THE SALARY OF THE COMMISSIONER OF EDUCATION.

Be it enacted, etc., as follows:

SECTION 1. Section 1C of chapter 15 of the General Laws is hereby amended by striking out the third sentence, as appearing in section 2 of chapter 572 of the acts of 1965, and inserting in place thereof the following sentence: — He shall receive such salary, not exceeding thirty-six thousand dollars, as the board may determine, and, subject to appropriation, such other perquisites as the board may approve.

SECTION 2. The first paragraph of section 1F of said chapter 15

is hereby amended by striking out the third sentence, as appearing in section 1 of chapter 887 of the acts of 1970, and inserting in place thereof the following sentence: — He shall receive such salary, not exceeding thirty-six thousand dollars, as the board may determine, and, subject to appropriation, such other perquisites as the board may approve. *Approved September 17, 1973.*

Chap. 780. AN ACT AUTHORIZING THE CITY OF WORCESTER TO APPROPRIATE AND PAY A CERTAIN SUM OF MONEY TO RITA CROTEAU.

Be it enacted, etc., as follows:

The city of Worcester is hereby authorized to appropriate and pay to Rita Croteau the sum of four hundred eighteen dollars and sixty-five cents for sick leave to which she was entitled for the period from December eleventh, nineteen hundred and seventy-two, through December thirty-first, nineteen hundred and seventy-two and for which she was not paid. *Approved September 17, 1973.*

Chap. 781. AN ACT AUTHORIZING THE CITY OF WESTFIELD TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The city of Westfield is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay an unpaid bill in the amount of three hundred nine dollars and seventy-five cents to Deveno Stables, Inc., which bill was incurred in the year nineteen hundred and seventy and is legally unenforceable against said city.

SECTION 2. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said city auditor, stating under the penalties of perjury that the goods, materials or services for which said bill was submitted were ordered by an official or an employee of said city, and that such goods and materials were delivered and actually received by said city or that such services were rendered to said city, or both.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false and who thereby receives payment for goods, materials or services which were not received by or rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both. *Approved September 17, 1973.*

Chap. 782. AN ACT AUTHORIZING THE BOARD OF REGISTRATION OF ELECTROLOGISTS TO PERMIT CERTAIN PERSONS TO LECTURE IN A SCHOOL OF ELECTROLYSIS.

Be it enacted, etc., as follows:

Section 87LLL of chapter 112 of the General Laws, as amended by section 2 of chapter 518 of the acts of 1964, is hereby further amended by striking out the tenth sentence and inserting in place thereof the following three sentences: — No person may instruct in any electrolysis school in the commonwealth unless he is so licensed; provided, however, that upon application by an electrolysis school a person may lecture in said school on the subject of histology, bacteriology, sterilization, electricity, hair structure, dermatology, physiology, hygiene, or equipment necessary for the practice of electrolysis without being so licensed, if, in the opinion of the board, said person is properly qualified in any of the above named subjects and is approved by the board to lecture on a subject in which he is found qualified. Each application shall be made upon a form furnished by the board and shall be accompanied by a fee of five dollars. Such approval by the board shall be valid for two years from the date of issue.

Approved September 17, 1973.

Chap. 783. AN ACT INCREASING THE ANNUITY PAYABLE TO ETHEL A. COTTER, THE WIDOW OF WILLIAM COTTER, A FORMER SUPERVISOR OF SPECIAL SERVICES WITHIN THE REGISTRY OF MOTOR VEHICLES.

Be it enacted, etc., as follows:

For the purpose of promoting the public good, the state retirement board shall increase the annuity payable to Ethel A. Cotter, the widow of William Cotter, a former supervisor of special services in the registry of motor vehicles, to the amount which she would have received if the said William Cotter had been classified in Group 4 of paragraph (g) of subdivision (2) of section three of chapter thirty-two of the General Laws.

Approved September 17, 1973.

Chap. 784. AN ACT EXCLUDING CERTAIN GROUPS IN THE CITY OF WORCESTER FROM THE DEFINITION OF ANIMAL POUND.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section one of chapter forty-nine A of the General Laws, any establishment conducted by a humane society or charitable corporation for a purpose set forth in chapter one hundred and eighty of the General Laws, operating within the city of Worcester, and individuals who are employed by any such humane society or charitable corporation shall be excluded from the definition "Animal pound" as set forth in said section.

Approved September 17, 1973.

Chap. 785. AN ACT PROVIDING THAT THE PARENT OR GUARDIAN OF A PUPIL IN A PUBLIC SCHOOL OR A PUPIL WHO HAS ATTAINED AGE EIGHTEEN MAY INSPECT CERTAIN RECORDS CONCERNING SUCH PUPIL.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by inserting after section 34D the following section: —

Section 34E. Each school committee shall, at the request of a parent or guardian of a pupil, or, at the request of a pupil eighteen years of age or older, allow such parent, guardian or pupil to inspect academic, scholastic, or any other records concerning such pupil which are kept or are required to be kept.

Approved September 17, 1973.

EMERGENCY LETTER — October 2, 1973 at 2:40 P.M.

Chap. 786. AN ACT PROVIDING SCHOLARSHIPS TO CHILDREN OF EMPLOYEES OF THE DEPARTMENT OF CORRECTIONS OR ANY COUNTY CORRECTIONAL INSTITUTION WHO WERE KILLED OR DIED IN THE PERFORMANCE OF DUTY.

Be it enacted, etc., as follows:

SECTION 1. Section 7E of chapter 69 of the General Laws, inserted by section 1 of chapter 712 of the acts of 1966, is hereby amended by inserting after the word "safety", in line 5, the words: — , or employees of the department of corrections or any county correctional institution.

SECTION 2. The provisions of section seven E of chapter sixty-nine of the General Laws, as amended by section one of this act, shall apply to the children of employees of the department of corrections or any county correctional institution who were killed or who died in the performance of duty after January first, nineteen hundred and seventy-two.

Approved September 17, 1973.

Chap. 787. AN ACT DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO RECONSTRUCT CERTAIN DRAINAGE AND FLOOD CONTROL FACILITIES IN THE TOWN OF STONEHAM AND THE CITY OF MALDEN.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized and directed to reconstruct and extend the surface drainage system on North Border road in the vicinity of the George Hall Swimming Pool and Buttonwood road in the town of Stoneham.

SECTION 2. The metropolitan district commission is hereby authorized and directed to construct and maintain such tunnels and surface conduits and appurtenant works as may be necessary from Centre street in the city of Malden twelve hundred feet

southerly into the Malden river in order to improve drainage and relieve flood conditions.

SECTION 3. For the purposes of section one and section two of this act, the metropolitan district commission may expend such sums as may be appropriated therefor.

Approved September 17, 1973.

Chap. 788. AN ACT AUTHORIZING THE CONSOLIDATION OF CALVARY BAPTIST CHURCH, WORCESTER AND SOUTH BAPTIST CHURCH OF WORCESTER UNDER THE NAME OF THE SOUTH CALVARY BAPTIST CHURCH OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. Calvary Baptist Church, Worcester and South Baptist Church of Worcester, religious corporations existing under the laws of the commonwealth, are hereby authorized to consolidate and shall thereafter become and be one corporation under the name of the South Calvary Baptist Church of Worcester, hereinafter called the consolidated corporation, which consolidated corporation shall in all respects be a continuation of each of said existing corporations.

SECTION 2. The consolidated corporation shall have all the privileges, powers and immunities which said existing corporations have heretofore acquired and enjoyed under the laws of the commonwealth. In addition to and not in limitation of any of the powers by this act conferred the consolidated corporation is empowered to and shall devote its resources to and exercise its corporate powers for religious, educational and charitable purposes and said corporation may solicit and receive funds separately or with others to support its work. The consolidated corporation may make appropriations to carry on its work, including appropriations to other organizations to enable them to assist it in carrying on its work and, without limitation as to amount, it may receive, hold, manage, invest and reinvest and distribute any real and personal property for any of its purposes.

SECTION 3. Upon such consolidation becoming effective, all property of Calvary Baptist Church, Worcester and South Baptist Church of Worcester, including all bequests, devises, gifts and transfers of any kind heretofore and hereafter made for the benefit of either of them, shall be vested in the consolidated corporation without further act or deed. The consolidated corporation shall have the same powers, rights and privileges with respect to such property and with respect to such bequests, devises, gifts and transfers as would have been possessed by the consolidated corporation had such bequests, devises, gifts and transfers been made directly to it and for its purposes, so far as such powers, rights and privileges can be constitutionally conferred by the general court and without prejudice to any court proceeding, and otherwise shall have with respect to such property and such bequests, devises, gifts and

transfers the same powers, rights and privileges as would have been possessed by Calvary Baptist Church, Worcester and South Baptist Church of Worcester had such consolidation not been effected.

SECTION 4. The consolidated corporation shall be deemed to have assumed and shall be liable for all liabilities and obligations of Calvary Baptist Church, Worcester and South Baptist Church of Worcester.

SECTION 5. All members of the existing corporations shall become members of the consolidated corporation on the date when the consolidation becomes effective.

New members may be admitted to the consolidated corporation thereafter in accordance with the provisions of the by-laws of the consolidated corporation.

SECTION 6. The consolidation shall not be completed:

(a) unless, at meetings called for the purpose, each of said existing corporations shall have accepted this act; and

(b) unless after the acceptance said existing corporations shall have called and held an organization meeting of the consolidated corporation composed of persons designated by said existing corporations for the purpose of adopting by-laws for the consolidated corporation and of electing officers, a board of directors and such committees as said by-laws may require.

SECTION 7. The consolidation shall be complete and effective upon the filing with the state secretary of a certificate signed by the clerks of said existing corporations who shall make affidavit setting forth detailed compliance with the provisions of section six and stating the names and addresses of the officers and directors elected at said organization meeting. Said certificate shall be filed not later than thirty days after the date of said organization meeting.

SECTION 8. Any questions arising as to the powers, rights, privileges and responsibilities of the consolidated corporation with respect to its property and with respect to the property of the existing corporations, including all bequests, devises, gifts and transfers of any kind heretofore and hereafter made to or for the benefit of either of them, and also any other questions arising as to the legal effect of this act or any of the provisions thereof, may, notwithstanding any general or special law to the contrary, be initially and finally determined by the supreme judicial court upon the application of any persons interested or of the attorney general.

Approved September 17, 1973.

Chap. 789. AN ACT MODIFYING THE LAWS RELATING TO GROUP LIFE AND HEALTH INSURANCE FOR CERTAIN GOVERNMENTAL EMPLOYEES AND RETIREES.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 7A of chapter 32B of the General Laws, as appearing in section 1 of chapter 100 of the acts of 1968, is hereby amended by adding the following

sentence: — No governmental unit, however, shall provide different subsidiary or additional rates to any group or class within that unit.

SECTION 2. Section 9A of said chapter 32B, inserted by chapter 595 of the acts of 1959, is hereby amended by striking out, in line 7, the word "may" and inserting in place thereof the word: — shall.

SECTION 3. Section 9D of said chapter 32B, inserted by chapter 402 of the acts of 1967, is hereby amended by striking out, in line 13, the word "may" and inserting in place thereof the word: — shall.

SECTION 4. Said chapter 32B is hereby further amended by striking out section 9E, as amended by section 2 of chapter 641 of the acts of 1972, and inserting in place thereof the following section: —

Section 9E. A county by vote of the county commissioners; a city having a Plan D or Plan E charter by majority vote of its city council; in any other city by vote of its city council, approved by the mayor; a district, except as hereinafter provided, by vote of the registered voters of the district at a district meeting; a regional school district by vote of the regional school committee; a veterans' services district by vote of the district board; a welfare district by vote of the district welfare committee; a health district established under section twenty-seven A of chapter one hundred and eleven by vote of the joint committee may provide that it will pay in addition to fifty per cent of a stated monthly premium as described in section seven A for contracts of insurance authorized by sections three and eleven C, a subsidiary or additional rate which may be lower or higher than the aforesaid premium and the remaining fifty per cent of said premium is to be paid by a retired employee under the provisions of the first sentence of section nine. A town shall provide for such payment by vote of the town or if a majority of the votes cast in answer to the following question which shall be printed on the official ballot to be used at an election in said town is in the affirmative: — "Shall the town, in addition to the payment of fifty per cent of a premium for contributory group life and health insurance for employees retired from the service of the town, and their dependents, pay a subsidiary or additional rate?" Section nine A shall not apply in any governmental unit which accepts the provisions of this section. No governmental unit, however, shall provide different subsidiary or additional rates to any group or class within that unit.

SECTION 5. Section 9F of said chapter 32B is hereby amended by striking out the first two sentences, as appearing in section 2 of chapter 763 of the acts of 1972, and inserting in place thereof the following two sentences: — A county by vote of the county commissioners; a city having a Plan D or Plan E charter by majority vote of its city council; in any other city by vote of its city council, approved by the mayor; a district, except as herein provided, by vote of the registered voters of the district at a district meeting; a regional school district by vote of the regional district school committee; a veterans' service district by vote of the district board; a

health district established under section twenty-seven A of chapter one hundred and eleven by vote of the joint committee, shall provide that an employee receiving a pension or annuity allowance having retired from the governmental unit may be insured for two thousand dollars of group life insurance and two thousand dollars of group accidental death and dismemberment insurance in lieu of the one thousand dollars of group life insurance as provided in section nine. A town shall provide such insurance coverage if approved by vote of the board of selectmen, or by a majority of the votes cast if in the affirmative in answer to the following question which shall be printed on the official ballot: — "Shall the town provide two thousand dollars of group life insurance and two thousand dollars of accidental death and dismemberment insurance for a retired employee in lieu of one thousand dollars of group life insurance?"

SECTION 6. Said chapter 32B is hereby further amended by striking out section 11B, as amended by section 3 of chapter 641 of the acts of 1972, and inserting in place thereof the following section: —

Section 11B. Any political subdivision, subject to the provisions of section ten B of chapter thirty-two A, shall appropriate funds or apply therefor for the payment of general or blanket insurance providing hospital, surgical, chiropractic and medical insurance for elderly governmental retirees as defined in paragraph (f) of section two of said chapter thirty-two A, and for the payment of the surcharge or subsidiary rate required to be paid by paragraph (c) of section ten B of chapter thirty-two A if accepted in a county, city, town or district in the following manner: — In a county, by vote of the county commissioners; in a city having a Plan D or Plan E charter by majority vote of its city council; in any other city by vote of its city council, approved by the mayor; in a district by vote of the voters of the district at a district meeting; and in a town by vote of the town or if a majority of the votes cast in answer to the following question, which shall be printed on the official ballot to be used at an election in said town, is in the affirmative: — "Shall the town extend contributory group hospital, surgical and medical insurance to elderly persons retired from the service of the town?"

SECTION 7. Section 11D of said chapter 32B, inserted by chapter 383 of the acts of 1967, is hereby amended by striking out, in lines 2 and 14, the word "may" and inserting in place thereof, in each instance, the word: — shall.

SECTION 8. Section 11E of said chapter 32B, inserted by section 3 of chapter 626 of the acts of 1970, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Upon acceptance of this section as hereinafter provided, any political subdivision, subject to the provisions of section twelve of chapter thirty-two A, shall appropriate funds or apply therefor for the payment of certain costs for group life and health insurance coverages for teachers retired from the service of the political subdivision, and for health insurance coverages for

their surviving spouses and dependents provided such teachers receive a pension or annuity allowance from the teacher's retirement system, and for the payment of premiums, subsidiary or additional rates and administrative expenses required to be paid by paragraph (d) of section twelve of chapter thirty-two A.

SECTION 9. The first paragraph of section 11F of said chapter 32B, as appearing in section 2 of chapter 203 of the acts of 1971, is hereby amended by striking out, in lines 2 and 8, the word "may" and inserting in place thereof, in each instance, the word: — shall.

SECTION 10. Section 16 of said chapter 32B, inserted by section 5 of chapter 946 of the acts of 1971, is hereby amended by striking out, in lines 3 and 22, the word "may" and inserting in place thereof, in each instance, the word: — shall.

Approved September 17, 1973.

Chap. 790. AN ACT PROVIDING CERTAIN CHANGES IN THE LAW ESTABLISHING THE WEYMOUTH-BRAINTREE REGIONAL RECREATION CONSERVATION DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 787 of the acts of 1972 is hereby amended by striking out section 1 and inserting in place thereof the following section: —

Section 1. There is hereby established in the towns of Braintree and Weymouth a body corporate to be known as the Weymouth-Braintree Regional Recreation Conservation District, hereinafter referred to as the district, and shall include the territory within said towns consisting of certain parcels of land located on the northerly and southerly sides of the Southeast expressway. Said parcels of land located on the northerly side of said Southeast expressway are bounded and described as follows:

Parcel N. Owner of record, Edward C. Sherrick — land shown on Braintree assessors plan 3036-1 containing 24.89 acres recorded in Norfolk registry of deeds book, 4221, page 533.

Parcel E. Owner of record, Edward M. Dwyer — land shown on Braintree assessors plan 3034-1 containing 25.34 acres recorded in Norfolk registry of deeds, book 2445, page 572.

Parcel F. Owner of record, Edward M. Dwyer — land shown on Braintree assessors plan 3034-2 containing 2.57 acres recorded in Norfolk registry of deeds, book 2445, page 572.

Parcel D. Owner of record, Edward M. Dwyer — land shown on Braintree assessors plan 3032-2 containing 21.29 acres recorded in Norfolk registry of deeds, book 2445, page 572.

Parcel B. Owner of record, Edward M. Dwyer — land shown on Braintree assessors plan 3030-9 containing 24.54 acres recorded in Norfolk registry of deeds, book 2445, page 572 and 2000 sq. ft. of land in Weymouth as shown on Weymouth assessors plans as Page 24, Block 317, lot 14.

Parcel A. Owner of record, Charles Dwyer — land shown on

Braintree assessors plan 3031-4 containing 14.05 acres recorded in Norfolk registry of deeds, book 1771, page 57.

Parcel L. Owner, town of Braintree — land shown on Braintree assessors plan 3031-9, contains 2.93 acres.

Parcel M. Owner, town of Braintree — land shown on Braintree assessors plan 3031-8 containing 4.3 acres.

Parcel K. Owner of record, Norman C. Rardon — land shown on Braintree assessors plan 3031-7 containing 3.9 acres recorded in Norfolk registry of deeds, book 3132, page 595.

Parcel O. Owner of record, M. DeMatteo Construction Co. — land shown on Braintree assessors plan 3033-7, containing 9.31 acres, recorded in Norfolk registry deeds, book 4644, page 421.

Parcel C. Owner of record, Edward M. Dwyer — land shown on Braintree assessors plan 3032-1 containing 15.90 acres, recorded in Norfolk registry of deeds, book 1862, page 253.

Parcel J. Owner of record, William H. Riley and Teresa G. Riley — land shown on Braintree assessors plan 3031-6, containing 5.25 acres, recorded in Norfolk registry of deeds, book 3226, page 580.

Parcel I. Owner of record, Edward T. Dwyer Contracting Corp. — land shown on Braintree assessors plan 3037-1, containing 13.64 acres recorded in the Norfolk registry of deeds, book 3607, page 1.

Parcel P. Owner of record, M. DeMatteo Construction Co. — land shown on Braintree assessors plan 3033-5, containing 7.44 acres, recorded in Norfolk registry District, certificate No. 88552.

Parcel Q. Owner of record, A. Schofield Corporation — land shown on Braintree assessors plan 3035-3, containing 4.16 acres, recorded in Norfolk registry of deeds, book 3929, page 475.

Parcel G. Land shown on Braintree assessors plan 3032-3, containing 13.75 acres duly recorded.

Parcel G-1 Land shown on Braintree assessors plan 3024-2, containing 22,640 sq. ft. duly recorded.

Parcel W. Owner of record, Edward M. Dwyer — land shown on Braintree assessors plan 3034-3 containing about 17.89 acres, recorded in Norfolk registry of deeds, book 2445, page 572.

Said parcels of land located on the southerly side of said Southeast expressway are bounded and described as follows: —

Parcel X. Shown as Lot C on a plan entitled "Subdivision plan of land in Braintree, Norfolk County, Mass. dated December 30, 1971, as drawn by Gale Engineering Co., Inc. of Braintree, further noted as plan JN 213L.

Lot C described as follows:

Beginning at a point on the southerly sideline of the Southeast Expressway, a point 1255.37 feet from the point of intersection of the sideline of Liberty St., Braintree, and the Southeast Expressway and running 600.66 ft. along the sideline of the Southeast Expressway bearing S 71-27-53 F thence turning and running 87.37 ft. along a bearing S 05-06-28 E thence turning and running 352.38' along a bearing N 67-37-16 E thence turning and running to a point of beginning a distance of 482.77 ft. along a bearing S 31-23-15 E

containing an area of 2.48 acres of land presently owned by Grass Instrument Company L.C. Case 22805.

Parcel Y. Shown as Lot A on plan entitled "Subdivision plan of land in Braintree, Norfolk County, Mass. dated December 30, 1971, as drawn by Gale Engineering Co., Inc. of Braintree further noted as plan JN 213 L.

Lot A described as follows:

Beginning at a point 140.00 ft. along a line bearing S 31-23-15 E from a point 1225.37 from the point of intersection of the sideline of Liberty Street, Braintree and the Southeast Expressway bearing of which is S 71-27-53 E thence turning and running along a line 286.47 ft. bearing N 19-49-50 E thence turning and running along an arc with a radius of 218.27, angle 18-44-11 for a length of 71.38 ft. thence continuing along a line bearing S 70-10-10 E for a distance of 605.51 ft. thence turning and running along a line for a distance of 403.39 ft. bearing N 19-49-50 E thence turning and running for a distance of 30.45 ft. along the sideline of the Southeast Expressway bearing S 71-27-53 E thence turning and running a distance of 158.89 ft. bearing N 57-25-20 E thence turning and running a distance 47.64 ft. bearing S 05-06-28 E, thence turning and running a distance 352.38 bearing N 67-37-16 E thence turning and running a distance 342.77 ft. bearing S 31-23-15 E to a point of beginning, containing an area of 3.55 acres, land presently owned by Grass Instrument Company.

Parcel Z. Shown as Lot A on plan entitled "Subdivision plan of land in Braintree, Norfolk County, Mass. dated December 30, 1971, as drawn by Gale Engineering Co., Inc. of Braintree, further noted as plan JN 213 L.

Unnumbered Parcel —

Lot D described as follows:

Beginning at a point on the southerly sideline of the Southeast Expressway (Auto Route 3) 1856.03 ft. from the point of intersection of the sideline of Liberty Street, Braintree, and the Southeast Expressway and running a distance of 153.89 ft. bearing S 71-27-53 E thence turning and running 135.01 ft. bearing S 05-06-28 E to point of beginning, containing an area of 9,516 sq. ft., land presently owned by E. M. Dwyer being Lot D on the above mentioned plan.

Parcel A-1. Shown as Lot B on plan entitled "Subdivision plan of land in Braintree, Norfolk County, Mass." dated December 30, 1971 as drawn by Gale Engineering Co., Inc. of Braintree, further noted as plan JN 213 L and containing approximately 39.81 acres.

Parcel B-1. Part of parcel of land as shown on Town of Braintree assessors plan 3035-7, containing for this taking approximately $10.3 \pm$ acres.

Parcel C-1. Part of parcel of land as shown on Town of Braintree assessors plan 3035-8, containing for this taking approximately $7 \pm$ acres, ownership now or formerly John L. and Emma Ohlson.

Parcel D-1. Part of parcel of land as shown on Town of Braintree assessors plan 1124-2, containing for this taking approximately $8 \pm$ acres, ownership Town of Braintree.

Parcel E-1. Parcel of land as shown on Town of Braintree assessors plan 1123-4 and also recorded in Norfolk registry of deeds, book 3496, page 558, as shown on said assessors plan, containing 10.93 acres more or less, ownership now or formerly Edward T. Dwyer, Contracting Corporation of Braintree, Mass.

SECTION. 2. Said chapter 787 is hereby further amended by inserting after section 1 the following section: —

Section 1A. The district shall, for the purpose of receiving any aid, reimbursements, grants, loans, or other financial assistance, offered by the commonwealth pursuant to section eleven of chapter one hundred and thirty-two A of the General Laws or under any other applicable state or federal law, enjoy the same eligibility for said aid, reimbursements, grants, loans, of financial assistance as a town conservation commission established pursuant to section eight C of chapter forty of the General Laws.

The district may make application and receive said aid, reimbursements, grants, loans, or other financial assistance for land acquired previous to the submission of an application pursuant to section eleven of chapter one hundred and thirty-two A of the General Laws, provided that applicable state laws then in effect were observed at the time the land was acquired by the district.

SECTION 3. Said chapter 787 is hereby further amended by striking out section 8 and inserting in place thereof the following section: —

Section 8. For the faithful performance of his duties the treasurer of the district shall give bond with a surety company authorized to transact business in the commonwealth, in such sum and upon such conditions as the board may require in its by-laws. The board, beginning with the nineteen hundred and seventy-four fiscal year shall annually determine as its budget the amount of money required to pay the cost and expenses of the district for the following year. Said budget shall be submitted to the respective town treasurer no later than the date by which all town departments must submit their annual estimates as described in chapter forty-one of the General Laws. Any funds appropriated by the towns for any district purposes must be appropriated in equal amounts by each town.

Each town shall vote on the budget request at its next annual town meeting. Any funds appropriated by the towns shall be paid over forthwith by the respective town treasurer to the district treasurer.

The treasurer of the district shall disburse the money so received from the respective towns upon warrant signed by at least a majority of the board. It shall be the duty of the treasurer to only pay after an examination and a determination has been made that the goods, materials or services charged for, were ordered and that such goods and materials were delivered, and that the services were actually rendered to or for the district, as the case may be. The account of the district shall be audited annually by the bureau of accounts of the department of corporations and taxation, under

the provisions of sections thirty-five, forty and forty-one of chapter forty-four of the General Laws.

Any funds which have been appropriated prior to the enactment of this act by town meeting of the respective towns for district land taking damages or for other district purposes and which have not as yet been paid out shall be paid over forthwith to the district treasurer.

Approved September 17, 1973.

Chap. 791. AN ACT PROVIDING FOR A CERTAIN CREDIT UNDER THE CORPORATION EXCISE LAW FOR CERTAIN CORPORATIONS WHICH INCREASE THEIR NUMBER OF FULL-TIME EMPLOYEES.

Be it enacted, etc., as follows:

Chapter 63 is hereby amended by inserting after section 31B the following section: —

Section 31C. A manufacturing corporation, or business corporation engaged primarily in research and development, which has been deemed to be such under section thirty-eight C or forty-two B, shall be allowed a credit as hereinafter provided against its excise due under this chapter. The amount of such credit shall be the amount determined by multiplying five hundred dollars by the increase in the number of full-time employees employed by the corporation during the taxable year, as hereinafter provided.

When used in this section the following terms shall have the following meanings: —

“Full-time employee”, an employee as defined in sections one and three of chapter one hundred and fifty-one A and who has been paid by the corporation during its taxable year an amount at least equal to the maximum amount of “wages” with respect to which an employer is required to make contributions pursuant to section fourteen of said chapter and said amount is includable in the payroll factor of the income apportionment formula under the provisions of sections thirty-eight.

“Increase in the number of full-time employees employed by the corporation”, (i) in the case of a corporation having full-time employees in its taxable year ending last prior to December thirty-first, nineteen hundred and seventy-three, the excess of the number of full-time employees employed by the corporation during its taxable year over the number determined by multiplying the number of full-time employees employed by the corporation during its taxable year ending last prior to December thirty-first, nineteen hundred and seventy-three, by the applicable coefficient for the taxable year, as herein set forth.

The coefficient shall be one and three hundredths for taxable years ended on or after December thirty-first, nineteen hundred and seventy-three, and before December thirty-first, nineteen hundred and seventy-four; one and six hundredths for taxable years ended on or after December thirty-first, nineteen hundred

and seventy-four, and before December thirty-first, nineteen hundred and seventy-five; one and nine hundredths for taxable years ended on or after December thirty-first, nineteen hundred and seventy-five, and before December thirty-first, nineteen hundred and seventy-six; one and twelve hundredths for taxable years ended on or after December thirty-first, nineteen hundred and seventy-six, and before December thirty-first, nineteen hundred and seventy-seven; and one and fifteen hundredths for taxable years ended on or after December thirty-first, nineteen hundred and seventy-seven, and before December thirty-first, nineteen hundred and seventy-eight;

(ii) in the case of a corporation not having a taxable year ending prior to December thirty-first, nineteen hundred and seventy-three, by reason of recent organization or registration or by reason of not being subject to taxation in the commonwealth or not having any full-time employees in its taxable year ending last prior to December thirty-first, nineteen hundred and seventy-three, the excess of the number of full-time employees employed by the corporation during its taxable year over the number determined by multiplying the number of full-time employees employed by the corporation in the first taxable year in which the corporation may take the credit provided for in this section by the applicable coefficient for the taxable year as herein set forth. The coefficient shall be zero for the first taxable year. The coefficient shall be twenty hundredths for the second taxable year. The coefficient shall be forty hundredths for the third taxable year. The coefficient shall be sixty hundredths for the fourth taxable year. The coefficient shall be eighty hundredths for the fifth taxable year.

(a) A corporation which is a successor to another employing unit, as defined in section one of chapter one hundred and fifty-one A, by reason of an acquisition or other activity referred to in subsections (d) to (h), inclusive, of section eight of said chapter one hundred and fifty-one A shall, for purposes of this section, treat the employees of such employing unit as having been employees of the corporation during the periods they were employees of such employing unit. For the purposes of this section the activities referred to in said subsections (d) to (h), inclusive, of said section eight of said chapter one hundred and fifty-one A shall include but not be limited to applicable provisions of sections three hundred and one to three hundred and ninety-five, inclusive, of the Internal Revenue Code, as amended, and in effect for the taxable year relating to corporate distributions and adjustments. For the purpose of this section, a corporation having a taxable year ending prior to December thirty-first, nineteen hundred and seventy-three, shall be treated as if it had such a taxable year if, under this paragraph, the corporation is treated as having employees prior to such date.

(b) For a corporation having a taxable year of less than twelve months, herein referred to as a short period, an employee shall be deemed to be a full-time employee if the amount of the remunera-

tion paid to him by the corporation during the short period when multiplied by twelve and divided by the number of months in the short period is at least equal to the maximum amount of wages with respect to which an employer is required to make contributions pursuant to section fourteen of chapter one hundred and fifty one A. The credit for a short period shall be computed in the same manner as for a full taxable year but shall be reduced by multiplying the credit so determined by the number of months in the short period and dividing the result by twelve.

(c) A corporation shall not be allowed a credit under this section with respect to any increase in the number of full-time employees employed by the corporation during its taxable year and first employed by such corporation during a taxable year ending on or after December thirty-one, nineteen hundred and seventy-three, in excess of the sum of the following: —

(1) the number of full-time employees employed by such corporation during such taxable year who immediately prior to employment by such corporation: —

(i) were receiving assistance under the provisions of chapters one hundred and fifteen, one hundred and seventeen or one hundred and eighteen; provided that certification of the receipt of such assistance shall be obtained from the secretary of human services and shall be in such form as the state tax commission shall prescribe;

(ii) had filed for and were receiving a money allowance under the provisions of chapter one hundred and fifty-one A, provided that eligibility to receive such money allowance shall be based solely on wages paid by an employer or employers other than such corporation or employing unit; and, provided further that certification of such eligibility and such receipt shall be obtained from the secretary of manpower affairs and shall be in such form as the state tax commission shall prescribe;

(iii) were receiving training in a publicly or privately funded training or rehabilitation program, including courses of instruction in recognized public or private educational institutions, approved by the secretary of manpower affairs or the secretary of human services, whichever is appropriate, as one established to upgrade the job skills, wages and employment or promotional possibilities of persons who have already entered the work force, not including students regularly enrolled in such courses of instruction in such institutions; provided that certification of the approval of such program and the receipt of such training shall be obtained from such secretary and shall be in such form as the state tax commission shall prescribe;

(iv) were receiving training under an approved training or assistance program as defined in paragraph (b) of section eleven of chapter twenty-three B; provided that certification of the approval of such program and the receipt of such training shall be obtained from the secretary of communities and development and shall be in such form as the state tax commission shall prescribe;

(v) were receiving training or had received training in any program operated by the department of corrections for persons committed to its custody under the provisions of section forty-eight of chapter one hundred and twenty-seven which will upgrade the job skills and employment possibilities of the participants in such program; provided that certification of the receipt of such training shall be obtained from the secretary of human services and shall be in such form as the state tax commission shall prescribe;

(2) the number of full-time employees employed by such corporation during such taxable year who immediately prior to employment by such corporation were not receiving or had not received such assistance, allowance or training, but who subsequent to such employment completed or at the close of such taxable year were participating in a training or rehabilitation program which is conducted or subsidized by such employer and established in accordance with guidelines prescribed by the secretary of manpower affairs and certified by such secretary as one which had the prior approval of such secretary and as one which will upgrade the job skills, wages, and promotional possibilities of the participants in such programs; provided that such certification shall be in such form as the state tax commission shall prescribe.

In order to verify the certification required by clauses (i) to (v), inclusive, or otherwise determine the eligibility of an employee under this subsection the commissioner is authorized to receive information with respect thereto from the appropriate secretary or department notwithstanding any other provision of law which may prohibit the disclosure of such information.

(d) The credit allowed under this section shall be in addition to the credit allowed under section thirty-one A; provided, however, that the sum of the credit allowed under said section thirty-one A and the credit allowed under this section shall not reduce the excise to less than the amount due under subsection (b) of section thirty-two, subsection (b) of section thirty-nine or section sixty-seven and under any act in addition thereto.

A corporation may elect to deduct the amount allowable under section thirty-eight F or the credit under this section, but not both. Any such election must be made annually on or before the due date of filing the return, including any extension of time and shall be irrevocable.

The credit allowed by all provisions of this section except subdivision (2) of subsection (c) shall be for taxable years ending on and after December thirty-first, nineteen hundred and seventy-three, and prior to December thirty-first, nineteen hundred and seventy-eight, and the credit allowed under the provisions of said subsection (2) of said subsection (c) shall be for taxable years ending on and after December thirty-first, nineteen hundred and seventy-four, and prior to December thirty-first, nineteen hundred and seventy-eight; provided that any corporation claiming such credit shall furnish such information relative to the credit as may be required by the commissioner in a form approved by the state

tax commission.

Approved September 17, 1973.

Chap. 792. AN ACT AUTHORIZING THE CITY OF NORTH ADAMS TO PAY A CERTAIN PENSION TO WILLIAM F. COYNE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law, for the purpose of promoting the public good and in consideration of long and meritorious service, the city of North Adams is hereby authorized to pay William F. Coyne, former chief of the police department of said city, an annual pension under the provisions of section eighty-five E of chapter thirty-two of the General Laws predicated on an annual salary of seventeen thousand one hundred and ten dollars, a salary that he would have been entitled to under the provisions of section fifty-seven G of chapter forty-eight of the General Laws except for the federal wage freeze in effect on the date of his retirement.

SECTION 2. This act shall take effect as of June seventeenth, nineteen hundred and seventy-two.

Approved September 17, 1973.

Chap. 793. AN ACT FURTHER REGULATING PROMOTIONS WITHIN THE DEPARTMENT OF PUBLIC SAFETY DIVISION OF STATE POLICE AND FURTHER DEFINING THE DUTIES OF THE CRIMINAL INFORMATION SECTION THEREOF.

Be it enacted, etc., as follows:

SECTION 1. Chapter 22 of the General Laws is hereby amended by striking out section 90 and inserting in place thereof the following section —

Section 90. The commissioner may promote members of the uniformed branch of the division of state police who are eligible for promotion to the grade of noncommissioned officers, lieutenant and captain. All promotions shall be based on the following factors which shall be marked on a percentage basis:

(1) a competitive promotional examination open to all candidates who have completed not less than one year of service in the next subordinate grade, or who have completed a total of ten years of service as a member of the uniformed branch prior to the final date of filing the application;

(2) performance evaluation reports which shall be submitted annually to the commissioner by each troop commanding officer or bureau head and first line supervisor, under whom each candidate has served and the average percentage of all such annual reports in the then current grade of such candidate shall be the performance evaluation mark;

(3) in the case of promotions to the grades of noncommissioned

officers, lieutenant and captain a determination of longevity based upon the granting of five per cent for each year of service plus one-twelfth of such five per cent for each additional full month of service, up to twenty years of service, computed as of the final date for filing applications for such promotions;

(4) in the case of promotions to the grades of lieutenant and captain, an oral interview conducted by members of the uniformed branch of the division of state police, or by officers of state police departments outside the commonwealth holding a grade higher than that for which the examination is being conducted.

The commissioner shall prepare notice of all promotional examinations, which shall be written examinations, and shall cause notice thereof to be published in the departmental orders no later than thirty days prior to the final date for filing application therefor. No examination shall be held less than thirty days after the final date for filing such applications. All performance evaluation reports required by this section shall be submitted to the commissioner annually on the anniversary date of the officer's enlistment, or whenever there is a change in first-line supervisors and prior to a promotional examination, if the candidate has not been evaluated in his current rank, the candidate shall be evaluated prior to the filing date. A candidate who has not been evaluated within sixty days prior to the final date for promotional examination shall be reevaluated.

No member who is a candidate for promotion to the grade of a noncommissioned or commissioned officer shall be eligible for promotion unless he has attained a mark of at least seventy per cent in the written examination.

The standards for promotion to the noncommissioned officers grades shall be based upon the following factors which shall be weighted as follows: — written examinations, nine; performance evaluation, four; longevity, seven.

The standards for promotion to the grades of lieutenant and captain shall be based upon the following factors which shall be weighted as follows: — written examinations, eight; performance evaluation, three; oral interview, three; longevity, six.

Each candidate for promotion to any such grade who is a veteran shall have two points added to his general average mark.

Before making any promotions in accordance with this section, the commissioner shall publish and distribute in departmental orders a list of members of the uniformed branch of the division of state police who are eligible for promotion to a specified grade. Such lists shall remain valid for a period of two years from the date of publication. Appointment to a vacancy occurring in any grade shall be made from the top three candidates on the appropriate list who are eligible for promotion.

SECTION 2. Said chapter 22 is hereby further amended by striking out section 9P, inserted by section 2 of chapter 785 of the acts of 1965, and inserting in place thereof the following section: —

Section 9P. Any vacancy that occurs in the grade of lieutenant

colonel and executive officer or in the grade of major of the uniformed branch of the division of state police shall be filled by the commissioner from the next subordinate grade.

SECTION 3. Chapter 147 of the General Laws is hereby amended by striking out section 4C, as most recently amended by section 7 of chapter 805 of the acts of 1972, and inserting in place thereof the following section: —

Section 4C. The criminal information section within the division of state police shall be charged with the following duties and functions:

(a) Said section shall collect, by investigation of its own and by receipt from other law enforcement agencies, information concerning organized crime, organized illegal gambling, and other illegal activities generally described as rackets, including information as to the identity and doings of persons who engage in, promote, operate or participate in such activities and of persons arrested for the illegal use, sale or possession of harmful drugs or narcotics.

(b) Said section shall maintain files of all such information which it collects and receives, and shall serve as a clearinghouse of intelligence for all law enforcement agencies within the commonwealth concerning such activities and such persons, and may provide to and receive from similar agencies outside the commonwealth any such information. Any police department of the commonwealth, or any of its political subdivisions, may, by request, in the form and manner prescribed by said section, receive such information as is in the files of said section concerning such activities and such persons in which said police department has an official interest. The clearinghouse functions of this section shall constitute a co-operative relationship between said section and said police departments; and if in the discretion of the head of said section, responding to such request for information might interfere with an investigation being carried on by some other department or by said section, he may, with the approval of the commissioner, deny the request. Systems operated by the criminal history systems board, pursuant to sections one hundred and sixty-seven to one hundred and seventy-eight, inclusive, of chapter six, may be used for such recordkeeping purposes provided that such records remain subject to the regulations of said board.

(c) Said section shall from time to time advise the local police departments of new schemes or rackets which may come to its attention, and of new devices, techniques, methods of operation, and other matters of interest relating to such activities and such persons, so that the police of the commonwealth and its political subdivisions shall be better informed and thus better able to enforce the laws with respect to such activities and such persons.

(d) The clerk of any court in which a person is convicted of a crime involving gaming of any kind, drug and narcotic violations, the sale or possession of pornographic literature or the improper solicitation or use of funds for charitable purposes, shall forthwith

report such conviction to said section. The probation officer of said court shall furnish to the clerk a description of any person so convicted, which shall be on a form prescribed by the commissioner of public safety.

SECTION 4. Said chapter 147 is hereby further amended by striking out section 4E, as amended by section 23B of chapter 889 of the acts of 1969, and inserting in place thereof the following section: —

Section 4E. The narcotics unit within the criminal information section shall be charged with the following duties and functions: — to investigate all violations of the narcotic and harmful drug laws of the commonwealth; to arrest all violators of such laws; and to cooperate with the department of the attorney general in training men assigned to the narcotics unit in practices and procedures relating to the narcotic and harmful drug laws pursuant to section eleven B of chapter twelve.

SECTION 5. Section 47 of chapter 271 of the General Laws, inserted by chapter 347 of the acts of 1958, is hereby amended by striking out, in lines 5, 9, and 12, the word "bureau" and inserting in place thereof, in each instance, the word: — section.

Approved September 17, 1973.

Chap. 794. AN ACT AUTHORIZING THE COUNTY TREASURER OF FRANKLIN COUNTY TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The county treasurer of Franklin county is hereby authorized to pay from any available funds a certain unpaid bill in the amount of seven hundred and ninety-six dollars to the Motorola, Inc. a corporation duly organized under the laws of the state of Illinois, for goods supplied to said county during the year nineteen hundred and seventy, which bill is legally unenforceable against said county.

SECTION 2. No bill shall be approved by the county commissioners of said county or paid by said treasurer under authority of this act unless and until a certificate has been signed and filed with said treasurer stating under the penalties of perjury that the goods for which such bill has been submitted were ordered by an official or an employee of said county and that such goods were delivered and actually received by said county.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for goods which were not received by said county shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved September 17, 1973.

Chap. 795. AN ACT FURTHER REGULATING SUBMISSION OF COMPLETED PLANS, MAPS AND REPORTS UNDER THE MUNICIPAL PLANNING AND SUBDIVISION CONTROL ACT.

Be it enacted, etc., as follows:

SECTION 1. Section 81C of chapter 41 of the General Laws is hereby amended by striking out the second sentence, as amended by section 2 of chapter 83 of the acts of 1967, and inserting in place thereof the following two sentences: — A copy of each completed study shall be furnished to the division of community services of the department of community affairs. Said planning board shall report annually to the city council or to the annual town meeting, giving information regarding the condition of the city or town and any plans or proposals for its development and estimates of the cost thereof, and shall at the same time furnish a copy of its report to the division of community services of the department of community affairs.

SECTION 2. Section 81D of said chapter 41 is hereby amended by inserting after the fourth sentence the following sentence: — The planning board shall, upon completion of any study plan or report, or any change or amendment to a study plan or report produced under this section, furnish a copy of such study plan or report or amendment thereto, to the division of community services of the department of community affairs.

SECTION 3. The first paragraph of section 81E of said chapter 41 is hereby amended by inserting after the third sentence the following sentence: — A copy of such official map or any change thereto, shall be furnished to the division of community services of the department of community affairs.

Approved September 17, 1973.

Chap. 796. AN ACT PROVIDING FOR AN APPOINTMENT OF ADDITIONAL ASSISTANT CLERKS IN CERTAIN DISTRICT COURTS.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 10 of chapter 218 of the General Laws, as appearing in section 1 of chapter 75 of the acts of 1973, is hereby amended by striking out the lines reading "first district court of Barnstable," "district court of Lawrence," "second district court of eastern Middlesex," "fourth district court of eastern Middlesex," central district court of Northern Essex," and "district court of northern Norfolk,".

SECTION 2. The third paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by inserting after the line reading "first district court of eastern Middlesex," the following lines: —

first district court of Barnstable,
district court of northern Norfolk,
second district court of eastern Middlesex,
fourth district court of eastern Middlesex.

SECTION 3. The fourth paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by striking out the line reading "first district court of southern Middlesex," and by inserting before the line reading "district court of Lowell, and" the following line: —

central district court of northern Essex,
district court of Lawrence.

SECTION 4. The fifth paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by striking out the lines reading "district court of East Norfolk," and "municipal court of the Dorchester district, and" and inserting in place thereof the following line: —

district court of East Norfolk, and.

SECTION 5. The sixth paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by inserting before the line reading "district court of Springfield," the following line: —
first district court of southern Middlesex, and.

SECTION 6. The seventh paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by inserting before the line reading "central district court of Worcester," the following line: —

municipal court of the Dorchester district, and.

(This Bill, returned by the Governor, to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, September 17, 1973, and, in concurrence, by the Senate, September 18, 1973, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of law".)

Chap. 797. AN ACT AUTHORIZING THE DIRECTOR OF CIVIL SERVICE TO CONTINUE THE EMPLOYMENT OF PROVISIONAL POLICE OFFICERS UNTIL THEIR REPLACEMENT HAS BEEN MADE FROM THE OFFICIAL CIVIL SERVICE POLICE LIST.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize cities and towns to provide continuous police protection to their residents, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections fifteen and fifteen G of chapter thirty-one of the General Laws, at the

request of the appointing authority, the director of civil service is hereby authorized to continue the employment of a person appointed a provisional police officer by a city or town until such time as a permanent appointment has been made from eligible lists established for police services positions and a person so appointed has completed the prescribed police training course, provided that the appointing authority has complied with all instructions issued by the director of civil service.

SECTION 2. This act shall become inoperative on December thirty-first, nineteen hundred and seventy-three.

Approved September 18, 1973.

Chap. 798. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW PROHIBITING THE OPERATION OF A MOTOR VEHICLE HAVING ANY TIRE WHICH FAILS TO COMPLY WITH THE TREAD DEPTH REGULATIONS PROMULGATED BY THE REGISTRAR OF MOTOR VEHICLES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make a corrective change in the law prohibiting the operation of a motor vehicle having any tire which fails to comply with the tread depth regulations promulgated by the registrar of motor vehicles, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 90 of the General Laws is hereby amended by striking out section 7P, inserted by chapter 301 of the acts of 1973, and inserting in place thereof the following section: —

Section 7Q. No person, knowing that any tire of a motor vehicle fails to comply with regulations promulgated by the registrar relative to the minimum standards for visual and tread depth, shall operate such vehicle upon any way; and no owner of a motor vehicle knowing that any tire of such vehicle fails to comply with such regulations, shall permit such vehicle to be so operated.

SECTION 2. This act shall take effect as of May twenty-first, nineteen hundred and seventy-three.

Approved September 18, 1973.

Chap. 799. AN ACT FURTHER REGULATING THE LIMITATION, EXCLUSION OR WAIVER OF WARRANTIES IN THE SALE OF CONSUMER GOODS AND SERVICES.

Be it enacted, etc., as follows:

SECTION 1. Section 2-316A of Chapter 106 of the General Laws, inserted by chapter 880 of the acts of 1970, is hereby amended by adding the following paragraph: —

The provisions of this section may not be disclaimed or waived by agreement.

SECTION 2. Section 2-316A of chapter one hundred and six of the General Laws, as amended by section one of this act, shall apply to sales made on or after the effective date of this act.

Approved September 18, 1973.

Chap. 800. AN ACT ESTABLISHING A REVOLVING FUND FOR THE RECEIPTS OF A CITY OR TOWN IN CONNECTION WITH THE OPERATION OF MUNICIPAL COMMUNITY SCHOOL PROGRAMS.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by inserting after section 71B the following section: —

Section 71C. All moneys received by the school committee in connection with the conduct of community school programs, so designated by prior vote of said committee, shall be deposited with the treasurer of the town or city. The school committee may expend, from such receipts and without further appropriation, any sums not in excess of three thousand dollars within any fiscal year for the purchase of materials and equipment for such programs.

Approved September 18, 1973.

Chap. 801. AN ACT FURTHER REGULATING LIENS ON BUILDINGS AND LANDS FOR WORK PERFORMED.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to clarify certain amendments made to laws regulating liens on buildings and land for work performed, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 254 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 10, the word "chapter" and inserting in place thereof the word: — section.

SECTION 2. The third paragraph of section 4 of said chapter 254, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 12, the words "shall thereafter furnish" and inserting in place thereof the words: — is to furnish or has furnished.

SECTION 3. Said chapter 254 is hereby further amended by striking out section 7 and inserting in place thereof the following section: —

Section 7. No lien, except under section one, shall avail as against a mortgage actually existing and duly registered or recorded to the extent of the amount actually advanced or unconditionally committed prior to the filing or recording in the registry of deeds

of the notice required by this chapter or against a purchaser, other than the owner who entered into the written contract on which the lien is based, whose deed was duly registered or recorded prior to the filing or recording of such notice; and no lien under section one shall avail against such mortgage unless the work or labor performed is in the erection, alteration, repair or removal of a building or structure which erection, alteration, repair or removal was actually begun prior to the recording of the mortgage.

SECTION 4. Section 12 of said chapter 254, as appearing in section 9 of chapter 774 of the acts of 1972, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

After the recording of any such bond no lien under this chapter shall thereafter attach in favor of any person entitled to the benefit of such bond and not named as a principal thereon for labor or for labor and materials performed under the contract in respect to which such bond is given.

SECTION 5. Section 32 of said chapter 254, inserted by section 11 of said chapter 774, is hereby amended by adding the following words: — , but this section shall not apply to waivers of liens given by any person named as a principal on a lien bond provided under section twelve in connection with an interim or final payment made to such persons or to statements by persons entitled to file documents for lien protection under this chapter of amounts due or paid to them.

Approved September 21, 1973.

Chap. 802.

AN ACT RELATIVE TO CONSUMER CREDIT COST DISCLOSURE AND MAKING CORRECTIVE AND OTHER CHANGES IN THE LAW RELATIVE TO RETAIL INSTALLMENT SALES AND SERVICES SUBJECT TO THE SUPERVISION OF THE COMMISSIONER OF BANKS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith that the laws of the commonwealth relative to the disclosure of consumer credit costs and terms continue to be in conformity with federal law and regulations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Subsection (a) of section 4 of chapter 140C of the General Laws, as appearing in section 1 of chapter 517 of the acts of 1969, is hereby amended by striking out clause (3) and inserting in place thereof the following clause: —

(3) Where the finance charge imposed during the billing cycle is or includes (i) any minimum, fixed, or other charge not due to the application of a periodic rate, other than a charge with respect to any specific transaction during the billing cycle, by dividing the total finance charge for the billing cycle by the amount of the balance to which applicable and multiplying the quotient (ex-

pressed as a percentage) by the number of billing cycles in a year; or (ii) any charge with respect to any specific transaction during the billing cycle (even if the total finance charge also includes any other minimum, fixed, or other charge not due to the application of a periodic rate), by dividing the total finance charge imposed during the billing cycle by the total of all balances and other amounts on which any finance charge was imposed during the billing cycle without duplication and multiplying the quotient (expressed as a percentage) by the number of billing cycles in a year, except that the annual percentage rate shall not be less than the largest rate determined by multiplying each periodic rate imposed during the billing cycle by the number of periods in a year; or (iii) any minimum, fixed, or other charge not due to the application of a periodic rate and the total finance charge imposed during the billing cycle does not exceed fifty cents for a monthly or longer billing cycle, or the pro rata of fifty cents for a billing cycle shorter than monthly, at the creditor's option, by multiplying each applicable periodic rate by the number of periods in a year, notwithstanding the provisions of subclauses (i) and (ii).

SECTION 2. Subsection (a) of section 6 of said chapter 140 C, as so appearing, is hereby amended by adding the following two sentences: — A creditor imposing minimum charges is not required to adjust the disclosure of the range of balances to which each periodic rate would apply in order to reflect the range of the balances below which the minimum charge applies. If a creditor does not impose a finance charge when the outstanding balance is less than a certain amount, the creditor is not required to disclose that fact or the balance below which no such charge will be imposed.

SECTION 3. Subsection (b) of said section 6 of said chapter 140C, as so appearing, is hereby amended by striking out clauses (5) and (6) and inserting in place thereof the following two clauses: —

(5) Each periodic rate, using the term "periodic rate" (or "rates"), that may be used to compute the finance charge (whether or not applied during the billing cycle), the range of balances to which it is applicable, and the corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year. The words "corresponding annual percentage rate", "corresponding nominal annual percentage rate", "nominal annual percentage rate" or "annual percentage rate" (or "rates") may be used to describe the corresponding annual percentage rate. The requirements of subsection (a) of section five with respect to disclosing the term "annual percentage rate" more conspicuously than other required terminology shall not be applicable to the disclosure made under this clause although such term, or words incorporating such term, may, at the creditor's option, be shown as conspicuously as the terminology required under clause (6). Where a minimum charge may be applicable to the account, the amount of such minimum charge shall be disclosed. A creditor imposing minimum charges is not required to adjust the disclosure

of the range of balances to which each periodic rate would apply in order to reflect the range of balances below which the minimum charge applies. If a creditor does not impose a finance charge when the outstanding balance is less than a certain amount, the creditor is not required to disclose that fact or the balance below which no such charge will be imposed.

(6) When a finance charge is imposed during the billing cycle, the annual percentage rate or rates determined under subsection (a), of section four using the term "annual percentage rate" (or "rates").

SECTION 4. Said section 6 of said chapter 140C is hereby further amended by striking out subsection (c), as so appearing, and inserting in place thereof the following subsection: —

(c) The disclosures required by subsection (b) shall be made on the same of the periodic statement, except that, at the creditor's option:

(1) Itemization of the amount and date of each extension of credit (or the date such extension of credit was debited to the account) required to be disclosed under clause (2) of subsection (b) and itemization of the amount of the "credits" disclosed under clause (3) of subsection (b), and of the amount of any finance charge required to be disclosed under clause (4) of subsection (b), may be made on the reverse side of the periodic statement or on a separate accompanying statement, provided that the totals of such respective amounts are disclosed on the face of the periodic statement; and

(2) The disclosures required under clauses (5) and (7) of subsection (b), except the balance on which the finance charge was computed, may be made on the reverse side of the periodic statement or on the face of a single supplemental statement which shall accompany the periodic statement.

(3) If the creditor exercises any of the options provided under this subsection, the face of the periodic statement shall contain one of the following notices, as applicable: "NOTICE: See reverse side for important information" or "NOTICE: See accompanying statement for important information" or "NOTICE: See reverse side and accompanying statement for important information", and the disclosures shall not be separated so as to confuse or mislead the customer or obscure or detract attention from the information required to be disclosed.

SECTION 5. Chapter 255D of the General Laws is hereby amended by striking out section 27, as most recently amended by section 4 of chapter 273 of the acts of 1973, and inserting in place thereof the following section: —

Section 27. A. Before the first transaction is made on any revolving credit account, the seller shall disclose to the buyer in a single written statement, which the buyer may retain, in terminology consistent with the requirements of subsection D of this section, each of the following items, to the extent applicable:

(1) The conditions under which a finance charge may be imposed,

including an explanation of the time period, if any, within which any credit extended may be paid without incurring a finance charge.

(2) The method of determining the amount of finance charge including the method of determining the balance upon which a finance charge may be imposed, consistent with subsection C of this section.

(3) The method of determining any minimum, fixed, transaction, activity, or similar charge, which may be imposed as a finance charge.

(4) Where one or more periodic rates may be used to compute the finance charge, each such rate, the range of balances to which it is applicable, and the corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year.

(5) The conditions under which any other charges may be imposed and the methods by which they will be determined.

(6) The conditions under which the seller may retain or acquire any security interest in any property to secure the payment of any credit extended on the account, and a description or identification of the type of the interest or interests which may be so retained or acquired.

(7) The minimum periodic payment required.

A creditor imposing minimum charges is not required to adjust the disclosure of the range of balances to which each periodic rate would apply in order to reflect the range of the balances below which the minimum charge applies. If a creditor does not impose a finance charge when the outstanding balance is less than a certain amount, the creditor is not required to disclose that fact or the balance below which no such charge will be imposed.

B. Every revolving credit agreement shall contain the following notice appearing conspicuously directly above the space reserved in the agreement for the signature of the buyer: Notice to Buyer;

(1) Do not sign this agreement if any of the spaces intended for the agreed terms are left blank.

(2) You are entitled to a copy of this agreement at the time you sign it.

(3) You may at any time pay off the full unpaid balance under this agreement.

(4) You may under certain circumstances redeem the property, if repossessed because of your default, and you may, under certain condition, require a resale of the property if repossessed.

(5) The seller has no right to unlawfully enter your premises or commit any breach of the peace to repossess goods purchased under this agreement.

(6) You may cancel a purchase under this agreement if it has been consummated by a party thereto at a place other than the address of the seller which may be his main office or branch thereof; provided, you notify the seller in writing at his main office or branch by ordinary mail posted, by telegram sent or by delivery, not later

than midnight of the third business day following a purchase under this agreement.

If the seller does not take a security interest in goods purchased pursuant to the revolving credit agreement, clauses (4) and (5) need not be included in the notice, and if the agreement was not signed by the buyer at a place other than the address of the seller, which may be his main office or any branch thereof, one of which must be shown on the agreement, clause (6) need not be included in the notice.

C. (1) An installment seller under a revolving credit agreement may assess a finance charge upon the installment buyer which shall not exceed the following rates computed upon the outstanding unpaid balance thereunder, from month to month, which need not be a calendar month, or other regular period. The outstanding unpaid balance shall be determined consistent with clause 3 of this subsection.

(a) On so much of the outstanding unpaid balance as does not exceed five hundred dollars, one and one half per cent per month.

(b) If the outstanding unpaid balance exceeds five hundred dollars, one per cent per month on the excess over five hundred dollars.

(c) If the amount of any finance charge is less than fifty cents for any month, fifty cents may be assessed, provided that no finance charge is assessed for a zero balance.

(2) Finance charges may be computed under revolving credit agreements within a range of not in excess of ten dollars on the basis of the median amount within the selected range, provided that such finance charge is applied to all unpaid balances within such range.

(3) In the event that a finance charge is imposed, it shall be computed upon (i) the previous balance after all payments on account, returns and other credits made or given during the billing cycle shall have been first deducted; provided, however, that returns and other credits may be deducted only to the extent that the purchase to which the credit or return relates has been reflected in the previous balance; or (ii) the average daily balance determined by adding the daily balances on the account for each day in the billing cycle, excluding purchases, and dividing this total by the number of days in the billing cycle.

Payments received from an obligor under an open end credit plan by the creditor shall be credited promptly to the obligor's account but in any event no more than two business days after receipt thereof. A finance charge shall not be imposed on any obligor if said creditor has received the obligor's payment prior to the time indicated by said creditor by which time such payment is required to be received to avoid the imposition of said finance charge.

D. Except in the case of an account which the seller deems to be uncollectible or with respect to which delinquency collection procedures have been instituted, the seller under any revolving credit account shall mail or deliver to the buyer, for each billing cycle at

the end of which there is an outstanding debit balance in excess of one dollar in that account or with respect to which a finance charge is imposed, a statement or statements which the buyer may retain, setting forth in accordance with subsection E each of the following items to the extent applicable:

(1) The outstanding balance in the account at the beginning of the billing cycle, using the term "previous balance".

(2) The amount and date of each extension of credit or the date such extension of credit is debited to the account during the billing cycle and, unless previously furnished, a brief identification of any goods or services purchased or other extension of credit.

(3) The amounts credited to the account during the billing cycle for payments, using the term "payments", and for other credits including returns, rebates of finance charges and adjustments, using the term "credits", and unless previously furnished, a brief identification of each of the items included in such other credits.

(4) The amount of any finance charge, using the term "finance charge", debited to the account during the billing cycle, itemized and identified to show the amounts, if any, due to the application of periodic rates and the amount of any other charge included in the finance charge, such as a minimum, fixed, transaction, activity, or similar charge, including any charges imposed by the seller for the issuance, payment, or handling of checks, for account maintenance or otherwise, to the extent that such charges exceed any similar charges the buyer is required to pay when an account is not being used to extend credit, using appropriate terminology to identify such charges.

(5) Each periodic rate, using the term "periodic rate", or "rates", that may be used to compute the finance charge, whether or not applied during the billing cycle, the range of balances to which it is applicable, and the corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year. The words "corresponding annual percentage rate", "corresponding nominal annual percentage rate", "nominal annual percentage rate" or "annual percentage rate" or "rates" may be used to describe the corresponding annual percentage rate. The requirements of subsection (a) of section five of chapter one hundred and forty C with respect to disclosing the term "annual percentage rate" more conspicuously than other required terminology shall not be applicable to the disclosure made under this clause, although such term, or words incorporating such term, may, at the creditor's option, be shown as conspicuously as the terminology required under clause (6). Where a minimum charge may be applicable to the account, the amount of such minimum charge shall be disclosed. A creditor imposing minimum charges is not required to adjust the disclosure of the range of balances to which each periodic rate would apply in order to reflect the range of the balances below which the minimum charge applies. If a creditor does not impose a finance charge when the outstanding balance is less than a certain amount, the creditor is not required to disclose

that fact or the balance below which no such charge will be imposed.

(6) When a finance charge is imposed during the billing cycle, the annual percentage rate or rates determined under subsection (a) of section four of chapter one hundred and forty C using the term "annual percentage rate" or "rates".

(7) The balance on which the finance charge was computed, and a statement of how that balance was determined, consistent with subsection C of this section.

(8) The closing date of the billing cycle and the outstanding balance in the account on that date, using the term "new balance", accompanied by the statement of the date by which, or the period, if any, within which, payment must be made to avoid additional finance charges.

E. The disclosures required by subsection D shall be made on the face of the periodic statement, except that, at the creditor's option:

(1) Itemization of the amount and date of each extension of credit (or the date such extension of credit was debited to the account) required to be disclosed under clause (2) of subsection (D) and itemization of the amount of the "credits" disclosed under clause (3) of subsection (D), and of the amount of any finance charge required to be disclosed under clause (4) of subsection (D), may be made on the reverse side of the periodic statement or on a separate accompanying statement, provided that the totals of such respective amounts are disclosed on the face of the periodic statement; and

(2) The disclosures required under clauses (5) and (7) of subsection (D), except the balance on which the finance charge was computed, may be made on the reverse side of the periodic statement or on the face of a single supplemental statement which shall accompany the periodic statement.

(3) If the creditor exercises any of the options provided under this subsection, the face of the periodic statement shall contain one of the following notices, as applicable: "NOTICE: See reverse side for important information" or "NOTICE: See accompanying statement for important information" or "NOTICE: See reverse side and accompanying statement for important information", and the disclosures shall not be separated so as to confuse or mislead the customer or obscure or detract attention from the information required to be disclosed.

F. Not later than fifteen days prior to the beginning date of the billing cycle in which any change is to be made in the terms previously disclosed to the buyer of a revolving credit account, the seller or holder shall mail or deliver a written disclosure of such change to each buyer required to be furnished a statement under subsection D. Such disclosure shall be mailed or delivered to each other buyer who subsequently activates his account not later than the date of mailing or delivery of the next required billing statement on his account. However, if the periodic rate or rates, or any minimum or similar charge is increased, the creditor shall mail or

deliver a written disclosure of such increase to each buyer at least fifteen days prior to the beginning date of the billing cycle in which the increase is imposed on his account. No notice is necessary if the only change is a reduction in the minimum periodic payment, periodic rate or rates, or in any minimum or similar charge applicable to the account.

G. The seller or holder shall mail or deliver to the buyer the statement or statements required by subsection D for each billing cycle at least nine days before the end of the next succeeding billing cycle or the payment due date, whichever is the earlier. If the seller or holder fails to mail or deliver such statement or statements within the specified period, he shall not be entitled to any finance charge with respect to the next succeeding billing cycle based upon the balance or any portion of the balance of the preceding billing cycle.

If such finance charge is assessed or collected, the buyer shall receive a credit or refund for any such finance charge assessed or collected other than in accordance with the provisions of this subsection within the two billing cycles following such assessment or collection. The failure to provide such credit or refund within the period specified shall subject the seller or holder to the penalties provided in subsection (b) of section ten of chapter one hundred and forty C.

Approved September 21, 1973.

Chap. 803. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL PERIOD FROM JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR, FOR THE CARE, MAINTENANCE AND REPAIR OF THE MIDDLESEX COUNTY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Middlesex county are hereby authorized to expend for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four, the sums set forth in this act for the care, maintenance and repair of the Middlesex county hospital and to assess the same in the manner set forth in section eighty-five of chapter one hundred and eleven of the General Laws.

MIDDLESEX COUNTY

Item	
1. For personal services	\$4,704,740 19
2. For contractual services	236,525 00
3. For supplies and materials	806,450 00
4. For current charges and obligations	412,783 72
5. For equipment	102,947 10
6. For structures and improvements	18,700 00
8. For debt and interest	124,457 34

10. For unpaid bills of previous years	30,546 70
11. For reserve fund	140,000 00
12. For group insurance	236,286 16
For total expenditures	\$6,813,436 21

SECTION 2. This act shall take effect upon its passage.

Approved September 21, 1973.

Chap. 804. AN ACT PROVIDING THAT THE DIRECTOR OF THE DIVISION OF MARINE AND RECREATIONAL VEHICLES LIST REGISTERED BOATS AND VEHICLES FOR ASSESSORS.

Be it enacted, etc., as follows:

The first paragraph of section 11 of chapter 90B of the General Laws, as appearing in section 2 of chapter 275 of the acts of 1960, is hereby amended by striking out, in line 5, the word "and", — and by inserting after the word "guard", in line 8, the following: —, and (3) compile on or before December thirty-first of year lists of all motorboats, snow vehicles and recreational vehicles registered under the provisions of this chapter. The motorboat list shall include for each motorboat the name and residence of the registered owner, the registration number, type, size, and model year of the boat and the type and horsepower of the engine or motor used to propel said boat, and the city or town in which it is customarily kept. The snow vehicle and recreational vehicle lists shall include for each vehicle the name and residence of the registered owner, the registration number, type, size and model year and the city or town in which the vehicle is customarily kept. The director shall annually transmit to the assessors of each city and town in the commonwealth a list of registered owners of motorboats, snow vehicles or recreational vehicles in such city or town, together with any information which may assist the assessors in listing and valuing such motorboats, snow vehicles and recreational vehicles.

Approved September 21, 1973.

Chap. 805. AN ACT ENLARGING THE SUNDERLAND WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 616 of the acts of 1950 is hereby amended by striking out section 1 and inserting in place thereof the following section: —

Section 1. The inhabitants of the town of Sunderland liable to taxation in and residing within the boundaries of said town shall constitute a water district and are hereby made a body corporate by the name of the Sunderland Water District, hereinafter called the

district, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefore, and for the purposes of assessing and raising taxes as provided herein for the payment of such services, and for defraying the necessary expenses of carrying on the business of said district, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. This act shall take full effect upon its acceptance by a majority vote of the voters of the territory included within said district by section one of this act present and voting by use of a check list, at an annual district meeting or any special district meeting called in accordance with section eight, within one year after passage of this act.

Approved September 21, 1973.

Chap. 806. AN ACT RELATIVE TO THE OPERATION AND EQUIPMENT OF BICYCLES.

Be it enacted, etc., as follows:

SECTION 1. Section 21 of chapter 40 of the General Laws is hereby amended by inserting after clause (16A), inserted by chapter 83 of the acts of 1971, the following clause: —

(16B) For designating areas upon public streets to be used as bicycle lanes.

SECTION 2. Chapter 85 of the General Laws is hereby amended by striking out section 11B, as most recently amended by chapter 484 of the acts of 1971, and inserting in place thereof the following section: —

Section 11B. Every person operating a bicycle upon a way, as defined in section one of chapter ninety, shall have the right to use all public ways in the commonwealth except limited access or express state highways where signs specifically prohibiting bicycles have been posted, and shall be subject to the traffic laws and regulations of the commonwealth and the special regulations contained in this section, except that: (1) the bicycle operator may keep to the right when passing a motor vehicle which is moving in the travel lane of the way, (2) the bicycle operator shall signal by either hand his intention to stop or turn, and (3) bicycles may be ridden on sidewalks outside business districts when necessary in the interest of safety, unless otherwise directed by local ordinance. A person operating a bicycle on the sidewalk shall yield the right of way to pedestrians and give an audible signal before overtaking and passing any pedestrian.

Operators of bicycles shall be subject to the following regulations:

(1) The operator shall ride single file on any way except when passing.

(2) The operator shall not ride other than upon or astride a permanent and regular seat attached to the bicycle. The operator shall not carry another person on said bicycle, except on a baby seat attached to the bicycle, provided that such seat is equipped with a harness to hold the person securely in the seat and that protection is provided against the feet of said person hitting the spokes of the wheel of the bicycle.

(3) The operator shall give an audible warning whenever necessary to insure safe operation of the bicycle; provided, however, the use of a siren or whistle is prohibited.

(4) The operator shall park his bicycle upon a way or a sidewalk in such a manner as not to obstruct vehicular or pedestrian traffic.

(5) The operator shall not permit the bicycle to be drawn by any other moving vehicle. The operator shall not tow any other vehicle or person, except that bicycle trailers properly attached to the bicycle which allows for firm control and braking may be used.

(6) The operator shall not carry any package, bundle or article except in or on a basket, rack, trailer or other device designed for such purposes. The operator shall keep at least one hand upon the handlebars at all times.

(7) Every bicycle operated upon a way shall be equipped with a braking system to enable the operator to bring the bicycle traveling at a speed of fifteen miles per hour to a smooth, safe stop within thirty feet on a dry, clean, hard, level surface.

(8) During the period from one half hour after sunset and one half hour before sunrise the operator shall display toward the front a white light which shall be visible for not less than one hundred feet in the direction in which the bicycle is proceeding or facing or a front-facing colorless reflector, and toward the rear a red light or red reflex reflector visible for not less than one hundred feet to the rear when in the lower beams of the headlamps of a motor vehicle.

(9) During the period from one half hour after sunset and one half hour before sunrise the operator shall display a reflex reflector or reflective material on the pedals visible from the front and rear from a distance of two hundred feet when in the lower beams of the headlamps of a motor vehicle and additional reflective material visible from each side of the bicycle, either on said bicycle or on the person of the operator, for a distance of two hundred feet.

(10) No bicycle shall be operated upon a way with handlebars so raised that the operator's hands are above his shoulders while gripping them. Any alteration to extend the fork of a bicycle from the original design and construction of the bicycle manufacturer is prohibited.

(11) The operator of a bicycle shall report any accident involving either personal injury or property damage in excess of one hundred dollars, or both, to the police department in the city or town in which the accident occurred.

Any federal product safety standards relating to bicycles which

are more stringent than the requirements of clauses (7) through (10), inclusive, shall supersede said requirements.

Competitive bicycle races may be held on public ways, provided that such races are sponsored by or in cooperation with recognized bicycle organizations and, provided further, that the sponsoring organization shall have obtained the approval of the appropriate police department or departments. Special regulations regarding the movement of bicycles during such races, or in training for races, including, but not limited to, permission to ride abreast, may be established by agreement between the police department and the sponsoring organization.

Violations of any provision of this section shall be punished by a fine of not more than twenty dollars. The parent or guardian of any person under age eighteen shall not authorize or knowingly permit any such person to violate any of the provisions of this section. A bicycle operated by a person under the age of eighteen in violation of this section may be impounded by the police department, or in a town which has no police department, by the selectmen, for a period not to exceed fifteen days. A violation of any provision of this section by a minor under the age of eighteen shall not affect any civil right or liability nor shall such violation be considered a criminal offense.

SECTION 3. Section 14 of chapter 90 of the General Laws is hereby amended by striking out the second sentence, as amended by section 1 of chapter 518 of the acts of 1961, and inserting in place thereof the following sentence: — In approaching or passing a person on a bicycle the operator of a motor vehicle shall slow down and pass at a safe distance and at a reasonable and proper speed.

SECTION 4. The definition of "Personal injury protection" in section 34A of said chapter 90 is hereby amended by adding the following paragraph: —

The term "pedestrian" shall include persons operating bicycles, tricycles and similar vehicles and persons upon horseback or in vehicles drawn by horses or other draft animals.

SECTION 5. The second sentence of section 1 of chapter 90A of the General Laws, as appearing in section 1 of chapter 674 of the acts of 1963, is hereby amended by striking out, in lines 14 and 15, the words "and one of whom shall be a representative of an automobile club" and inserting in place thereof the words: — , one of whom shall be a representative of an automobile club, and one of whom shall be a representative of a recognized bicycle club.

SECTION 6. No bicycle shall be offered for sale or rent unless it meets the requirements of clause (7) of section eleven B of chapter eighty-five of the General Laws, inserted by section two of this act, and no new bicycles shall be offered for sale or rent after January first, nineteen hundred and seventy-four, unless it meets the requirements of clauses (8) and (9) of said section eleven B of said chapter eighty-five, with the exception of the front white light requirement.

Approved September 21, 1973.

Chap. 807. AN ACT RELATIVE TO INVESTMENT BY CO-OPERATIVE BANKS IN OBLIGATIONS OF THE MASSACHUSETTS HOUSING FINANCE AGENCY.

Be it enacted, etc., as follows:

Section 13 of chapter 708 of the acts of 1966 is hereby amended by striking out the first sentence, as most recently amended by chapter 521 of the acts of 1972, and inserting in place thereof the following sentence: — Bonds and notes issued under the provisions of this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by section forty of chapter one hundred and seventy-two of the General Laws, savings banks, co-operative banks, banking associations, investment companies, executors, trustees and other fiduciaries and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the commonwealth may properly and legally invest funds, including capital in their control or belonging to them.

Approved September 21, 1973.

Chap. 808. AN ACT IMPOSING AN ANNUAL REGISTRATION FEE ON RECREATIONAL AND SNOW VEHICLES OWNED BY NON-RESIDENTS.

Be it enacted, etc., as follows:

Section 22 of chapter 90B of the General Laws is hereby amended by adding the following two sentences: — The fee for the registration of each snow vehicle or recreational vehicle of a non-resident shall be fifteen dollars. Such registration shall be valid for a period ending one year from the date of issuance, unless surrendered, suspended or revoked.

Approved September 21, 1973.

Chap. 809. AN ACT PROVIDING THAT CERTAIN DISEASES RESULTING IN DEATH OR DISABILITY TO EMPLOYEES OF THE INCINERATOR OF THE CITY OF NEWTON BE PRESUMED TO HAVE BEEN SUFFERED IN LINE OF DUTY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of general or special law to the contrary affecting the non-contributory or contributory retirement system, any condition of impairment of health caused by any disease of the lungs or respiratory tract, resulting in total disability or death to a full-time employee of the public works department engaged full time in the operation of the city of Newton incinerator, shall, if he successfully passed a physical examination

on entry into such service or subsequent to such entry, which examination failed to reveal any evidence of such condition, be presumed to have been suffered in the line of duty, as a result of the inhalation of noxious fumes or poisonous gases, unless the contrary be shown by competent evidence.

SECTION 2. The additional cost of any pension or retirement allowance resulting from the operation of section one of this act shall be paid for by the city of Newton.

SECTION 3. This act shall become inoperative four years after its effective date, provided, however, that if the commissioner of the department of labor and industries fails to certify that the city of Newton incinerator is operating within standards at least as high as those set by the Occupational Health and Safety Act (P. L. 91-596), this act shall remain in effect for one additional year.

Approved September 21, 1973.

Chap. 810. AN ACT PROHIBITING MAYORS, CITY MANAGERS OR TOWN MANAGERS FROM DEMANDING UNDATED RESIGNATIONS FROM CERTAIN PROSPECTIVE APPOINTEES.

Be it enacted, etc., as follows:

Chapter 268A of the General Laws is hereby amended by inserting after section 21A the following section: —

Section 21B. No mayor, city manager, or town manager shall require a prospective appointee to a board, commission or position under his jurisdiction to submit as a condition precedent to said appointment an undated resignation from said board, commission or position. Whoever violates the provisions of this section shall be punished by a fine of not more than five hundred dollars.

Approved September 21, 1973.

Chap. 811. AN ACT AUTHORIZING THE COMMISSIONER OF PUBLIC HEALTH TO CONVEY CERTAIN LAND IN THE TOWN OF TEWKSBURY TO SAID TOWN FOR SCHOOL BUILDING PURPOSES.

Be it enacted, etc., as follows:

SECTION 1: The commissioner of public health, in the name and on behalf of the commonwealth, is hereby authorized, subject to the approval of the governor, to convey to the town of Tewksbury the following parcel of land located in said town, bounded and described as follows: —

Westerly by land of Patten & Co., Inc., Gerald Gross, Town of Tewksbury, John W. Strem and North Street; northerly by the Boston & Maine Railroad; easterly by land of Ark Sing Yee and the Tewksbury Rod & Gun Club; southerly by land of the Tewksbury Cemetery Corporation. Containing ninety (90) acres, plus or minus, as shown on a plan entitled "Study Plan of Proposed School

Site in Tewksbury, Mass.”; Scales 1" = 100', November, 1969, Emmons, Fleming & Bienvenu, Inc., Engineers and Surveyors, Billerica, Massachusetts; on file in the office of the Tewksbury Town Clerk.

SECTION 2. In consideration of said conveyance to the town of Tewksbury of the land described in section one of this act said town shall at all times after said conveyance make available to the department of public health, without charge, the use of facilities for the disposal of the solid waste materials of the Tewksbury hospital. Said land shall be used for school building purposes, and title to said land shall revert to and revest in the commonwealth if said land shall cease to be used for the purposes hereinbefore provided or if the town fails or refuses to provide the department of public health with the use of disposal facilities.

SECTION 3. Chapter eight hundred and twelve of the acts of nineteen hundred and seventy-two is hereby repealed.

Approved September 21, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, September 21, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 811 of the Acts of 1973, entitled “AN ACT AUTHORIZING THE COMMISSIONER OF PUBLIC HEALTH TWO CONVEY CERTAIN LAND IN THE TOWN OF TEWKSBURY TO SAID TOWN FOR SCHOOL BUILDING PURPOSES.” and the enactment of which received my approval on September 21, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

In order that the land transfer authorized by this Act may be made as soon as possible.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, September 21, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at four o'clock and twenty-one minutes, P. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter eight hundred and eleven of the acts of nineteen hundred

and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 812. AN ACT EXPANDING THE ADMINISTRATIVE STAFF OF THE CHIEF JUDGE OF THE PROBATE COURTS.

Be it enacted, etc., as follows:

Chapter 217 of the General Laws is hereby amended by striking out section 8A, inserted by chapter 708 of the acts of 1967, and inserting in place thereof the following section: —

Section 8A. The chief judge shall be provided with suitable offices. He may, subject to appropriation, appoint an executive secretary and such clerks, assistants or other personnel as he may require and may make such other expenditures for printing, transportation of papers and documents and for other expenses as are incidental to his duties. He may remove said executive secretary at his pleasure and define his duties.

Approved September 21, 1973.

Chap. 813. AN ACT INCREASING THE SALARY OF THE CLERK OF THE DISTRICT COURT OF EASTERN HAMPDEN.

Be it enacted, etc., as follows:

SECTION 1. *Class III* of paragraph (1) of section 79 of chapter 218 of the General Laws, as appearing in section 1 of chapter 540 of the acts of 1973, is hereby amended by striking out the line reading "district court of eastern Hampden,".

SECTION 2. *Class I* of said paragraph (1) of said section 79 of said chapter 218, as so appearing, is hereby amended by inserting after the line reading "district court of Franklin," the following: — district court of eastern Hampden.,

Approved September 21, 1973.

Chap. 814. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE CERTAIN PUBLIC LANDS IN THE TOWN OF AMHERST FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

Subject to the provisions of chapter six hundred and ninety-three of the acts of one thousand nine hundred and fifty-five, as amended, the department of public works, acting for and on behalf of the commonwealth, is hereby authorized to acquire by eminent domain under chapter seventy-nine of the General Laws, or to acquire by purchase or otherwise, the public lands hereinafter described, or such portions thereof as said department may determine, and to divert said lands from their present public uses to highway use,

as hereinafter provided.

Said lands to be so transferred and diverted are shown on a map entitled "Commonwealth of Massachusetts Department of Public Works — Public Lands Needed for Highway Purposes, November 1, 1972" which said department is hereby directed to file in the office of the state secretary and which said secretary is hereby authorized to receive for filing and are identified as follows:

In the town of Amherst approximately 48 acres owned by the University of Massachusetts at Amherst for the construction of a bypass of North Pleasant Street which 48 acres of land shall revert to the University upon completion of the construction of said bypass excluding approximately 7 acres necessary for the Route 116 interchange.

Approved September 21, 1973.

Chap. 815. AN ACT AUTHORIZING THE CONTINUED EMPLOYMENT OF EDWARD LAWLER AS FOREMAN OF THE CARPENTER SHOP IN THE PUBLIC WORKS DEPARTMENT OF THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the employment of Edward Lawler as foreman of the carpenter shop in the public works department of the city of Cambridge may be continued until September first, nineteen hundred and seventy-four, provided, however, that there shall be deducted from his compensation for services rendered as aforesaid an amount equal to any retirement allowance received by him.

Approved September 21, 1973.

Chap. 816. AN ACT REQUIRING THE DEPARTMENT OF PUBLIC UTILITIES TO NOTIFY THE ATTORNEY GENERAL AND TO CONDUCT A PUBLIC HEARING BEFORE MAKING CERTAIN RATE SCHEDULE CHANGES.

Be it enacted, etc., as follows:

SECTION 1. Section 20 of chapter 159 of the General Laws is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences: — Whenever the department receives notice of any changes proposed to be made in any schedule filed by any common carrier not furnishing the service of transmission of intelligence by electricity under this chapter, it may, either upon complaint or upon its own motion, and after notice, hold a public hearing and make investigation as to the propriety of such proposed changes. Whenever the department receives notice of any changes proposed to be made in any schedule filed under this chapter which represent a general increase in rates by a common carrier furnishing the service of transmission of intelligence by electricity, it shall notify the attorney general of the same

forthwith, and shall thereafter hold a public hearing and make an investigation as to the propriety of such proposed changes after first causing notice of the time, place and the subject matter of such hearing to be published at least twenty-one days before such hearing in such local newspapers as the department may select.

SECTION 2. The first paragraph of section 94 of chapter 164 of the General Laws is hereby amended by inserting after the second sentence the following sentence: — Whenever the department receives notice of any changes proposed to be made in any schedule filed under this chapter which represent a general increase in rates, prices and charges for gas or electric service, it shall notify the attorney general of the same forthwith, and shall thereafter hold a public hearing and make an investigation as to the propriety of such proposed changes after first causing notice of the time, place and the subject matter of such hearing to be published at least twenty-one days before such hearing in such local newspapers as the department may select.

SECTION 3. The first sentence of the second paragraph of said section 94 of said chapter 164, as appearing in section 1 of chapter 178 of the acts of 1939, is hereby amended by inserting after the word "department", in line 1, the words: —, either upon complaint or upon its own motion. *Approved September 21, 1973.*

Chap. 817. AN ACT REGULATING THE USE OF PSYCHOTROPIC DRUGS IN THE PUBLIC SCHOOLS.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by inserting after section 54A the following section: —

Section 54B. No person shall administer or cause to be administered to a pupil in any public school in the commonwealth any psychotropic drug included on a list to be established by the department of public health unless the school has obtained certification by the commissioner of public health or his designee that the administration of such drugs in school is a legitimate medical need of the pupil. Administration of duly approved medication shall be carried out only by a registered nurse or a licensed physician. No person shall administer psychotropic drugs to such a pupil for the purposes of clinical research. The department of public health shall make rules and regulations setting forth a list of subject psychotropic drugs and procedures for certification.

Approved September 21, 1973.

Chap. 818. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BERKSHIRE COUNTY TO SELL CERTAIN REAL ESTATE IN THE CITY OF PITTSFIELD TO THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

The county commissioners of Berkshire county are hereby authorized to sell to the city of Pittsfield approximately 4.6 acres of land owned by said county and now used as part of the jail and house of correction property for such amount and upon such terms and conditions as may be determined by said commissioners for use by the city of Pittsfield as a site for a community school. Said land being bound and described as follows: —

Beginning at a point being the northwest corner of land herein being described and also being the easterly intersection of the southerly line of Burbank Street with the easterly line of Second Street;

thence running southerly along said easterly line of Second Street a distance of 314.55 feet to a point being the most westerly southwest corner of land herein being described;

thence running easterly along the extended southerly line of Orchard Street a distance of 305 feet to a point;

thence deflecting 90 degrees right and running a distance of 286 feet to a point;

thence deflecting 90 degrees left and running easterly a distance of about 176.33 feet to a point being the most easterly southeast corner of land herein being described;

thence running northerly along a chain link fence marking the easterly property line of the aforementioned land of Berkshire County a distance of about 596 feet to an iron fence post marking the northeast corner of land herein being described; thence running westerly along the southerly line of Burbank Street a distance of 484.4 feet to a point being the place of beginning; said portion of land containing 4.67 acres more or less.

Approved September 21, 1973.

Chap. 819. AN ACT ERECTING AND CONSTITUTING A REGIONAL REFUSE DISPOSAL DISTRICT CONSISTING OF THE TOWNS OF CARVER, MARION AND WAREHAM, VALIDATING CERTAIN PROCEEDINGS OF THE DISTRICT AND THE MEMBER TOWNS AND AUTHORIZING THE DISTRICT TO BORROW MONEY FOR REFUSE DISPOSAL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The towns of Carver, Marion and Wareham are hereby erected and constituted a regional refuse disposal district as of March twenty-ninth, nineteen hundred and seventy-three, under the provisions of chapter forty of the General Laws, and the regional refuse disposal district agreement dated February eighth, nineteen hundred and seventy-three.

SECTION 2. The vote passed by the regional refuse disposal district committee on May second, nineteen hundred and seventy-three, authorizing the borrowing of three hundred seventy-five thousand dollars and the votes of the towns of Carver, Marion and

Wareham approving the incurring of such indebtedness are hereby validated, ratified and confirmed in all respects, and the district may incur indebtedness in accordance with that vote of the district committee and said chapter forty.

SECTION 3. Said regional refuse disposal district is hereby authorized to lease land from any member town or private owner for terms not exceeding forty years, and to construct, equip and maintain thereon refuse disposal facilities in the same manner and to the same extent as if said district owned such leased land.

SECTION 4. This act shall take effect upon its passage.

Approved September 24, 1973.

Chap. 820. AN ACT REQUIRING THE BOARD OF HIGHER EDUCATION TO ISSUE REGULATIONS FOR EQUAL EDUCATION EMPLOYMENT PRACTICES IN STATE INSTITUTIONS OF HIGHER EDUCATION INCLUDING ANNUAL COMPLIANCE REPORTS.

Be it enacted, etc., as follows:

Section 1D of chapter 15 of the General Laws is hereby amended by inserting after the ninth paragraph, as appearing in section 2 of chapter 572 of the acts of 1965, the following paragraph: —

The board shall issue regulations, designed to achieve equal opportunity for women and members of minorities in employment in state institutions of higher education which regulations shall provide for annual compliance reports.

Approved September 24, 1973.

Chap. 821. AN ACT DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO ACQUIRE AND RELOCATE THE RIVER STREET BRIDGE IN THE HYDE PARK DISTRICT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized and directed to acquire from the city of Boston the River street bridge in the Hyde Park district of said city and to relocate and reconstruct said bridge as a continuing part of the Turtle Pond parkway.

Approved September 24, 1973.

Chap. 822. AN ACT PROVIDING A SPECIAL CAPITAL OUTLAY PROGRAM FOR SHORE PROTECTION AND IMPROVEMENT TO RIVERS AND HARBORS.

Be it enacted, etc., as follows:

SECTION 1. The department of public works is hereby authorized and directed to expend a sum not exceeding five million

dollars, in addition to any federal funds or funds available from municipalities or other organizations or individuals, for the purpose of projects for the improvement of rivers, harbors, tidewaters, foreshores and shores along a public beach, as authorized by section eleven of chapter ninety-one of the General Laws, and for the construction, reconstruction or repair of drains; provided, that all expenditures, including the cost of surveys and the preparation of preliminary plans for work undertaken hereunder, and the cost of engineering during construction, shall be upon condition that at least fifty per cent of the cost is covered by contributions from municipalities or other sources, except that in the case of dredging channels for harbor improvements at least twenty-five per cent of the cost shall be so covered; and provided further, that projects constructed as authorized in this act shall not be subject to section twenty-two of chapter six A of the General Laws.

SECTION 2. To meet the expenditures necessary in carrying out the provisions of section one, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best to an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of five million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Shore Protection and River and Harbor Loan, Act of 1973 and shall be on the serial payment plan for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization other than the final year shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rate as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable no later than one year from the date of issue thereof and the entire issue not later than June thirtieth, nineteen hundred and ninety-nine.

Approved September 24, 1973.

Chap. 823. AN ACT GRANTING SURVIVORS OF NATIONAL GUARD TECHNICIANS WHO ARE ELIGIBLE FOR A PENSION FROM THE COMMONWEALTH, ELIGIBILITY FOR GROUP HEALTH INSURANCE.

Be it enacted, etc., as follows:

The second paragraph of section 10 of chapter 32A of the General Laws, as appearing in section 3 of chapter 946 of the acts of 1971, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — Any National Guard technician in the service of the United States who is eligible

and makes application for a pension or annuity allowance and whose application is approved by the state retirement board in accordance with the provisions of chapter fifty-two shall be entitled to be insured under this chapter as a retired employee without regard to waiting periods for benefits or medical qualifications as if said retiree had been in the service of the commonwealth; but, if a National Guard technician eligible for coverage under this chapter dies prior to becoming insured as aforesaid, his surviving spouse shall be eligible for coverage as provided in section eleven.

Approved September 24, 1973.

Chap. 824. AN ACT PROVIDING THAT CERTAIN LICENSES GRANTED BY THE DEPARTMENT OF PUBLIC WORKS TO PLACE FILL IN CERTAIN TIDEWATERS IN SAUGUS BE IRREVOCABLE.

Be it enacted, etc., as follows:

SECTION 1. The license granted by the department of public works to the M. DeMatteo Construction Co., being license numbered 5388 issued on May eighth, nineteen hundred and sixty-eight, to place and maintain fill in certain tidal creeks connecting with the Pines River in the town of Saugus, as shown on a plan by Raymond C. Pressey, Inc., registered land surveyors, dated September sixth, nineteen hundred and sixty-seven, and filed with said department of public works, with respect only to those tidal creeks shown on sheet numbered two of said plan, and being bounded and described as follows: The existing marsh creeks deriving their source from the tidewaters of the Pines river, all within the tidal marsh area extending from Pines river northeasterly 3,000 feet, more or less, and between the locus of the Salem turnpike and that proposed for interstate route I-95 bounding on the northwest; shall upon compliance with all applicable provisions of chapter ninety-one of the General Laws relating to licenses, be irrevocable, notwithstanding any provisions of general or special laws to the contrary.

In the event of a taking of such land or any part thereof by the commonwealth or by any of its political subdivisions within ten years after the effective date of this act, the damages recoverable by reason of such taking shall in no case exceed the actual cost of acquisition of such by the owner from whom such taking is made together with the cost to such owner of any buildings or improvements thereon, with interest at four per cent annually from the date of such acquisition.

SECTION 2. The license granted by the department of public works to the M. DeMatteo Construction Co., being license numbered 6131, issued on April eleven, nineteen hundred and seventy-three, to fill and maintain existing fill in certain tidal creeks and marshes between the Pines River and Bear Creek in the town of Saugus, as shown on a plan by Ernest W. Branch, Inc., civil engineers, dated November, nineteen hundred and seventy-two, revised March, nineteen hundred and seventy-three, and filed with said

department of public works, and being bounded and described as follows: The marsh creeks that originate from the Pines River and Bear Creek, a tributary of the Saugus River, all within the area starting at a point 360 feet northeast of Pines River and extending along the dike in a southeasterly direction 3,495 feet to the Boston and Maine Railroad; thence along said railroad a distance of 2,400 feet in a northeasterly direction; thence by the dikes extended northeasterly 450 feet; thence northwesterly 1,400 feet; thence northeasterly 1,831 feet; thence northwesterly 650 feet to the Salem turnpike; thence in a curving line southerly and westerly along Commonwealth of Massachusetts property line 3,597.10 feet to the sideline of the Salem turnpike; thence in a southwesterly direction along said sideline 1,509.18 feet to the point of beginning, shall upon compliance with all applicable provisions of chapter ninety-one of the General Laws relating to licenses, be irrevocable, notwithstanding any provisions of general or special laws to the contrary.

In the event of a taking of the above-described land or any part thereof by the commonwealth or any of its political sub-divisions within ten years after the effective date of this act, the damages recoverable by reason of such taking shall in no case exceed the actual cost of acquisition of such by the owner from whom such taking is made together with the cost to such owner of any buildings or improvements thereon, with interest at four per cent annually from the date of such acquisition.

SECTION 3. In the event that M. DeMatteo Construction Co. does not, within five years of the effective date of this act, commence the construction of a refuse energy system's plant on the property referred to in sections one or two, then this act shall become inoperative.

SECTION 4. Section one of this act shall take effect as of May third, nineteen hundred and seventy-three.

Approved September 24, 1973.

Chap. 825. AN ACT AUTHORIZING THE REFUSE ENERGY SYSTEMS COMPANY TO CONSTRUCT AND TO MAINTAIN A STRUCTURE AND ITS APPURTENANCES OVER THE SAUGUS RIVER BETWEEN THE TOWN OF SAUGUS AND THE CITY OF LYNN AT A LOCATION BETWEEN ROUTE 107 AND THE BOSTON AND MAINE RAILROAD BRIDGE.

Be it enacted, etc., as follows:

The Refuse Energy Systems Company, a joint venture of Wheelabrator Incineration Systems, Inc. and M. DeMatteo Construction Co. is hereby authorized, subject to the approval of the United States Army Corps of Engineers, to construct and maintain a structure and its appurtenances over and across the Saugus River from the town of Saugus to the city of Lynn between route 107 and the Boston and Maine railroad bridge. Said structure and its

appurtenances shall be for the purpose of supporting utility lines and shall not provide for the crossing of vehicular traffic.

Said structure and its appurtenances shall be constructed and maintained subject to the provisions of chapter ninety-one of the General Laws and all other general laws which now are in force relating to structures over tidewater.

Upon compliance with the provisions of said chapter ninety-one and all other general laws which now are in force relating to structures over tidewater the authority hereby granted and any license which may be granted by the department of public works pursuant to this authority shall be irrevocable, notwithstanding any provisions of general or special laws to the contrary.

In the event that The Refuse Energy Systems Company does not, within five years of the effective date of this act, commence the construction of the structure and appurtenances thereto, this act shall become inoperative.

Approved September 24, 1973.

Chap. 826. AN ACT PROVIDING FOR THE ABATEMENT OF CERTAIN TAXES ON PROPERTY DAMAGED BY THE FLOODS OF JUNE TWENTY-NINTH THROUGH JULY SIXTH, NINETEEN HUNDRED AND SEVENTY-THREE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for the relief of the disaster caused by the floods resulting from the rains of June twenty-ninth through July sixth, nineteen hundred and seventy-three, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. The board of assessors in each city or town affected by the floods of June and July, nineteen hundred and seventy-three, may, on application for abatement in respect to the tax on real estate and personal property for the years nineteen hundred and seventy-three and nineteen hundred and seventy-four filed in compliance with the provisions of section fifty-nine of chapter fifty-nine of the General Laws, grant an abatement of such tax, or that portion thereof which relates to the assessment on land and buildings or on personal property thereon which, in the opinion of the assessors, will provide an equitable adjustment for losses to such land and buildings or on personal property arising out of repairs required or damages sustained by virtue of the floods; or the assessors may request the state tax commission under the provisions of section eight of chapter fifty-eight of the General Laws to give authority to abate in whole or in part that portion of the tax on property wholly or partially destroyed which relates to the tax on such real estate and buildings or on personal property thereon, and which tax may be or has been levied against those who were the owners of record of property on January first, nineteen

hundred and seventy-three, or subsequent owners who have assumed a part of the tax, as in their opinion provides an equitable adjustment. Notwithstanding any other provisions of law, application for abatement under this act shall be filed before October first, nineteen hundred and seventy-three.

SECTION 2. In the event a board of assessors grants abatements under the authority of section one of this act in respect to applications for abatement filed under the provisions of section fifty-nine of chapter fifty-nine of the General Laws, or is authorized to make abatements of the taxes levied in accordance with the provisions of section eight of chapter fifty-eight of the General Laws, the commonwealth shall, with the approval of the state tax commission, reimburse the municipalities for the abatements provided in this act from funds appropriated therefor.

SECTION 3. For the purposes of this act the state tax commission may expend such sums as may be appropriated therefor but not to exceed the sum of one hundred thousand dollars.

Approved September 26, 1973.

Chap. 827. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH TO CONVEY CERTAIN LAND IN THE TOWN OF TEWKSBURY TO THE TEWKSBURY HOUSING AUTHORITY IN EXCHANGE FOR CERTAIN OTHER LAND IN SAID TOWN.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate the construction of housing for the elderly in order to alleviate the critical housing shortage existing in the town of Tewksbury, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. In consideration of the conveyance to the commonwealth by the Tewksbury Housing Authority of certain land as provided in section two of this act, the department of public health, in the name and on behalf of the commonwealth, is hereby authorized to convey to the Tewksbury Housing Authority, by deed approved as to form by the attorney general, all the right, title, interest and estate of the commonwealth in and to a certain parcel of land containing six and seventy-nine one hundredths acres, more or less, located in the said town of Tewksbury, bounded and described as follows: — Beginning at a point on the westerly side of Livingston Street in said town, which point is 4054 feet more or less south of the intersection of East Street and said Livingston Street; thence running in a southerly direction along the westerly line of said Livingston Street two hundred and twenty-five and twenty-five one hundredths feet to a stone bound by land of the town of Tewksbury; thence turning and running in a westerly direction along said land in the town of Tewksbury six hundred

and forty-three and seventy-seven one hundredths feet to a stone bound still at a land of said town; thence turning and running in a northerly direction, still along land of the town of Tewksbury, six hundred and eight and forty-seven one hundredths feet to a stone bound at land of the Commonwealth; thence turning and running in a northeasterly direction along said land of the Commonwealth five hundred and fifty-six and fifteen one hundredths feet to a point still at land of the Commonwealth; thence turning and running in a southerly direction still along land of the Commonwealth two hundred and ten and seventy-five one hundredths feet to a point; thence turning and running in an easterly direction, still along land of the Commonwealth, eighty-eight and sixty-one hundredths feet to a point of the beginning. Said lot is shown on a plan of land, entitled, "Plan of land in Tewksbury, Massachusetts, drawn for Tewksbury Housing Authority", dated June 26, 1972, Robert L. Morris R.L.S. on file in the office of the Tewksbury town clerk.

Said land shall be used for the construction of a housing development for the elderly, and title to said land shall revert to and revest in the commonwealth whenever said land shall cease to be used for the purposes hereinbefore provided.

SECTION 2. In consideration of said conveyance to the Tewksbury Housing Authority by the department of public health of certain land as provided in section one of this act, the Tewksbury Housing Authority is hereby authorized to convey to the commonwealth for the use of said department, a parcel of land containing sixteen and one tenth acres, more or less, located on the southerly side of Maple street in said town and being shown on a plan of land entitled, "Compiled Plan of Land in Tewksbury, Massachusetts, drawn for Tewksbury Housing Authority, dated July 11, 1970, Robert P. Morris, Land Surveyor", which plan is recorded in the northern district registry of deeds in Middlesex county.

SECTION 3. Chapter three hundred and twenty-nine of the acts of nineteen hundred and seventy-one is hereby repealed.

Approved September 26, 1973.

Chap. 828. AN ACT RELATIVE TO COMBINATION LIABILITY INSURANCE POLICIES.

Be it enacted, etc., as follows:

SECTION 1. Section 111A of chapter 175 of the General Laws is hereby amended by striking out the first paragraph, as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph: —

Two or more companies may issue a single policy of insurance against loss or damage on account of the hazards specified in the third clause and in subdivisions (a) and (b) of the sixth clause of section forty-seven on which each company shall be severally liable for a specified percentage of any loss or claim. Such a policy shall be executed on behalf of the companies by a duly authorized person

and the corporate name of each of the companies shall be affixed thereto.

SECTION 2. The second paragraph of said section 111A of said chapter 175 is hereby amended by striking out provision (1), as so appearing, and inserting in place thereof the following provision: —

(1) A provision specifying the percentage of any loss or claim for which each company shall be liable.

Approved September 26, 1973.

Chap. 829. AN ACT RELATIVE TO THE BALANCE OF THE UNEMPLOYMENT COMPENSATION FUND AND THE SOLVENCY ACCOUNT AS OF THE COMPUTATION DATE.

Be it enacted, etc., as follows:

SECTION 1. Section 14 of chapter 151A of the General Laws is hereby amended by striking out subsection (f), as amended by section 3 of chapter 614 of the acts of 1961, and inserting in place thereof the following subsection: —

(f) As of any computation date after nineteen hundred and seventy-two, the balance of the solvency account shall be determined by the director after transferring all sums in excess of the negative reserve percentage, as provided in subsection (e) (5) of this section and after transferring any employer account balances in excess of the reserve percentage as provided in subsection (e) (6) of this section and shall include any amount, as provided by subsection (j) of this section, paid during the month of October immediately following such computation date.

SECTION 2. Subsection (h) of said section 14 of said chapter 151A is hereby amended by striking out clause (3), inserted by chapter 362 of the acts of 1966, and inserting in place thereof the following clause: —

(3) For the purpose of determining the contribution rate schedule provided for in subsection (i) of this section, the unemployment compensation fund available for benefits as of any computation date shall include: (a) any contributions paid during the month of October immediately following such computation date; (b) the amount of any federal reimbursable benefits due, but not credited, to the fund; and, (c) the amount of all interest earned, but not credited, as of the computation date on money belonging to the fund.

Approved September 26, 1973.

Chap. 830. AN ACT AUTHORIZING THE INVESTMENT COMMITTEE OF THE GROUP INSURANCE COMMISSION TO INVEST IN BANK HOLDING COMPANY STOCKS.

Be it enacted, etc., as follows:

Section 9A of chapter 32A of the General Laws is hereby amended by striking out the sentence inserted by chapter 469 of the acts of 1967 and inserting in place thereof the following sentence: — Not more than twenty-five per cent of the total funds of

the trust fund shall be invested in bank stocks or bank holding company stocks nor shall more than one half of said twenty-five per cent be invested in the stock of any one bank or bank holding company.

Approved September 26, 1973.

Chap. 831. AN ACT AUTHORIZING THE APPOINTMENT OF ADDITIONAL SPECIAL ASSISTANT DISTRICT ATTORNEYS TO PARTICIPATE IN CERTAIN FEDERAL DEMONSTRATION PROGRAMS.

Be it enacted, etc., as follows:

Chapter 12 of the General Laws is hereby amended by inserting after section 20B the following section: —

Section 20C. The district attorneys may each appoint and may remove at pleasure such additional attorneys-at-law as special assistant district attorneys as may be necessary to participate in federally funded demonstration programs under the Omnibus Crime Control and Safe Streets Act of 1968 or other federal acts; provided that the compensation of such special assistant district attorneys shall be paid from federal funds. Such special assistant district attorneys shall have all the powers of assistant district attorneys and shall receive such salary not exceeding that provided in section sixteen for assistant district attorneys in their respective districts as the district attorney may determine.

Approved September 26, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, September 27, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 831 of the Acts of 1973, entitled "AN ACT AUTHORIZING THE APPOINTMENT OF ADDITIONAL SPECIAL ASSISTANT DISTRICT ATTORNEYS TO PARTICIPATE IN CERTAIN FEDERAL DEMONSTRATION PROGRAMS," and the enactment of which received my approval on September 26, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

In order that certain district attorneys will immediately have the authority to appoint such additional special assistant district attorneys as may be necessary to participate in federally funded demonstration programs.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, September 28, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at one o'clock and thirty minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter eight hundred and thirty-one of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 832. AN ACT RELATIVE TO PAYMENT BY MUNICIPALITIES OF CERTAIN AWARDS APPROVED BY THE INDUSTRIAL ACCIDENT BOARD.

Be it enacted, etc., as follows:

The first paragraph of section 31 of chapter 44 of the General Laws is hereby amended by striking out the last sentence, as most recently amended by section 14 of chapter 766 of the acts of 1971, and inserting in place thereof the following sentence: — Payments of final judgments and awards or orders of payment approved by the industrial accident board rendered after the fixing of the tax rate for the current fiscal year, other than judgments authorized under the provisions of section thirty-four of chapter seventy-one, may, with the approval of the director of accounts, be made from any available funds in the treasury, and the payments so made shall be reported by the auditor or accountant or other officer having similar duties, or by the treasurer if there be no such officer, to the assessors, who shall include the amount so reported in the aggregate appropriations assessed in the determination of the next subsequent annual tax rate, unless the city or town has otherwise made provision therefor.

Approved September 26, 1973.

Chap. 833. AN ACT AUTHORIZING THE ARMORY COMMISSION TO SELL AND CONVEY A CERTAIN PORTION OF THE LAND OF THE COMMONWEALTH ARMORY.

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter eight hundred and fifty-five of the acts of nineteen hundred and seventy-one, the armory commission is hereby authorized on behalf of the commonwealth, and with the approval of the governor and council, to sell and convey to Boston Edison Company for the sum of not less than ten thousand dollars, a certain parcel of land on Gaffney street in the city of Boston, being a portion of the land owned by the commonwealth and being used for the purposes of Commonwealth of Massachusetts National Guard Armory, being more specifically

described as follows:

A parcel of land situated on the easterly side of Gaffney Street in that part of Boston, Suffolk County, Massachusetts, which was formerly Brighton, containing seven thousand two hundred and eighty-six square feet, more or less, and being the same premises shown on a plan of land entitled "Plan of Land in Boston, Mass. (Wd 21) Owned by Commonwealth of Massachusetts", signed by John Richard Brett, Land Surveyor, and dated February 3, 1972.

Approved September 26, 1973.

Chap. 834. AN ACT INCREASING THE AMOUNT OF OUTSTANDING INDEBTEDNESS CITIES AND TOWNS MAY INCUR RELATIVE TO CERTAIN URBAN RENEWAL DEVELOPMENT AND RELOCATION PROJECTS.

Be it enacted, etc., as follows:

Section 21 of chapter 121B of the General Laws, as appearing in section 1 of chapter 751 of the acts of 1969, is hereby amended by striking out, in line 12, the word "five" and inserting in place thereof the word: — six.

Approved September 26, 1973.

Chap. 835. AN ACT AUTHORIZING CERTAIN LAWS RELATING TO LITTERING TO BE ENFORCED IN THE CITY OF BOSTON BY THE COMMISSIONER OF HEALTH AND HOSPITALS, THE COMMISSIONER OF HOUSING INSPECTION, AND THE COMMISSIONER OF PUBLIC WORKS.

Be it enacted, etc., as follows:

SECTION 1. The last paragraph of section 16 of chapter 270 of the General Laws, added by section 2 of chapter 134 of the acts of 1970, is hereby amended by adding the following sentence: — In the city of Boston this section shall also be enforced by the commissioner of health and hospitals, by the commissioner of housing inspection, and by the commissioner of public works, and their respective authorized agents, and in section sixteen A, the commissioner of health and hospitals, the commissioner of housing inspection, and the commissioner of public works shall be deemed to be the commanding officers of their respective authorized agents.

SECTION 2. The first paragraph of chapter 366 of the acts of 1966 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — If a police officer takes cognizance of a violation of any provision of sections forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-nine A, or forty-nine B of chapter twenty-nine of the Revised Ordinances of 1961 of the city of Boston, and if such violation is not within the purview of section sixteen of chapter two hundred and seventy of the General Laws, he shall forthwith give to the offender a written notice to appear before the clerk of the district

court having jurisdiction, at any time during office hours, not later than twenty-one days after the time of such violation.

Approved September 26, 1973.

Chap. 836. AN ACT DIRECTING THE COMMISSIONER OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH THE CITY OF NORTH ADAMS TO PAY PART OF THE COST OF ACQUIRING A PIECE OF FIRE APPARATUS.

Be it enacted, etc., as follows:

For the purpose of enabling the city of North Adams to maintain adequate fire protection for state institutions located in said city the commissioner of administration is hereby authorized and directed to enter into an agreement with said city whereby fifty per cent of the cost of a piece of fire apparatus, of a type to be determined by said commissioner and the chief of the fire department of said city, shall be paid by the commonwealth. Said apparatus shall be the property of the city of North Adams.

Approved September 26, 1973.

Chap. 837. AN ACT INCREASING THE AMOUNT OF MONEY FOR WHICH THE CITY OF ATTLEBORO MAY CONTRACT FOR LABOR AND SUPPLIES WITHOUT INVITING PROPOSALS BY ADVERTISEMENT.

Be it enacted, etc., as follows:

Section 37 of chapter 680 of the acts of 1914 is hereby amended by striking out, in line 3, the words "five hundred" and inserting in place thereof the words: — two thousand.

Approved September 26, 1973.

Chap. 838. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO PAY TO ANGELO DISANTI, SENIOR DEPUTY CHIEF OF THE FIRE DEPARTMENT OF SAID CITY, ADDITIONAL COMPENSATION FOR SERVING AS ACTING CHIEF OF SAID DEPARTMENT.

Be it enacted, etc., as follows:

The city of Springfield is hereby authorized to pay to Angelo DiSanti, senior deputy chief of the fire department of said city, the sum of one thousand six hundred and fifty-nine dollars and twenty cents as additional compensation for the period from April fifth, nineteen hundred and seventy-one, to September eleventh, nineteen hundred and seventy-two, during which period he served as chief of said department, said sum being the difference between the salary he would have received if he had been chief of said department during said period and the salary which he received as deputy chief.

Approved September 26, 1973.

- Chap. 839.** AN ACT PROVIDING FOR AN INCREASE IN THE PENALTY FOR PERSONS WHO COMMIT AN ASSAULT AND BATTERY UPON A POLICE OFFICER, A FIRE FIGHTER OR A CORRECTION OFFICER ENGAGED IN THE PERFORMANCE OF HIS DUTY.

Be it enacted, etc., as follows:

Chapter 265 of the General Laws is hereby amended by striking out section 13D, inserted by chapter 359 of the acts of 1969, and inserting in place thereof the following section: —

Section 13D. Whoever commits an assault and battery upon a police officer, a fire fighter or a correction officer engaged in the performance of his duty shall be punished by imprisonment for not less than ninety days nor more than two and one half years in a house of correction or by a fine of not less than one thousand dollars nor more than five thousand dollars.

Approved September 26, 1973.

- Chap. 840.** AN ACT AUTHORIZING THE DEPARTMENT OF MENTAL HEALTH TO PROVIDE SUITABLE SPACE TO THE LEAGUE SCHOOL OF BOSTON, INC., FOR THE CARE OF EMOTIONALLY DISTURBED CHILDREN.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, to provide forthwith suitable space in the Erich Lindemann Mental Health Center for the League of Boston, Inc., therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

Be it enacted, etc., as follows:

The department of mental health is hereby authorized to provide suitable space for the care and treatment of emotionally disturbed children in the Erich Lindemann Mental Health Center, for such period of time and on such terms as the department deems advisable, to the League School of Boston, Inc., a nonprofit corporation. Said authorization shall be renewable every two years.

Approved September 28, 1973.

- Chap. 841.** AN ACT FACILITATING THE ADMINISTRATION OF THE WORKMEN'S COMPENSATION ACT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate immediately the administration of the workmen's compensation act, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The chairman of the industrial accident board may

designate personnel within the division of industrial accidents whom he deems qualified to sit on conferences, or to review lump-sum payments submitted under section forty-eight of chapter one hundred and fifty-two of the General Laws, requests for conferences filed under section seven of said chapter one hundred and fifty-two, and claims under section thirty-six of said chapter one hundred and fifty-two. The persons designated shall report to him, and he shall thereafter issue an appropriate order, based on the information submitted.

SECTION 2. This act shall become inoperative two years from the date of its passage.

Approved September 28, 1973.

Chap. 842. AN ACT FURTHER DEFERRING THE EFFECTIVE DATE OF THE LAW PROHIBITING THE ADVANCEMENT OF APPROPRIATED FUNDS TO THE DEPARTMENT OF PUBLIC WELFARE FOR PAYMENTS TO PROVIDERS OF MEDICAID SERVICES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to defer forthwith the effective date of the law prohibiting the advancement of appropriated funds to the department of public welfare for payments to providers of medicaid services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The second paragraph of section 4 of chapter 800 of the acts of 1969 is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 197 of the acts of 1973, and inserting in place thereof the following sentence: — This section shall take effect on October first, nineteen hundred and seventy-four.

Approved September 28, 1973.

Chap. 843. AN ACT FURTHER REGULATING THE COVERAGE OF CONTRIBUTORY GROUP GENERAL OR BLANKET INSURANCE FOR PERSONS IN THE SERVICE OF COUNTIES, CITIES, TOWNS AND DISTRICTS, AND THEIR DEPENDENTS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 3 of chapter 32B of the General Laws, as most recently amended by chapter 196 of the acts of 1971, is hereby further amended by striking out the sixth, seventh, and eighth sentences.

SECTION 2. Said chapter 32B is hereby further amended by striking out section 5, as most recently amended by chapter 296 of the acts of 1971, and inserting in place thereof the following section: —

Section 5. The amount of group insurance on each employee and the amount of group accident death and dismemberment insurance

on each employee shall be established by the appropriate public authority except that those employees desiring to elect optional coverage in excess of the amount or amounts so established may do so as provided in section eleven. A. The schedules of hospital, surgical, medical and other health insurance benefits and the amount to be provided each employee and his dependents shall be determined by the appropriate public authority subject to the amount of the appropriation made available for such purpose, provided, however, that to the extent such schedules exceed the schedule of benefits established under section eleven of this chapter, the premium applicable to such excess coverage shall be withheld from each payment of salary or wages of such employee and the governmental unit shall make no contribution applicable to such excess coverage.

SECTION 3. Said chapter 32B is hereby further amended by striking out section 11, as most recently amended by section 6 of chapter 841 of the acts 1965, and inserting in place thereof the following section: —

Section 11. The appropriate public authority in each country, city, town or district which has accepted this chapter shall from time to time issue rules and regulations establishing a schedule of group life, accidental death and dismemberment insurance for each employee and a schedule of hospital, surgical and medical and other health insurance benefits for active and retired employees and their dependents which schedules shall be the maximum schedules of insurance coverage to be made available for active and retired employees and their dependents of the governmental unit.

The appropriate public authority in each city, town or district which has accepted this chapter may notify the county commissioners of its election to participate in the schedule of benefits made available by said county for its employees; and subject to the approval of said commissioners the employees of the city, town or district so applying will become insured at the earliest practicable date, but in no event later than the commencement of the next policy anniversary date. Such coverage shall be furnished at uniform premium rates to all participating counties, cities, towns and districts. Two or more counties establishing identical benefit schedules may join under one such policy or policies and may be considered as one governmental unit. The county commissioners may at their discretion establish a central administrative office and employ such personnel as may be necessary to carry out the provisions of this chapter.

Upon request, the commission shall furnish information and advisory rulings in accordance with the provisions of section eight of chapter thirty A.

SECTION 4. The seventh paragraph of section 11A of said chapter 32B, as appearing in section 5 of chapter 334 of the acts of 1961, is hereby amended by striking out, in lines 3 to 5, inclusive, the words "provided that the commission shall review the provisions for such insurance before the effective date thereof".

SECTION 5. Section 11C of said chapter 32B, inserted by section 7 of chapter 841 of the acts of 1965, is hereby amended by striking out the third paragraph.

SECTION 6. The third paragraph of section 11D of said chapter 32B, inserted by chapter 383 of the acts of 1967, is hereby amended by striking out, in lines 3 to 5, inclusive, the words "provided that the terms of such insurance shall have been approved by the commission before the effective date thereof and," and inserting in place thereof the word: — and.

SECTION 7. Said chapter 32B is hereby further amended by striking out section 14, as amended by section 5 of chapter 337 of the acts of 1960, and inserting in place thereof the following section: —

Section 14. The appropriate public authority in each governmental unit shall adopt such rules and regulations, not inconsistent with this chapter, as may be necessary for the administration of this chapter. At the option of the appropriate public authority, a copy of any such proposed agreement or contract may be submitted to the commission for review and comment by it upon all or such portions thereof as the appropriate public authority may request.

SECTION 8. The second paragraph of section 16 of said chapter 32B, as appearing in section 5 of chapter 946 of the acts of 1971, is hereby amended by striking out the second sentence.

SECTION 9. The fourth paragraph of said section 16 of said chapter 32B, as so appearing, is hereby amended by striking out the second sentence.

SECTION 10. The sixth paragraph of said section 16 of said chapter 32B, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "not inconsistent with the rules and regulations of the commission,".

Approved September 28, 1973

Chap. 844. AN ACT CONSOLIDATING, REARRANGING AND REVISING
THE LAWS RELATING TO FOREIGN CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by striking out chapter 181 and inserting in place thereof the following chapter: —

CHAPTER 181.

FOREIGN CORPORATIONS.

Section 1. As used in this chapter, "foreign corporation", shall mean a corporation that has been established, organized or chartered under laws other than those of the commonwealth.

Section 2. A foreign corporation shall not do business of any kind in the commonwealth the doing of which by a domestic corporation is prohibited by the laws of the commonwealth.

Section 3. Every foreign corporation which does business in the

commonwealth or which has a usual place of business in the commonwealth, or which owns assets of any kind therein without having such a usual place of business, or which is engaged therein, permanently or temporarily, and with or without a usual place of business therein, in the construction, erection, alteration or repair of a building, bridge, railroad, railway or structure of any kind, or in the construction or repair of roads, highway or waterways, or in any other activity requiring the performance of labor, shall be considered to be doing business in the commonwealth for the purposes of this chapter unless its activities within the commonwealth consist of no more than one or more of the following: (a) maintaining bank accounts; (b) maintaining or appointing trustees, depositaries, or agencies for the holding, transfer, exchange or registration of its securities; (c) holding meetings of its directors or shareholders; (d) participating or appearing in any action or suit or any administrative or arbitration proceeding, or in the settlement thereof or the settlement of claims or disputes; or (e) performing activities subject to regulations under chapter one hundred and sixty-seven or chapter one hundred and seventy-five, if the foreign corporation has complied with the provisions of the applicable chapter or chapters.

Section 4. Every foreign corporation doing business in the commonwealth shall file with the state secretary, within ten days after it commences doing business in the commonwealth, a certificate signed under penalties of perjury by its president or a vice-president and its clerk or an assistant clerk, or secretary or an assistant secretary, in such form as the state secretary shall require, stating:

- (1) the exact name of the foreign corporation, including any words or abbreviations indicating incorporation or limited liability;
- (2) the location of its principal office;
- (3) a brief description of the activities of the foreign corporation within the commonwealth;
- (4) the location of its local office, if any, and the name and address of its resident agent, if any;
- (5) the names and residences of its president, treasurer, clerk or secretary and directors;
- (6) the fiscal year of the foreign corporation;
- (7) the date of its organization and the jurisdiction under the laws of which it is organized;
- (8) the duration of its existence; and
- (9) a statement of the fees imposed, by the laws of the jurisdiction under whose laws the foreign corporation has been established, organized or chartered, on corporations organized under the laws of the commonwealth or their agents doing business in that jurisdiction.

In the certificate the foreign corporation shall appoint the state secretary and his successor in office to be its attorney upon whom all lawful process in any judicial or administrative proceeding may be served so long as any liability incurred in the commonwealth

while it was doing business in the commonwealth shall remain outstanding.

Every foreign corporation doing business in the commonwealth shall file with the state secretary an amended certificate signed under penalties of perjury by its president or a vice-president and its clerk or an assistant clerk, or its secretary or an assistant secretary, in such form as the state secretary shall require, setting forth any change in the information concerning the name, principal office location and description of corporate activities required by this section within sixty days of the effective date of such change.

Every such corporation shall annually, within six months of the close of its fiscal year, prepare and submit to the state secretary a report of condition signed under penalties of perjury by its president or a vice-president and its treasurer or an assistant treasurer, and a majority of its directors, in such form as the state secretary shall require, stating:

- (1) the exact name of the foreign corporation, including any words or abbreviations indicating incorporation or limited liability;

- (2) the location of its principal office;

- (3) the location of its local office, if any, and the name and address of its resident agent, if any;

- (4) the names and residences of its president, treasurer, and clerk or secretary and of all the directors of the foreign corporation, and the date upon which the term of office of each expires;

- (5) the amount of its capital stock, authorized and issued, including the number and par value, if any, of its shares, and the amount paid in thereon; and

- (6) a statement of the assets and liabilities of the foreign corporation as of the end of its last fiscal year, to be made in such form as the state secretary shall prescribe. A parent corporation, in filing its own report, may make a consolidated statement of assets and liabilities of the corporation and its subsidiaries, if approved by the state secretary in advance of filing, provided that nothing herein shall relieve any subsidiary corporation from filing any report of condition otherwise required by law.

If the annual report of a foreign corporation shows total assets in excess of one million dollars, it shall be accompanied by a written statement signed by an accountant, which shall be attached to and become a part of the report. The accountant's statement shall declare that he has examined the statement of assets and liabilities included in such report, that his examination was made in accordance with generally accepted accounting standards, and that in his opinion said statement of assets and liabilities presents fairly the financial position of the foreign corporation as of the date thereof, all in conformity with said generally accepted accounting principles.

The state secretary may in special circumstances, in his discretion, approve the inclusion of an accountant's statement expressing a qualified opinion or no opinion of the statement of assets and liabilities taken as a whole, provided the accountant states his

reasons therefor. Such an accountant's statement shall not be required for the report of a foreign corporation that is included as a subsidiary of another corporation in a consolidated report filed by it accompanied by the statement of an accountant as provided in this section or in section one hundred and nine A of chapter one hundred and fifty-six B.

Section 5. No foreign corporation doing business in the commonwealth shall assume the name or trade name of another corporation established under the laws of the commonwealth, or of a corporation wherever established, firm, association or person carrying on business in the commonwealth, at the time of incorporation or change of name of the corporation assuming any such name or within three years prior thereto, or assume a name which is under reservation under the laws of the commonwealth for another or proposed corporation wherever established, or assume a name so similar to any of the foregoing as to be likely to be mistaken for it, except with the written consent of the said corporation, firm or association or of such person previously filed with the state secretary. The supreme judicial court or superior court shall have jurisdiction in equity, upon the application of any person interested or affected, to enjoin such foreign corporation from doing business under a name assumed in violation of any provision of this section, although initial or amended certificates may have been approved and filed.

If within thirty days after the date when an initial certificate, or an amended certificate effecting a change of name of any foreign corporation is filed in the office of the state secretary, any corporation or person in whose name a corporate name is under reservation, or any other corporation or any firm, association or person carrying on business in the commonwealth at the time when such certificate is so filed, or within three years prior thereto, shall protest in writing to the state secretary that the name assumed by the foreign corporation is the same as the name, name under reservation or trade name of the party protesting or so similar thereto as to be likely to be mistaken for it, the state secretary shall, as soon as reasonably may be, hear the party protesting and the foreign corporation which assumed the name, giving written notice of the hearing to each. If after the hearing the state secretary shall be of the opinion that the assuming of the name violates any provision of this section he shall file a statement withdrawing his approval of said certificate or amended certificate insofar as it relates to the name assumed by the foreign corporation and give written notice thereof to the party protesting and to the foreign corporation, such withdrawal to take effect sixty days after the date of filing. After the expiration of said period of sixty days, the foreign corporation shall have no right to use the name assumed and may be enjoined from doing business under such name by the supreme judicial court or superior court upon application of the attorney general or any person interested or affected.

Any person intending to organize a foreign corporation, or any

foreign corporation intending to change its name, may reserve the exclusive right to the use of a corporate name. The reservation shall be made by filing with the state secretary an application to reserve a specific corporate name, signed by the applicant. If the name is available for corporate use under the laws of the commonwealth, the state secretary shall reserve the name for the exclusive use of the applicant for a period of thirty days. The state secretary may extend the reservation for an additional thirty days upon written request of the applicant. The fee for the reservation of a name, or the extension of a reservation, shall be two dollars and payment of the fee shall accompany the application.

Section 6. The state secretary shall examine and endorse his approval on each document submitted to him that complies with the provisions of this chapter. Upon such approval and payment of the fee provided in section seven the document shall be deemed to be filed with the state secretary. The state secretary shall keep a record, conveniently indexed, of each such document submitted to him, of the date of submission, of his endorsement of approval, if given, and of the date on which such document is filed, and shall keep such document on file in his office in a manner convenient for public inspection. He shall cause a photographic or other copy to be made of each document so filed showing his approval endorsed thereon, and shall deliver the same to the foreign corporation.

The state secretary shall report to the attorney general instances of neglect or omission on the part of foreign corporations to comply with the provisions of this chapter.

Section 7. Every foreign corporation shall pay to the state secretary two hundred dollars for filing the initial certificates and thirty-five dollars for filing an amended certificate or report of condition as required by section four.

Section 8. If the laws of any other jurisdiction impose on corporations organized under the laws of the commonwealth or their agents doing business in such jurisdiction any fees as a condition of doing business in that jurisdiction in addition to or in excess of those imposed by this chapter upon foreign corporations and their agents, like fees shall be imposed by the state secretary upon all foreign corporations organized under the laws of such jurisdiction and their agents doing business in the commonwealth as long as such laws remain in force.

Section 9. Every foreign corporation which fails to file an initial certificate or an amended certificate as required by section four shall, for each such failure and for each year that each such failure shall continue, be fined not more than five hundred dollars. No such failure shall affect the validity of any contract involving the foreign corporation, but no action shall be maintained or recovery had in any of the courts of the commonwealth by the foreign corporation as long as such failure continues.

If a foreign corporation fails to file a report of condition as required by section four, the state secretary shall give notice by certified mail to the corporation of its default. If the foreign cor-

poration fails to comply within thirty days after such notice of default has been so mailed, it shall be fined not more than ten dollars for each day for fifteen days after the expiration of the said thirty days, and not more than two hundred dollars for each day thereafter during which such default continues, or any lesser sum that the court may deem just and equitable.

The penalties set forth in this section may be recovered in an action brought in Suffolk county in the name of the commonwealth or by an information in equity in the name of the attorney general at the relation of the state secretary brought in the supreme judicial court in Suffolk county. Upon such information, the court may issue an injunction restraining the further prosecution of the business of the foreign corporation, and the further exercise of any corporate rights, privileges or franchises in the commonwealth, until such penalties with interest and costs have been paid and until the foreign corporation has filed the certificates or reports required by section four.

Section 10. The directors and officers of a foreign corporation who sign any statement or report required by this chapter which is false in any material representation and that they know or have reason to know to be false shall be jointly and severally liable to a creditor of the foreign corporation who has relied upon such false representation to the extent of the actual damage sustained by him by reason of such reliance; provided that if a report of condition as a whole states the condition of the foreign corporation with substantial accuracy, in accordance with generally accepted accounting principles, it shall not be deemed to be false; and provided also, that the officers and directors signing a false report of condition shall not be liable to creditors for debts contracted or contracts entered into after the filing of a report of condition or a corrected report of condition that is not false in any material representation.

Section 11. No liability shall be imposed under section ten upon any director or officer who shall have discharged the duties of his position in good faith and with the degree of diligence, care and skill that prudent men would ordinarily exercise under similar circumstances in a like position. In discharging his duties any such person, when acting in good faith shall be entitled to rely upon the books of account of the foreign corporation or upon written reports made to the foreign corporation by any of its officers, other than such person, or by an independent public accountant.

Section 12. Any director or officer who pays on a judgment rendered on a claim asserted under section ten shall be entitled to contribution from the other directors and officers against whom judgment has been entered on the same claim or who shall be ascertained to be liable to the plaintiff upon the same claim.

Section 13. Whoever knowingly makes, executes, files or publishes any report or statement required by law to be made, executed, filed or published by a foreign corporation in the commonwealth, or whoever causes the same to be done, which report or statement is false in any material representation, shall be

punished by a fine of not more than five thousand dollars or by imprisonment for not more than three years, or both.

Section 14. Whoever knowingly makes, executes, files or publishes any report or statement required by the law of another state or country to be made, executed, or published by a foreign corporation, or whoever causes the same to be done, within the commonwealth, which report or statement is false in any material representation, shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than three years, or both.

Section 15. Foreign corporations shall be liable to be sued and to have their property attached in the same manner and to the same extent as individuals who are residents of other states.

Every foreign corporation doing business in the commonwealth which has not complied with the provisions of section four shall be deemed to have appointed the state secretary and his successor in office to be its true and lawful attorney upon whom all lawful process in any judicial or administrative proceeding may be served so long as any liability incurred in the commonwealth while it was doing business in the commonwealth shall remain outstanding. Service of process in all judicial and administrative proceedings against a foreign corporation doing business in the commonwealth shall be made upon the state secretary. Service of process in all judicial and administrative proceedings against a foreign corporation formerly doing business in the commonwealth, or against a foreign corporation formerly doing business in the commonwealth that has withdrawn from the commonwealth, shall be made upon the state secretary if the proceeding involves a liability alleged to have been incurred by the foreign corporation while it was doing business in the commonwealth. If the foreign corporation has designated a resident agent in its most recent certificate filed with the state secretary pursuant to this chapter, service of process shall not be deemed to have been completed until the resident agent has received the service of process from the state secretary, unless the resident agent cannot be found at the designated address or unless the resident agent refuses to act as such.

When lawful process in any judicial or administrative proceeding against any foreign corporation doing business in the commonwealth is served upon the state secretary, he shall immediately give notice to the foreign corporation of such service by mail, postage prepaid, directed to its principal office or, in the case of a foreign corporation established in a foreign country, to the resident manager, if any, in the United States; and shall, within two days after such service, forward in the same manner a copy of the process served upon him to the foreign corporation or manager, or to its resident agent or any other person designated by the foreign corporation by a writing filed in the office of the state secretary. The fee of two dollars paid by the plaintiff to the state secretary at the time of the service shall be taxed in his costs, if he prevails in the suit. The state secretary shall keep a record of all such processes,

which shall show the day and hour of service.

In the case of service of process on a foreign corporation that has not complied with section four, the notice herein provided for shall be mailed by the state secretary to the proper address of the foreign corporation which shall be furnished to him by the plaintiff or his attorney.

Service of process upon a foreign corporation for violation of any criminal law of the commonwealth may be made in the manner hereinabove provided except that no fee shall be paid to the state secretary.

Section 16. A foreign corporation formerly doing business in the commonwealth may withdraw from the commonwealth upon filing with the state secretary a certificate of withdrawal signed under penalties of perjury by its president or a vice-president, and its clerk or an assistant clerk or its secretary or an assistant secretary or, if the foreign corporation is in the hands of a receiver or trustee, by such receiver or trustee, in such form as the state secretary shall require, stating:

- (1) the exact name of the foreign corporation;
- (2) the location of its principal office;
- (3) the names and residences of its president, treasurer, clerk or secretary and directors;
- (4) the date of its fiscal year; and
- (5) that the foreign corporation is not doing business in the commonwealth.

The state secretary shall not receive for filing a certificate of withdrawal unless it is accompanied by a certificate of the commissioner of corporations and taxation that all taxes due and payable by the foreign corporation to the commonwealth have been paid or provided for.

SECTION 2. Every foreign corporation which has been doing business in the commonwealth prior to the effective date of this act and which has complied with the provisions of chapter one hundred and eighty-one of the General Laws, up to said date, shall be subject to all of the provisions of this act, except that it may file the initial certificate required by section four of said chapter one hundred and eighty-one, as amended by section one of this act without paying any fee therefor at the time it files its annual report also required by said section four.

SECTION 3. Upon the effective date of this act the state secretary may, in his discretion, dispose of any charters, articles or certificates of incorporation and by-laws filed prior to said date.

SECTION 4. This act shall take effect on January first, nineteen hundred and seventy-four.

Approved September 28, 1973.

Chap. 845.

AN ACT AUTHORIZING THE TRUSTEES OF THE UNIVERSITY OF MASSACHUSETTS TO ESTABLISH AND MANAGE TRUST FUNDS FOR CERTAIN STUDENT-SUPPORTED ACTIVITIES.

Be it enacted, etc., as follows:

Section 11 of chapter 75 of the General Laws is hereby amended by striking out the third sentence, as appearing in section 1 of chapter 648 of the acts of 1962, and inserting in place thereof the following sentence: — The trustees may, from time to time, establish and manage trust funds for self-amortizing projects and student-supported or self-supporting activities including, but not limited to, the operation of the boarding halls, student-supported legal service, student health service, research institutes and foundations, dormitories and student and faculty apartments.

Approved September 28, 1973.

Chap. 846. AN ACT FURTHER PROMOTING THE BREEDING OF THOROUGHBRED HORSES.

Be it enacted, etc., as follows:

Paragraph (g) of section 2 of chapter 128 of the General Laws, inserted by section 2 of chapter 807 of the acts of 1969, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Aid in the promotion, development and encouragement of the breeding of thoroughbred horses, by offering as a prize to the breeder of a Massachusetts bred thoroughbred horse, a cash prize equal to twenty per cent of the first, second, or third prize according to the position such horse officially finished in a pari-mutuel thoroughbred horse race conducted in the commonwealth, and a further prize of twenty-five per cent of the prize awarded to said breeder to the owner of the stallion which sired such horse, provided said stallion stands in the commonwealth.

Approved September 28, 1973.

Chap. 847. AN ACT REGULATING THE ISSUANCE OF EDUCATIONAL CERTIFICATES AND ESTABLISHING A COMMISSION FOR THE DIVISION OF EDUCATIONAL PERSONNEL.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 1F of chapter 15 of the General Laws is hereby amended by striking out the last sentence, as appearing in section 1 of chapter 887 of the acts of 1970, and inserting in place thereof the following sentence: — The board shall establish eight divisions in the following areas: (a) curriculum and instruction, (b) administration and personnel, (c) research and development, (d) school facilities and related services, (e) state and federal assistance, (f) occupational education, (g) special education and (h) educational personnel.

SECTION 2. Said section 1F of said chapter 15 is hereby further amended by striking out the second paragraph, as amended by chapter 964 of the acts of 1971, and inserting in place thereof the following paragraph: —

The eight divisions in the areas of curriculum and instruction, administration and personnel, research and development, school facilities and related services, state and federal assistance, occupational education, special education, and educational personnel shall each be headed by an associate commissioner. The board shall, by a majority vote of all its members, appoint the associate commissioners and shall establish their salaries. The board shall appoint such associate commissioners from lists submitted by the commissioner, who shall nominate three candidates ranked according to his preference, for each such office to be filled. The person appointed associate commissioner for the division of curriculum and instruction shall have had experience and background in all major curricula, the person appointed associate commissioner for the division of occupational education shall have had experience and background in vocational and occupational education, the person appointed associate commissioner for the division of special education shall have had experience and background in special education, and the person appointed associate commissioner for the division of educational personnel shall have had experience and background in the preparation, certification and placement of educational personnel.

SECTION 3. The third paragraph of said section 1F of said chapter 15, as appearing in section 1 of chapter 837 of the acts of 1969, is hereby amended by adding the following sentence: — There shall be established in the division of educational personnel a bureau for certification of educational personnel, a bureau for preparation of educational personnel and a bureau for placement of educational personnel and each such bureau shall be headed by a director and staffed by such personnel as may be necessary for the performance of its duties.

SECTION 4. Said chapter 15 is hereby further amended by adding after section 45 the following three sections: —

Section 46. There is hereby established in the department of education an advisory commission for the division of educational personnel, hereinafter referred to as the commission. The commission shall be appointed by the board of education, hereinafter in this section and in the following two sections referred to as the board. The commission shall consist of twenty-one voting members who shall be residents of the commonwealth and who shall be broadly representative of classroom teachers, the faculty of public and private higher education institutions, public school administrators, school committees, students preparing for teaching, staff of nonpublic schools and the general public. A minimum of one third of those appointed to the commission shall be public school teachers and at no time shall the aggregate number of teachers appointed be exceeded by representation of any other group. In making appointments to the commission from the profession the board shall consult with the appropriate professional organizations. In making appointments to the commission of representatives of public higher education the board shall consult with the board of higher education. No more than one member of the commission shall be appointed from

the same school system, college or university.

The board shall initially appoint the twenty-one members of the commission, seven of whom shall serve for a term of three years, seven for a term of four years and seven for a term of five years. Upon the expiration of the term of office of any such member, or of any subsequent member, his successor shall be appointed in a like manner for a term of five years. In the event of a vacancy in the office of a member, his successor shall be appointed in like manner to serve for the unexpired term. No member shall serve for more than two terms. Prior service on said commission for a term of less than three years resulting from the filling of a vacancy shall not be counted as a term. The board may, in addition to the twenty-one voting members, appoint such other additional members as it deems advisable, but such other members shall serve at the pleasure of the board and shall not have the right to vote. All members of the commission shall serve without compensation but shall be reimbursed for their necessary expenses actually incurred in the performance of their duties.

The office of a member of the commission who removes from the commonwealth shall be deemed to be vacated; the office of a member who is a student preparing for the teaching profession shall be deemed to be vacated when he ceases to be a full-time student preparing for said teaching profession; the office of a member who serves on a school committee shall be deemed to be vacated if he no longer serves on a school committee; the office of a member appointed from a public or private school or an institution of higher education shall be deemed to be vacated upon the termination of his service at such school or institution; the office of a member of the commission who is absent from any four regularly scheduled meetings of the commission in any calendar year, exclusive of any meeting held in July and August, shall be deemed to be vacated. In the case of a vacancy, the board shall appoint a member from any eligible group to serve for the balance of the term of the member whose office was vacated.

The commission shall, by a majority vote of all its voting members, appoint a chairman annually from its own voting members. The commission shall meet regularly each month except that the chairman, with the approval of the board, may omit meetings in July and August, and the chairman may call additional meetings at other times.

Whenever an employee of any school committee, state college or any other public agency is appointed to membership on the commission, his employer shall grant him sufficient leave from his regular duties, without loss of income or any other benefits to which he is entitled by reason of his employment, to attend meetings of the commission and to perform the duties imposed upon him by reason of his membership on the commission.

Section 47. The associate commissioner of education who heads the division of educational personnel shall be the secretary and chief executive officer of the commission. The commissioner of edu-

cation shall consult with the commission before making his recommendations to the board for the appointment of the said associate commissioner.

Section 48. The purposes of the commission shall be to make recommendations to the board with respect to standards and procedures for certification of educational personnel in the commonwealth and with respect to approval of programs for preparation of such educational personnel. To carry out such purposes the commission shall have the following powers and duties:

(1) to develop and recommend to the board of standards and procedures for the certification of educational personnel;

(2) to develop and recommend to the board rules and regulations with respect to certification and preparation of educational personnel;

(3) to provide leadership and to coordinate resources for the improvement of the preparation of educational personnel, including the appointment of committees of public school teachers and other educators for the purpose of visiting various schools in the commonwealth, and to recommend to the commission programs for the preparation of educational personnel;

(4) to establish committees consisting of representatives from various professional groups qualified in each respective curriculum area and other specialized areas to assist in the formulation of recommendations of the commission to the board with respect to the certification of educational personnel and the approval of programs for preparation of such educational personnel;

(5) to develop and recommend to the board alternative methods of establishing qualifications for certification which are adapted to individual differences in candidates, in teacher-preparation institutions and in performance requirements and which at the same time afford protection against incompetence;

(6) to develop and recommend to the board objective and verifiable standards of measurement and evaluation of the competence of educational personnel for the purposes of certification; and

(7) to develop and recommend to the board objective standards for the identification of educational specialists.

The board shall advise the commission of the disposition of all recommendations made by the commission to the board.

SECTION 5. Chapter 71 of the General Laws is hereby amended by striking out section 38G and inserting in place thereof the following section: —

Section 38G. The board of education, hereinafter referred to as the board, shall have authority to grant upon application provisional and permanent certificates, as provided in this section, to teachers, principals, supervisors, directors, guidance counselors and directors, school psychologists, school librarians, audio-visual media specialists, unified media specialists, school business administrators, superintendents of schools and assistant superintendents of schools. Each application shall be accompanied by a fee of ten dollars.

Any applicant shall be eligible for a provisional or a permanent certificate who satisfies the requirements of this section and who furnishes the board with satisfactory proof that he (1) is an American citizen, (2) is in good health, provided that no applicant shall be disqualified because of blindness or defective hearing, (3) is of sound moral character, (4) possesses a bachelor's degree or an earned higher academic degree or is a graduate of a four-year normal school approved by the board, and (5) meets such requirements as to courses of study, semester hours therein, experience, advanced degrees and such other requirements as may be established and put into effect by the board; provided, however, that no requirements respecting courses of study, semester hours therein, experience, advanced degrees and other such requirements shall take effect prior to one year subsequent to the promulgation of such requirements by the board.

The first certificate which the board may grant to any eligible applicant shall be a provisional certificate for two years from the date thereof. Before the board grants any other certificate, the applicant shall be evaluated by an evaluation committee in the manner hereinafter provided.

Each evaluation committee shall be under the auspices of the school committee which employs the applicant and shall consist of persons who hold a permanent certificate or who have been exempted from holding such a certificate under section two of chapter two hundred and seventy-eight of the acts of nineteen hundred and fifty-one. Each evaluation committee shall consist of three persons, one of whom shall be appointed by the school committee, one nominated by the applicant, or, if the applicant so chooses, by the applicable local professional bargaining agent, and appointed by the commissioner of education; and the third shall be appointed by the other two members of the evaluating committee from professionals in the same field as the applicant or as closely allied thereto as possible. In the event the other two do not nominate a third person within ten working days after they have been appointed, the commissioner of education shall appoint a third independent member. Whenever an employee of any school committee, state college or any public agency is appointed to membership on an evaluation committee, his employer shall grant him sufficient leave from his regular duties, without loss of income or any other benefits to which he is entitled by reason of his employment, to attend meetings of the evaluation committee and to perform the duties imposed upon him by reason of his membership on the evaluation committee.

Before an applicant completes a second year of service under his provisional certificate, he shall be evaluated by the evaluation committee described in the preceding paragraph as to his readiness to obtain a permanent certificate in terms of his professional growth and performance. Any evaluation made by the evaluation committee shall be based on criteria determined by the board. Each evaluation committee shall be established in sufficient time so that

its recommendations shall be forwarded to the board not later than January fifteenth of the last school year in which the applicant is able to teach under his provisional certificate.

The evaluation committee may recommend to the board that the applicant be granted a permanent certificate, and if the applicant has met all the other requirements established by the board, the board shall grant the applicant a permanent certificate.

The evaluation committee may, as one of its alternatives, recommend that the applicant's provisional certificate be renewed for an additional two years, and if the applicant has met all the other requirements established by the board, the board shall grant the applicant a renewal of his provisional certificate for two years. No renewal certificate may be granted thereafter. During his second year of service under a renewed provisional certificate the applicant shall be reevaluated in accordance with the provisions that govern the evaluation of an applicant under an initial provisional certificate.

If the evaluation committee recommends that a renewal of the original provisional certificate shall not be granted to an applicant or if the evaluation committee recommends that a permanent certificate shall not be granted to an applicant or the board denies a renewal of a provisional certificate or of a permanent certificate to an applicant because he has not met all the requirements for eligibility as provided in this section, the board shall notify the applicant of the adverse recommendation of the evaluation committee or the denial of certification by the board, and such notice shall be accompanied by a report of the evaluation committee or a report of the reasons for the denial of certification by the board, as the case may be, and a description of the procedures by which the applicant may initiate an appeal before a hearing officer as hereinafter provided and such notice shall be mailed to the applicant by registered or certified mail not later than February first of the year in which the evaluation committee has made its recommendations. The board shall provide the applicant with a list of five qualified hearing officers from which the applicant, if he requests a hearing, may select one person, and the applicant shall so notify the board in writing of his selection of a hearing officer prior to February tenth of such year. The board shall mail the applicant by registered or certified mail a notice stating the time and place of the hearing at least ten days before the scheduled date of the hearing and the hearing shall be held before March twentieth of such year. The board shall employ and compensate a stenographer who shall take stenographic notes of the hearing. The applicant shall be entitled to be represented by counsel and may call witnesses to testify in his behalf and may examine and cross-examine witnesses. It shall be the responsibility of the hearing officer to consider whether the criteria established by the board were adhered to and appropriately applied, and to make a recommendation as to whether or not the evaluation and the determination regarding eligibility should be accepted. The recommendation of the hearing officer and the transcribed record of the

hearing shall be reviewed by the board. If the board then decides, based on the facts found by the hearing officer, that the provisional certificate should not be renewed or that a permanent certificate should not be granted, as the case may be, it shall so notify the applicant by registered or certified mail on or before April seventh of such year and the applicant shall have the right to judicial review as provided in chapter thirty A.

Notwithstanding any provisions of this section to the contrary, a person whose application for a renewal of a provisional certificate or whose application for a permanent certificate has been denied by the board may submit a new application for certification in accordance with the provisions of this section at any time subsequent to two years after the expiration date of his last certificate. A person whose provisional certificate has expired, provided the board has not denied the issuance of a provisional or permanent certificate, may reapply for a provisional certificate immediately.

If an applicant has been employed by a school committee while holding a provisional certificate or a renewal thereof, two years of provisional service shall be credited as service in acquiring the status of serving at the discretion of the school committee as provided in section forty-one; and said two years shall be the last two years the applicant has served under a provisional certificate or a renewal thereof.

A teacher holding a provisional certificate or a renewal thereof shall be employed by a school committee at the level of the regular local salary schedule commensurate with his experience and preparation.

No person shall be eligible for employment by a school committee as a teacher, principal, supervisor, director, guidance counselor and director, school psychologist, school librarian, audio-visual media specialist, unified media specialist, school business administrator, superintendent of schools or assistant superintendent of schools unless he has been granted by the board a certificate with respect to the type of position for which he seeks employment; provided, however, that nothing herein shall be construed to prevent a school committee from prescribing additional qualifications; and provided further, that a school committee may upon its request be exempt by the board for any one school year from the requirement in this section to employ certified personnel when compliance therewith would in the opinion of the board constitute a great hardship in securing teachers for the schools of a town. During the time that such a waiver is in effect, service of an employee of a school committee to whom the waiver applies shall not be counted as service in acquiring the status of serving at the discretion of a school committee under section forty-one.

For the purpose of certifying provisional teachers, the board may approve programs at colleges or universities devoted to the preparation of teachers and other educational personnel. A college or university offering such an approved program shall certify to the board that a student has completed the program approved and

shall provide the board with a transcript of his record.

Any person who is not an American citizen but who otherwise qualifies under this section may be certified by the board to the position of teacher, principal, supervisor, director, guidance counselor and director, school psychologist, school librarian, audio-visual media specialist, unified media specialist, school business administrator, superintendent of schools or assistant superintendent of schools, provided that such a person is legally present in the United States and presents to the board a copy of his declaration of intention to become a citizen of the United States, certified by the clerk of the court in which it was filed or a certificate from the Immigration and Naturalization Service of the United States showing that he has declared his intention to become such citizen. Any certificate issued under this paragraph shall be valid for a two-year period, renewable for a maximum of two times and subject to the same provisions for renewal as are prescribed for provisional certificates. Two years of service by a teacher certified under this paragraph shall be counted as service in acquiring the status of serving at the discretion of the school committee as provided in section forty-one.

This section shall not apply to trade, vocational, temporary substitute teachers or exchange teachers, or to teaching or administrative interns from an institution of higher learning in the commonwealth, provided approval for the employment of such personnel shall be granted by the board under such rules and regulations as it may adopt. As used in this section, a "temporary substitute" shall be one employed for less than a school year to take the place of a regularly employed teacher who is absent by reason of illness or by reason of educational leave, maternity leave, military leave, sabbatical leave or other leave. As used in this section, a "teaching or administrative intern" shall be a student who has completed his student teaching requirements and seeks additional experience in part-time teaching or administrative positions.

Any certificate issued by the board may be revoked for cause, pursuant to standards and procedures established by rules and regulations to the board.

The board shall have authority from time to time to make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of this section.

Except as otherwise specifically provided in this section, no rights of any employees of a school committee under the provisions of this chapter shall be impaired by the provisions of this section.

SECTION 6. Section 41 of chapter 71 of the General Laws, as most recently amended by section 1 of chapter 464 of the acts of 1972, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — Every school committee, in electing a teacher who has served in its public schools for the three previous consecutive school years, shall employ him to serve at its discretion, except as provided in section thirty-eight G; but any school committee may elect a teacher who has

served in its schools for not less than one school year to serve at such discretion.

SECTION 7. All employees of the bureau of teacher certification and placement who, immediately prior to the effective date of this act, held positions classified under chapter thirty-one of the General Laws or had tenure in their positions by reason of section nine A of chapter thirty of the General Laws are hereby transferred to the service of the division of educational personnel established by section one F of chapter fifteen of the General Laws, as amended by section one of this act; every such transfer shall be without impairment of civil service status, seniority, retirement and other rights of the employee, without interruption of his service within the meaning of said chapter thirty-one or section nine A of chapter thirty, and without reduction in his compensation and salary grade, notwithstanding any change in his title or duties made as a result of such transfer. All employees of the bureau of teacher certification and placement who immediately prior to the effective date of this act held, with or without such tenure, positions not so classified are hereby transferred to the service of said division of educational personnel without impairment of seniority, retirement and other rights, without interruption of service within the meaning of said section nine A of chapter thirty and without reduction in compensation or salary grade.

SECTION 8. All certificates granted by the board of education under the provisions of section thirty-eight G of chapter seventy-one of the General Laws in effect prior to the effective date of this act shall continue to be valid as issued and all persons who were exempted under the provisions of section two of chapter two hundred and seventy-eight of the acts of nineteen hundred and fifty-one shall continue to be exempted. Any person who shall apply to the board of education for a certificate within one year from the effective date of this act shall be granted a certificate by said board of education if he is eligible therefor under the provisions of said section thirty-eight G of said chapter seventy-one and the rules and regulations made thereunder, as they were in effect prior to the effective date of this act. Thereafter the provisions of said section thirty-eight G, as amended by section five of this act, shall apply to the granting of certificates. Nothing contained in this act shall prevent any qualified employee of a school committee from applying for additional certification, provisional or permanent.

Approved September 28, 1973.

Chap. 848. AN ACT RESTRICTING THE CONSTRUCTION AND MAINTENANCE OF CERTAIN SEWAGE DISPOSAL SYSTEMS.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by inserting after section 127L, inserted by chapter 799 of the acts of 1972, the following section: —

Section 127M. No sewage disposal system shall be constructed or maintained within one hundred feet of any known source of water supply or tributary thereto. No sewage disposal system shall be constructed within seventy-five feet for a single dwelling, or one hundred feet for a multiple dwelling as defined in section one of chapter one hundred and fifty-one B, of any great pond, stream, brook, tidal water, river, or swamp, without the prior written approval of the department. *Approved September 28, 1973.*

Chap. 849. AN ACT REDUCING THE NUMBER OF VOTER SIGNATURES NECESSARY ON NOMINATION PAPERS OF CANDIDATES FOR ANY OFFICE TO BE FILLED AT A STATE ELECTION.

Be it enacted, etc., as follows:

Section 6 of chapter 53 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 2 of chapter 334 of the acts of 1943, and inserting in place thereof the following two sentences: — Nominations of candidates for any offices to be filled at a state election may be made by nomination papers, stating the facts required by section eight and signed in the aggregate by not less than such number of voters as will equal two per cent of the entire vote cast for governor at the preceding biennial state election in the commonwealth at large or in the electoral district or division for which the officers are to be elected; provided, however, that in no event shall the number of signatures required be less than the number required of the candidate of a political party for the same office in the same electoral district or division to have his name placed on the primary ballot as provided for under section forty-four. If in any electoral district or division the aggregate number of signatures required cannot be calculated due to changes in districts or in precinct or ward lines used in the first election after any redistricting, the aggregate number shall be twice the number required for the office under section forty-four.

Approved September 28, 1973.

Chap. 850. AN ACT AUTHORIZING THE TOWN OF TEWKSBURY TO RESCIND ITS ACCEPTANCE OF THE LAW RELATIVE TO THE PAYMENT OF CERTAIN COSTS FOR GROUP LIFE AND HEALTH INSURANCE COVERAGE FOR RETIRED TEACHERS.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, the town of Tewksbury may rescind its acceptance of section eleven E of chapter thirty-two B of the General Laws by vote of the board of selectmen of said town. *Approved September 28, 1973.*

Chap. 851. AN ACT EXEMPTING MUNICIPALITIES OF UNDER FORTY THOUSAND POPULATION FROM A CERTAIN RESTRICTION ON PUBLIC HOUSING PROJECTS INVOLVING THE CONSTRUCTION OF NEW BUILDINGS.

Be it enacted, etc., as follows:

The second sentence of subparagraph (b) of section 31 of chapter 121B of the General Laws, as appearing in section 1 of chapter 751 of the acts of 1969, is hereby amended by striking out clause (ii) and inserting in place thereof the following clause: —

(ii) in a municipality of over forty thousand population no site for the proposed project is located adjacent to or within one eighth of a mile of any site for a low-rent housing project which is in existence or has been approved by the department or is before the department for approval, except sites for projects approved or being approved under the preceding subparagraph (a);.

Approved September 28, 1973.

Chap. 852. AN ACT AUTHORIZING THE MASSACHUSETTS SCIENCE AND TECHNOLOGY FOUNDATION TO CONDUCT A STUDY RELATIVE TO THE CAUSES AND POSSIBLE PREVENTION OF THE RED TIDE IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

The Massachusetts Science and Technology Foundation is hereby authorized, on behalf of the commonwealth, to conduct a study relative to the causes and possible prevention of the red tide (Gonyaulux Tamarensis) in the commonwealth.

Approved September 28, 1973.

Chap. 853. AN ACT RELATIVE TO THE TIME BETWEEN ELECTIONS AND THE CLOSE OF VOTER REGISTRATION SESSIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 51 of the General Laws is hereby amended by striking out section 26, as most recently amended by section 5 of chapter 382 of the acts of 1971, and inserting in place thereof the following section: —

Section 26. The registrars, for the purpose of registering voters and receiving applications to qualify under section one A for voting for electors of president and vice-president, in the manner herein-after provided, shall hold such day and evening sessions as the town by by-law or the city by ordinance shall prescribe and such other sessions at locations that they deem effective for the purpose of registering voters, and they may, for such purposes, use mobile registration units; but, except as provided in sections thirty-four and fifty, there shall be no registration of voters between ten o'clock in the evening on the twenty-eighth day preceding, and the day following, the biennial state primary, the presidential primary

and the biennial state election, nor in any city between ten o'clock in the evening on the twentieth day preceding and the day following a city election, or a city primary or preliminary election, nor in any town between ten o'clock in the evening on the twentieth day preceding and the day following the annual town meeting notwithstanding any contrary provisions in any special law. No application under section one A to qualify for voting for electors of president and vice-president shall be received between ten o'clock in the evening on the twenty-eighth day preceding, and the day following, an election at which such electors are to be chosen. If, however, a voter desiring to vote at a regular or special primary or election applies for registration during a period prior to such primary or election when registration therefor is permitted by the provisions of this section relative to such primary or election but is prohibited by the provisions of this section relative to registration before some earlier primary or election, he shall be registered if qualified and his name shall be placed on the voting lists for primaries and elections commencing with such later primary or election. The time and place of registration and for receiving applications under section one A to qualify for voting for electors of president and vice-president shall be the same for male and female applicants.

SECTION 2. Said chapter 51 is hereby further amended by striking out section 28, as most recently amended by chapter 107 of the acts of 1973, and inserting in place thereof the following section: —

Section 28. They shall hold a continuous session from nine o'clock ante meridian until ten o'clock in the evening on the last day for registration prescribed under section twenty-six, except that in towns having less than three hundred voters said session shall be sufficient if it includes the time from two to four o'clock in the afternoon and from seven to ten o'clock in the evening; provided, however, that they shall hold a continuous session from twelve o'clock noon until ten o'clock in the evening on the Saturday preceding the last day for registration for all elections.

SECTION 3. Said chapter 51 is hereby further amended by striking out section 29, as most recently amended by chapter 89 of the acts of 1970, and inserting in place thereof the following section: —

Section 29. They shall, in some suitable place, hold a continuous session from twelve o'clock noon until ten o'clock in the evening, on the twentieth day preceding a special election or the fourteenth day preceding a special town meeting, notwithstanding any contrary provision in any general or special law. Registration shall cease at ten o'clock in the evening of the day on which such session is held.

Approved October 1, 1973.

Be it enacted, etc., as follows:

Chapter 140 of the General Laws is hereby amended by inserting after section 141A the following section: —

Section 141B. Sections one hundred and thirty-seven to one hundred and forty-one, inclusive, shall not apply to any pet shop the owner of which is licensed under the provisions of section thirty-nine A of chapter one hundred and twenty-nine.

Approved October 2, 1973.

Chap. 855. AN ACT FACILITATING THE EMPLOYMENT OR RE-EMPLOYMENT OF DISABLED WORKERS BY EXPANDING THE FUNCTIONS OF THE SECOND INJURY FUND.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of the second paragraph of section 26 of chapter 152 of the General Laws, as appearing in section 1 of chapter 623 of the acts of 1945, is hereby amended by striking out, in line 8, the word "sixty-five N" and inserting in place thereof the word: — sixty-five.

SECTION 2. Said chapter 152 is hereby further amended by striking out section 37, as most recently amended by chapter 287 of the acts of 1957, and inserting in place thereof the following section: —

Section 37. Whenever an employee who has a known physical impairment which is due to any previous accident, disease or any congenital condition and is, or is likely to be, a hindrance or obstacle to his employment, and who, in the course of and arising out of his employment, receives a personal injury for which compensation is required by this chapter and which results in disability that is substantially greater by reason of the combined effects of such impairment and subsequent personal injury than that disability which would have resulted from the subsequent personal injury alone, the insurer or self-insurer shall pay all compensation provided by this chapter. Such insurer or self-insurer shall, however, be reimbursed by the state treasurer from the fund created by section sixty-five in an amount not to exceed fifty per cent of all compensation subsequent to that paid for the first one hundred and four weeks of disability.

If said subsequent injury is caused by the pre-existing impairment or if said subsequent personal injury of such an employee shall result in the death of the employee, and it shall be determined that the death would not have occurred except for such pre-existing physical impairment, the insurer or self-insurer shall pay all compensation provided by this chapter. Such insurer or self-insurer shall, however, be reimbursed by the state treasurer from the fund created by section sixty-five in an amount not to exceed fifty per cent of all compensation paid in excess of that paid for the first one hundred and four weeks.

Personal knowledge upon the part of the employer as to the existence of such pre-existing physical impairment shall not be required for reimbursement as provided by this section; provided, however, that proof of the pre-existence of such impairment shall be directly established from medical records existing prior to the date of employment or retention in employment of such an employee, or from information established by the employer not later than thirty days subsequent to the date of employment from either a physical examination, employment application questionnaire or statement from the employee.

The word "compensation" as used in this section for the purpose of reimbursement hereunder shall include all payments to the employee, or to his dependents in case of death, provided for by sections thirty, thirty A, thirty-one, thirty-two, thirty-three, thirty-four, thirty-four A, thirty-five, thirty-five A, thirty-six and thirty-six A.

In the event that liability for any case arising under this section is redeemed by a lump sum payment as provided in section forty-eight, and if the attorney general has been given an opportunity to appear and be heard on behalf of the fund, and when the order of the division refers to the provisions of this section, reimbursement shall be made without the necessity of further approval of the lump sum by the state treasurer; but no reimbursement shall be made covering the first one hundred and four weekly payments, whether paid under an agreement, decision or lump sum settlement.

SECTION 3. Section 37A of said chapter 152 is hereby amended by striking out the second sentence, as amended by chapter 891 of the acts of 1965, and inserting in place thereof the following sentence: — Such compensation shall be paid by the insurer or self-insurer, who shall be reimbursed, in an amount not to exceed fifty per cent thereof for any period up to one hundred and four weeks and thereafter in an amount not to exceed one hundred per cent, by the state treasurer from the fund created by section sixty-five.

SECTION 4. Said chapter 152 is hereby further amended by striking out section 46, as most recently amended by section 6 of chapter 314 of the acts of 1953, and inserting in place thereof the following section: —

Section 46. No agreement by any employee to waive his right to compensation shall be valid.

SECTION 5. Said chapter 152 is hereby further amended by striking out section 65, as most recently amended by chapter 513 of the acts of 1967, and inserting in place thereof the following section: —

Section 65. For every case of personal injury resulting in death covered by this chapter, the insurer or self-insurer shall pay into the state treasury five hundred dollars, such payment to be made in all cases regardless of whether the employee's dependents or personal representatives commence action against a third party under section fifteen. For every case of personal injury resulting in death covered by this chapter when there are no dependents the insurer

or self-insurer shall pay into the state treasury an additional five hundred dollars. Payments under this section shall constitute a special fund in the custody of the state treasurer, who shall make payments therefrom upon the written order of the division for the purposes set forth in section thirty-seven and thirty-seven A and for the purpose of paying the expense of printing the necessary records, papers and briefs in certain appeals to the supreme judicial court as provided in section eleven. Payments made under section thirty-seven A shall have priority over any other payments made under this section.

As soon as practicable after June thirtieth of any year in which payments were made from the fund established by this section exceed deposits therein, the chairman of the industrial accident board shall assess upon and collect from each insurance carrier and each self-insurer a sum equal to that proportion of the excess of disbursements over receipts during such year which the total compensation payments of such carrier or self-insurer bore to the total compensation payments made by all carriers and self-insurers during such year.

The reasonable expense of prosecution or defense, if any, by the attorney general of claims for deposit under this section, or against claims for reimbursement under sections thirty-seven and thirty-seven A, shall, subject to the approval of the division, be payable out of the special fund established hereunder.

SECTION 6. Section sixty-five N of said chapter one hundred and fifty-two is hereby repealed.

Approved October 2, 1973.

Chap. 856.

AN ACT PROVIDING COST-OF-LIVING SALARY ADJUSTMENTS FOR THE JUSTICES OF THE COURTS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 14 of chapter 185 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 2 of chapter 428 of the acts of 1973, and inserting in place thereof the following sentence: — The judge and associate judges of the land court shall each receive a salary of thirty-four thousand and eighty-nine dollars and each shall annually receive, upon the certificate of the judge, the amount of expenses incurred by him in the discharge of his duties, to be paid by the commonwealth.

SECTION 2. Chapter 211 of the General Laws is hereby amended by striking out section 22, as most recently amended by section 3 of said chapter 428, and inserting in place thereof the following section: —

Section 22. The chief justice of the court shall receive a salary of thirty-nine thousand seven hundred and seventy dollars and each

associate justice, a salary of thirty-eight thousand four hundred and seven dollars; and the chief justice and each associate justice shall annually receive from the commonwealth upon certificate of the chief justice, the amount of expenses incurred by them in the discharge of their duties. Such justices shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

SECTION 3. Section 2 of chapter 211A of the General Laws is hereby amended by striking out the first sentence, as amended by section 4 of said chapter 428, and inserting in place thereof the following sentence: — The chief justice shall receive a salary of thirty-six thousand nine hundred and thirty dollars and each associate justice, a salary of thirty-five thousand five hundred and sixty-six dollars; and the chief justice and each associate justice shall annually receive from the commonwealth, upon the certificate of the chief justice, the amount of the expenses incurred by them in the discharge of their duties.

SECTION 4. The first sentence of section 14E of chapter 212 of the General Laws is hereby amended by striking out the words "one hundred and ten", inserted by section 5 of said chapter 428, and inserting in place thereof the words: — one hundred and fourteen.

SECTION 5. Said chapter 212 is hereby further amended by striking out section 27, as most recently amended by section 6 of said chapter 428, and inserting in place thereof the following section: —

Section 27. The chief justice shall receive a salary of thirty-five thousand five hundred and sixty-six dollars and each associate justice, a salary of thirty-four thousand and eighty-nine dollars; and the chief justice and each associate justice shall annually receive from the commonwealth, upon the certificate of the chief justice, the amount of the expenses incurred by them in the discharge of their duties. Such justices shall devote their entire time during business hours to their respective duties and shall not, directly, engage in the practice of law.

SECTION 6. Chapter 217 of the General Laws is hereby amended by striking out section 34, as most recently amended by section 7 of said chapter 428, and inserting in place thereof the following section: —

Section 34. The salaries of all judges of probate shall be paid by the commonwealth and, except for the salary of the judge of probate designated under section two A to have and perform the duties described in section eight, are hereby established as follows: —

COUNTY	SALARIES
Suffolk	\$29,885
Middlesex	29,885
Norfolk	29,885
Essex	29,885
Hampden	29,885

Worcester	29,885
Bristol	29,885
Plymouth	29,885
Barnstable	29,885
Berkshire	29,885
Franklin	29,885
Hampshire	29,885
Nantucket	29,885
Dukes	10,681

The judge designated under section two A shall, irrespective of the county in which he serves as a judge of probate, receive a salary of thirty-one thousand and twenty-one dollars for his combined services as chief judge and judge of probate.

SECTION 7. Section 35A of said chapter 217 is hereby amended by striking out the second sentence, as most recently amended by section 8 of said chapter 428, and inserting in place thereof the following sentence: — The salaries of the registers of probate in the counties of Dukes County and Nantucket shall be eight thousand seven hundred and fifty dollars.

SECTION 8. The second paragraph of section 6 of chapter 218 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 9 of said chapter 428, and inserting in place thereof the following sentence: — He shall receive a salary of twenty-nine thousand eight hundred and eighty-five dollars for his combined services as chief justice and as justice of the court to which he was appointed.

SECTION 9. The fourth paragraph of said section 6 of said chapter 218 is hereby amended by striking out the first sentence, as most recently amended by section 10 of said chapter 428, and inserting in place thereof the following sentence: — Special justices of the district courts other than the municipal court of the city of Boston, and special justices of the Boston juvenile court shall be paid by the county fifty-seven dollars for each day's services, or at the rate by the day of the salary of the justices of the same court, whichever is the greater amount.

SECTION 10. Said chapter 218 is hereby further amended by striking out section 75, as most recently amended by section 11 of said chapter 428, and inserting in place thereof the following section: —

Section 75. The salary of the chief justice of the municipal court of the city of Boston shall be twenty-nine thousand eight hundred and eighty-five dollars, and the salary of each of the associate justices shall be twenty-eight thousand four hundred and seven dollars.

SECTION 11. Said chapter 218 is hereby further amended by striking out section 76, as most recently amended by section 12 of said chapter 428, and inserting in place thereof the following section: —

Section 76. The salary of the justice of the Boston juvenile

court shall be twenty-nine thousand eight hundred and eighty-five dollars.

SECTION 12. Said chapter 218 is hereby further amended by striking out section 76A, as most recently amended by section 13 of said chapter 428, and inserting in place thereof the following section: —

Section 76A. The salary of the justices of the Worcester juvenile court, the Bristol county juvenile court and the Springfield juvenile court shall be twenty-four thousand nine hundred and ninety-nine dollars.

SECTION 13. Section 77A of said chapter 218 is hereby amended by striking out the first paragraph, as most recently amended by section 14 of said chapter 428, and inserting in place thereof the following paragraph: —

The salaries of the justices of the
first district court of Barnstable,
second district court of Barnstable,
district court of central Berkshire,
first district court of Bristol,
second district court of Bristol,
third district court of Bristol,
fourth district court of Bristol,
district court of Franklin,
district court of Lawrence,
first district court of Essex,
district court of eastern Essex,
district court of southern Essex,
central district court of northern Essex,
district court of Peabody,
district court of Springfield,
district court of western Hampden,
district court of Holyoke,
district court of eastern Hampden,
district court of Hampshire,
first district court of eastern Middlesex,
second district court of eastern Middlesex,
third district court of eastern Middlesex,
fourth district court of eastern Middlesex,
first district court of southern Middlesex,
district court of Lowell,
district court of central Middlesex,
first district court of northern Middlesex,
district court of Marlborough,
district court of Newton,
district court of Somerville,
municipal court of Brookline,
district court of southern Norfolk,
district court of northern Norfolk,
district court of East Norfolk,
district court of western Norfolk,

district court of Brockton,
 second district court of Plymouth,
 third district court of Plymouth,
 fourth district court of Plymouth,
 municipal court of the Brighton district,
 municipal court of the Charlestown district,
 district court of Chelsea,
 municipal court of the Dorchester district,
 East Boston district court,
 municipal court of the Roxbury district,
 municipal court of the South Boston district,
 municipal court of the West Roxbury district,
 central district court of Worcester,
 first district court of eastern Worcester,
 second district court of eastern Worcester,
 first district court of southern Worcester,
 second district court of southern Worcester,
 third district court of southern Worcester,
 first district court of northern Worcester,
 and district court of Fitchburg shall be
 twenty-eight thousand four hundred and seven dollars each.

SECTION 14. Section 77B of said chapter 218 is hereby amended by striking out the second paragraph, as most recently amended by section 15 of said chapter 428, and inserting in place thereof the following paragraph: —

Special justices, when sitting at the order of the chief justice of the district courts, shall receive from the county in which they sit payment computed at the rate by the day of the salary of the justice of the district court in which they sit, or fifty-seven dollars per day, whichever is greater.

SECTION 15. Section 78 of said chapter 218 is hereby amended by striking out the first paragraph, as most recently amended by section 16 of said chapter 428, and inserting in place thereof the following paragraph: —

The salary of the justice of each of the following district courts
 district court of Newburyport,
 district court of Chicopee,
 shall be eleven thousand four hundred and seventy-seven dollars;
 the salary of the justice of each of the following district courts
 district court of Leominster,
 district court of northern Berkshire,
 district court of Natick,
 district court of western Worcester,
 second district court of Essex,
 fourth district court of Berkshire,
 district court of eastern Hampshire,
 district court of southern Berkshire,
 district court of Lee,
 shall be nine thousand nine hundred and ninety-nine dollars;
 the salary of the justice of each of the following district courts

third district court of Essex,
district court of Winchendon,
district court of eastern Franklin,
district court of Williamstown,
shall be eight thousand six hundred and thirty-six dollars;
and the salary of the justices of each of the following district courts

district court of Nantucket,
district court of Dukes County,
shall be nine thousand four hundred and thirty-one dollars.

SECTION 16. Notwithstanding any provisions of this act to the contrary, the provisions of section fourteen of chapter one hundred and eighty-five, section twenty-two of chapter two hundred and eleven, section two of chapter two hundred and eleven A, sections fourteen E and twenty-seven of chapter two hundred and twelve, sections thirty-four and thirty-five A of chapter two hundred and seventeen, sections six, seventy-five, seventy-six, seventy-six A, seventy-seven A, seventy-seven B and seventy-eight of chapter two hundred and eighteen of the General Laws, in effect immediately prior to the effective date of this act, shall remain in effect and apply to appointments to the offices referred to therein which are made on or after said effective date.

SECTION 17. This act shall take effect as of January first, nineteen hundred and seventy-three. *Approved October 2, 1973.*

Chap. 857. AN ACT PROVIDING FOR THE PAYMENT TO PERSONS NOMINATED AS BENEFICIARIES BY THE DECEASED OR TO THE SPOUSE OR NEXT OF KIN OF DECEASED EMPLOYEES BY THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

Be it enacted, etc., as follows:

Chapter 161A of the General Laws is hereby amended by inserting after section 19A the following section: —

Section 19B. Whenever any employee or former employee of the authority dies, and the authority owes his estate any sum or sums by reason of services rendered by him for wages or vacation allowances, and neither a duly appointed executor or administrator nor a voluntary administrator has made written demand for payment upon the treasurer of the authority and such treasurer shall not otherwise have actual notice that proceedings relative to the formal or informal settlement of such estate have been commenced in any probate court, such sum or sums may, in the discretion of the authority, be paid after the expiration of thirty days from the death of such employee to such person as may have been nominated as beneficiary, on a form approved by the directors and filed with the treasurer by such employee during his lifetime or, if there is no such beneficiary, then to the surviving spouse or next of kin of such employee. Payments made as provided in this section shall dis-

charge all liability of the authority to all persons with respect to such sum or sums.

Approved October 2, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, October 2, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 857 of the Acts of 1973, entitled "AN ACT PROVIDING FOR THE PAYMENT TO PERSONS NOMINATED AS BENEFICIARIES BY THE DECEASED OR TO THE SPOUSE OR NEXT OF KIN OF DECEASED EMPLOYEES BY THE MASSACHUSETTS BAY AUTHORITY," and the enactment of which received my approval on October 2, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

In order that the Massachusetts Bay Transportation Authority may proceed to make payments to certain designated beneficiaries and surviving spouses forthwith under the provisions of this Act.

Sincerely,

FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, October 3, 1973

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at eleven o'clock and ten minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter eight hundred and fifty-seven of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 858. AN ACT ESTABLISHING PROCEDURES FOR THE DISCONTINUATION OF GAS OR ELECTRIC SERVICE BY A PUBLIC UTILITY IN MULTI-FAMILY DWELLINGS.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 124 of chapter 164 of the General Laws is hereby amended by striking out the words "sections one hundred and twenty-four A, one hundred and twenty-

four B and one hundred and twenty-four C", inserted by chapter 824 of the acts of 1971, and inserting in place thereof the words: — this chapter.

SECTION 2. Said chapter 164 is hereby further amended by inserting after section 124C the following section: —

Section 124D. No gas or electric company shall shut off gas or electric service to any residential building containing two or more dwelling units for which building a single billing is made by such company for any common consumption of gas or electricity by two or more occupants of such building, without first complying with the notice provisions of section one hundred and twenty-four and providing notice to each affected occupant in a manner prescribed by regulation of the department. Such notice shall contain the following information:

(a) the amount then due and payable for such gas or electric service;

(b) the date on or after which such service will be shut off, such date to be not less than fifteen nor more than thirty days, as determined by the department, after the day on which such notice is first given;

(c) the date on which said notice is given; and

(d) the right of the occupants of such building to pay the amount due or such portion thereof as is prescribed by regulation of the department and thereby avoid a cessation of service, and to recover the amounts so paid from the person to whom they would otherwise pay their rent.

Any officer or servant of such company as provided in section one hundred and sixteen may, at any reasonable time, enter the common hallways of such building for the purpose of complying with the provisions of this section. Any person who removes, interferes, or tampers with such notice or the provision thereof shall be guilty of a violation of this section and shall be punished by a fine not to exceed twenty-five dollars.

At any time after the date such notice is given any persons who are occupants of the dwelling units within such building may pay such company the amount due or such portion thereof as is mutually agreed upon by the occupants and the company, provided that where no such agreement is reached, the department shall make a final determination of the amount of said portion, in order to avoid cessation of service. If such final determination by the department is not made prior to the date on which service otherwise would have been terminated, such service shall be continued for a period not to exceed fifteen days, during which time the department shall render said final determination. If such amount is received after service has been shut off, service shall be restored by the company as soon as practicable. Any such occupant who has paid all or any portion of said amount may subsequently recover the amount paid to the company either by deducting said amount from any rent or payment on account of taxes or operating expenses then or thereafter due from such occupant to the person

to whom he would otherwise pay his rent or by obtaining reimbursement from the person to whom he last paid rent. The company shall, upon receiving any such payment, notify the person liable for gas or electric service as stated in said notice of the amount or amounts paid by any occupant pursuant to the provisions of this section.

Any waiver of the provisions of this section in any lease or rental agreement shall be void and unenforceable. The provisions of section eighteen of chapter one hundred and eighty-six and section two A of chapter two hundred and thirty-nine shall apply to any reprisal against any occupant for exercising his rights pursuant to this section.

Any gas or electric company wilfully violating the provisions of this section shall be punished by a fine of not more than fifty dollars for each such violation.

The department shall establish from time to time such reasonable rules and regulations consistent with this section as may be necessary.

SECTION 3. Section 18 of chapter 186 of the General Laws, inserted by section 1 of chapter 701 of the acts of 1969, is hereby amended by inserting after the word "for", in line 2, the words: — exercising his rights pursuant to section one hundred and twenty-four D of chapter one hundred and sixty-four, or for.

SECTION 4. Section 2A of chapter 239 of the General Laws, inserted by section 2 of said chapter 701, is hereby amended by inserting after the word "for", the second time it appears in line 2, the words: — exercising his rights pursuant to section one hundred and twenty-four D of chapter one hundred and sixty-four or for.

Approved October 2, 1973.

Chap. 859. AN ACT PROVIDING FOR THE APPOINTMENT OF AN ADDITIONAL ASSOCIATE MEDICAL EXAMINER FOR ESSEX COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 38 of the General Laws is hereby amended by striking out the second paragraph, as amended by chapter 492 of the acts of 1970, and inserting in place thereof the following paragraph: —

Two examiners and two associate examiners in Suffolk county, one examiner and two associate examiners in Nantucket county, district one in Essex county and in district two in Barnstable county and one examiner and one associate examiner in each of the following districts shall be so appointed:

SECTION 2. The seventh paragraph of said section 1 of said chapter 38, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 1, the words "district one, comprising Gloucester and Rockport;". *Approved October 2, 1973.*

Chap. 860. AN ACT FURTHER REGULATING CORPORATIONS SUPPLYING AND DISTRIBUTING ELECTRICITY, POWER, GAS AND WATER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to have its provisions take effect on October first, nineteen hundred and seventy-three, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 164 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting before the definition of "Department" the following two definitions: —

"Articles of organization", (i) the articles of organization of a corporation which were filed subsequent to October first, nineteen hundred and seventy-three, (ii) any agreement of association, special act of incorporation, and other charter documents, including by-law provisions and stockholder votes in effect prior to October first, nineteen hundred and seventy-three, which, subsequent to that date, would be included in articles of organization, and all amendments thereto, effective prior to October first, nineteen hundred and seventy-three, and (iii) any of the following amendments made or filed from time to time subsequent to October first, nineteen hundred and seventy-three:

- (1) a certificate of a vote establishing a series filed pursuant to section twenty-six of chapter one hundred and fifty-six B;
- (2) articles of amendment filed pursuant to section eight B;
- (3) restated articles of organization filed pursuant to section eight C;
- (4) certificates of confirmation of proceedings filed pursuant to section eight D;
- (5) articles of consolidation or merger filed pursuant to section one hundred and two A;
- (6) articles of dissolution filed pursuant to section one hundred of chapter one hundred and fifty-six B;
- (7) a certificate as to the revival of a corporation filed pursuant to section one hundred and eight of chapter one hundred and fifty-six B.

"Corporation", a corporation to which this chapter applies, as set forth in section three.

SECTION 2. Said chapter 164 is hereby further amended by striking out section 4, as most recently amended by section 1 of chapter 502 of the acts of 1973, and inserting in place thereof the following section: —

Section 4. The following sections of chapter one hundred and fifty-six B shall apply to corporations subject to this chapter:

(a) Sections seven, nine, nine A, ten, fourteen, sixteen, seventeen, twenty, twenty-six, twenty-nine through forty, forty-two through fifty-nine, sixty-one, sixty-two, sixty-five through sixty-

nine, seventy-seven, ninety-nine through one hundred and thirteen and one hundred and fifteen.

(b) Section twenty-seven, except that paragraphs (b) and (c) thereof shall apply only to certificates issued after October first, nineteen hundred and seventy-three.

(c) Sections sixty-three and sixty-four shall apply also to statements, reports, articles of organization, articles of amendment and articles of consolidation or merger required to be filed pursuant to this chapter or chapter one hundred and fifty-six B.

SECTION 2A. Said chapter 164 is hereby further amended by inserting after section 4 the following section: —

Section 4A. The state secretary shall examine each document submitted to him under the provisions of this chapter. If he finds that the provisions of law relative thereto have been complied with, he shall endorse his approval thereon, and upon payment of the fee provided in section thirty-three such document shall be deemed to be filed with the state secretary. The state secretary shall keep a record, conveniently indexed, of each such document, of his endorsement of approval, if given, of the date of submission, and of the date on which such document is filed, and shall keep such documents on file in his office in a manner convenient for public inspection. He shall cause a photographic or other copy to be made of articles of organization and amendments thereof so filed showing his approval endorsed thereon, and shall deliver the same to the corporation.

The state secretary shall report to the attorney general instances of neglect or omission on the part of corporations to comply with the provisions of law so that the attorney general may enforce the penalties therefor.

SECTION 3. Said chapter 164 is hereby further amended by striking out section 5, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 5. The organization of a corporation to be formed under this chapter shall be effected in accordance with the requirements of section twelve of chapter one hundred and fifty-six B and section six. A certified statement of the fact of incorporation by the state secretary shall be conclusive evidence of incorporation. Nothing contained in this chapter shall authorize the organization of a combined gas and electric company, unless the department, after notice and a public hearing, shall certify to the state secretary that it deems the public convenience will be promoted thereby.

SECTION 4. Said chapter 164 is hereby further amended by inserting after section 5 the following section: —

Section 5A. The name of a corporation subject to this chapter shall contain the words "gas company" or "electric company", as the case may be. Such corporation shall not assume the name or trade name of another corporation established under the laws of the commonwealth, or of a corporation wherever established, firm, association or person carrying on business in the commonwealth, at the time of incorporation or change of name of the corporation assuming any such name or within three years prior thereto, or assume a name

which is under reservation under the laws of the commonwealth for another or proposed corporation wherever established, or assume a name so similar to the foregoing as to be likely to be mistaken for it, except with the written consent of the said corporation, firm or association or of such person previously filed with the state secretary. The supreme judicial or superior court shall have jurisdiction in equity, upon the application of any person interested or affected, to enjoin such corporation from doing business under a name assumed in violation of any provision of this section, although articles of organization or articles of amendment may have been approved and filed. Paragraphs (b), (c) and (d) of section eleven of chapter one hundred and fifty-six B shall apply to corporations subject to this chapter.

SECTION 5. Said chapter 164 is hereby further amended by striking out section 6, as amended by chapter 331 of the acts of 1964, and inserting in place thereof the following section: —

Section 6. (a) The articles of organization shall state:

(1) that the incorporators (stating their names, including their given names, and post office addresses) associate themselves with the intention of forming a gas or electric company, or a combined gas and electric company, as the case may be;

(2) the name of the corporation;

(3) the purposes for which the corporation is formed;

(4) the amount of its capital stock, which shall not be less than one thousand dollars; the number of shares into which the capital stock is to be divided; and if more than one class of stock is authorized, a description of each class with the preferences, voting powers, qualifications, special or relative rights or privileges as to each class thereof and any series then established; provided, however, that the aggregate amount of preferred stock shall not exceed the aggregate amount of common stock and all cash premiums paid to the corporation and applied to the purposes of the corporation;

(5) the par value of the shares, which may be one hundred dollars, fifty dollars, twenty-five dollars, twenty dollars, ten dollars, five dollars or one dollar, as the department shall authorize;

(6) in case of a corporation organized for the purposes set forth in section nine A, the statement described in said section.

(b) The articles of organization, in addition may state:

(1) any restrictions imposed upon the transfer of shares of stock of any class;

(2) any other lawful provisions for the conduct and regulation of the business and affairs of the corporation for its voluntary dissolution or for limiting, defining or regulating the powers of the corporation, or of its directors or stockholders, or of any class of stockholders.

(c) The form on which articles of organization are filed shall also contain the following information which shall not for any purpose be treated as a permanent part of said articles:

(1) the post office address of the initial principal office of the corporation in the commonwealth;

(2) the name, residence and post office address of each of the initial directors and the president, treasurer and clerk of the corporation;

(3) the fiscal year of the corporation initially adopted;

(4) the date initially fixed in the by-laws for the annual meeting of stockholders of the corporation;

(5) the name and business address of the resident agent, if any, of the corporation.

SECTION 6. Section seven of said chapter one hundred and sixty-four is hereby repealed.

SECTION 7. Said chapter 164 is hereby further amended by striking out section 8, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 8. A corporation subject to this chapter may authorize, at a meeting duly called for the purpose, an amendment of its articles of organization by vote of the majority of each class of stock outstanding and entitled to vote thereon, effecting any one or more of the following:

(a) a change of the par value of the shares of its capital stock in accordance with clause (5) of paragraph (a) of section six, provided the aggregate par value of the outstanding shares shall not be increased by any such change, and provided further that such change shall not be effective unless the department shall approve the same on an application of the corporation filed within thirty days after the passage of the vote authorizing such change;

(b) an increase of its capital stock of any class then authorized by such amount as may be authorized by the department in accordance with section twelve A or section fourteen, or a reduction of any such class of stock; and

(c) change of its corporate name.

SECTION 8. Said chapter 164 is hereby further amended by inserting after section 8 the following four sections: —

Section 8A. A corporation subject to this chapter may authorize, at a meeting duly called for the purpose, an amendment of its articles of organization, by vote of two-thirds of each class of stock outstanding and entitled to vote thereon, effecting any one or more of the following changes:

(a) an alteration of, addition to or change of the business for which it was incorporated, but it shall not engage in any business not authorized by this chapter; provided, however, that a gas company shall not be authorized to engage in the business of an electric company and an electric company shall not be authorized to engage in the business of a gas company unless, in either case, the department, after notice and public hearing, shall certify to the state secretary that the department deems the public convenience will be promoted thereby;

(b) any other amendment to its articles of organization; provided, only, that any provision added to or changes made in the articles of organization by such amendment could have been included in and any provision deleted thereby could have been omitted from

original articles of organization filed at the time of such meeting. If any such amendment would adversely affect the rights of any class of stock, the vote of two-thirds of such class, voting separately, shall also be necessary to authorize such amendment. For this purpose any series of a class which is adversely affected in a manner different from other series of the same class shall, together with any other series of the same class adversely affected in the same manner, be treated as a separate class.

Section 8B. Within sixty days after any meeting at which any amendment of the articles of organization has been adopted or within thirty days after any necessary approval by the department, whichever is later, articles of amendment, signed under the penalties of perjury by the president or any vice president and by the clerk or an assistant clerk, setting forth such amendment and the due adoption thereof, shall be submitted to the state secretary. The amendment shall become effective when the articles of amendment are filed in accordance with section six of chapter one hundred and fifty-six B, unless said articles specify, in accordance with the vote adopting the amendment, a later effective date not more than thirty days after such filing, in which event the amendment shall become effective on such later date. A signed copy of any amendment which relates to an increase or reduction of capital stock shall also be filed in the office of the department.

Section 8C. Every corporation may authorize, at a meeting duly called for the purpose, by vote of two-thirds of each class of stock outstanding and entitled to vote thereon, a restatement of its articles of organization. The restated articles of organization may effect further amendments of the articles of organization provided that every such further amendment shall be lawfully adopted in accordance with the provisions of section eight or eight A and shall be authorized in accordance therewith. Within sixty days after any meeting at which restated articles of organization have been adopted, or within thirty days after any necessary approval by the department, whichever is later, such restated articles, signed under the penalties of perjury by the president or any vice president and by the clerk and any assistant clerk, shall be submitted to the state secretary. Such restated articles of organization shall set forth all matter that would be required or permitted to be set forth in original articles of organization filed at the time of such meeting, other than the names and addresses of the incorporators, and shall indicate in a manner prescribed by the state secretary each amendment effected by such restated articles of organization.

The restated articles of organization shall become effective when filed in accordance with section six of chapter one hundred and fifty-six B, unless the restated articles or the vote adopting the restated articles specify a later effective date not more than thirty days after such filing, in which event the restated articles of organization shall become effective on such later date. From and after the effective date thereof the restated articles of organization shall be deemed for all purposes to have superseded the original articles of organiza-

tion, or other charter documents, and amendments, and shall constitute the articles of organization of the corporation.

Section 8D. If doubts arise as to the legality of the organization of any corporation created by special charter for a purpose mentioned in this chapter, which is in the exercise of its franchise, or as to the regularity or sufficiency of the proceedings of any such corporation, whether created by special charter or formed under the general laws, in consequence of failure subsequent to the organization to comply with the directions or requirements of any statute, the stockholders, at a special meeting called for the purpose in the manner provided in section thirty-four of chapter one hundred and fifty-six B, may by vote confirm such defective proceedings and all subsequent proceedings of the corporation dependent thereon. The clerk or an assistant clerk shall thereupon under the penalties of perjury make a certificate setting forth the particular matters especially causing a doubt, and a copy of the call of the meeting and of the vote of the stockholders, and the date of holding the meeting, which he shall submit to the state secretary. The certificate shall become effective when filed in accordance with section six of chapter one hundred and fifty-six B and thereupon such proceedings shall be taken to be legal and valid as fully as if the requirements of the statutes had been satisfied.

SECTION 9. Said chapter 164 is hereby further amended by striking out section 10, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 10. A corporation subject to this chapter shall, upon an issue of its capital stock, other than stock issued upon conversion of convertible debentures authorized pursuant to section twelve A, within thirty days after the payment or collection of the last installment thereon, notify the department of such issue by filing in the office of the department a certificate of the amount of such issue and the fact of such payment, signed under the penalties of perjury by its president or vice president, and treasurer or assistant treasurer.

SECTION 10. Said chapter 164 is hereby further amended by inserting after section 16, as so appearing, the following section: —

Section 16A. If, when the department under this chapter approves an issue of stock, bonds, coupon notes or other evidences of indebtedness of a corporation, or passes upon the price, rates, charges or service of a corporation, it determines that the provision made by the corporation for the depreciation of its property has been inadequate, the department shall order the corporation to set aside out of earnings such allowances for depreciation and for such period or periods as the department may from time to time prescribe. All monies required by such order to be so set aside shall be kept as a separate fund and shall not, without the further order of the department, be used for any other purpose than for renewals other than ordinary repairs, or for extensions, reconstruction and enlargements of and additions to plant, and the department shall prescribe in its order such requirements relative to the creation and

maintenance of such fund and its application to such aforesaid authorized uses as it may deem advisable. All orders and decisions of the department under this section shall be enforced as provided in section sixteen.

SECTION 11. Said chapter 164 is hereby further amended by striking out section 20, as so appearing, and inserting in place thereof the following section: —

Section 20. A corporation subject to this chapter shall not begin business until the whole amount of its capital stock, or such part thereof as may have been approved by the department, has been paid in and a certificate of that fact has been filed in accordance with section ten. The president, directors and other officers shall be jointly and severally liable for debts contracted on behalf of the corporation before such payment has been made and such certificate has been filed. Any director or officer who pays on judgment rendered on a claim asserted under this section shall be entitled to contribution in the manner and to extent provided in section sixty-six of chapter one hundred and fifty-six B.

SECTION 12. Said chapter 164 is hereby further amended by striking out section 22, as so appearing, and inserting in place thereof the following section: —

Section 22. All deposits of funds of corporations subject to this chapter shall be made by the officers thereof in national banks, duly chartered trust companies, savings banks, co-operative banks or federal savings and loan associations; but the foregoing provision shall not apply to any deposit for a period of not more than sixty days made for the purpose of meeting obligations maturing within said period, or to any deposit for a similar period of time resulting from the sale of obligations or securities.

SECTION 13. Said chapter 164 is hereby further amended by striking out section 23, as so appearing, and inserting in place thereof the following section: —

Section 23. Stockholders may vote in person or by proxy. No proxy dated more than six months before the meeting named therein shall be valid and no proxy shall be valid after the final adjournment of such meeting. A proxy with respect to stock held in the name of two or more persons shall be valid if executed by any one of them unless at or prior to exercise of the proxy the corporation receives a specific written notice to the contrary from any one of them. A proxy purporting to be executed by or on behalf of a stockholder shall be deemed valid unless challenged at or prior to its exercise and the burden of proving invalidity shall rest on the challenger. If not otherwise determined by the articles of organization or by-laws of the corporation, each stockholder shall be entitled to one vote for each share owned by him.

SECTION 14. Said chapter 164 is hereby further amended by striking out section 24, as so appearing, and inserting in place thereof the following section: —

Section 24. (a) Whenever, with respect to any action to be taken by the stockholders of a corporation subject to this chapter,

the articles of organization or by-laws require the vote or concurrence of the holders of all of the shares, or of any class or series thereof, or a greater proportion thereof than required by this chapter with respect to such action, the provisions of the articles of organization or by-laws shall control.

(b) Whenever, with respect to any action to be taken by the stockholders of such corporation as to which a vote of each class of stock outstanding and entitled to vote thereon is required by this chapter, the articles of organization or by-laws provide that two or more classes of stock shall vote as a single class, the provisions of the articles of organization or by-laws shall control, provided, however, that no such provision shall deprive any class or series of stock whose right would be adversely affected by such action of any right to a separate vote which such class or series may have under section eight A or section eight C.

SECTION 15. Said chapter 164 is hereby further amended by striking out section 25, as so appearing, and inserting in place thereof the following section: —

Section 25. No person owning, holding or controlling shares of stock of any public service corporation shall use any name or title or other words that, in the opinion of the department, might lead the public to believe that such person is a public service corporation or that its business is that of a public service corporation. The department may investigate and determine whether any person is violating this section; and any person violating any provision hereof shall forfeit to the commonwealth one hundred dollars a day for every day or part thereof during which such violation continues after the determination aforesaid. Any such violation shall forthwith be reported by the department to the attorney general, after said determination and notice thereof to such person. The said forfeiture may be recovered by an information or other appropriate proceeding brought in the supreme judicial or superior court in the name of the attorney general. Upon such information or other proceeding the court may issue an injunction restraining such person from further prosecution of his business within the commonwealth during the pendency of such proceeding or for all time, and may make such other order or decree as equity and justice may require. This section shall not apply to the continued use by any person of any name or title adopted prior to April seventeenth, nineteen hundred and thirteen.

SECTION 16. Sections twenty-six, twenty-seven and twenty-eight of said chapter one hundred and sixty-four are hereby repealed.

SECTION 17. Said chapter 164 is hereby further amended by striking out section 29, as amended by section 42 of chapter 750 of the acts of 1962, and inserting in place thereof the following section: —

Section 29. A duplicate of each certificate of change of officers filed pursuant to section fifty-three of chapter one hundred and fifty-six B with respect to a corporation subject to this chapter

shall be filed forthwith in the office of the department.

SECTION 18. Section thirty-two of said chapter one hundred and sixty-four is hereby repealed.

SECTION 19. Said chapter 164 is hereby further amended by striking out section 33, as appearing in chapter 283 of the acts of 1953, and inserting in place thereof the following section: —

Section 33. The fees for filing the following certificates, documents and copies of votes required to be filed by corporations subject to this chapter with the state secretary shall be as follows:

(a) For filing the articles of organization required by section five, one twentieth of one per cent of the total amount of the authorized capital stock as fixed by the articles of organization, but not in any case less than one hundred and fifty dollars.

(b) For filing articles of amendment providing for an increase of the total amount of authorized capital stock, one twentieth of one per cent of the amount by which the authorized capital stock is increased; but not in any case less than fifty dollars.

(c) For filing any other articles of amendment, fifty dollars.

(d) For filing restated articles of organization in accordance with section eight C, one hundred and twenty-five dollars; provided, however, that in the event such restated articles of organization incorporate any amendment to the original articles of organization as theretofore amended, there shall be added to the filing fee the amount of the filing fee that would be required under paragraphs (b) and (c) of this section if such amendment had been incorporated in articles of amendment filed in accordance with section eight B.

(e) For filing articles of consolidation or merger in accordance with section one hundred and two A, the greater of one hundred and fifty dollars or the amount, if any, by which (i) one twentieth of one per cent of the total amount of the authorized capital stock of the resulting or surviving corporation exceeds (ii) one twentieth of one per cent of the total amount of the authorized capital stock of all the constituent companies.

(f) For filing articles of dissolution pursuant to section one hundred of chapter one hundred and fifty-six B, fifty dollars.

(g) For filing certificates or copies of votes required by section eight D, fifty dollars. For each other filing with the state secretary required by law, five dollars, but no fee shall be required for filing the certificate of change of principal office of the corporation required by section fourteen of chapter one hundred and fifty-six B, the certificate of change of date of annual meeting or change of fiscal year required by section thirty-eight of chapter one hundred and fifty-six B or the certificate of change of officers required by section fifty-three of chapter one hundred and fifty-six B.

SECTION 20. Chapter 164 is hereby further amended by inserting after section 102 the following two sections: —

Section 102A. Corporations desiring to consolidate or merge pursuant to sections ninety-six and ninety-seven shall enter into an agreement of consolidation or merger executed in the manner

and setting forth the information prescribed in the first paragraph of subsection (b) of section seventy-eight of chapter one hundred and fifty-six B.

The agreement of consolidation or merger may contain such other provisions as are permitted by section six to be included in the articles of organization of a corporation, together with any provisions deemed necessary or desirable in connection with the consolidation or merger, including, without limitation, a provision permitting the abandonment thereof, which are not inconsistent with the provisions of this chapter or with the provisions of chapter one hundred and fifty-six B made applicable by section four of this chapter.

Unless such agreement is abandoned pursuant to provisions contained therein, articles of consolidation or articles of merger shall be submitted to the state secretary within sixty days after the last of (i) the meetings of the stockholders of the constituent corporations at which such agreement was approved and (ii) the entry of an order of the department approving the consolidation or merger and the terms of the agreement thereof pursuant to section ninety-six or section ninety-seven. Such articles of consolidation or merger shall set forth in full the agreement of consolidation or merger pursuant to such agreement, and shall be signed by the president or a vice-president and the clerk or an assistant clerk of each constituent corporation, who shall state under the penalties of perjury that the agreement has been duly executed on behalf of such corporation and has been approved by the stockholders of such corporation and by the department in the manner required by said section ninety-six or said section ninety-seven.

The form on which the articles of consolidation or merger are filed shall also contain the following information which shall not for any purpose be treated as a permanent part of the articles of organization of the resulting or surviving corporation:

(1) the post office address of the initial principal office of the resulting or surviving corporation in the commonwealth;

(2) the name, residence and post office address of each of the initial directors and president, treasurer and clerk of the resulting or surviving corporation;

(3) the fiscal year of the resulting or surviving corporation initially adopted; and

(4) the date initially fixed in the by-laws for the annual meeting of the stockholders of the resulting or surviving corporation.

The consolidation or merger shall become effective when the articles of consolidation or merger are filed in accordance with section six of chapter one hundred and fifty-six B unless said articles specify a later date not more than thirty days after such filing in which event the consolidation or merger shall become effective on such later date.

The resulting or surviving corporation shall within twenty days of the effective date of the consolidation or merger file a copy of the articles of consolidation or merger, certified by the state sec-

retary, in the registry of deeds in each district within the commonwealth in which real property of any constituent corporation is situated, or in lieu of such certified copy certificate issued pursuant to section one hundred and two B.

Section 102B Upon the payment of a fee of ten dollars, the state secretary shall issue a certificate in such form as he shall prescribe evidencing the filing and approval of articles of consolidation or merger in his office pursuant to section one hundred and two A.

SECTION 21. Said chapter 164 is hereby further amended by adding the following section: —

Section 128. A corporation which has a franchise in and the use of the public streets of a town for the supply and distribution of gas, water, electric light or power, and which holds for a longer period than six months money which is collected in advance from its customers to guarantee it against loss of charges or tolls, shall pay annually upon said guaranty fund interest at a rate fixed from time to time by the department to the depositors thereof, which shall be applied to the payment of charges and tolls by said depositors. The annual return required of such corporation by section one hundred and nine of chapter one hundred and fifty-six B shall also include a statement of all money, and of the value of any collateral, so held as a guaranty for the payment of charges or tolls, specifying the amounts so deposited by the inhabitants of each town. If such corporation fails or neglects to include such information in such return or fails, neglects or refuses to pay such interest it shall be punished by a fine of not less than one hundred nor more than five hundred dollars.

SECTION 22. Chapter 155 of the General Laws is hereby amended by striking out section 1, as most recently amended by section 1 of chapter 819 of the acts of 1971, and inserting in place thereof the following section: —

Section 1. The provisions of this chapter, unless expressly limited in their application, shall apply to all corporations created by or organized under the laws of the commonwealth, except incorporated domestic insurance companies, and except corporations subject to chapter one hundred and fifty-six A or corporations subject to chapter one hundred and fifty-six B or chapter one hundred and sixty-four or sections one through eleven D of chapter one hundred and sixty-five or chapter one hundred and eighty except that section two B of this chapter shall apply to all corporations subject to any of said chapters and except insofar as such provisions are inconsistent with other provisions of law relative to particular corporations or classes of corporations, and such provisions shall apply to all corporations created by or organized under laws other than those of the commonwealth so far as they are made applicable to them by reference in this or any other chapter. In this chapter, unless the context otherwise requires, "secretary" or "state secretary" means the secretary of the commonwealth.

SECTION 23. Chapter 158 of the General Laws is hereby amend-

ed by striking out section 1, as amended by section 33 of chapter 750 of the acts of 1962, and inserting in place thereof the following section: —

Section 1. The provisions of this chapter, unless expressly limited in their application, and except so far as they are inconsistent with other provisions of law relative to particular corporations or classes of corporations, or with the provisions of special laws, shall apply to corporations heretofore or hereafter organized under general or special laws of the commonwealth for the purpose of carrying on the business of a safe deposit company and to corporations heretofore or hereafter organized under general or special laws of the commonwealth for the purpose of carrying on within the commonwealth the business of transmitting intelligence by electricity or of a heat or canal or aqueduct company, and to any other corporations, except railroad, street railway, electric railroad or trolley motor or power, gas, electric or water companies, which now have or may hereafter have the right to take land within the commonwealth by eminent domain, or to exercise franchises in public ways granted by the commonwealth or by any county, city or town. In this chapter, unless the context otherwise requires, "secretary" or "state secretary" means the secretary of the commonwealth.

SECTION 24. Chapter 165 of the General Laws is hereby amended by striking out section 2, as most recently amended by section 2 of chapter 527 of the acts of 1958, and inserting in place thereof the following section: —

Section 2. Sections four through eight D, ten, eleven, twelve, twelve A, thirteen, fourteen, sixteen, sixteen A, seventeen, seventeen A, eighteen, nineteen, twenty-one through twenty-five, thirty-three, seventy-eight through eighty-four, ninety-two, ninety-three, ninety-four, ninety-six, ninety-eight, ninety-nine, one hundred and one, one hundred and two A, one hundred and two B and one hundred and twenty-eight of chapter one hundred and sixty-four shall include and apply to all such corporations and companies, provided that nothing in section five A or section six of said chapter shall require the inclusion of the words "electric company" or "gas company" in the name of any such corporation or company.

SECTION 25. All corporations to which chapter one hundred and sixty-four of the General Laws applied existing on October first, nineteen hundred and seventy-three, and their directors, officers and stockholders shall be entitled to all the rights, privileges and immunities and be subject to all the liabilities set forth in said chapter one hundred and sixty-four as amended by this act, to the same extent as corporations formed under said chapter one hundred and sixty-four after said date and their directors, officers and stockholders; provided that this act shall not take away or impair any remedy which may exist by law against a corporation existing on said date, its directors, officers or stockholders, for a liability incurred prior thereto.

SECTION 26. All corporations to which chapter one hundred

and sixty-five of the General Laws applied existing on October first, nineteen hundred and seventy-three, and their directors, officers and stockholders shall be entitled to all the rights, privileges and immunities and be subject to all the liabilities set forth in said chapter one hundred and sixty-five, as amended by this act, to the same extent as corporations formed under said chapter one hundred and sixty-five after said date and their directors, officers and stockholders; provided that this act shall not take away or impair any remedy which may exist by law against a corporation existing on said date, its directors, officers or stockholders, for a liability incurred prior thereto.

SECTION 27. This act shall take effect on October first, nineteen hundred and seventy-three. *Approved October 4, 1973.*

Chap. 861. AN ACT AUTHORIZING THE TOWN OF NORTHBRIDGE TO ACQUIRE LAND AND BUILDINGS IN SAID TOWN, KNOWN AS ST. PATRICK'S SCHOOL AND CONVENT AND TO BORROW MONEY FOR SAID PURPOSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the acquisition by the town of Northbridge of St. Patrick's School, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The town of Northbridge is hereby authorized to acquire for school purposes certain land and buildings in said town owned by The Roman Catholic Bishop of Worcester, a corporation sole, more particularly known as St. Patrick's School and Convent. For said purposes said town may appropriate and expend such sums as may be necessary, not exceeding, in the aggregate, four hundred and twenty-five thousand dollars.

SECTION 2. For said purposes the town of Northbridge may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, four hundred and twenty-five thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words, Northbridge School Acquisition Loan, Act of 1973. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of any limitation or requirement contained in section seven thereof.

SECTION 3. Upon acquisition of the land and buildings referred to in section one, said town shall be entitled to receive a state school construction grant, provided that the board of education determines the school building or buildings meet the standards required for an approved school project under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred

and forty-eight, as amended. The state grant shall be determined by the board of education to be a sum equal to sixty-five per cent of the eligible project cost determined in accordance with said chapter six hundred and forty-five, except that said eligible project cost shall include the cost of acquiring the aforesaid land and buildings.

SECTION 4. The vote of the town of Northbridge on February twentieth, nineteen hundred and seventy-three, to acquire for school purposes certain land and buildings in the town owned by The Roman Catholic Bishop of Worcester, a corporation sole, more particularly known as St. Patrick's School and Convent, is hereby validated, ratified and confirmed in all respects, and the town treasurer, with the approval of the board of selectmen, may, without need for further town meeting action, issue bonds or notes of the town as provided in section two of this act.

Approved October 4, 1973.

Chap. 862. AN ACT ERECTING AND CONSTITUTING A REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT CONSISTING OF THE TOWNS OF FRANKLIN, MEDFIELD, MEDWAY, MILLIS, NORFOLK, NORTH ATTLEBOROUGH, SHERBORN AND WALPOLE.

Be it enacted, etc., as follows:

SECTION 1. A regional vocational technical school district consisting of the towns of Franklin, Medfield, Medway, Millis, Norfolk, North Attleborough, Sherborn and Walpole is hereby erected and constituted and said district is hereby declared to be a duly established district under the provisions of chapter seventy-one of the General Laws and under the agreement signed by the members of the regional school district planning board and dated February twenty-eighth, nineteen hundred and seventy-three.

SECTION 2. This act shall take effect upon its passage.

Approved October 4, 1973.

Chap. 863. AN ACT INCREASING STATE RELOCATION BENEFITS IN CONFORMANCE WITH THE FEDERAL UNIFORM RELOCATION ACT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize the immediate increase in state relocation benefits in conformance with the federal Uniform Relocation Act, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 79A of the General Laws is hereby amended by striking out section 1, as amended by chapter 759 of the acts of 1968, and inserting in place thereof the following section: —

Section 1. The following terms as used in this chapter shall, unless a different meaning clearly appears from the context, have the following meanings: —

“Acquisition”, the taking of real property by eminent domain, negotiated sale, or other means, by or for any public agency, or by any person or agency authorized to take by eminent domain, or by a corporation established under the provisions of chapter one hundred and twenty-one A.

“Bureau”, the bureau of relocation in the department of community affairs.

“Business”, any lawful activity, except a farm operation, conducted primarily

(a) for the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities or any other personal property;

(b) for the sale of service to the public;

(c) by a nonprofit organization; or solely for the purpose of qualifying for moving and related expenses, for assisting in the purchase, sale, resale, manufacture, processing or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays which do not necessarily have to be located on the premises on which any of the cited activities are conducted.

“Comparable replacement dwelling”, one which is:

(a) safe and sanitary, in conformance with the regulation of the department of public health entitled Article II of the state sanitary code, established pursuant to section one hundred and twenty-seven of chapter one hundred and eleven;

(b) functionally equivalent and substantially the same as the acquired dwelling with respect to number of rooms, area of living space, type of construction, and state of repair, provided it is standard and adequate in size to accommodate the displaced person;

(c) in an area not generally less desirable than the area in which the acquired dwelling is located and as similar as possible with regard to housing values, public utilities, and public and commercial facilities;

(d) within the financial means of the displaced person, the gross cost of which is not greater than twenty-five per cent of gross income;

(e) reasonably accessible to the displaced person's present or potential place of employment;

(f) available on the market to the displaced person;

(g) open to all persons regardless of race, color, religion, sex or national origin and consistent with the requirements of Title VIII of the Civil Rights Act of 1968.

“Displaced person”, any person who, on or after the effective date of this act, moves from real property, or moves his personal property from real property, as a result of the acquisition of such property or the receipt of a written order to vacate real property,

for a program or project undertaken by an agency or person required to provide relocation assistance under this act.

"Dwelling", a single-family building, a single-family unit, including a nonhousekeeping unit, in a two-family or multifamily building, a unit of a condominium or cooperative housing project, a mobile home, or other residential unit.

"Farm operation", any activity which is conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily produces commodities in sufficient quantity capable of contributing materially to the operator's support.

"Gross income", projected annual income from all sources of each member of the family residing in the household who is at least eighteen years of age.

"Initiation of negotiations", the date the acquiring agency makes the initial written offer to the owner of real property to be acquired for a project of an amount established by the agency as just compensation for the property. In instances where acquisition does not occur, initiation of negotiations, shall mean the date of vacating.

"Person", shall mean any natural person, trust, corporation, limited or general partnership, association, foundation, society, joint stock company, joint venture, or any form of business entity or enterprise, but shall not include an agency of the commonwealth.

"Personal property", property which is:

(a) tangible property situated on the real property vacated or to be vacated by a displaced person and which is considered personal property and is non-compensable as real property, and

(b) in the case of a tenant, fixtures and equipment, and other property which may be characterized as real property under state or local law, but which the tenant may lawfully, and at his election, determines to move and for which the tenant is not compensated in the real property acquisition. In the case of an owner of real property, the determination as to whether an item of property is personal or real shall depend upon how it is identified in the acquisition appraisals and the closing or settlement statement with respect to the real property acquisitions; provided, that no item of property which is compensable under state and local law to the owner of real property in the real property acquisition may be treated as tangible personal property in computing actual direct losses of tangible personal property.

"Public agency", any department, agency, board, commission, authority, or other instrumentality of the commonwealth or of a political subdivision of the commonwealth; or of two or more subdivisions thereof.

"Relocation agency", an agency qualified under section two.

"Relocation payment", any of the following types of payments:

(a) for families and individuals, for moving and related expenses, for assistance in the purchase of a replacement housing unit, or for assistance in the rental of a replacement housing unit;

(b) for business concerns, including nonprofit organizations and

farms, for actual reasonable moving expenses, for the actual direct loss of tangible personal property, for actual reasonable expenses in searching for a replacement business, or for a fixed sum in lieu of the above equal to the business concern's average annual net earnings, but not less than two thousand five hundred dollars nor more than ten thousand dollars.

"Relocation plan", the plan submitted by a displacing agency to the bureau pursuant to sections four and eight.

SECTION 2. Section 2 of said chapter 79A, as appearing in section 4 of chapter 790 of the acts of 1965, is hereby amended by inserting after the word "acquisition", in line 1, the words: — rehabilitation, demolition, or other improvement, — by striking out, in line 2, the words "more than five", — and by striking out, in line 8 and in line 10, the words "taking agency" and inserting in place thereof, in each instance, the words: — displacing agency.

SECTION 3. Said chapter 79A is hereby further amended by striking out section 3, as appearing in section 4 of said chapter 790, and inserting in place thereof the following section: —

Section 3. Any public agency, or any person authorized to take by eminent domain, including corporations established under the provisions of chapter one hundred and twenty-one A, shall provide relocation assistance and payments under this act upon undertaking a project which results in displacement of occupants by the acquisition of real property or by the issuing of a written order to vacate for purposes of rehabilitation, demolition, or other improvement.

SECTION 4. Said chapter 79A is hereby further amended by striking out section 4, as amended by section 2 of chapter 759 of the acts of 1968, and inserting in place thereof the following section:—

Section 4. At the time of the submission of an application for public approval or funding for a project involving the displacement of more than five dwelling or business units, the displacing agency shall submit to the bureau of relocation a relocation plan. The relocation plan shall show the names and addresses of all occupants to be displaced; the number of individuals, families, and business concerns to be displaced; the date on which such displacement will begin; the needs of the displaced occupants for relocation assistance; the availability of safe and sanitary housing, commercial buildings or sites within the means of occupants to be displaced; a program for their relocation; and a demonstration in accordance with bureau regulations that the relocation agency has coordinated the plan with other planned or proposed land acquisitions in the city or town which may affect the carrying out of the relocation program.

In the case of the displacement of the occupants of less than six dwelling or business units, the displacing agency shall not be required to submit any such relocation plan, but shall provide a relocation assistance program, as set forth in section six and shall pay any such displaced occupant relocation payments, as set forth in

section seven.

SECTION 5. Section 5 of said chapter 79A, as appearing in section 4 of chapter 790 of the acts of 1965, is hereby amended by striking out, in line 1, the words "of a taking agency".

SECTION 6. Said chapter 79A of the General Laws is hereby further amended by striking out section 6, as amended by chapter 407 of the acts of 1968, and inserting in place thereof the following section: —

Section 6. After approval has been granted in accordance with the provisions of section five, the relocation agency shall be authorized to carry out the relocation plan. Each relocation assistance program shall (1) fully inform eligible persons at the earliest possible date as to the availability of relocation payments and assistance; (2) supply displaced occupants with information concerning public and private housing programs, commercial sites, and social and economic assistance programs; (3) assist in securing within a reasonable period of time prior to displacement suitable standard replacement housing within the financial means of the families and individuals displaced; (4) assist owners of displaced businesses and farm operations in obtaining and becoming established in suitable business locations or replacement farms; and (5) administer relocation payments in a fair and equitable manner.

SECTION 7. Said chapter 79A is hereby further amended by striking out section 7, as most recently amended by chapter 315 of the acts of 1971, and inserting in place thereof the following section: —

Section 7. I. (A) Any agency or person specified under this act which acquires real property, or issues an order to vacate real property for purposes of rehabilitation, or demolition, or other improvement, shall make fair and reasonable relocation payments to displaced persons and businesses, upon proper application, for:

1. actual documented reasonable expenses in moving himself, his family, his business, farm operation, or other personal property;
2. actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the relocation agency; and
3. actual reasonable expenses in searching for a replacement business or farm.

(B) Any displaced person eligible for payments under subsection (A) who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (A), may receive a moving expense allowance not to exceed three hundred dollars, determined in accordance with the prevailing fixed payment schedule of the department of public works, and a dislocation allowance of two hundred dollars.

(C) Any displaced person eligible for payments under subsection (A) who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this

subsection in lieu of the payment authorized by said subsection (A), may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than two thousand five hundred dollars nor more than ten thousand dollars. In the case of a business no payment shall be made under this subsection unless the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one half of any net earnings of the business or farm operation, before federal and state income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property, or during such other period as the relocation agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

II. (A) In addition to payments otherwise authorized by this act, an additional payment not in excess of fifteen thousand dollars shall be made to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

1. The amount, if any, which when added to the acquisition cost of the dwelling acquired, equals the reasonable cost of a comparable replacement dwelling which is decent, safe, and sanitary and adequate to accommodate such displaced person, reasonably accessible to public services and place of employment and available on the private market. The reasonable cost of a comparable replacement dwelling shall be determined by analysis of existing available standard dwellings which are functionally equivalent and substantially similar to the acquired dwelling and located in a comparable, but not less desirable, neighborhood, in accordance with a method approved by the bureau of relocation, unless otherwise provided by federal law.

2. The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired

dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings by commercial banks in the general area in which the replacement dwelling is located.

3. Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other legal and closing costs incidental to the purchase of the replacement dwelling, but not including prepaid expenses.

(B) The additional payment authorized by this section shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one year period beginning on the date on which he receives final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

III. In addition to amounts otherwise authorized by this act, a payment shall be made to any displaced person, not eligible to receive a payment under subdivision II, who actually and lawfully occupied the dwelling from which he is displaced for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling. Such payment shall assist the displaced person:

(A) To pay any increase in cost required to lease or rent for a period of four years, a decent, safe, and sanitary comparable replacement dwelling of standards adequate to accommodate such person in an area similar with regard to economic rents to the area of displacement, but not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to the displaced person's place of employment, but not to exceed four thousand dollars. The cost of a comparable replacement dwelling shall be determined by analysis of existing available standard dwellings which are functionally equivalent and substantially the same as the dwelling from which the person is displaced, provided it is standard, in accordance with a method approved by the bureau of relocation, unless otherwise provided by federal law;

(B) To make a down payment, including incidental expenses described in clause 3 of subsection (A) of subdivision II, on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate the displaced household, and shall be in an amount equal to the amount which would have been required to pay any increase in rent for comparable replacement housing over a four year period as defined above. In no event may the total payment exceed four thousand dollars.

All determinations required to carry out subdivisions I, II, and III shall be determined by regulations issued pursuant to section twelve, unless otherwise provided by federal law.

Any person aggrieved by a determination as to eligibility for, or the amount of, a payment authorized by this act, may have his claim reviewed by the head of the displacing agency through a grievance procedure approved by the bureau of relocation. Where such person is not satisfied with the agency's determination after

such review and reconsideration, he is entitled to review of this claim by the bureau of relocation and the disposition of the bureau of said claim shall be final.

Relocation payments granted under the provisions of this chapter shall not be subject to attachment by trustee process or otherwise, nor shall they be subject to be taken on execution or other process. Payments received under this chapter shall not be considered as income for such purposes as establishing eligibility or the extent of eligibility of any person or family for publicly sponsored housing or public assistance programs including, without limitation, state and federal assistance to veterans.

SECTION 8. Said chapter 79A is hereby amended by striking out section 11, as appearing in section 4 of chapter 790 of the acts of 1965, and inserting in place thereof the following section: —

Section 11. Funds appropriated or otherwise available to any public agency for the acquisition, rehabilitation or demolition of real property or any interest therein for a particular program or project shall be available also for obligation and expenditure to carry out the provisions of this act as applied to that program or project.

If a municipality acquires, rehabilitates, or demolishes real property, and state financial assistance is available to pay the cost, in whole or part, of the acquisition, rehabilitation, or demolition of such real property, or of the improvement for which such property is acquired, the cost to the unit of local government of providing the payments and services prescribed by this act shall be included as part of the costs of the project for which state financial assistance is available to such municipality, and shall be eligible for state financial assistance in the same manner and in the same ratio as other project costs.

SECTION 9. Section 12 of said chapter 79A, as appearing in section 4 of chapter 790 of the acts of 1965, is hereby amended by inserting after the word "chapter", in line 2, the words: — and to assure that relocation payments are administered in a manner which is equitable and uniform;.

SECTION 10. Said chapter 79A is hereby further amended by adding the following three sections: —

Section 13. Any public agency displacing one or more persons by issuing an order to vacate real property for the purpose of enforcing Article II of the state sanitary code, pursuant to section one hundred and twenty-seven B of chapter one hundred and eleven, shall provide relocation assistance and a relocation payment to such person or persons for actual reasonable documented expenses in moving his personal property from the real property, unless such payment is otherwise provided. The provisions of this section shall apply only to real property which is not part of or constitutes the entirety of a project where relocation payments would otherwise be required.

In instances where such enforcement results in the eviction of occupants, the state shall reimburse the locality carrying out such

enforcement for fifty per cent of the costs of providing such relocation assistance and moving payments. Such state financial assistance shall be contingent upon the provision of relocation services and payments as documented by periodic reports as required by regulation pursuant to section twelve.

Section 14. Any person utilizing mortgage financing issued, insured, or subsidized by a public agency, including an agency of the federal government, for a project resulting in the displacement of occupants, shall provide relocation assistance and a relocation payment to any such displaced occupant for actual reasonable documented expenses in moving his personal property from such real property.

Section 15. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application.

Approved October 4, 1973.

Chap. 864. AN ACT AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES TO GRANT CERTAIN EASEMENTS IN THE TOWN OF NATICK.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize the department of natural resources to grant certain easements in the town of Natick to Silvano A. and Lillian E. Melchiorri for use for the unobstructed and unrestricted drainage of surface water from adjoining land, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any law to the contrary the department of natural resources is hereby authorized to grant to Silvano A. and Lillian E. Melchiorri, tenants by the entirety, both of the town of Natick, easements in a certain parcel of land hereinafter described, to use said land for the unobstructed and unrestricted drainage of surface water from adjoining land owned by said Silvano A. and Lillian E. Melchiorri. Said parcel is bounded and described as follows: —

Commencing at a point 52 feet westerly of Speen Street, Natick, Massachusetts, on the southerly boundary of land of the Commonwealth of Massachusetts (Conservation Department) at the intersection of the said Speen Street and West Central Street containing 0.56 acres of land, more or less, and on the northerly boundary of land of Silvano A. Melchiorri and Lillian E. Melchiorri, appearing in Certificate of Title No. 129002, and thence running westerly three feet along the northerly boundary of the said land of the said Melchiorri's; thence turning and running northerly 49 feet, more or less, along and through the said land of the Common-

wealth of Massachusetts (Conservation Department) to a body of water now or formerly known as Fisk Pond; thence turning and running easterly three feet along said pond through and to the said land of the Commonwealth of Massachusetts (Conservation Department); thence turning and running southerly 49 feet, more or less, along and through the said land of the Commonwealth of Massachusetts (Conservation Department) to the said northerly boundary of the said land of the said Melchiorri's and the point of beginning. Said easement is authorized to be conveyed for the purpose of effecting the drainage of surface water from the said land of the said Melchiorri's into the said body of water now or formerly known as Fisk Pond.

The department of natural resources is hereby further authorized to grant a temporary easement to the said Silvano A. Melchiorri and Lillian E. Melchiorri for a period of one year over and through an area nine feet wide and forty-nine feet long, more or less, both immediately westerly of and immediately easterly of the aforesaid permanent easement area for the purpose of doing and completing the work necessary for the installation of piping and materials necessary to effect the said surface drainage.

Approved October 4, 1973.

Chap. 865. AN ACT PROVIDING THAT INQUIRIES RELATIVE TO FIRST ARRESTS AND CERTAIN CONVICTIONS ON APPLICATIONS FOR ADMISSION TO EDUCATIONAL INSTITUTIONS SHALL BE DEEMED TO BE UNFAIR EDUCATIONAL PRACTICES.

Be it enacted, etc., as follows:

The first paragraph of section 2 of chapter 151C of the General Laws is hereby amended by adding after clause (e), inserted by chapter 369 of the acts of 1972, the following clause: —

(f) To request any information, to make or keep a record of such information, to use any form of application or application blank which requests information or to exclude or limit or otherwise discriminate against any person by reason of his or her failure to furnish information through a written application or oral inquiry or otherwise regarding: (i) an arrest, detention, or disposition regarding any violation of the law in which no conviction resulted or in which a conviction has been vacated, or (ii) a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace, or (iii) any conviction of a misdemeanor where such conviction occurred more than five years prior to the date of such application for admission, unless the applicant was sentenced to imprisonment upon conviction of such misdemeanor, or such individual has been convicted of any offense within the five years' period.

Approved October 4, 1973.

- Chap. 866.** AN ACT AUTHORIZING THE LOWELL TECHNOLOGICAL INSTITUTE BUILDING AUTHORITY TO PAY CERTAIN SUMS OF MONEY TO THE REX GENERAL CONTRACTORS INCORPORATED AND TO J.A.L. PAINTING INC.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the Lowell Technological Institute Building Authority is hereby authorized to pay the Rex General Contractors Incorporated the sum of fifteen thousand seven hundred seventy-two dollars and twenty cents and to J.A.L. Painting Inc., the sum of six thousand three hundred and five dollars.

Approved October 4, 1973.

- Chap. 867.** AN ACT AUTHORIZING THE TOWN OF TRURO TO REIMBURSE HAROLD HARRIS FOR CERTAIN OVERPAYMENTS OF REAL ESTATE TAXES.

Be it enacted, etc., as follows:

The town of Truro is hereby authorized to pay from overlay surplus revenue of said town the sum of twelve thousand four hundred and eighty-five dollars and forty-three cents to Harold Harris as reimbursement for overpayment of real estate taxes in the years nineteen hundred and sixty-nine, nineteen hundred and seventy and nineteen hundred and seventy-one due to an overassessment of such real estate.

Approved October 4, 1973.

- Chap. 868.** AN ACT AUTHORIZING THE SAUGUS FIREFIGHTER'S RELIEF ASSOCIATION, INC., TO PAY A CERTAIN BENEFIT TO ITS MEMBERS UPON THEIR RETIREMENT.

Be it enacted, etc., as follows:

The Saugus Firefighter's Relief Association, Inc., a corporation duly established under the laws of the commonwealth, is hereby authorized, upon the retirement from the fire department of the town of Saugus of any member in good standing, if he so elects within thirty days following the date of such retirement, to pay to such member, such sum, equal to the total death benefit paid upon the death of any such member in good standing as of the date of his retirement. Upon receipt of such sum, such member shall cease to be a member of said association and shall not be eligible to any benefits therefrom.

Any presently retired member in good standing of said association may, if he so elects, receive this same benefit by notifying the secretary of said association within sixty days after the effective date of this act. The amount paid to such retired member shall be the total sum of the death benefit in effect upon the effective date of this act.

Approved October 4, 1973.

- Chap. 869.** AN ACT CLARIFYING THE PROVISIONS OF THE LAW RELATIVE TO DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO CONSTRUCT AN OVERPASS OVER INTERSTATE HIGHWAY ROUTE 95 IN THE AREA OF THE GEORGETOWN-ROWLEY STATE FOREST IN THE TOWN OF GEORGETOWN.

Be it enacted, etc., as follows:

Clause 1 of the second paragraph of section 1 of chapter 614 of the acts of 1971 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

As a condition for the conveyance of this parcel of land, the department of public works is hereby authorized and directed to construct an overpass over interstate highway route 95 for the accommodation of equestrians in an area of the Georgetown-Rowley state forest in the town of Georgetown.

Approved October 4, 1973.

- Chap. 870.** AN ACT INCREASING THE COMPENSATION FOR DISPLACEMENT OF TIDEWATER.

Be it enacted, etc., as follows:

Section 21 of chapter 91 of the General Laws is hereby amended by striking out the first sentence, as amended by section 11 of chapter 684 of the acts of 1972, and inserting in place thereof the following sentence:— The amount of tidewater displaced by any structure below high water mark, or any filling of flats, shall be ascertained by the department, which shall require the person, his heirs or assignees who are responsible for such displacement to make compensation therefor by excavating, under its direction, between high and low water mark in some part of the same harbor a basin for a quantity of water equal to that displaced; or by paying to the commonwealth, in lieu of such excavation, an amount assessed by the department, two dollars per cubic yard of water displaced; or by improving the harbor in any other manner satisfactory to the department.

Approved October 4, 1973.

- Chap. 871.** AN ACT PROVIDING FOR DEALER REGISTRATIONS FOR RECREATIONAL VEHICLE TRAILERS.

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by striking out section 5, as most recently amended by chapter 959 of the acts of 1971, and inserting in place thereof the following section:—

Section 5. Every manufacturer, dealer, repairman, owner-repairman, transporter, farmer, dealer in both recreational vehicles and recreational vehicle trailers, and dealer in both boats and boat trailers, instead of registering each motor vehicle or trailer owned or

controlled by him, may make application for a general distinguishing number or mark, and the registrar, if satisfied of the facts stated in the application, may issue to the applicant a certificate of registration containing the name and business address of the applicant and the general distinguishing number or mark assigned to him and made in such form and containing such further information as the registrar may determine.

All motor vehicles or trailers owned or controlled by such manufacturer, dealer, repairman, dealer in both recreational vehicles and recreational vehicle trailers, or dealer in both boats and boat trailers, and all trucks except those used in the regular delivery substantially on a daily schedule for sale of farm products or the delivery of flowers or for distances in excess of a radius of fifty miles from the farm, tractors, trailers, or self-propelled agricultural implements, owned or controlled by a farmer, and equipped with rubber tires, shall be regarded as registered under the general distinguishing number or mark assigned to him until sold, or let for hire, or loaned for a period of more than five successive days, except that any vehicle owned or controlled by a farmer shall be deemed to be registered under the provisions of this section only when it is operated within the commonwealth, and all motor vehicles or trailers owned by such owner-repairman which are in the process of being repaired, altered, equipped or transferred from one location to another and which are not being used during such time in the operation of the principal business of said owner-repairman shall be regarded as registered under the general distinguishing number or mark assigned to him, and all motor vehicles which are under the control of but not owned by such transporter while being delivered by him under the general distinguishing number or mark assigned to him; provided, that number plates, furnished as hereinafter provided, are properly displayed thereon. Such plates issued to a dealer in both recreational vehicles and recreational vehicle trailers or a dealer in both boats and boat trailers may be used only in connection with the business of said trailers but this should not be construed to limit the use of plates issued to dealers in other trailers.

The registrar shall, upon payment of the fee provided in section thirty-three, furnish at his office to every manufacturer, dealer, repairman, owner-repairman, transporter, farmer, dealer in both recreational vehicles and recreational vehicle trailers and dealer in both boats and boat trailers, whose vehicles are registered in accordance with this section, such number of number plates as he may request in writing of suitable design having displayed upon them the register number which is assigned to the vehicles of such manufacturer, dealer, repairman, owner-repairman, transporter, farmer, dealer in both recreational vehicles and recreational vehicle trailers or dealer in both boats and boat trailers, with a different letter or letters or mark on each number plate, and, in addition, registrar shall furnish to every transporter with each number plate a corresponding certificate of registration.

The word "dealer", for the purposes of the registration of motor vehicles or trailers under any provision of this chapter, may include, in the discretion of the registrar, a person who is engaged in the business of financing the purchase of or insuring motor vehicles, but only in respect to such vehicles as such person may take possession by foreclosure or subrogation of title and all the provisions of this chapter relating to certificates of registration of dealers shall apply to certificates issued to such a person under this provision.

Vehicles owned or controlled by a farmer which are registered under a general distinguishing mark as provided herein shall not in any civil action for damages be deemed a trespasser on the highway by reason of the fact that at the time of the accident the said vehicle was a greater distance than a radius of fifty miles from the farm.

Approved October 4, 1973.

Chap. 872. AN ACT INCREASING THE AMOUNT OF REAL PROPERTY OF BLIND PERSONS TO BE EXEMPT FROM TAXATION.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 59 of the General Laws is hereby amended by striking out clause Thirty-seven, as most recently amended by section 1 of chapter 179 of the acts of 1970, and inserting in place thereof the following clause: —

Thirty-seven, Real property, to the amount of five thousand dollars, or the sum of four hundred and thirty-seven dollars and fifty cents, whichever would result in an abatement of the greater amount of actual taxes due, of a blind person who is a legal resident of the commonwealth, whether such property is owned by him separately or jointly or as a tenant in common; provided, that such property is occupied by such person as his domicile. No real property shall be so exempt which has been conveyed to such blind person to evade taxation.

Four thousand dollars of this exemption or the sum of three hundred and fifty dollars, whichever basis is applicable, shall be borne by the city or town, the balance up to one thousand dollars of exemption or eighty-seven dollars and fifty cents, whichever basis is applicable, shall be borne by the commonwealth; and the state treasurer shall annually reimburse the city or town for the amount of the tax which otherwise would have been collected on account of this balance.

SECTION 2. This act shall apply to taxes levied for the fiscal period, beginning January first, nineteen hundred and seventy-three, and ending June thirtieth, nineteen hundred and seventy-four, and subsequent fiscal years.

Approved October 4, 1973.

Chap. 873. AN ACT RELATIVE TO THE ABATEMENT OF SMALL TAX BALANCES.

Be it enacted, etc., as follows:

Section 26B of chapter 58 of the General Laws, inserted by chapter 491 of the acts of 1964, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

The commission is authorized to abate the unpaid portion of the assessment of any tax or excise imposed by chapters sixty-two to sixty-five B, inclusive, and chapter one hundred and thirty-eight, or by any act in lieu thereof or in addition thereto, or any liability in respect thereof, if the amount due does not exceed ten dollars and the commission determines, under uniform rules prescribed by it, that the administration and collection costs involved would not warrant collection of the amount due.

Approved October 4, 1973.

Chap. 874. AN ACT REGULATING THE SALE OF THEMES, TERM PAPERS, THESES OR RESEARCH PAPERS INTENDED TO BE USED FOR ACADEMIC CREDIT, AND PROHIBITING THE TAKING OF EXAMINATIONS FOR ANOTHER AT EDUCATIONAL INSTITUTIONS.

Be it enacted, etc., as follows:

Chapter 271 of the General Laws is hereby amended by adding the following section: —

Section 50. Whoever, alone or in concert with others, sells to another, or arranges for or assists in such sale for another, a theme, term paper, thesis or other paper or the written results of research, knowing or having reason to know that such theme, term paper, thesis or other paper or research results or substantial material therefrom will be submitted or used by some other person for academic credit and represented as the original work of such person at an education institution in the commonwealth or elsewhere without proper attribution as to source, or whoever takes an examination for another at any educational institution in the commonwealth, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, or both.

Approved October 4, 1973.

Chap. 875. AN ACT AUTHORIZING THE DIRECTOR OF THE DIVISION OF EMPLOYMENT SECURITY TO MAKE AVAILABLE CERTAIN INFORMATION TO PUBLIC OFFICIALS.

Be it enacted, etc., as follows:

Chapter 151A of the General Laws is hereby amended by striking out section 46, as most recently amended by chapter 91 of the acts of 1973, and inserting in place thereof the following section: —

Section 46. Information secured pursuant to this chapter, shall be confidential and for the exclusive use and information of the

division in the discharge of its duties hereunder. Such information shall not be open to the public, nor shall it be admissible in any action or proceeding unless the division or the commonwealth is a party to such action or proceeding, or unless such action or proceeding is in the nature of a criminal prosecution under some provision of federal law or under chapter two hundred and sixty-four, or in the trial of a person for homicide, in which case such information shall be produced upon summons of the commonwealth or of the defendant, but any employer upon request, shall be supplied by the division with information concerning his own record which is necessary to him in his relations with the division; provided, however, that any claimant, upon request, shall have supplied to him or to his authorized agent, by the division, information concerning his own record which is necessary to him. Such information shall also be made available to the commissioners of public welfare and veterans' services and probation officers working for a governmental agency in the performance of their official duties. Whoever, except with the authority of the director or pursuant to his rules and regulations, or as otherwise required or authorized by law, shall disclose the same, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, or both; provided, that nothing herein shall be construed to prevent the director from complying with the provisions of section sixty-four or from conducting any investigation he deems relevant in connection herewith, nor to prevent the director from publishing in statistical form the results of any such investigations without disclosing the identity of the individuals involved. All information transmitted to the director or his duly authorized representative pursuant to this chapter shall be absolutely privileged and shall not be made the subject matter or basis in any action of slander or libel in any court of the commonwealth.

Approved October 4, 1973.

Chap. 876. AN ACT PROVIDING FOR THE EXEMPTION FROM INCOME TAXATION OF CERTAIN POLICE AND FIRE PENSIONS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, income from a noncontributory annuity or pension allowance received on account of service in a police or fire department of a town by a person, or his surviving spouse, who was in the employ of such police or fire department at the time of the establishment of the contributory retirement system under chapter thirty-two of the General Laws and who did not elect to join such contributory retirement system, shall be exempt from taxation under chapter sixty-two of the General Laws.

SECTION 2. This act shall apply to taxable years ending on and after December thirty-first, nineteen hundred and seventy-three.

Approved October 4, 1973.

Chap. 877. AN ACT CLARIFYING THE APPLICABILITY OF THE BANK EXCISE TO FOREIGN CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. The definition of "Net income" in section 1 of chapter 63 of the General Laws, as most recently amended by section 25 of chapter 555 of the acts of 1971, is hereby further amended by adding the following paragraph: —

In the case of a bank existing by the authority of a foreign country which is subject to taxation in another state or in a foreign country, the term "net income" shall mean the United States gross income of the bank for the taxable year, less the deductions attributable to such income, other than losses sustained by the bank in other fiscal or calendar years and other than dividends, allowable by the federal Internal Revenue Code applicable for said taxable year, multiplied by a fraction, the numerator of which is an amount equal to the gross income of the bank from all Massachusetts sources for the taxable year and the denominator of which is an amount equal to the United States gross income of the bank for the taxable year. The United States gross income shall mean the gross income which is effectively connected with the conduct of the trade or business of such bank within the United States within the meaning of the federal Internal Revenue Code.

SECTION 2. This act shall apply to taxable years ending on and after December thirty-first, nineteen hundred and seventy-three.
Approved October 4, 1973.

Chap. 878. AN ACT FURTHER REGULATING SEASONAL LOBSTER PERMITS.

Be it enacted, etc., as follows:

The first paragraph of section 38 of chapter 130 of the General Laws is hereby amended by striking out the ninth sentence, as appearing in section 2 of chapter 861 of the acts of 1970, and inserting in place thereof the following sentence: — Such a permit shall be issued to full-time students only, after such verification of student status as the director may determine, and shall allow the holder to take and sell lobster during the period June fifteen to September fifteen and shall limit the holder to the use of not more than twenty-five pots.
Approved October 4, 1973.

Chap. 879. AN ACT AUTHORIZING THE STATE TREASURER TO RECEIVE FUNDS FROM THE DIRECTOR OF THE DIVISION OF FISHERIES AND GAME.

Be it enacted, etc., as follows:

Chapter 10 of the General Laws is hereby amended by striking out section 16, as most recently amended by section 2 of chapter

438 of the acts of 1968, and inserting in place thereof the following section: —

Section 16. He shall invest, reinvest and hold in the name of the commonwealth any money or securities, or the proceeds thereof, received from the department of education under section three of chapter sixty-nine, or from the director of marine fisheries under seventeen of chapter one hundred and thirty, or from the commissioner of natural resources under section ninety of chapter one hundred and thirty-one, under section two of chapter one hundred and thirty-two or under section one of chapter one hundred and thirty-two A, or from the director of the division of fisheries and game under section seven of chapter one hundred and thirty-one or from the trustees of the state library under section thirty-seven A of chapter six, and shall disburse the income or principal thereof, subject to the prior approval of the house and senate committees on ways and means, on the order of the commissioner, director or head of the department or agency having charge of the work in aid of which the gift or bequest was made, or on the order of the trustees of the state library in case of gifts or bequests for the use of the state library; provided, that no disposition of either income or principal shall be made which is inconsistent with the terms of the trust on which the property is held. He shall be responsible on his bond for the faithful management of all such property.

Approved October 4, 1973.

Chap. 880. AN ACT INCREASING THE POWER OF THE DEPARTMENT OF PUBLIC HEALTH RELATIVE TO THE STATE SANITARY CODE.

Be it enacted, etc., as follows:

The first paragraph of section 127A of chapter 111 of the General Laws, as appearing in section 3 of chapter 898 of the acts of 1965, is hereby amended by adding the following sentences: — Said code or a supplement thereto shall designate those conditions which, when found to exist upon inspection of residential premises, shall be deemed to endanger or materially impair the health or safety of persons occupying the premises. This designation shall not be construed as prohibiting an inspector or other authorized person from certifying that any other violation or combination or series of violations of said code or other applicable laws, ordinances, by-laws, rules or regulations may endanger or materially impair the health or safety of said persons when such certification is otherwise appropriate.

Approved October 4, 1973.

Chap. 881. AN ACT LIMITING REIMBURSEMENT BY THE COMMONWEALTH FOR CATTLE DESTROYED BECAUSE THEY HAVE BEEN EXPOSED TO TUBERCULOSIS.

Be it enacted, etc., as follows:

Section 33 of chapter 129 of the General Laws, as most recently amended by chapter 519 of the acts of 1952, is hereby further amended by adding the following sentence: — If the federal government undertakes to pay part of the cost of any animal destroyed, as provided in this section, the payment by the commonwealth shall be limited to the difference between the payment authorized by the federal government and the payment hereinbefore provided.

Approved October 4, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, October 23, 1973

THE HONORABLE JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 881 of the Acts of 1973, entitled "AN ACT LIMITING REIMBURSEMENT BY THE COMMONWEALTH FOR CATTLE DESTROYED BECAUSE THEY HAVE BEEN EXPOSED TO TUBERCULOSIS," and the enactment of which received my approval on October 4, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

In order to reduce, forthwith, the cost to the Commonwealth of the current program and to more fully utilize the federal funding available for the program.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, October 23, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at four o'clock and nine minutes, p.m., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter eight hundred and eighty-one of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 882. AN ACT LIMITING REIMBURSEMENT BY THE COMMONWEALTH FOR HOGS DESTROYED BECAUSE THEY HAVE BEEN EXPOSED TO CHOLERA.

Be it enacted, etc., as follows:

Section 14C of chapter 129 of the General Laws, inserted by chapter 510 of the acts of 1968, is hereby amended by inserting after the word "Fund", in line 12, the words: — ; provided, however, that if the federal government undertakes to pay part of the cost of any hogs destroyed, as provided in this section, the payment by the commonwealth shall be limited to the difference between the payment authorized by the federal government and the payment hereinbefore provided.

Approved October 4, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, October 23, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 882 of the Acts of 1973, entitled "AN ACT LIMITING REIMBURSEMENT BY THE COMMONWEALTH FOR HOGS DESTROYED BECAUSE THEY HAVE BEEN EXPOSED TO CHOLERA." and the enactment of which received my approval on October 4, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

In order to reduce, forthwith, the cost to the Commonwealth of the current program and to more fully utilize the federal funding available for the program.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, October 23, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at four o'clock and ten minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter eight hundred and eighty-two of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 883. AN ACT CORRECTING THE OMISSION OF THE APPEALS COURT FROM THE LAW RELATIVE TO JUDGES' PENSIONS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 65A of chapter 32 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 4 of chapter 731 of the acts of 1972, and inserting in place thereof the following sentence: — A chief justice or any associate justice of the supreme judicial court, the appeals court, the superior court or the municipal court of the city of Boston, any judge or associate judge of the land court, any judge of probate and insolvency, a justice of any district court other than the municipal court of the city of Boston, or a justice of the Boston juvenile court, the Worcester, Bristol county or the Springfield juvenile court, who shall be retired under Article LVIII of the Amendments to the Constitution shall thereupon be entitled to receive a pension for life at an annual rate equal to three fourths of the annual rate of salary payable to him at the time of such retirement, to be paid from the same source and in the same manner as the salaries of like judicial officers of his court are paid.

SECTION 2. Any justice or judge who has resigned his position prior to the passage of this act to become the chief justice or an associate justice of the appeals court shall be deemed to have served continuously.

SECTION 3. This act shall take effect as of August sixteenth, nineteen hundred and seventy-two. *Approved October 5, 1973.*

Chap. 884. AN ACT PROVIDING FOR THE SALE OF CERTAIN LOW RENT HOUSING PROJECTS AND PROVIDING FOR REPLACEMENT HOUSING AND RELOCATION ASSISTANCE TO DISPLACED OCCUPANTS AND AUTHORIZING REHABILITATION FUNDS FOR CERTAIN HOUSING IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide decent, safe and sanitary low rent housing projects, and for the replacement of certain housing projects and assistance to certain persons displaced thereby, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 26 of chapter 121B of the General Laws is hereby amended by adding after clause (j), added by section 2 of chapter 694 of the acts of 1970, the following clause: —

(k) To undertake as a separate project the demolition, clearance, preparation for sale, including the payment of relocation costs for occupants of such existing housing projects, and sale or other disposition of any or all of any existing housing project or part thereof assisted by the commonwealth, pursuant to section thirty-four, notwithstanding the provisions of clause (d) or section thirty-four, provided, that the department shall first have:

(1) found that all or a substantial portion of such existing housing project or part thereof no longer provides decent, safe and sanitary housing, as determined by the department of public health or the department of public safety, and, in the judgment of the department, such project or part thereof cannot feasibly be operated or renovated pursuant to the provisions of this chapter;

(2) approved the proposed project, including a relocation plan for occupants of the existing project and a plan to make housing available on the land where the existing project is situated, at least twenty-five per cent of the units of which shall be for low income persons or families, which project may include plans to use a portion of such land for a public purpose ancillary to such development and approved by the department;

(3) approved the sale and the terms thereof, if the land is to be sold, which shall be at the fair market value for the proposed reuse, as determined by MHFA and approved by the department, and in accordance with the cooperation agreement referred to below;

(4) determined that the availability of funds to the housing authority for such project is conditioned upon the occurrence of the initial mortgage loan closing for the development of new or rehabilitated housing on the land where the existing project is situated; and the execution of a cooperation agreement by the MHFA and the department which shall establish a procedure for the selection of a developer best qualified to develop, own and operate the new or rehabilitated housing on the existing land, for providing for such development of the new housing within a reasonable time in accordance with MHFA-approved contracts, and for assuring continued occupancy of at least twenty-five per cent of the dwelling units in the new development by families of low income;

(5) determined that the proceeds of such sale or other funds available to the housing authority for such project, or both, shall not be less than the amount necessary to pay in full the principal and interest on the outstanding obligations of the housing authority with respect to such existing project if the whole is sold or not less than that percentage of such obligations which the original cost of the part sold bears to the total original cost of the entire existing project if a part is sold. Such proceeds or other funds shall be deposited in trust for the benefit of the holders of such outstanding obligations and until and unless all such obligations are paid and discharged in full said proceeds and other funds shall be expended solely for payment of principal and interest thereon; and

(6) found that representatives of all occupants of such existing housing project, selected by the occupants in a manner approved by the department, have fully participated in the development of the project proposal and that all occupants of such existing housing projects have adequate notice and an opportunity to review the proposed project and relocation plan and an opportunity to present their views at a public hearing which shall be held by the department.

SECTION 2. Said chapter 121B of the General Laws is hereby amended by inserting after section 34 the following section: —

Section 34A. The commonwealth, acting by and through the department, may enter into a contract or contracts with a housing authority for state financial assistance in the form of annual contributions to assist projects financed by the MHFA which are leased in whole or in part by the said housing authorities to provide replacement housing units for, or relocation housing for occupants of, housing projects which are demolished, cleared, sold or otherwise disposed of pursuant to the provisions of this chapter. Such contract shall contain a provision that such annual contributions shall be used for the payment of interest on, and the principal of, mortgages held by the MHFA. The annual contributions for any one MHFA project shall be payable in an amount not exceeding six per cent of the cost of that portion of the project leased by such housing authority, as determined by the department, and for the fixed period which said mortgage for such MHFA project remains outstanding, but in no event for more than forty years after completion of the MHFA project, as determined by the department; provided, however, that the total amount of such annual contributions contracted for by the commonwealth for any one year shall not exceed one hundred and ninety thousand dollars. Each such annual contribution by the commonwealth to the housing authorities shall be paid by the commonwealth to the housing authority for payment to the MHFA upon approval and certification by the state comptroller.

Each such contract shall provide:

(i) that whenever in any year the earned surplus accumulated by the mortgagor exceeds the amount permitted by section five of chapter seven hundred and eight of the acts of nineteen hundred sixty-six, as determined by MHFA, an amount equal to that portion of such excess allocable to the units leased by such housing authorities shall be applied or set aside for application to purposes which shall effect a reduction in the amount of subsequent annual contributions, and

(ii) for enforcement by the department of such contract in the manner set forth in clause (e) of section thirty-four, and

(iii) that such annual contributions may be terminated by the department if the mortgagor in the judgment of MHFA ceases to operate the project in accordance with the requirements of chapter seven hundred and eight of the acts of nineteen hundred and sixty-six.

The full faith and credit of the commonwealth is hereby pledged to the payment of all annual contributions contracted for by the commonwealth. The provisions of section thirty-four shall not apply to such contracts for financial assistance, but each such contract shall contain such limitations as to the development cost of such MHFA projects and such administration and maintenance costs as the department may require. The amount of annual contributions contracted for by the commonwealth pursuant to this section

shall reduce, pro tanto, the maximum amount of annual contributions authorized under the third and fourth paragraphs of clause (b) of section thirty-four.

SECTION 3. Said chapter 121B is hereby further amended by inserting after section 44 the following section: —

Section 44A. Notwithstanding any other provision of this chapter, a housing authority, in addition to its other powers and for the purpose of replacing the dwelling units for persons and families of low income which will be eliminated through the demolition, clearance, sale or other disposition of low rent housing projects or to provide relocation housing for persons and families of low income and elderly persons of low income displaced thereby, may lease dwelling units in projects financed by the MHFA for a period not to exceed forty years from the completion of such MHFA project, as determined by the department. The requirements with respect to rentals and tenant selection for low rent housing projects shall apply to units leased by such housing authorities pursuant to this section, except that preference shall be given to displaced occupants of the low rent housing projects so demolished, cleared, sold or otherwise disposed of.

SECTION 4. The department of community affairs is hereby authorized to expend a sum not exceeding ten million dollars for the purpose of contracts to be entered into by said department, acting for and on behalf of the commonwealth with housing authorities established pursuant to section three of chapter one hundred and twenty-one B of the General Laws, or corresponding provisions of earlier laws, for state financial assistance in the form of loans or grants to such authorities for projects undertaken pursuant to clause (k) of section twenty-six of said chapter, which grants shall be paid by the commonwealth upon approval and certification by said department to the state comptroller. Any sum remaining after the full discharge of all outstanding obligations as provided in paragraph (5) of said clause (k) shall be paid into the state treasury and held in a special fund for the purposes of this section.

SECTION 5. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purpose of meeting payments as authorized by section four of this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the General Court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall be not later than June the thirtieth, nineteen hundred and seventy-eight. Such notes shall be general obligations of the commonwealth.

SECTION 6. To meet the expenditures necessary in carrying out the provisions of section four or to refinance notes issued as pro-

vided in section five of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of ten million dollars. Such bonds shall be designated on their face, Public Housing Clearance and Disposition Loan, Act of 1973 and shall be on the serial payment plan for such maximum term of years, not exceeding twenty years, as the governor may recommend to the General Court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization other than the final year shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semi-annually at such rate as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June the thirtieth, nineteen hundred and ninety-eight.

SECTION 6A. Section 1 of chapter 694 of the acts of 1970 is hereby amended by striking out, in line 2, the word "fifteen" and inserting in place thereof the word: — twenty.

SECTION 6B. Section 3 of said chapter 694 is hereby amended by striking out, in line 12, the word "seventy-five" and inserting in place thereof the word: — seventy-six.

SECTION 6C. Section 4 of said chapter 694 is hereby amended by striking out, in line 7, the word "fifteen" and inserting in place thereof the word: — twenty, — and by striking out, in line 21, the word "ninety-five" and inserting in place thereof the word: — ninety-six.

SECTION 7. If a housing authority shall undertake a project pursuant to clause (k) of section 26 of chapter one hundred and twenty-one B of the General Laws, and the department of community affairs shall have made the findings required by said clause (k), and shall have further found that continuance of financing and financial assistance for the existing project under said chapter one hundred and twenty-one B is essential to avoid substantial hardship to the commonwealth, then, notwithstanding any other provision of law, such housing authority shall have power to continue to make available financing and the commonwealth may continue to provide financial assistance to such housing authority until funds under this act are made available to such housing authority in an amount sufficient to retire the outstanding obligations of the housing authority with respect to the existing project.

Approved October 5, 1973.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to have its provisions applicable to taxable years commencing after December thirty-first, nineteen hundred and seventy-two, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 2 of chapter 63C of the General Laws, as amended by section 20 of chapter 796 of the acts of 1967, is hereby further amended by striking out, in line 4, the word "four" and inserting in place thereof the word: — five.

SECTION 2. Notwithstanding the provisions of section eighteen of chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine, the surtax imposed by said section shall not apply to taxes imposed under section two of chapter sixty-three C of the General Laws.

SECTION 3. This act shall take effect upon its passage, and shall apply to taxable years commencing after December thirty-first, nineteen hundred and seventy-two. *Approved October 5, 1973.*

Chap. 886. AN ACT DIRECTING THE DIVISION OF FISHERIES AND GAME IN THE DEPARTMENT OF NATURAL RESOURCES TO GIVE TO THE TOWN OF WILBRAHAM THE RIGHT OF FIRST REFUSAL TO PURCHASE CERTAIN LAND IN SAID TOWN.

Be it enacted, etc., as follows:

The commonwealth, acting through the division of fisheries and game in the department of natural resources, is hereby authorized and directed to give the town of Wilbraham a right of first refusal with respect to the purchase of the Wilbraham game farm located in said town and under the control of said division in the event that said farm is offered for sale by said division after an appraisal has been made of said property. *Approved October 5, 1973.*

Chap. 887. AN ACT PROVIDING A COST OF LIVING SALARY ADJUSTMENT FOR THE CLERKS AND ASSISTANT CLERKS OF THE MUNICIPAL COURT OF THE CITY OF BOSTON AND THE BOSTON JUVENILE COURT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 218 of the General Laws is hereby amended by striking out section 75A, as most recently amended by section 1 of chapter 884 of the acts of 1971, and inserting in place thereof the following section: —

Section 75A. The salary of the clerk of the municipal court of the city of Boston for civil business, the salary of the clerk of said

court for criminal business, and the salary of the clerk of the Boston juvenile court shall be twenty-one thousand five hundred twenty dollars.

SECTION 2. This act shall take effect as of January first, nineteen hundred and seventy-three.

(This Bill, returned by the Governor, to the Senate, the branch in which it originated, with his objections thereto, was passed by the Senate, October 9, 1973, and, in concurrence, by the House of Representatives, October 9, 1973, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 888. AN ACT RELATIVE TO THE INSURANCE COVERAGE FOR RETIRED EMPLOYEES OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 32A of the General Laws is hereby further amended by striking out paragraph (a), as most recently amended by section 1 of chapter 758 of the acts of 1968, and inserting in place thereof the following paragraph: —

(a) With respect to any period of insurance authorized by this chapter which is in effect for an active employee and dependent, there shall be withheld from each payment of salary or wages twenty-five per cent of the premium for such insurance and the commonwealth shall contribute the remaining seventy-five per cent of said premium. With respect to any period of insurance authorized by this chapter which is in effect for a retired employee and dependent, there shall be withheld from each payment of pension or retirement allowance twenty-five per cent of the premium for such insurance and the commonwealth shall contribute the remaining seventy-five per cent of said premium. The commonwealth shall also contribute seventy-five per cent of any additional premium which may be required for coverage of an employee's dependent child who is nineteen years of age or over and mentally or physically incapable of earning his own living.

SECTION 2. Section 10 of said chapter 32A is hereby amended by striking out the first paragraph, as appearing in section 1 of chapter 1048 of the acts of 1971, and inserting in place thereof the following paragraph: —

The commission shall require that, upon retirement of an employee, the policy or policies of insurance as set forth in section six, except the optional group life insurance referred to therein, shall provide that the thousand dollars of group life insurance, the two thousand dollars of group accidental death and dismemberment insurance and the group general or blanket insurance providing hospital, surgical, medical and other health insurance, as provided under sections five and ten C, as may be applicable, shall be continued, provided said retiree makes application to the commission

on a form prescribed by the rules and regulations of the commission. The retired employee shall pay twenty-five per cent of the average group premium as determined by the commission for such group life and accidental death and dismemberment insurance and twenty-five per cent of the average group premium as determined by the commission for the hospital, surgical, medical and other health insurance for such retired employee or for such retired employee and his dependents and the commonwealth shall contribute the remaining seventy-five per cent of such premium costs, except that for insurance for services of a health care organization, as provided under section fourteen, the retired employee shall pay the remainder of the monthly premium cost after deducting the amount contributed by the commonwealth. The commonwealth shall contribute the remaining seventy-five per cent of the average group premium costs of group life insurance and group or blanket health insurance, as provided under sections five and ten C. The contribution by the commonwealth for services of health care organization shall be equal to and shall not exceed the contribution of the commonwealth for group or blanket health insurance as provided under section five or section ten C. *Approved October 9, 1973.*

Chap. 889. AN ACT AUTHORIZING THE MASSACHUSETTS REHABILITATION COMMISSION TO PROVIDE FOR THE FURNISHING OF EXTENDED SHELTERED EMPLOYMENT TO CERTAIN PHYSICALLY OR MENTALLY HANDICAPPED PERSONS.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 78 the following section: —

Section 78A. The commission shall administer a program of extended sheltered employment for those physically or mentally handicapped persons over sixteen years of age, who, after individual evaluation by the commission, are considered unemployable in the competitive labor market, but who are able to earn through their productive capacity at least one quarter of the legally established minimum wage in extended employment in a sheltered workshop operated by a private non-profit organization. The commission shall inspect the facilities for extended sheltered employment of such private non-profit organizations and shall maintain a register of such organizations which it approves as qualified to meet the needs of such handicapped persons and eligible to receive funds. The commission may contract with such organizations for the furnishing of such extended sheltered employment, and may, subject to appropriation, expend for such purpose such sum or sums, not to exceed fifteen hundred dollars a year for each such handicapped person. *Approved October 9, 1973.*

Chap. 890. AN ACT AUTHORIZING CERTAIN ADMISSION CHARGES TO THE FRANKLIN PARK ZOO BY THE METROPOLITAN DISTRICT COMMISSION.

Be it enacted, etc., as follows:

Chapter 702 of the acts of 1957 is hereby amended by striking out section 1A and inserting in its place the following section: —

Section 1A. Upon the acquisition or the transfer of the care and control of said portion of Franklin park as provided in section one, said commission shall operate, maintain and improve the zoo and other facilities thereon and may charge admission to said zoo; provided, that said zoo shall be open for a reasonable period of time each day without such admission charge; and further provided, that persons sixty-five years of age and over and uniformed members of the armed forces of the United States shall pay half price for such admission charge at all times when admission applies, and that school children in groups from the Metropolitan District Commission Parks District communities shall be admitted without such admission charge on a scheduled basis.

Approved October 9, 1973.

Chap. 891. AN ACT TO REQUIRE THE POSTING OF CERTAIN INFORMATION RELATIVE TO THE SALE OF ELECTRIC APPLIANCES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 94 of the General Laws is hereby amended by inserting after section 313 the following five sections: —

Section 314. As used in sections three hundred and fifteen through three hundred and eighteen, inclusive, the following words and phrases shall, unless the context otherwise requires, have the following meanings: —

“Appliance”, an air conditioner, refrigerator, freezer or refrigerator-freezer which is not used or secondhand;

“Class of appliances”, all appliances performing similar functions;

“Consumer”, a person who purchases an appliance for use by himself or others and not for resale as a new appliance;

“Director”, the director of the division of standards;

“Secretary”, the secretary of the executive office of consumer affairs;

“Subclass of appliances”, those appliances within a class of appliances which are determined by the secretary to be comparable in size, capacity or capability.

Section 315. No person shall display for sale to consumers or for promotional purposes an appliance required by the secretary to be labelled under the provisions of section three hundred and sixteen unless said appliance prominently bears a label complying with said provisions, and no person shall sell or offer for sale an appliance

whose sale has been suspended under the provisions of section three hundred and seventeen.

Section 316. The secretary may, in accordance with the provisions of chapter thirty A, adopt and amend regulations which require that each appliance in a class or subclass of appliances which is displayed for sale or for promotional purposes bear a label. The same regulations shall apply to each appliance in any subclass of appliances. The secretary may require said label to contain any or all of the following information, in such form as he may prescribe: — (1) the cost in dollars or units of energy or both of operating the appliance during a year or any part of said year as determined under section three hundred and seventeen; (2) any numerical measure of efficiency which accurately reflects the relative efficiencies of all appliances within a class or subclass; and (3) a brief description of testing and computation procedures used to determine the above information.

The secretary shall prescribe the form of such labels and may establish procedures for their production, distribution and use, except that he may not require that any label be produced, distributed or affixed outside the commonwealth.

Section 317. The secretary may, in accordance with the provisions of chapter thirty A, adopt regulations for standardized computation procedures to be used to determine the information described in section three hundred and sixteen. The same computation procedures shall apply to each appliance in any subclass of appliances. Such procedures may provide for the computation of a range of annual energy costs as well as a single figure. The secretary may apply such computation procedures to any subclass of appliances for which there is available accurate and recent information concerning the efficiency of at least eighty per cent of the appliances in said subclass that are sold in the commonwealth. The secretary may prescribe standardized testing procedures for any appliance from such a subclass for which such information is not available. The same testing procedures shall apply to each such appliance in any subclass of appliances. He may require the director or manufacturers, distributors or importers to test such appliances in accordance with said standardized testing procedures and to report the results to him in such manner and within such time as he shall determine.

If a manufacturer, distributor, or importer fails to report such test results as required by the secretary or if such results are determined by the director to be false or misleading, the secretary may order the suspension of sales of the affected appliance within not fewer than five days. Any person aggrieved by such order may demand a hearing concerning such order, which hearing shall be conducted by the secretary or his designee within forty-five days of such demand in accordance with the provisions of chapter thirty A. If the secretary finds that the test results were not false or misleading, he shall rescind the order immediately. If a manufacturer, distributor, or importer reports to the secretary new test results

which the secretary determines to be correct and complete, the secretary shall rescind the order within fourteen days from receipt of such report.

Section 318. Whoever knowingly violates the provisions of section three hundred and fifteen shall be punished for each offense by a fine of not more than five hundred dollars. Whoever knowingly provides false or misleading information required under the provisions of section three hundred and seventeen shall be punished for each offense by a fine of not less than one thousand dollars nor more than ten thousand dollars, or imprisonment for not more than one year, or both.

SECTION 2. The secretary of the executive office of consumer affairs is hereby authorized to develop and implement rules and regulations for a voluntary program for the labelling of appliances, in cooperation with appliance manufacturers, distributors, importers and retailers and other interested parties. Said program shall conform to the terms and requirements of sections three hundred and sixteen and three hundred and seventeen of chapter ninety-four of the General Laws, added by section one of this act, except that chapter thirty A shall not apply to said rules and regulations, and said program shall cease to be effective on January first, nineteen hundred and seventy-five.

SECTION 3. Sections three hundred and fourteen to three hundred and eighteen, inclusive, of chapter ninety-four of the General Laws, added by section one of this act, shall take effect on January first, nineteen hundred and seventy-five.

Approved October 9, 1973.

Chap. 892. AN ACT FURTHER DEFINING THE PURCHASE, LICENSING, AND KEEPING OF RECORDS OF FIREARMS.

Be it enacted, etc., as follows:

SECTION 1. Section 121 of chapter 140 of the General Laws is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

In sections one hundred and twenty-two to one hundred and thirty-one F, inclusive, "firearm" shall mean a pistol, revolver or other weapon of any description loaded or unloaded, from which a shot or bullet can be discharged and of which the length of barrel is less than sixteen inches or eighteen inches in the case of a shotgun, and the term "length of barrel" shall mean that portion of a firearm, rifle, shotgun or machine gun through which a shot or bullet is driven, guided or stabilized, and shall include the chamber. A "machine gun" is a weapon of any description, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged by one continuous activation of the trigger, and includes a submachine gun. The term "ammunition" shall mean cartridges or cartridge cases, primers (igniter), bullets or propellant powder designed for use in any fire-

arm, rifle or shotgun. The term "ammunition" shall also mean tear gas cartridges, chemical mace, or any device or instrument which contains or emits a liquid, gas, powder, or any other substance designed to incapacitate. The words "purchase" and "sale" include exchange; the word "purchaser" shall include exchanger; and the verbs "sell" and "purchase", in their different forms and tenses, shall include the verb exchange in its appropriate form and tense, and the term "gunsmith" as used in this chapter shall mean and include any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm, rifle, shotgun or machine gun. The word "conviction" shall mean a finding or verdict of guilt, or a plea of guilty whether or not final sentence is imposed. "Licensing Authority" shall mean the chief of police or the board or officer having control of the police in a city or town, or persons authorized by them.

SECTION 2. The first paragraph of section 122B of said chapter 140 is hereby amended by striking out the eighth and ninth sentences, as appearing in section 2 of chapter 456 of the acts of 1971.

SECTION 3. Section 129C of said chapter 140 is hereby amended by striking out the first and second paragraphs, as appearing in section 8 of chapter 799 of the acts of 1969, and inserting in place thereof the following two paragraphs: —

No person, other than a licensed dealer or one who has been issued a license to carry a pistol or revolver or an exempt person as hereinafter described, shall own or possess any firearm, rifle, shotgun or ammunition unless he has been issued a firearm identification card by the licensing authority pursuant to the provisions of section one hundred and twenty-nine B.

No person shall sell, give away, loan or otherwise transfer a rifle or shotgun or ammunition other than (a) by operation of law, or (b) to an exempt person as hereinafter described, or (c) to a licensed dealer, or (d) to a person who displays his firearm identification card, or license to carry a pistol or revolver.

SECTION 4. The fourth paragraph of said section 129C of said chapter 140, as so appearing, is hereby amended by inserting after the word "shotguns", in lines 11, 23, 25, 27, 36, and 73, in each instance, the words: — and ammunition therefor.

SECTION 5. The fifth paragraph of said section 129C of said chapter 140, as so appearing, is hereby amended by inserting after the word "shotgun", in line 3, the words: — or ammunition therefor.

SECTION 6. Section 129D of said chapter 140, as amended by section 9 of said chapter 799, is hereby further amended by inserting after the word "shotguns", in lines 7, 10, 12, 15, 17, 18, and 22, in each instance, the words: — and ammunition.

SECTION 7. Section 131 of said chapter 140, as most recently amended by chapter 145 of the acts of 1972, is hereby further amended by adding the following paragraph: —

The license holder shall notify, in writing, the authority who issued said license, the chief of police into whose jurisdiction the license holder moves, and the commissioner of public safety of any change in his address. Such notification shall be made within ten days of its occurrence.

SECTION 7A. Section 131A of said chapter 140 is hereby amended by striking out the second sentence, as amended by section 4 of chapter 312 of the acts of 1972, and inserting in place thereof the following sentence: — The commissioner of public safety or a person authorized by him, upon the application of a person licensed under section one hundred and thirty-one F, may grant to such licensee, other than a minor, a permit to purchase, rent or lease a firearm, rifle or shotgun, or to purchase ammunition therefor, if it appears that such purchase, rental or lease is for a proper purpose, and may revoke such permit at will.

SECTION 8. Said section 131A of said chapter 140 is hereby further amended by adding the following paragraph: —

The fee for such permits shall be two dollars.

SECTION 9. Chapter 269 of the General Laws is hereby amended by striking out section 10C, inserted by chapter 342 of the acts of 1969, and inserting in place thereof the following section: —

Section 10C. Whoever uses tear gas cartridges, chemical mace, or any device or instrument which contains a liquid, gas, powder, or any other substance designed to incapacitate for the purpose of committing a crime shall be punished by imprisonment in the state prison for not more than seven years. *Approved October 9, 1973.*

Chap. 893. AN ACT PROVIDING FOR LEGAL ASSISTANCE TO THE INDIGENT MENTALLY ILL.

Be it enacted, etc., as follows:

Chapter 221 of the General Law is hereby amended by inserting after section 34D the following section: —

Section 34E. The justices of the supreme judicial court shall appoint a mental health legal advisors committee consisting of fourteen attorneys, four of whom shall hold office for a term of four years, four for a term of three years, three for a term of two years and three for a term of one year. Upon completion of each such term of a member of said committee, his successor shall be appointed for a term of four years. The unexpired portion of any term which becomes vacant shall be filled by the justices of the supreme judicial court. Members of said committee may be removed by the justices of the supreme judicial court. No member of the committee shall receive any compensation for his services, but each member shall be reimbursed for actual traveling expenses incurred by him in attending the committee meetings. The membership of the committee shall contain a practicing attorney or attorneys from each of the mental health regions of the Commonwealth. The committee shall annually appoint and may at any time remove an

executive director who shall be compensated from funds available therefor.

Any practicing member of the bar of the commonwealth who wishes to serve as a mental health legal advisor shall submit his name, office address and telephone number to the committee, which shall compile a list of all such names submitted, dividing the names into groups of lawyers practicing within each of the mental health regions of the commonwealth. Said list shall be updated quarterly. Said list of mental health legal advisors shall be circulated by the committee to the district courts and municipal courts of the commonwealth and to the department of mental health. The committee shall annually establish and approve a fee schedule for such services as shall be performed by the mental health legal advisors and said mental health legal advisors shall upon certification of the judge appointing him be compensated in accordance therewith for services performed for an indigent patient.

It shall be the duty of the committee to develop a program of volunteer legal assistance. Such program shall utilize the participation of attorneys, professional and nonprofessional aides and all other groups who offer their services on a voluntary basis, to assist and advise indigent patients and residents in Bridgewater state hospital and all other mental health and retardation facilities of the commonwealth concerning their legal rights. Said volunteers may, subject to the approval of the committee, interview and examine all pertinent records of any such patient or resident. In addition, the committee shall appoint such clerical or other nonprofessional staff assistants as may be necessary to carry out the duties of the committee.

It shall be the duty of the committee to conduct a continuing program of information with regard to the legal rights of patients and residents at all mental health and retardation facilities in the commonwealth, which information shall be circulated to said patients and residents and their relatives, to the employees of the department of mental health, the members of the bar of the commonwealth and to anyone requesting such information. In addition, such information shall be made available to the public at large.

Upon petition of an indigent patient or resident in Bridgewater state hospital or any other mental health or retardation facility, private or public, or the legal guardian or a relative or a friend of such patient or resident, to any district or municipal court of the commonwealth, such court shall appoint from the list circulated of mental health legal advisors, a lawyer, practicing in the same or an adjoining mental health region as that in which the court is situated, to advise such patient of his legal rights and to represent such patient.

A mental health legal advisor so appointed may examine all records pertaining to such patient or resident, including the records of the department of mental health and the department of correction or any other agency of the government of the commonwealth or any other institution operated by the commonwealth or any

political subdivision thereof or any hospital situated in the commonwealth. In addition, such advisor may make all necessary inquiries as he deems proper for the carrying out of his duties.

A mental health legal advisor shall be compensated for legal services performed for an indigent patient by the mental health legal advisor's committee in accordance with the fee schedule established by the mental health legal advisors committee as provided for herein.

The committee shall be eligible for federal funds and may accept gifts, grants or contributions from any source and may expend the same, for the purpose of compensating said mental health legal advisors.

Approved October 9, 1973.

Chap. 894. AN ACT INCREASING THE SALARY OF THE CLERK OF THE SECOND DISTRICT COURT OF EASTERN WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (1) of section 79 of chapter 218 of the General Laws is hereby amended by striking out *Class II*, as appearing in section 1 of chapter 540 of the acts of 1973, and inserting in place thereof the following class: —

Class II. The second district court of eastern Worcester.

third district court of southern Worcester, and

district court of eastern Essex.

SECTION 2. Said paragraph (1) of said section 79 of said chapter 218 is hereby further amended by striking out *Class III*, as most recently amended by section 1 of chapter 813 of the acts of 1973, and inserting in place thereof the following class: —

Class III. The district court of Chicopee.

Approved October 9, 1973.

Chap. 895. AN ACT PROVIDING FOR A FOURTH ASSISTANT REGISTER OF PROBATE IN PLYMOUTH COUNTY.

Be it enacted, etc., as follows:

Chapter 217 of the General Laws is hereby amended by striking out section 24B, inserted by chapter 851 of the acts of 1971, and inserting in place thereof the following section: —

Section 24B. The judges of probate for the county of Plymouth may appoint a third and a fourth assistant register of probate for said county, who shall hold office for three years unless sooner removed by the judges. They shall be subject to the laws relative to assistant registers.

Approved October 9, 1973.

Chap. 896. AN ACT RELATIVE TO THE FILING OF PETITIONS WITH THE GENERAL COURT BY CITIES AND TOWNS UNDER THE SO CALLED HOME RULE AMENDMENT TO THE CONSTITUTION.

Be it enacted, etc., as follows:

Chapter 3 of the General Laws is hereby amended by inserting after section 8 the following section: —

Section 8A. A petition filed or approved by the voters of a city or town, or the mayor and city council or other legislative body of a city, or the town meeting or other legislative body of a town, for submission to the general court pursuant to the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth shall indicate the number voting in favor of such filing or approval and the number opposed, if such vote is tabulated.

Approved October 9, 1973.

Chap. 897. AN ACT PROVIDING FOR THE REGISTRATION AND PROTECTION OF TRADEMARKS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 110 of the General Laws is hereby amended by striking out the definitions of "Label" and "Name".

SECTION 2. Sections two, three, seven, seven A, and eight to fifteen, inclusive, of said chapter one hundred and ten are hereby repealed.

SECTION 3. Said chapter 110 is hereby further amended by striking out section 26, as amended by section 2 of chapter 169 of the acts of 1946, and inserting in place thereof the following section: —

Section 26. Violations of any provisions of sections four A and four B shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one year, or both.

SECTION 4. Said chapter 110 is hereby further amended by striking out section 27, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 27. Violations of section sixteen shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, or both.

SECTION 5. The General Laws are hereby amended by inserting after chapter 110A the following chapter: —

CHAPTER 110B.

REGISTRATION AND PROTECTION OF TRADEMARKS.

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

"Applicant", any person filing an application for registration of a mark under this chapter, his legal representatives, successors or assigns;

"Mark", any trademark or service mark entitled to registration under this chapter whether registered or not;

"Person", any individual, firm, partnership, corporation, association, union or other organization;

"Registrant", any person to whom the registration of a mark under this chapter is issued, his legal representative, successors or assigns;

"Service mark", a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others;

"Trade name", a word, name, symbol, device or any combination thereof used by a person to identify his business, vocation or occupation and distinguish it from the business, vocation or occupation of others;

"Trademark", any word, name, symbol or device, or any combination thereof, adopted and used by a person to identify goods made or sold by him, and to distinguish them from goods made or sold by others.

For the purposes of this chapter, a trademark shall be deemed to be "used" in the commonwealth (a) on goods when it is placed in any manner on the goods or their containers or the displays associated therewith or on the tags or labels affixed thereto and such goods are sold or otherwise distributed in the commonwealth, and (b) on services when it is used or displayed in the sale or advertising of services and the services are rendered in the commonwealth.

Section 2. Subject to the limitations set forth in this chapter, any person who adopts and uses a mark may file in the office of the state secretary, on a form to be furnished by him, an application for registration of that mark setting forth, but not limited to, the following information:

(a) the name and business address of the person applying for such registration; and, if a corporation, the state of incorporation,

(b) the goods or services in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods or services and the class in which such goods or services fall,

(c) the date when the mark was first used anywhere and the date when it was first used in the commonwealth by the applicant or his predecessor in business, and

(d) a statement that the applicant is the owner of the mark and that no other person has the right to use such mark in the commonwealth either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

The application shall be signed and verified by the applicant or by a member of the firm or an officer of the corporation or association applying.

The application shall be accompanied by a specimen or facsimile of such mark in triplicate.

The application for registration shall be accompanied by a filing fee of twenty-five dollars, payable to the state secretary.

Section 3. No person may register a mark if it:

(a) consists of or comprises immoral, deceptive or scandalous matter; or

(b) consists of or comprises matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute; or

(c) consists of or comprises the flag or coat of arms or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof; or

(d) consists of or comprises the name, signature or portrait of any living individual, except with his written consent; or

(e) when applied to the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them, or when applied to the goods or services of the applicant is primarily geographically descriptive or deceptively misdescriptive of them, or is primarily merely a surname provided, however, that nothing in this subsection shall prevent the registration of a mark used in the commonwealth by the applicant which has become distinctive of the applicant's goods or services. The state secretary may accept as evidence that the mark has become distinctive, as applied to the applicant's goods or services, proof of continuous use thereof as a mark by the applicant in the commonwealth or elsewhere for the five years next preceding the date of the filing of the application for registration; or

(f) so resembles a mark registered in the commonwealth or a mark or trade name previously used in the commonwealth by another and not abandoned, as to be likely, when applied to the goods or services of the applicant, to cause confusion or mistake or to deceive.

Section 4. Upon compliance by the applicant with the requirements of this chapter, the state secretary shall cause a certificate of registration to be issued and delivered to the applicant.

The certificate of registration shall be issued under the signature of the state secretary and the seal of the commonwealth, and it shall show the name and business address and, if a corporation, the state of incorporation, of the person claiming ownership of the mark, the date claimed for the first use of the mark anywhere and the date claimed for the first use of the mark in the commonwealth, the class of goods or services and a description of the goods or services on which the mark is used, a reproduction of the mark, the registration date and the term of the registration.

Any certificate of registration issued by the state secretary under the provisions hereof or a copy thereof duly certified by the secretary shall be admissible in evidence as competent and sufficient proof of the registration of such mark in any action or judicial proceedings in any court of the commonwealth.

Registration of or renewal of a mark provided by this chapter shall be constructive notice of the registrant's claim of ownership thereof and shall, when introduced in any action, be prima-facie

evidence of the registrant's exclusive right to use the registered mark in this commonwealth on goods or services specified in the registration subject to any conditions or limitations stated therein, but shall not preclude an opposing party from proving any legal or equitable defense or defect which might have been asserted if such mark had not been registered.

Section 5. Registration of a mark hereunder shall be effective for a term of ten years from the date of registration and, upon application filed within six months prior to the expiration of such term, on a form to be furnished by the state secretary, the registration may be renewed for a like term. A renewal fee of twenty-five dollars, payable to the state secretary, shall accompany the application for renewal of the registration.

A mark registration may be renewed for successive periods of ten years in like manner.

The state secretary shall notify registrants of marks hereunder of the necessity of renewal within the year next preceding the expiration of the ten years from the date of registration, by writing to the last known address of the registrants.

All applications for renewals under this chapter, whether of registrations made under this chapter or of registrations effected under any prior law, shall include a statement that the mark is still in use in the commonwealth.

Section 6. Any mark and its registration hereunder shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Assignment shall be by instruments in writing duly executed and may be recorded with the state secretary upon the payment of a fee of twenty dollars payable to the secretary who, upon recording of the assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof. An assignment of any registration shall be void as against any subsequent purchaser for valuable consideration without notice, unless it is recorded with the state secretary within three months after the date thereof or prior to such subsequent purchase.

Section 7. The state secretary shall keep for public examination a record of all marks registered or renewed under this chapter.

Section 8. The state secretary shall cancel:

- (1) any registration concerning which the state secretary shall receive a voluntary request for cancellation thereof from the registrant or the assignee of record;
- (2) any registration granted and not renewed in accordance with the provision hereof;
- (3) any registration which the superior court shall find
 - (a) that the registered mark has been abandoned,
 - (b) that the registrant is not the owner of the mark,
 - (c) that the registration was granted improperly,
 - (d) that the registration was obtained fraudulently,
 - (e) that the registered mark is so similar, as to be likely to

cause confusion or mistake or to deceive, to a mark registered by another person in the United States Patent Office, prior to the date of the filing of the application for registration by the registrant hereunder, and not abandoned; provided, however, that should the registrant prove that he is the owner of a concurrent registration of his mark in the United States Patent Office covering an area including the commonwealth, the registration hereunder shall not be cancelled.

(4) any registration which has been ordered cancelled by the superior court.

Section 9. The state secretary shall promulgate rules and regulations for the determination of classes of goods and services for the convenience of the administration of this chapter.

Section 10. Any person who shall for himself, or on behalf of any other person, procure the filing or registration of any mark in the office of the state secretary, by knowingly making any false or fraudulent representation or declaration, verbally or in writing, or by any other fraudulent means, shall be liable to pay all damages sustained in consequence of such filing or registration, to be recovered by or on behalf of the party injured thereby in any court of competent jurisdiction.

Section 11. Subject to the provisions of section fourteen any person who shall:

(a) use, without consent of the registrant, any reproduction, counterfeit, copy, or colorable imitation of a mark registered under this chapter in connection with the sale, offering for sale, or advertising of any goods or services on or in connection with which such use is likely to cause confusion or mistake or to deceive as to the source of origin of such goods or services; or

(b) reproduce, counterfeit, copy or colorably imitate any such mark and apply such reproduction, counterfeit, copy or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or in conjunction with the sale or other distribution in the commonwealth of such goods or services, shall be liable to a civil action by the owner of such registered mark for any or all of the remedies provided in section thirteen, except that under this section the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such mark is intended to be used to cause confusion or mistake or to deceive.

Section 12. Likelihood of injury to business reputation or of dilution of the distinctive quality of a mark registered under this chapter, or a mark valid at common law, or a trade name valid at common law, shall be a ground for injunctive relief notwithstanding the absence of competition between the parties or the absence of confusion as to the source of goods or services.

Section 13. Any owner of a mark registered under this chapter may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof and the superior court may grant injunctions to restrain such manufacture, use, display or sale

as may be by the said court deemed just and reasonable, and may require the defendants to pay to such owner all profits derived from and all damages suffered by reason of such wrongful manufacture, use, display or sale; and such court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed.

Section 14. Nothing herein shall adversely affect the rights or the enforcement of the rights in marks acquired in good faith at any time in common law.

Section 15. The state secretary shall make rules and regulations pursuant to chapter thirty A for the conduct of proceedings in his office under this chapter and shall make such regulation available to the public as provided in said chapter thirty A.

Section 16. If any provisions of any sections of this chapter shall be held invalid, the remainder of said sections and the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION 6. The state secretary shall within six months after the effective date of this act notify all registrants of labels under prior provisions of law of the date of expiration of such registrations unless renewed in accordance with the provisions of chapter one hundred and ten B of the General Laws, inserted by section five of this act, by writing to the last known address of the registrants.

Any registration of labels in force on the date on which this act shall become effective shall expire ten years from the date of the registration or of the last renewal thereof or one year after the effective date of this act, whichever is later and may be renewed by filing an application with the state secretary on a form furnished by him and paying the renewal fee within six months prior to the expiration of the registration.

SECTION 7. After one year from the effective date of this act, all registrations under prior provisions of law which are more than ten years old and not renewed in accordance with this act shall be void.

SECTION 8. This act shall take effect on April first, nineteen hundred and seventy-four.

Approved October 10, 1973.

Chap. 898. AN ACT AUTHORIZING THE CITY OF QUINCY TO ESTABLISH A DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT WHICH SHALL INCLUDE CERTAIN OTHER DEPARTMENTS OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the city of Quincy a department of planning and community development, hereinafter called the "department". The department shall include the planning department and planning board, the membership and personnel of each of which, their powers, duties and functions, shall

continue in accordance with all applicable law now governing said planning department and board. The department shall further include the Quincy Industrial Development Commission, its powers, duties and functions, which shall continue in accordance with all applicable law now governing said commission. The department shall also perform such further powers, duties and functions as are hereinafter set forth except that the department's powers in areas zoned residential shall be limited to the following community development activities: —

(a) to recommend the acquisition and disposition of blighted open areas;

(b) to assist in the prevention of substandard or blighted areas by means of rehabilitation, conservation and the enforcement of building and other codes;

(c) to achieve the preservation, restoration or relocation of historic buildings or areas; and

(d) to assist in the provision of necessary or appropriate additional public services which are directed toward improving the community's public services and facilities.

SECTION 2. The mayor shall appoint an officer, to be known as the director of planning and community development, who shall be the executive and administrative head of the department, and who may be removed by the mayor with the approval of the city council. The position of director created under this section shall not be subject to the provisions of chapter thirty-one of the General Laws or the provisions of section nine A of chapter thirty of the General Laws. For the purpose of chapter two hundred and sixty-eight A of the General Laws, the department shall be considered a municipal agency and, without limiting the power of the city council to classify additional special municipal employees pursuant to said chapter, each member of the department, and any person who performs professional services for the department on a part-time, intermittent or consultant basis, such as those of architect, attorney, engineer, planner, or construction, financial, real estate or traffic expert, shall be considered a special municipal employee.

SECTION 3. The mayor shall appoint such other officers and employees as may be necessary to carry out the work of the department. Persons appointed hereunder shall be subject to chapter thirty-one of the General Laws.

SECTION 4. The department shall have the existing powers, duties and functions of the planning department, the planning board and the industrial development commission and shall also have the powers, duties and functions of an urban renewal agency under chapter one hundred and twenty-one B of the General Laws, except for such powers, duties and functions which, under provisions of this act, shall be reserved to and performed by the city. The powers, duties and functions of this department, while not expressly limited to, shall include the following, subject to the limitations provided in this act: —

(a) to act as an agent of the city or to cooperate under the

authority and direction of the city with the federal government in any clearance, housing, relocation, urban renewal, rehabilitation, community development or other projects which it is authorized to undertake by and within the city, and to assist in clearing and improving any property so acquired by the city;

(b) to recommend to the city the taking by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws, or the purchase or lease, or the acquisition by gift, bequest or grant and the holding of any property, real or personal, or any interest therein, found by it to be necessary or reasonably required to carry out its purposes, and to recommend the sale, exchange, transfer, lease or assignment of the same;

(c) to provide to the city auditor the data necessary to compute and the actual computations of relocation payments due persons and businesses displaced as a result of carrying out such project;

(d) to make, and from time to time amend or repeal rules and regulations not inconsistent with existing rules, regulations and ordinances already in effect in the city in order to govern the proceedings and effectuate the purposes of the department; and

(e) to administer, under the authority and direction of the city, the disposition of any funds received under section five of this act.

SECTION 5. The powers, duties and functions which shall be reserved to the city are as follows: —

(a) to sue and be sued, to use the city seal, to have corporate succession;

(b) to engage in or contract for the construction, reconstruction, alteration, remodeling or repair of any clearance, housing, relocation, urban renewal, rehabilitation, community development or other project which it is authorized to undertake or parts thereof, and to receive loans, grants and annual or other contributions from the federal government or from any other source, public or private including federal revenue sharing funds;

(c) to take by eminent domain under chapter seventy-nine or chapter eighty A, or to purchase or lease, or to acquire by gift, bequest or grant, and hold, any property, real or personal, or any interest therein, found by it to be necessary or reasonably required to carry out the purposes of said department, and to sell, exchange, transfer or assign the same provided, that in case of a taking by eminent domain under said chapter seventy-nine, the provisions of section forty of said chapter shall be applicable, except that the security therein required shall be deposited with the mayor of the city. Except as herein otherwise provided, the provisions of chapters seventy-nine and eighty A relative to counties, cities, towns and districts, so far as pertinent, shall apply to the department, and the members of the department shall act on its behalf under said chapters;

(d) to make relocation payments to persons and business displaced as a result of carrying out any project;

(e) in addition to the borrowing authority conferred upon the city by the General Laws, to borrow for the purposes of paying all or any part of the costs incurred pursuant to this act, exclusive of current maintenance and operating expenses, from time to time such sums as may be necessary, upon the security of its bonds, notes or other evidences of indebtedness and to secure the same by mortgages upon property held or to be held by it or by pledge of its revenue under this act, including without limitation grants or contributions by the federal government, or in any other lawful manner, and in connection with the incurrence of any indebtedness to covenant that it shall not thereafter mortgage or pledge the whole or any specified part of its property or pledge the whole or any specified part of its revenues;

(f) to invest in securities legal for the investment of the funds of savings banks any funds held by it and not required for immediate disbursement;

(g) to enter into agreements with the federal government, upon recommendation of the director, relative to the acceptance or borrowing of funds for any project it determines to undertake and containing such covenants, terms and conditions as it may deem desirable; provided, however, that nothing shall be construed to require approval by the mayor or the department of community affairs of requisition agreements and similar contracts between an agency and the federal government which are entered into pursuant to a prior agreement approved by them;

(h) to enter into, execute and carry out all contracts and other instruments necessary or convenient to the exercise of the powers granted in this act.

SECTION 6. The city shall be deemed an operating agency for the purposes of sections twelve to sixteen, inclusive, and section twenty of chapter one hundred and twenty-one B of the General Laws.

SECTION 7. So long as the emergency finance board, established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, is in existence, the city shall not, without the approval of said board, incur indebtedness for any of the purposes of this act which would cause the total amount of its indebtedness for such purposes then outstanding to exceed two and one-half per cent of its equalized valuation. If said emergency finance board shall cease to exist, a commission consisting of the attorney general, the state treasurer and the director of the bureau of accounts in the department of corporations and taxation shall exercise the powers given to said emergency finance board by this section. Said board or commission, as the case may be, shall hold a public hearing upon any matter submitted to it under this section if requested in writing to do so by twenty-five taxable inhabitants of the city within three days after the submission of such matter.

SECTION 8. The bonds, notes and certificates of indebtedness issued under clause (e) of section five of this act, in the absence of an express recital to the contrary on the face thereof, shall consti-

tute negotiable instruments for all purposes. They may be payable from a specific part or parts of the income of the city or constitute a general obligation thereof, may be sold at not less than par, at public or private sale, may mature at such time or times, may be secured in such manner, may provide for such rights and remedies upon their default and may contain such other covenants, terms and conditions not inconsistent with law, all as may be authorized by order of the city council, and shall be signed by the mayor and by the treasurer and collector.

The bonds, notes and certificates of indebtedness of the city issued under clause (e) of section five of this act and the interest thereon, shall be exempt from taxation, with respect to principal and income. Bonds of the city issued under the said clause (e) shall be legal investments for the deposits and the income derived therefrom of savings banks, for the trust funds of trust companies, and for funds over which the commonwealth has exclusive control.

SECTION 9. The city may obligate itself, in any contract with the federal government for a loan or the payment of annual contributions authorized by section five of this act, to convey to the federal government the project to which such contract relates, upon the occurrence of a substantial default with respect to the covenants, terms and conditions of such contract to which the city is subject. Such subject may further provide that, in case of such conveyance, the federal government may complete, operate, manage, lease, convey or otherwise deal with the project in accordance with the terms of such contract; provided that the contract shall require that, as soon as practicable, after the federal government is satisfied that all of the defaults on account of which it acquired the project have been remedied, and that the project will thereafter be operated in compliance with the terms of the Contract, the federal government shall reconvey to the city the project in the condition in which it then exists. The obligation of the city under such contract shall be subject to specific enforcement by any court having jurisdiction, and, notwithstanding any other provision of the law, shall not be deemed to constitute a mortgage.

SECTION 10. For the purpose of complying with the conditions of federal legislation the city may, upon such terms, and with or without consideration, do or agree to do any or all of the following things: —

(a) sell, convey, or lease any of its interests in any property, or grant easements, licenses or any other rights or privileges therein to the federal government;

(b) cause parks, playgrounds, or schools, or water, sewer or drainage facilities, or any other public improvements which it is otherwise authorized to undertake, to be laid out, constructed or furnished adjacent to or in connection with a housing, clearance, relocation, urban renewal, rehabilitation or community development project;

(c) lay out and construct, alter, relocate, change the grade of, make specific repairs upon or discontinue, public ways and

construct sidewalks, adjacent to or through a housing, clearance, relocation, urban renewal, rehabilitation or community development project;

(d) establish exceptions to existing ordinances regulating the design, construction and use of buildings; annual or modify any action taken or map adopted under sections eighty-one A to eighty-one J, inclusive, of chapter forty-one of the General Laws;

(e) cause public improvements to be made and services and facilities to be furnished with respect to a housing, clearance, relocation, urban renewal, rehabilitation or community development project for which betterments or special assessments may be levied or charges made, and assume or agree to assume such betterments, assessments or charges;

(f) cause private ways, sidewalks, footpaths, ways for vehicular travel, playgrounds, or water, sewer or drainage facilities and similar improvements to be constructed or furnished within the site of a project for the particular use of the project or of those dwelling therein; and

(g) do any and all other things necessary or convenient to aid and cooperate in the planning, construction or operation of a housing, clearance, relocation, urban renewal, rehabilitation or community development project within its limits.

The entering of a contract under this section between the city and the federal government shall not be subject to any provision of law relating to publication or to advertising for bids.

SECTION 11. It is hereby declared that substandard, decadent, or blighted open areas exist in the city of Quincy; that each constitutes a serious and growing menace, injurious and inimical to the safety, health, morals and welfare of the residents of said city; that each contributes substantially to the spread of disease and crime, necessitating excessive and disproportionate expenditure of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution and punishment and the treatment of juvenile delinquency and for the maintenance of adequate police, fire and accident protection and other public services and facilities; that each constitutes an economic and social liability, substantially impairs or arrests the sound growth of said city, and retards the provisions of housing accommodation; that each decreases the value of private investments and threatens the source of public revenue and the financial stability of the community; that because of the economic and social interdependence of different communities and different areas within single communities, the redevelopment of land in substandard, decadent, and blighted open areas in accordance with a comprehensive plan to promote the sound growth of the community is necessary in order to achieve permanent and comprehensive prevention and elimination of slums and substandard conditions and to prevent the occurrence and recurrence of such slums or conditions or their development in other communities; that the redevelopment of blighted open areas promotes the clearance of decadent, or sub-

standard areas and prevents their creation and occurrence, that the menace of such decadent, substandard or blighted open areas is beyond remedy and control solely by regulatory process in the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without aids herein provided; that the acquisition of property for the purpose of eliminating decadent, substandard, or blighted open conditions, as defined in section one of chapter one hundred and twenty-one B of the General Laws, thereon and preventing recurrence of such conditions in the area, the removal of structures and improvements of sites, the disposition of the property for redevelopment incidental to the foregoing, and the exercise of such powers by the city in connection therewith are public uses and purposes for which public money may be expended and the power of eminent domain exercised; and that the acquisition, planning, clearance, conservation, rehabilitation or rebuilding of such decadent, substandard and blighted open areas for residential, governmental, recreational, educational, hospital, business, commercial, industrial or other purposes, including provision for streets, parks, recreational areas and other open spaces, are public uses and benefits for which private property may be acquired by eminent domain or regulated by wholesome and reasonable orders, laws and directions and for which public funds may be expended for the good and welfare of this commonwealth. It is further declared that while certain of such decadent, substandard and blighted open areas, or portions thereof, may require acquisition and clearance because the state of deterioration may make impracticable the reclamation of such areas or portions by conservation and rehabilitation, other of such areas, or portions thereof, are in such condition that they may be conserved and rehabilitated in such a manner that the conditions and evils enumerated above may be alleviated or eliminated; and that all power relating to conservation and rehabilitation conferred by this act are for public uses and purposes for which public money may be expended and said powers exercised. The necessity in the public interest for the provisions of this act is hereby declared as a matter of legislative determination.

SECTION 12. The department shall have all the powers necessary or convenient to carry out and effectuate the purposes of the relevant provisions of the General Laws, and the department shall have the following powers in addition to those specifically granted in section four elsewhere in this act: —

(a) to recommend to the mayor and city council what areas within the city of Quincy constitute decadent, substandard or blighted open areas;

(b) to prepare plans for the clearance, conservation and rehabilitation of decadent, substandard or blighted open areas; including plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, plans for the enforcement of laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements,

plans for the compulsory repair and rehabilitation of buildings and improvements, and plans for the demolition and removal of buildings and improvements;

(c) to prepare or cause to be prepared urban renewal plans, master or general plans, workable programs for development of the community, general neighborhood plans, community renewal programs and any plans or studies required or assisted under federal law;

(d) to engage in urban renewal projects, and to enforce restrictions in co-operation with other city departments and controls contained in any approved urban renewal or community development plan or any covenant or agreement contained in any contract, deed or lease by the department notwithstanding that the department may no longer have any title to or interest in the property to which such restrictions and controls apply or to any neighboring property;

(e) to conduct investigations, make studies, surveys and plans and disseminate information relative to community development, including desirable patterns for land use and community growth, urban renewal, relocation, and any other matter deemed by it to be material in connection with any of its powers and duties, and to make such studies, plans and information available to the federal government, to agencies or subdivisions of the commonwealth and to interested persons; and

(f) to develop, test and report methods and techniques and carry out demonstrations for the prevention and elimination of slums and urban blight.

In order to carry out the powers enumerated herein, the city may, on behalf of the department, receive gifts, loans, grants, contributions or other financial assistance from the federal government, the commonwealth or any other source.

SECTION 13. Whenever the department determines that an urban renewal project should be undertaken in the city, it shall apply to the city council for approval of the urban renewal or community development plan for such project. Such applications shall be accompanied by an urban renewal plan for the project, a statement of the proposed method for financing the project and such other information as the department deems advisable. No urban renewal project shall be undertaken until a public hearing relating to the urban renewal or community development plan for such project has been held after due notice before the city council and the urban renewal or community development plan therefor has been approved by the city council as provided in this section. Every urban renewal plan approved by the city council shall be submitted to the department of community affairs together with such other material as the department of community affairs may require. The department of community affairs shall not approve any urban renewal plan unless the department has found, and the department of community affairs concurs in such findings, that the urban renewal plan conforms to a comprehensive plan for the city as

a whole. The department of community affairs shall likewise not approve any urban renewal plan unless it shall have found (a) the project area would not by private enterprise alone and without either government subsidy or the exercise of governmental powers be made available for urban renewal; (b) the proposed land uses and building requirements in the project area will afford maximum opportunity to privately financed urban renewal consistent with the sound needs of the locality as a whole; (c) the financial plan is sound; (d) the project area is a decadent, substandard, or blighted open area; (e) that the urban renewal plan is sufficiently complete, as required by section one; and (f) the relocation plan has been approved under chapter seventy-nine A of the General Laws.

Within sixty days after submission of the urban renewal plan, the department of community affairs shall give written notice to the department of its decision with respect to the plan. If the department of community affairs shall disapprove any such plan, it shall state in writing in such notice its reasons for disapproval. A plan which has not been approved by the department of community affairs when submitted may be again submitted to it with such modifications, supporting data or arguments as are necessary to meet its objections. The department of community affairs may hold a public hearing upon any urban renewal plan submitted to it, and shall do so if requested in writing within ten days after submission of the plan by the mayor or city council of the city, or twenty-five or more taxable inhabitants of such city.

SECTION 14. If the city shall sell or lease any property acquired by it for an urban renewal or community development project, the terms of such sales or leases shall obligate the purchasers or lessees, (a) to devote the land to the use specified in the urban renewal plan for said land; (b) to begin the building of their improvements within a reasonable time; provided however, that, with respect to any improvements of a type which any federal agency, as defined in subsection (b) of Section 3 of the Federal Property and Administrative Services Act of 1949, as amended, is otherwise authorized to make, this clause shall apply to such federal agency only to the extent that it is authorized, and funds have been made available to make the improvements involved; (c) to give preference in the selection of tenants for dwelling units built in the project area to families displaced therefrom because of clearance and renewal activity who desire to live in such dwelling units and who will be able to pay rents or prices equal to rents or prices charged other families for similar or comparable dwelling units built as a part of the same redevelopment; and (d) to comply with such other conditions as are deemed necessary to carry out the purposes of this act, or requirements of federal legislation or regulations under loans, grants or contributions which have been made or agreed to be made to meet a part of the cost of the project. Nothing in this act shall be construed as limiting the power of the city in the event of a default by a purchaser or lessee of land in an urban

renewal or community development project to retake title to and possession of the property sold or leased free from the obligations in the conveyance or lease thereof.

The department is hereby authorized to delegate to the city or other public body, or to any board or officer of the city or other public body any of the powers or functions of the department with respect to the planning or undertaking of an urban renewal project in the area in which the city, or other public body is authorized to act, and the city or other public body, or such board or officer thereof is hereby authorized to carry out or perform such powers or functions for the department. Any public body is hereby authorized to enter into agreements which may extend over the period of a loan to the city by the federal government, notwithstanding any provision or rule of law to the contrary, with any other public body or bodies respecting action to be taken pursuant to any of the powers granted by this act including the furnishing of funds or other assistance in connection with an urban renewal plan or urban renewal project. The department, to the greatest extent it determines to be feasible in carrying out the provisions of this act, shall afford maximum opportunity consistent with the sound needs of the city as a whole for the rehabilitation or redevelopment of decadent, substandard or blighted open areas by private enterprise.

SECTION 15. The department shall keep an accurate account of all its activities, receipts and expenditures in connection with the planning and execution of urban renewal or community development projects and shall annually in the month of January make a report of such activities, receipts and expenditures to the department of community affairs, the state auditor and the mayor, such reports to be in a form prescribed by the department of community affairs and approved by the state auditor; provided, that such forms shall not be inconsistent with any federal legislation and shall conform as closely as may be to such legislation. The department of community affairs, the state auditor and the bureau of accounts shall have the power to examine into the properties and records of the department and to prescribe methods of accounting, not inconsistent with federal legislation, for such activities, receipts and expenditures.

SECTION 16. The city may apply to the department of community affairs for an urban renewal assistance grant to meet in part the cost of an approved urban renewal or community development project. Such application shall be in the form prescribed by the department of community affairs, and shall be accompanied by such additional information, drawings, plans, reports, estimates and exhibits as said department may require. Said department of community affairs shall make such rules and regulations as are necessary to effectuate the purposes of sections fifty-three to fifty-seven, inclusive, of chapter one hundred and twenty-one B of the General Laws, and such rules and regulations shall be considered applicable to this act.

SECTION 17. Upon receipt of an application under the provisions

of section sixteen, the department of community affairs shall examine such application and any facts, estimates or other information relative thereto, and shall determine whether the proposed project complies with the provisions of the general laws and with rules and regulations prescribed in accordance therewith governing the approval and administration of urban renewal or community development assistance grants. Upon determination of satisfactory compliance, the department shall determine the estimated approved cost of such project, and compute the amount of the urban renewal assistance grant to which the city would be entitled under section eighteen.

Within a reasonable time after receipt of such application, the department of community affairs shall notify the city of its approval or rejection thereof, and, in the event of its rejection, of the reasons therefor. Notice of approval hereunder shall be accompanied by a statement of the estimated approved cost as determined by the department of community affairs and an estimate of the amount of urban renewal assistance grant to which the city may be entitled under the provisions of section eighteen.

The final approved cost shall be determined by the department of community affairs within a reasonable time after the completion of the urban renewal project by the department. If the determination of the final approved cost is delayed because the project is not completed, the payments preceding determination of the final approved cost may be based upon the estimated approved cost, and adjustments shall be made in the payment or payments which are made subsequent to the determination of the final approved cost.

SECTION 18. From time to time, the department of community affairs shall certify to the state comptroller and the state treasurer shall, within thirty days after each such certification, pay to the city, from any amounts appropriated therefor, the amount due in accordance with the following clauses: —

(a) certification may be made only of projects with respect to which contracts for a federal capital grant under Title I of the Federal Housing Act of 1949, as amended, have been signed;

(b) the total urban renewal assistance grant for any approved federally aided project as defined in clause (a) shall not exceed one half of the local share of the contribution required from the city under the federal capital grant contract or more than one sixth of the net project cost when the city pays for administrative planning and legal expenses as a part of the gross project cost; and

(c) the total urban renewal assistance grant to be paid under the provisions of this section shall be payable in twenty equal annual installments, except that the department of community affairs may adjust the annual payment upon final determination of the net cost of each approved project.

SECTION 19. The commonwealth, acting by and through the department of community affairs, may contract with the city to provide financial assistance for residential, commercial, or industrial

urban renewal or community development projects as authorized by the provisions of this act. Such state financial assistance may be provided only for projects which are to be redeveloped for residential, commercial, or industrial reuse, and which projects are ineligible for federal capital grants under federal legislation or for which a grant application has been denied. In determining whether a project is rendered ineligible for federal capital grant assistance, the provisions of federal legislation permitting a limited amount of redevelopment for nonresidential uses need not be considered unless federal funds have been made available under such provisions.

SECTION 20. The department of community affairs may make advances of funds to the department up to seventy-five per cent of the estimated cost of surveys and plans and administrative expenses in preparation of projects which may be assisted under this section, and contracts for such advances of funds shall be repaid out of any moneys which may become available to the city for the undertaking of the project or projects under this section and section nineteen of this act.

The contracts referred to in section nineteen shall provide for a state grant-in-aid equal to one half of the net cost of each project as determined by the department of community affairs. Any such contract shall provide that no state grant-in-aid shall be made until the city shall have appropriated the funds required for the entire project.

SECTION 21. The commonwealth, acting by and through the department of community affairs, may enter into a contract or contracts with the city for state financial assistance in the form of a guarantee by the commonwealth of notes and bonds of the city issued under clause (e) of section five of this act issued to finance the acquisition and rehabilitation of dwellings within the limits of an urban renewal or community development project area. The guarantee of the commonwealth of such notes and bonds by the city shall be executed on each note and bond by the commissioner of the department of community affairs. The amount of notes and bonds guaranteed by the commonwealth under this section shall not exceed twenty million dollars.

In addition to its other powers, the city may plan and undertake the rehabilitation of dwellings within the limits of an urban renewal or community development project area, and may acquire by purchase, deed or grant or take by eminent domain, by vote of the city council and approved by the mayor in accordance with the city charter, hold, improve, rent, lease for a period not in excess of five years, with options to lessees or tenants to purchase during such five year period, grant, sell, convey, as condominiums or otherwise or deliver possession, of such property in accordance with such terms and conditions as it may determine, and shall have the power to make mortgage loans for the purpose of financing the rehabilitation of dwellings within an urban renewal or community development project area, subject to such regulations as the department of community affairs may make as to interest rates,

maturity dates and other terms and conditions.

A rehabilitation project shall be any work or undertaking involving the rehabilitation of a dwelling or dwellings in an urban renewal or community development project area so as to provide decent, safe and sanitary housing; such work or undertaking may include buildings, land, equipment, facilities and other real personal property for necessary, convenient or desirable appurtenances, site preparation or improvement.

Whenever the department of community affairs determines a public emergency or distress no longer exists in the city, a rehabilitation project, or a part of any such project with the land appurtenant thereto, rehabilitated or reconstructed under this section, may, at the direction of the department of community affairs, be sold for the fair market value thereof, as determined by the department of community affairs, but not for less than the total of the outstanding obligations of the city with respect to such project if the whole is sold, or not for less than that percentage of the total cost which the cost of the part sold bears to the total cost of the entire project if a part is sold. So long as any notes and bonds issued by the city under clause (e) of section five of this act to finance the cost of such project and guaranteed by the commonwealth are outstanding, the proceeds of any sale of such project shall be paid by the city into the Housing Authority Bonds Sinking Fund and shall be expended from time to time by the state treasurer to pay interest and principal of any notes and bonds issued by the city under said clause (e) to finance such project.

Owners of dwellings rehabilitated under this section shall, during the period of five years following the completion of such rehabilitation and in any event during the period any mortgage loan made under this section to finance such rehabilitation is outstanding, and subject to such regulations as the department may establish, give preference in the selection of tenants for such dwellings, first to the individuals or families in occupancy thereof last prior to such rehabilitation and second to other residents of the city or town in which such dwellings are located; and who are able to pay rents charged other individuals or families for similar or comparable dwellings in the urban renewal project area.

SECTION 22. All employees of the city of Quincy who immediately prior to the effective date of this act hold positions classified under chapter thirty-one of the General Laws or have tenure in their position by reason of the provisions of chapter thirty of the General Laws or the provisions of any other law, general or special, and who are transferred by this act into the department shall be transferred to a similar office or position, and by such transfer, their civil service, seniority, retirement or other rights shall not be impaired and their term of office shall not be deemed to be interrupted within the meaning of said chapter thirty or chapter thirty-one, notwithstanding any change in title or duties, provided that no such employee shall be lowered in rank or compensation.

SECTION 23. This act shall take effect upon its acceptance by

the city of Quincy.

Approved October 10, 1973.

Chap. 899. AN ACT RELATIVE TO INCREASING UNEMPLOYMENT COMPENSATION BENEFITS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide for certain increases under the unemployment compensation law effective October seventh, nineteen hundred and seventy-three, in order to assist certain unemployed workers while out of work, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience and welfare.

Be it enacted, etc., as follows:

SECTION 1. Section 24 of chapter 151A of the General Laws is hereby amended by striking out clause (a), as appearing in section 2 of chapter 480 of the acts of 1967, and inserting in place thereof the following clause: —

(a) Have been paid wages in his base period of not less than twelve hundred dollars.

SECTION 2. Section 25 of said chapter 151A is hereby amended by striking out subsection (e), as most recently amended by section 2 of chapter 614 of the acts of 1969, and inserting in place thereof the following subsection: —

(e) A period of four to eight weeks, as the director shall determine, after the effective date of his claim if an individual has left his work (1) voluntarily without good cause attributable to the employing unit or its agent, (2) by discharge shown to the satisfaction of the director to be attributable solely to deliberate misconduct in wilful disregard of the employing unit's interest, or (3) because of conviction of a felony or misdemeanor; provided, however, that the total benefits to which the individual may be entitled under this chapter shall be reduced by an amount equal to his weekly benefit rate for each week of such disqualification, except that such disqualification shall leave at least two potential compensable weeks available.

No disqualification shall be imposed, if such individual establishes to the satisfaction of the director that he left his employment in good faith to accept new employment on a permanent full-time basis, and that he became separated from such new employment for good cause attributable to the new employing unit. An individual shall not be disqualified under the provisions of this subsection from receiving benefits by reason of leaving his work under the terms of a pension program requiring retirement from employment, notwithstanding his prior assent, direct or indirect, to the establishment of such pension program.

SECTION 3. The second sentence of subsection (a) of section 29 of said chapter 151A is hereby amended by striking out the words "fifty-five", inserted by section 1 of chapter 1083 of the acts

of 1971, and inserting in place thereof the words: — fifty-seven and one-half.

SECTION 3A. The fifth sentence of said subsection (a) of said section 29 of said chapter 151A is hereby amended by striking out the word "fifty-five", inserted by section 2 of said chapter 1083, and inserting in place thereof the words: — fifty-seven and one-half.

SECTION 4. Subsection (d) of said section 29 of said chapter 151A is hereby amended by adding after paragraph (4) the following paragraph: —

The provisions of this subsection shall not be applicable to an individual whose employment for the base period employer was subject to tax under the Federal Contributions Act and who has become involuntarily unemployed from such employer but due to his age is not eligible for Social Security benefits.

SECTION 5. Sections one, three, three A and four of this act shall take effect as of October seventh, nineteen hundred and seventy-three and shall apply only to those individuals whose benefit years begin on or after said effective date. Section two of this act shall take effect as of October seventh, nineteen hundred and seventy-three and shall apply only to individuals whose new or reopened claims are effective on or after said effective date.

Approved October 11, 1973.

Chap. 900. AN ACT AUTHORIZING THE DIRECTOR OF THE DIVISION OF FISHERIES AND GAME TO ACQUIRE CERTAIN LANDS IN THE TOWN OF FALMOUTH FOR WILDLIFE MANAGEMENT PURPOSES.

Be it enacted, etc., as follows:

The director of the division of fisheries and game in the department of natural resources, with the approval of the fish and game board of said division, is hereby authorized to acquire by eminent domain or by purchase or otherwise, for wildlife management purposes, land in the town of Falmouth adjacent to or near other land of said division, said land containing sixty acres more or less, as shown on sheets 19 and 20 of a plan entitled "Falmouth, Barnstable County, Cape Cod, Massachusetts, scale 1"-200", standing in the name of Manuel A. Ross, Jr. and Simon Stengal, E. Gordon, et al.

Approved October 11, 1973.

Chap. 901. AN ACT PROVIDING FOR THE CONTRIBUTION TO THE TOWN OF CHARLTON OF A CERTAIN PERCENTAGE OF THE COST OF RELOCATING MUGGETT HILL ROAD IN SAID TOWN BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY.

Be it enacted, etc., as follows:

The county commissioners of Worcester county are hereby

authorized to contribute to the town of Charlton a sum equal to twenty-five per cent of the cost of relocation of Muggett Hill road in said town, which is to be relocated to provide safe access to the Bay Path regional vocational school.

Approved October 11, 1973.

Chap. 902. AN ACT DESIGNATING THE SWIMMING POOL ON TREMONT STREET IN THE CITY OF MELROSE AS THE LAWRENCE W. LLOYD SWIMMING POOL.

Be it enacted, etc., as follows:

The swimming pool on Tremont street in the city of Melrose shall be designated and known as the Lawrence W. Lloyd swimming pool, in memory of Lawrence W. Lloyd, a former mayor of said city. A suitable marker bearing said designation shall be attached thereto by the metropolitan district commission.

Approved October 11, 1973.

Chap. 903. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO LEASE CERTAIN LAND TO THE FRANCIS OUMET CADDIE SCHOLARSHIP FUND, INC.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized to enter into a lease with Francis Ouimet Caddie Scholarship Fund, Inc. for the use of certain land, being a portion of the Charles River Reservation located behind the first tee of the Leo J. Martin golf course, bounded by the parking lot area of said golf course on one side and Park road in the town of Weston on the other side. Said land is presently held as open space for exercise and recreation and will be diverted during the term of said lease to recreation and educational use, including the construction of a building to serve as a golf museum and containing office space for Francis Ouimet Caddie Scholarship Fund, Inc. and the Massachusetts Golf Association.

SECTION 2. This act shall take effect upon its passage.

Approved October 12, 1973.

Chap. 904. AN ACT PROVIDING FOR THE APPOINTMENT OF A MESSENGER IN THE PROBATE COURT OF BRISTOL COUNTY.

Be it enacted, etc., as follows:

Chapter 217 of the General Laws is hereby amended by inserting after section 32B the following section: —

Section 32C. The judges of probate for Bristol county may appoint a messenger for the court of probate and insolvency for said

county, may remove him at their pleasure and may fill a vacancy caused by removal or otherwise. Said messenger shall wait upon said court and perform such duties as the judges may direct, including duty as court officer of said court. He shall, while in attendance on said court, wear a uniform, such as the court shall order, to be furnished at the expense of the county.

Approved October 12, 1973.

Chap. 905. AN ACT FURTHER REGULATING THE TIME FOR REGISTRATION OF TRANSFERRED MOTOR VEHICLES.

Be it enacted, etc., as follows:

SECTION 1. The fourth paragraph of section 2 of chapter 90 of the General Laws, as most recently amended by section 2 of chapter 736 of the acts of 1967, is hereby further amended by inserting after the second sentence, the following two sentences: — A person who has attained twenty-one years of age and who transfers the ownership of a registered motor vehicle or trailer owned by him to one who holds a class one or class two license under section fifty-eight of chapter one hundred and forty or who loses possession thereof and who intends to transfer the registration of such motor vehicle or trailer to a newly acquired used vehicle of the same type and having the same number of wheels may, subject to other provisions of this chapter, operate such newly acquired used motor vehicle or trailer for a period beginning from the date of transfer until five o'clock post meridian of the tenth registry business day following the date of transfer within the period for which the transferred vehicle was registered; provided, that the number plates issued upon registration of the transferred motor vehicle or trailer are attached to the newly acquired vehicle. During such periods any operator of the newly acquired vehicle shall carry an original copy of the bill of sale reciting the registration number to be transferred from the former vehicle to the newly acquired vehicle or certificate of transfer issued by the dealer on a form approved by the registrar in place of the certificate of registration.

SECTION 2. Section 113A of chapter 175 of the General Laws is hereby amended by striking out the second paragraph, as amended by chapter 147 of the acts of 1969, and inserting in place thereof the following two paragraphs: —

Notwithstanding the foregoing provisions, a policy, other than one providing protection to a person who purchases a used vehicle from one who holds a class one or class two license under section fifty-eight of chapter one hundred and forty, covering a registered motor vehicle or trailer which is being transferred as provided in section two of chapter ninety shall continue in force and cover a newly acquired motor vehicle or trailer for a period beginning from the date of transfer of the registered motor vehicle or trailer until five o'clock post meridian of the second registry business day following the date of transfer within the period for which the trans-

ferred motor vehicle or trailer was registered; provided, that the number plates issued upon registration of the transferred motor vehicle or trailer are attached to the newly acquired vehicle.

Notwithstanding the foregoing provisions, a policy protecting one who purchases a used vehicle from one who holds a class one or class two license under section fifty-eight of chapter one hundred and forty covering a registered motor vehicle or trailer which is being transferred as provided in section two of chapter ninety shall continue in force and cover a newly acquired motor vehicle or trailer for a period beginning from the date of transfer of the registered motor vehicle or trailer until five o'clock post meridian of the tenth registry business day following the date of transfer within the period for which the transferred motor vehicle or trailer was registered; provided, that the number plates issued upon registration of the transferred motor vehicle or trailer are attached to the newly acquired vehicle.

Approved October 12, 1973.

Chap. 906. AN ACT PERMITTING DEPENDENCY ALLOWANCES TO BE PAID TO A WOMAN UNDER THE EMPLOYMENT SECURITY LAW IF SHE IS THE MAIN SUPPORT OF HER DEPENDENT CHILD.

Be it enacted, etc., as follows:

Section 29 of chapter 151A of the General Laws is hereby amended by striking out subsection (c), as most recently amended by section 16 of chapter 940 of the acts of 1971, and inserting in place thereof the following subsection: —

(c) An individual in total or partial unemployment and otherwise eligible for benefits shall be paid for each week of such unemployment, in addition to the amount payable under subsections (a), (b), or (d) as the case may be, the sum of six dollars for each unemancipated child of such individual who in a benefit year is in fact dependent upon and is being wholly or mainly supported by such individual, and who is under the age of eighteen or who is eighteen years of age or over and is incapable of earning wages because of mental or physical incapacity, and for each such child who is in his custody pending the adjudication of a petition filed by such individual for the adoption of such child in a court of competent jurisdiction, and for each such child for whom he is under a decree or order from a court of competent jurisdiction to contribute to such child's support and for whom no other person is receiving allowances hereunder; provided, that such child is domiciled within the United States or the territories or possessions thereof. In no instance shall the dependency benefits as provided in this subsection be more than fifty per cent of the individual's weekly benefit rate except that if such amount of dependency benefits includes a fractional part of a dollar, it shall be raised to the next highest dollar. The amount of dependency benefits determined as of the beginning of an individual's benefit year shall not be reduced for

the duration of such benefit year; provided, however, that this provision shall not prevent the transfer thereof from one spouse to another in accordance with this section. If both the husband and wife receive benefits with respect to a week of unemployment, only one of them shall be entitled to a dependency allowance with respect to any child.

The director shall prescribe standards as to who may receive a dependency allowance when both the husband and wife are eligible to receive unemployment compensation benefits.

Approved October 12, 1973.

Chap. 907. AN ACT PROVIDING THAT CERTAIN PRIVATE OR EXECUTIVE MEETINGS OF SPECIAL COMMISSIONS SHALL BE OPEN TO THE PUBLIC.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately greater public access to the deliberations of special commissions, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 2A of chapter 4 of the General Laws, as most recently amended by chapter 93 of the acts of 1973, is hereby further amended by inserting after the third paragraph the following paragraph: —

Private or executive meetings of each special commission shall be open to the public unless a majority of the members of such commission shall vote otherwise. A notice of each such meeting shall be filed with the clerk of either branch, and the notice or a copy thereof shall be publicly posted in the office of such clerk at least twenty-four hours prior to such meeting, excluding Saturdays, Sundays, and legal holidays.

Approved October 15, 1973.

Chap. 908. AN ACT AUTHORIZING COUNTY COMMISSIONERS TO HIRE MANAGEMENT CONSULTANTS TO SUPERVISE CERTAIN PUBLIC WORKS PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith county commissioners to hire management consultants, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 17 of chapter 34 of the General Laws, as most recently amended by chapter 479 of the acts of 1951, is hereby further amended by adding the following paragraph: —

The board of county commissioners may hire management con-

sultants to supervise the building, altering, furnishing or repairing of public buildings or the construction or repair of public works under contracts awarded under the provisions of this section. Said management consultants shall establish and implement a comprehensive management program including all direction, procedures, coordination, administration, review, expedition and counseling required to assist the counties and their consultants in accomplishing said contracts in a timely, economical and acceptable manner.

SECTION 2. Section 37A of chapter 35 of the General Laws is hereby amended by striking out the second sentence, as appearing in chapter 29 of the acts of 1933, and inserting in place thereof the following sentence: — The proceeds of any sale of bonds or notes, except premiums, shall be used only for the purposes specified in the original authorization of the loan; provided, that the proceeds of any sale of bonds or notes for building, altering, furnishing or repairing public buildings or the construction or repair of public works may be used to pay management consultants hired under the provisions of section seventeen of chapter thirty-four; and provided, further, that unexpended amounts may be applied to maturing annual payments of the same loan, and provided, further, that so much of such proceeds as has not been so applied at the expiration of two years from the completion of the project for which the loan was authorized shall become part of the next general unappropriated balance established under section twenty-nine or, if such loan was made on behalf of a district, shall be applied in reduction of assessments to be made upon it by the county.

Approved October 15, 1973.

Chap. 909. AN ACT AUTHORIZING CREDIT UNIONS TO ACCEPT TERM SHARE AND DEPOSIT ACCOUNTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to immediately allow credit unions to pay supplemental or variable rates of dividends or interest on certain share and deposit accounts in order that such credit unions continue to be placed on an equitable basis, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 171 of the General Laws is hereby amended by inserting after section 10A the following section: —

Section 10B. Any of the shares or deposits authorized by section ten may, if the directors of the credit union so determine, be received as term shares or deposits, subject to the limits contained in said section ten and to the provisions of this section.

Any prior provisions of the law to the contrary notwithstanding, any such shares or deposits shall be received by a credit union subject to the terms of a written plan submitted to and approved

by the commissioner, which plan shall specify (a) the proposed rates of dividends or interest to be paid on such term shares or deposits, including day-to-day dividends or interest if the plan so provides, (b) the minimum amount, which shall be not less than one thousand dollars, and the maximum amount of share or deposit balances and the minimum period, which shall be not less than six months, of maintenance of such balances to which such specified rates shall apply, (c) the additional reserves to be established for such rates of dividends, (d) the form and substance of the certificate or pass book which shall represent the shares or deposits to which such dividends may apply, and (e) such other provisions as are termed necessary or advisable to give effect to the purposes of such plan.

Approved October 15, 1973.

Chap. 910. AN ACT RELATING TO THE LICENSING AUTHORITY OF THE PESTICIDE BOARD.

Be it enacted, etc., as follows:

Section 21C of chapter 94B of the General Laws is hereby amended by striking out the first paragraph, as appearing in section 7 of chapter 521 of the acts of 1962, and inserting in place thereof the following paragraph: —

No person shall use any aircraft for the application of pesticides unless licensed by the board. Persons, including governmental agencies and municipal corporations, who apply pesticides, other than by aircraft, on the land of another may be required by the board to be licensed therefor, but the board shall not require a farmer who makes application of pesticides to land, or buildings reasonably related thereto, owned or controlled by him for his own agricultural purposes to be licensed, but the board may require that such farmer file with the board, on such form as it may require, a statement signed under the penalties of perjury that he shall use only such pesticides as are registered as required under section thirteen and that such pesticides shall be applied only in accordance with the directions as appear on the label of containers thereof. If a license is required under this section, it shall be issued on such conditions, rules and regulations as the board deems necessary but the annual fee for such license shall not exceed five dollars.

Approved October 15, 1973.

Chap. 911. AN ACT INCREASING WITNESS FEES.

Be it enacted, etc., as follows:

The first paragraph of section 29 of chapter 262 of the General Laws, as appearing in chapter 697 of the acts of 1949, is hereby amended by striking out, in line 11, the word "three" and inserting in place thereof the word: — six, — and by striking out, in line 12, the word "five" and inserting in place thereof the word: — ten.

Approved October 15, 1973.

Chap. 912. AN ACT PROVIDING THAT COMMON TRUST FUNDS SHALL BE TREATED AS PARTNERSHIPS FOR PURPOSES OF INCOME TAXATION.

Be it enacted, etc., as follows:

SECTION 1. Section 17 of chapter 62 of the General Laws is hereby amended by adding the following subsection: —

(e) A common trust fund which qualifies as such under section five hundred and eighty-four of the Code shall be treated as a partnership for the purposes of taxation under this chapter. Such partnership shall compute all items of income, loss, deduction or credit without reference to any item of income, loss, deduction or credit of any participating account except that the provisions of section ten shall be applicable to such partnership. No loss of such partnership may be allocated to any participating account but such loss may be used by the partnership as provided in clause (3) of subsection (a) of section four. No participating account deriving income from other sources than such partnership may use any item of income, loss, deduction or credit from such other sources to reduce any income derived from such partnership except as provided in sections twelve and twelve A.

SECTION 2. This act shall apply to taxable years ending on and after December thirty-first, nineteen hundred and seventy-three.

Approved October 15, 1973.

Chap. 913. AN ACT RELATIVE TO TAXATION OF THE INCOME OF CERTAIN TRUSTS WITH CHARITABLE REMAINDERS.

Be it enacted, etc., as follows:

SECTION 1. Subsection (c) of section 10 of chapter 62 of the General Laws, as appearing in section 3 of chapter 644 of the acts of 1957, is hereby amended by inserting after the word "commonwealth", in line 10, the words: — ; provided, however, that said provisions shall not apply to trustees of pooled income funds, as defined in section six hundred and forty-two (c) (5) of the Code, or to trustees of charitable remainder annuity trusts or charitable remainder unitrusts, as defined in section six hundred and sixty-four (d) of the Code.

SECTION 2. Section 11 of said chapter 62, as amended by section 3 of chapter 592 of the acts of 1955, is hereby further amended by adding the following sentence: — Amounts distributed by a charitable remainder annuity trust or a charitable remainder unitrust, as defined in section six hundred and sixty-four of the Code, shall, for the purposes of taxation under this chapter, be considered as having in the hands of the recipients thereof the characteristics described in subsection (b) of said section six hundred and sixty-four.

SECTION 3. Said chapter 62 is hereby further amended by inserting after section 11 the following two sections: —

Section 11A. Every trustee of a pooled income fund, as defined in section six hundred and forty-two (c) (5) of the Code, and every trustee of a charitable remainder annuity trust or a charitable remainder unitrust, as defined in section six hundred and sixty-four (d) of the Code, who is an inhabitant of the commonwealth and who makes payment to a beneficiary who is an inhabitant of the commonwealth of income subject to the taxes imposed by this chapter shall deduct and withhold tax upon such income at the rate or rates applicable under the provisions of this chapter to the class or classes of income so paid. The amount deducted and withheld as tax, as provided herein, shall be allowed as a credit to the beneficiary entitled to the income against the tax imposed thereon.

Section 11B. Every trustee who is required to deduct and withhold taxes under section eleven A shall make returns, including declarations of estimated tax, and payments with respect to such taxes in like manner as if the taxes were imposed with respect to income received by the trustee. All provisions of this chapter and chapter sixty-two B with respect to the assessment, collection and abatement of taxes, interest and penalties which are applicable to trustees subject to tax under section ten shall be applicable to trustees who are required to deduct and withhold taxes under section eleven A; provided, however, that if a trustee who is required to deduct and withhold taxes under section eleven A fails to make payment thereof to the commonwealth, and thereafter the tax against which such withheld tax may be credited is paid, the tax so required to be deducted and withheld to the extent of such payment shall not be collected from the trustee, but this proviso shall in no case relieve the trustee from liability for any penalties or addition to tax otherwise applicable in respect of such failure to make payment.

SECTION 4. This act shall apply to taxable years commencing after December thirty-first, nineteen hundred and seventy-two.

Approved October 15, 1973.

Chap. 914. AN ACT RELATIVE TO PERMITTING COOPERATIVE BANKS, SAVINGS BANKS AND TRUST COMPANIES TO OFFER NEGOTIABLE ORDER OF WITHDRAWAL ACCOUNTS.

Be it enacted, etc., as follows:

Chapter 167 of the General Laws is hereby amended by inserting after section 16 the following section: —

Section 16A. Cooperative banks, savings banks, and trust companies may authorize accounts that would allow withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties. Such accounts shall be designated as Negotiable Withdrawal Order Accounts. Said Accounts shall be subject to the regulations of the commissioner.

Approved October 15, 1973.

EMERGENCY LETTER — January 2, 1974 at 4:20 P.M.

Chap. 915. AN ACT PROVIDING FOR NOTICE TO PARENTS OR GUARDIANS, AND MEETINGS WITH SCHOOL OFFICIALS FOR STUDENTS PERMANENTLY LEAVING SCHOOL.

Be it enacted, etc., as follows:

Chapter 76 of the General Laws is hereby amended by striking out section 18, added by chapter 375 of the acts of 1973, and inserting in place thereof the following section: —

Section 18. No student sixteen years of age or older shall be considered to have permanently left public school unless an administrator of the school which such student last attended has sent notice within a period of ten days from the student's fifteenth consecutive absence to the parent or guardian of such student in both the primary language of such parent or guardian and English, stating that such student and his parent or guardian may meet with the school committee or its designated representatives prior to the student permanently leaving school, within ten days after the sending of the notice. The time for meeting may be extended at the request of the parent or guardian and with consent of the school committee or its designated representatives, provided no extension shall be for longer than fourteen days. Such meeting shall be for the purpose of discussing the reasons for the student permanently leaving school and alternative educational or other placements.

The superintendent of every city, town or regional school district shall annually report to the department of education the number of students sixteen years of age or older who have permanently left school, the reasons for such leaving and any alternative educational or other placement which each such student has taken.

The provisions of this section shall not apply to a student who has completed the regular course of education, or apply to a student whose absences have been excused, nor shall this section be construed to permanently exclude a student who wishes to resume his education.

Approved October 15, 1973.

Chap. 916. AN ACT CHANGING AND ESTABLISHING THE BOUNDARY LINE BETWEEN THE TOWNS OF BEDFORD AND BILLERICA.

Be it enacted, etc., as follows:

The following described line shall hereafter be in part the boundary line between the towns of Bedford and Billerica: Beginning at a point on the existing boundary line between the towns of Bedford and Billerica, said point being marked by a drill hole in a granite monument called Bedford-Billerica-2 and having coordinates X=669,946.07, Y=553,858.00; and extending thence, following said boundary line S15-56-53E, 3114.28 feet to a point marked by a drill hole in a granite monument called Bedford-Billerica-1C and having coordinates X=670,801.77, Y=560,863.58;

thence, leaving said boundary line, S41-52-57E, 1366.44 feet to a point marked by a drill hole in a granite monument called Bedford-Billerica-1B and having coordinates $X=671,714.01$, $Y=549,846.25$; thence by a curve to the right of 1353.38 feet radius, 425.96 feet to a point marked by a drill hole in a granite monument called Bedford-Billerica-1A and having coordinates $X=671,944.22$, $Y=549,489.94$; thence S23-50-57E, 535.78 feet to a point on the existing boundary line between the towns of Bedford and Burlington, said point being marked by a drill hole in a granite monument called Bedford-Billerica-Burlington-1973 and having coordinates $X=672,160.85$, $Y=548,999.90$; thence following said boundary line N21-59-50E, 959.34 feet to the point of ending thereof on the existing boundary line between the towns of Bedford and Billerica, said point being marked by a drill hole in a granite monument called Bedford-Billerica-Burlington and having coordinates $X=672,520.19$, $Y=549,889.40$.

All said information pertaining to the changing and establishing of the boundary line between the towns of Bedford and Billerica is shown on a plan entitled "Town Line Relocation Bedford-Billerica, Commonwealth of Massachusetts, dated October 19, 1971" and prepared by Joseph W. Moore Co., Inc., Civil Engineers and Land Surveyors, 16 Railroad Avenue, Bedford, Massachusetts. Coordinates used in this act are based on the Massachusetts co-ordinate system, mainland zone as described in sections eight to thirteen, inclusive, of chapter ninety-seven of the General Laws.

Approved October 15, 1973.

Chap. 917. AN ACT PROVIDING CERTAIN RIGHTS OF SUBROGATION FOR THE INSURERS OF MOTOR VEHICLE PROPERTY PROTECTION INSURANCE COVERAGE.

Be it enacted, etc., as follows:

SECTION 1. Section 34 O of chapter 90 of the General Laws, is hereby amended by striking out the sixth paragraph, as appearing in section 1 of chapter 978 of the acts of 1971, and inserting in place thereof the following paragraph: —

Any insurer making payments in accordance with the provisions of this section shall be subrogated to that extent to the rights of any party it pays and may bring an action in tort against any person liable for such damages who is not exempt from said liability as a result of the provisions of this section. Said insurer may also make claim for all expenses it incurs on account of such payment, including the net amount of payments made, costs of processing claims for any such payments and the expenses of enforcing this right, against any other insurer providing a motor vehicle liability policy or bond on a motor vehicle registered in this commonwealth, whose owner or operator would, except for the exemption from tort liability provided in this section, be liable for such damages. Determination as to whether any insurer is legally entitled to recover any

such expense from another insurer shall be made by agreement between the involved insurers, or, if they fail to agree, by arbitration in accordance with the provisions of the General Laws.

SECTION 2. This act shall take effect on January first, nineteen hundred and seventy-four, and shall apply to policies issued on and after said date and to causes of action arising on and after said date.

(The foregoing was laid before the Governor on the first day of October, 1973, and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 918. AN ACT PROVIDING FOR PUBLIC UTILITY SERVICES IN CERTAIN EASEMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize immediately the installation of certain public utility services on certain private ways, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 187 of the General Laws is hereby amended by adding the following section: —

Section 5. The owner or owners of real estate abutting on a private way who have by deed existing rights of ingress and egress upon such way or other private ways shall have the right by implication to place, install, or construct in, on, along, under and upon said private way or other private ways pipes, conduits, manholes and other appurtenances necessary for the transmission of gas, provided such facilities do not unreasonably obstruct said private way or other private ways and provided that such use of the private way or other private ways does not interfere with or be inconsistent with the existing use by others of such way or other private ways. Any such owner or owners may grant permission to a public utility company or companies to enter upon said way or other private ways to place, install, repair or relocate pipes, conduits, manholes, and other necessary appurtenances for the transmission of gas in accordance with such company or companies regulations, practices and tariffs filed with the department of public utilities. Neither the person installing or repairing public utility facilities, nor such facilities, nor the gas transmitted shall be deemed to constitute a trespass upon said way or ways. *Approved October 16, 1973.*

Chap. 919. AN ACT RELATIVE TO THE EXAMINATION OF JURORS.

Be it enacted, etc., as follows:

Section 28 of chapter 234 of the General Laws is hereby amended by adding the following paragraph: —

For the purpose of determining whether a juror stands indifferent in the case, if it appears that, as a result of the impact of considerations which may cause a decision or decisions to be made in whole or in part upon issues extraneous to the case, including, but not limited to, community attitudes, possible exposure to potentially prejudicial material or possible preconceived opinions toward the credibility of certain classes of persons, the juror may not stand indifferent, the court may, or the parties or their attorneys may, with the permission and under the direction of the court, examine the juror specifically with respect to such considerations, attitudes, exposure, opinions or any other matters which may, as aforesaid, cause a decision or decisions to be made in whole or in part upon issues extraneous to the issues in the case. Such examination may include a brief statement of the facts of the case, to the extent the facts are appropriate and relevant to the issues of such examination, and shall be conducted individually and outside the presence of other persons about to be called as jurors or already called.

Approved October 16, 1973.

Chap. 920. AN ACT FURTHER REGULATING REPORTS OF INSPECTIONS FOR VIOLATIONS OF THE STATE SANITARY CODE.

Be it enacted, etc., as follows:

Section 127B of chapter 111 of the General Laws, as most recently amended by chapter 522 of the acts of 1972, is hereby further amended by adding the following paragraph: —

A copy of the report of any investigation or inspection for violations of the code or other applicable laws, ordinances, by-laws, rules or regulations, and of any written order or notice issued by the board, shall be sent to the occupants of all affected premises in the same manner as is provided for the service of an order by section one hundred and twenty-four within seven days of the inspection of the premises or the issuance of the order or notice. A notice of the date, time and place of any administrative or court hearings scheduled by or known to the board relating to violations, including all referrals of violations to other government agencies, shall also be delivered or sent to the occupants. All investigation or inspection reports shall include the name of the inspector, and the date and time of the inspection or investigation; the date and time of any scheduled follow-up inspection; a description of the conditions constituting the violations, if any; a listing of the specific provisions of the code or other applicable laws, ordinances, by-laws, rules or regulations that appear to be violated; a determination by the official inspecting the premises whether each violation, or the cumulative effect of all violations, may endanger or materially impair the health, safety or well-being of any occupant or the public; a determination by said official whether any violations appeared to be substantially caused by the occupant or any person acting under his control; and a brief summary of the statutory

remedies available to occupants of the affected premises. All reports, orders or notices relating to such inspections, investigations, or violations shall be public records, and shall be kept on file by the originating agency according to law.

Any person aggrieved by the failure of any inspectors or other personnel of the board or other code enforcement agency to inspect upon request any premises that the board or agency may lawfully inspect, or to find violations of law where such violations are claimed to exist, or to certify that such violations may endanger or materially impair the health, safety or well-being of the occupants, may appeal such failure to act to the full board or to the head of the agency. Such appeal shall be given a speedy hearing before said board or an impartial officer of said agency.

Approved October 16, 1973.

Chap. 921. AN ACT EXTENDING THE TERMINATION DATE OF CERTAIN GLOUCESTER HARBOR TIDELAND LICENSES.

Be it enacted, etc., as follows:

Section 4 of chapter 698 of the acts of 1965 is hereby amended by striking out, in line 3 and in line 15, the word "seventy-two" and inserting in place thereof, in each instance, the word: — seventy-five.

Approved October 16, 1973.

Chap. 922. AN ACT RELATIVE TO THE DISCLOSURE OF THE CONTENTS OF TAX RETURNS AND THE JOINT AUDIT THEREOF.

Be it enacted, etc., as follows:

SECTION 1. Chapter 58 of the General Laws is hereby amended by adding after section 47 the following two sections: —

Section 48. Notwithstanding any other provision of law to the contrary, the commissioner may permit the Secretary of the Treasury of the United States or his delegate, or the proper tax officer of any territory, state or political subdivision thereof, or any agent or agency designated under the laws of any territory, state or political subdivision thereof to be the representative of such territory, state or political subdivision to inspect any return required to be filed with the commissioner, or may furnish to such officer or his authorized representative an abstract of any such return or supply him with information concerning any item contained in any such return, or disclosed by any investigation of tax liability due under any such return, whether or not filed, but such permission shall be granted or such information furnished to such officer or his representative only if the laws of the United States or of such other territory, state or political subdivision thereof, as the case may be, generally restrict the disclosure of such information except for the

purpose of administering tax laws, grant substantially similar privileges to the commissioner and such information is to be used exclusively for the purpose of administering the tax laws of the United States or of such territory, state or political subdivision thereof; and provided further, the commissioner may furnish to the Secretary of the Treasury of the United States or his delegate, or to the proper tax officer of any territory, state or political subdivision or to any agent or agency designated under the laws of any territory, state or political subdivision thereof copies of tax returns filed with him and other tax information, as he may consider proper, for use in court actions or proceedings involving exclusively the administration of the tax laws of the United States, of any territory, or state or any political subdivision thereof, whether civil or criminal, if a written request therefor has been made to the commissioner by the Secretary of the Treasury of the United States or his delegate or by the proper tax officer of any territory, state or political subdivision thereof or of any agent or agency designated under the laws of any territory, state or political subdivision thereof, provided that the laws of the United States or of any territory, state or political subdivision grant substantially similar powers to the Secretary of the Treasury of the United States or his delegate or to the proper tax officer of any territory, state or political subdivision thereof or to any agent or agency designated under the laws of any territory, state or political subdivision thereof. If the commissioner has so authorized use of returns or other information in such actions or proceedings, the commissioner or any employee delegated by him may testify in such actions or proceedings in respect to such returns or other information.

Section 49. The commissioner may participate jointly with the Secretary of the Treasury of the United States or his delegate, or with the proper tax officer of any territory, state or political subdivision thereof or with any agent or agency designated under the laws of any territory, state or political subdivision thereof in the examination, verification, assessment, audit or other activity to determine the proper tax liability due on any tax return required to be filed with him. Pursuant to regulations of the state tax commission, the commissioner may participate jointly with said tax officers in the examination, verification, assessment, audit or other activity to determine the proper tax liability due on any tax return required to be filed with the Internal Revenue Service or with any territory, state or political subdivision thereof to the extent that the tax of the federal government or of the territory, state or political subdivision thereof is similar to a tax imposed by the commonwealth. A certificate by the commissioner that the tax of the federal government or of such other territory, state or political subdivision thereof is similar to a tax imposed by the commonwealth shall be prima facie evidence of such similarity.

SECTION 2. Chapter 62 of the General Laws is hereby amended by striking out section 58, as amended by chapter 661 of the acts of 1955, and inserting in place thereof the following section: —

Section 58. The disclosure by the commissioner, or by any deputy, assistant, clerk or assessor, or other employee of the commonwealth or any city or town therein, of any information contained in or set forth by any return or document filed with the commissioner under this chapter, other than the name and address of the person filing it, except in proceedings to collect the tax or for the purpose of criminal prosecution under this chapter, or except as provided in section thirty T of chapter seven or in sections fifty and fifty-one of chapter fifty-eight, is prohibited. Any violation of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than six months, or both, and by disqualification from holding office in the commonwealth for such period, not exceeding three years, as the court determines.

SECTION 3. Chapter 63 of the General Laws is hereby amended by striking out section 71A, as most recently amended by chapter 305 of the acts of 1958, and inserting in place thereof the following section: —

Section 71A. The disclosure by the commissioner, or by any deputy, assistant, clerk or assessor, or other employee of the commonwealth, or any city or town therein, of any information contained in or set forth by any return or document filed under this chapter, other than the name and address of the person filing it, except in proceedings to collect the tax or for the purpose of criminal prosecution under this chapter, or except as provided in sections fifty and fifty-one of chapter fifty-eight, is prohibited. Any violation of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment in jail for not more than six months, or both, and by disqualification from holding office in the commonwealth for such period, not exceeding three years, as the court determines.

SECTION 4. Subsection (b) of section 13 of chapter 64H of the General Laws is hereby amended by striking out clause (3), as appearing in section 1 of chapter 757 of the acts of 1967, and inserting in place thereof the following clause: —

(3) the disclosure of information to duly authorized tax officials of the United States and of territories, states and political subdivisions thereof or to any duly authorized agent or agency of such territory, state or political subdivision thereof pursuant to the provisions of sections fifty and fifty-one of chapter fifty-eight.

SECTION 5. Section 15 of chapter 64 I of the General Laws is hereby amended by striking out clause (3), as appearing in section 2 of chapter 757 of the acts of 1967, and inserting in place thereof the following clause: —

(3) the disclosure of information to duly authorized tax officials of the United States and of territories, states and political subdivisions thereof or to any duly authorized agent or agency of such territory, state or political subdivision thereof pursuant to the provisions of sections fifty and fifty-one of chapter fifty-eight.

SECTION 6. Chapter 65 of the General Laws is hereby amended

by striking out section 35, as amended by chapter 313 of the acts of 1958, and inserting in place thereof the following section: —

Section 35. The disclosure by the commissioner, or by any deputy, assistant, clerk or assessor, or other employee of the commonwealth, or of any city or town therein, of any information whatever contained in or set forth by any return or document filed with the commissioner in connection with the assessment of the tax on legacies and successions under this chapter, except inventories filed with him under section twenty-two, is prohibited except in proceedings to assess or collect the tax; provided, however, that the commissioner may grant to the persons charged or likely to become charged with the payment of taxes in the case in which such return or document is filed, or their representatives, permission to inspect the same; and provided, further, that the commissioner, pursuant to the provisions of sections fifty and fifty-one of chapter fifty-eight, may disclose such information to the duly authorized tax officials of the United States and of territories, states and political subdivisions thereof, or to any agent or agency of such territory, state or political subdivision thereof. *Approved October 16, 1973.*

Chap. 923. AN ACT PROVIDING FOR THE CONTINUED OPERATION OF THE BESSIE M. BURKE MEMORIAL HOSPITAL IN THE CITY OF LAWRENCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prevent the imminent closing of the Bessie M. Burke Memorial hospital in the city of Lawrence, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and welfare.

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter seven hundred and seventy-six of the acts of nineteen hundred and seventy-two, or any other contrary provision of law, the commissioner of public health is hereby authorized and directed to issue a certificate of need and a temporary hospital license to the city of Lawrence for the continued operation of the Bessie M. Burke Memorial Hospital. This certificate of need shall not be withheld pending the issuance of a certificate of safety nor shall a certificate of safety be withheld because a certificate of need has not been issued. Said city of Lawrence is hereby authorized and directed to expend such sums of money as were authorized by chapter five hundred and ninety-six of the acts of nineteen hundred and seventy-one to remodel, reconstruct, enlarge, make extraordinary repairs to, re-equip and refurbish said Bessie M. Burke Memorial Hospital.

(This Bill, returned by the Governor, to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, October 17, 1973, and, in concurrence, by the Senate, October 17, 1973, the

objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 924. AN ACT FURTHER REGULATING CERTAIN RETAIL INSTALLMENT SALES AND SERVICES IN CONNECTION WITH USE OF MERCHANDISE CERTIFICATES AND COUPONS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 255D of the General Laws is hereby amended by striking out the definition of "Goods", as appearing in section 1 of chapter 284 of the acts of 1966, and inserting in place thereof the following two definitions: —

"Gift certificate", a writing identified as a gift certificate purchased by a buyer for use by a person other than the buyer not redeemable in cash and usable in its face amount in lieu of cash in exchange for goods or services supplied by the seller.

"Goods", all things movable purchased primarily for personal, family or household purposes, other than motor vehicles as defined in chapter two hundred and fifty-five B, including goods which are or are to become fixtures or which are to become incorporated into a structure and gift certificates. "Goods" does not include money or choses in action.

SECTION 2. Said section 1 of said chapter 255D is hereby further amended by striking out the definition of "Installment buyer" or "buyer" and the definition of "Installment seller" or "seller", as so appearing, and inserting in place thereof the following three definitions: —

"Installment buyer" or "buyer", a person who buys or agrees to buy goods or who obtains services or agrees to have services furnished or rendered or who obtains merchandise certificates under a retail installment sale agreement, or revolving credit agreement, or any legal successor in interest to such person, notwithstanding that he may have entered into one or more extension, refinancing or consolidation agreements.

"Installment seller" or "seller", a person who sells or agrees to sell goods or services or both, or merchandise certificates, pursuant to a retail installment sale agreement, or revolving credit agreement.

"Merchandise certificate" or "coupon", a writing issued by a seller, not redeemable in cash and usable in its face amount in lieu of cash in exchange for goods or services supplied by the seller but does not include a writing issued by the seller as a gift certificate. The issuance of a merchandise certificate or coupon shall be deemed to be a transaction giving rise to indebtedness of a buyer to the seller of goods, services or insurance for a part or all of the purchase price thereof upon issuance.

SECTION 3. Said section 1 of said chapter 255D is hereby further amended by striking out the definition of "Retail installment sale agreement", as most recently amended by section 1 of chapter 341

of the acts of 1971, and inserting in place thereof the following definition: —

"Retail installment sale agreement", an agreement, other than a revolving credit agreement or agreement reflecting a sale made pursuant thereto, signed by the buyer in this commonwealth, involving a finance charge and providing for the sale of goods or the rendering of services or both, or for the issuance of merchandise certificates, for a specified amount which the buyer undertakes to pay in more than one payment subsequent to the making of the agreement, or not involving a finance charge and providing for the sale of goods or the rendering of services or both, or for the issuance of merchandise certificates, for a specific amount which the buyer undertakes to pay in five or more installments subsequent to the making of the agreement. "Retail installment sale agreement" shall also include any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the value of the goods involved and it is agreed that the bailee or lessee will become, or for no other or for a nominal consideration has the option to become the owner of the goods upon full compliance with his obligations under the contract. A retail installment sale agreement shall not include an agreement which provides (a) for the payment of the deferred payment price in not more than three monthly installments and (b) a finance charge not in excess of one dollar and (c) no collateral security for the seller.

SECTION 4. Said section 1 of said chapter 255D is hereby further amended by striking out the definition of "Revolving credit agreement", as amended by section 2 of said chapter 341, and inserting in place thereof the following definition: —

"Revolving credit agreement", an agreement, other than a retail installment sale agreement, signed by the buyer in this commonwealth pursuant to which the buyer may purchase at retail goods or services or merchandise certificates on credit from time to time and under the terms of which a finance charge is to be computed in relation to the buyer's balance from time to time.

SECTION 5. Said chapter 255D is hereby further amended by inserting after section 11 the following two sections: —

Section 11A. The buyer shall have the right to return to the seller at any time all merchandise certificates or coupons which have not been exchanged for goods or services, and the seller shall thereupon credit the buyer with the full face amount thereof and all finance charges and any insurance charges thereon.

Section 11B. Any written agreement for the purchase of a merchandise certificate or coupon, any newly printed merchandise certificate or coupon, and any cover or envelope containing a merchandise certificate or coupon shall contain the following statement appearing conspicuously on the face thereof: —

You may return any unused merchandise certificates or coupons at any time and receive full credit on your account.

Approved October 17, 1973.

Chap. 925. AN ACT ESTABLISHING THE AGE OF MAJORITY FOR CERTAIN LEGAL PURPOSES AS EIGHTEEN YEARS OF AGE.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 4 of the General Laws is hereby amended by adding after clause Forty-seventh the following four clauses: —

Forty-eighth, "Minor" shall mean any person under eighteen years of age.

Forty-ninth, "Full age" shall mean eighteen years of age or older.

Fiftieth, "Adult" shall mean any person who has attained the age of eighteen.

Fifty-first, "Age of majority" shall mean eighteen years of age.

SECTION 2. The first paragraph of section 9A of chapter 22 of the General Laws is hereby amended by striking out the eighth sentence, as most recently amended by chapter 88 of the acts of 1955, and inserting in place thereof the following sentence: — No person who has not reached his nineteenth birthday nor any person who has passed his thirtieth birthday shall be enlisted for the first time as an officer of the division of state police, except that said maximum age qualification shall not apply in the case of the enlistment of any woman as such an officer.

SECTION 3. Section 88 of chapter 33 of the General Laws is hereby amended by striking out the third paragraph, as appearing in section 1 of chapter 629 of the act of 1958, and inserting in place thereof the following paragraph: —

For the purpose of this section a parent shall be conclusively presumed to be wholly dependent for support upon a child under eighteen years of age.

SECTION 4. Section 13 of chapter 48 of the General Laws, as most recently amended by chapter 303 of the acts of 1964, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — No person shall set, maintain or increase a fire in the open air at any time except by permission, covering a period not exceeding two days from the date thereof, granted by the forest warden or chief of the fire department in cities and towns, or, in cities having such an official, the fire commissioner; provided, that if such permission is not in writing, a written record of the granting thereof, setting forth the date upon which permission was granted, the dates covered by such permission, the name and address of the person to whom, and the manner in which, such permission was granted, and any other necessary information relative thereto, shall be made and kept by the forest warden, chief or fire commissioner, as the case may be, and shall be open to public inspection; and provided further, that persons eighteen years of age or older may, without a permit, set, maintain or increase a reasonable fire for the purpose of cooking, upon sandy or gravelly land free from living or dead vegetation or upon sandy or rocky beaches bordering on tidewater, if the fire is enclosed within rocks, metal or other nonflammable material.

SECTION 5. Section 14 of chapter 51 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 4, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 6. Section 103N of chapter 54 of the General Laws, as amended by section 3 of chapter 204 of the acts of 1969, is hereby amended by striking out, in line 7, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 7. The first paragraph of section 8A of chapter 59 of the General Laws, as most recently amended by chapter 310 of the acts of 1969, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — Any person, not including a corporation, engaged principally in agriculture, who owns farm machinery and equipment, other than motor vehicles and trailers which are exempt under clause Thirty-fifth of section five, or mules, horses, neat cattle, swine, sheep, goats, domestic fowl or mink, which are not exempt under clause Twenty-first of section five, and any individual under eighteen years of age who owns and raises any such animals or fowl in connection with an agricultural youth program, including but not limited to the 4H Clubs and Future Farmers of America, which are not exempt under said clause Twenty-first of section five, shall annually, on or before March first, make a return on oath to the assessors of the town where such machinery and equipment or such animals and fowl are located, setting forth the make, age, model, if any, and purchase price of such machinery and equipment and the number and kind of each class of such animals and fowl owned by him on the next preceding January first.

SECTION 8. Section 2 of chapter 70 of the General Laws is hereby amended by striking out paragraphs (e) and (f), as appearing in section 40 of chapter 14 of the acts of 1966, and in place thereof the following paragraphs: —

(e) "School attending pupil", any pupil in any school, kindergarten through grade twelve, resident in the city or town, as reported by the superintendent of schools in accordance with the requirements of section two A of chapter seventy-two.

(f) "Valuation percentage", the proportion, to the nearest tenth of one per cent, which the equalized valuation per school attending pupil of the city or town bears to the average equalized valuation per school attending pupil for the entire state.

SECTION 8A. Section 4 of said chapter 70, as so appearing, is hereby amended by striking out, in lines 8, 12, and 15, the word "child" and inserting in place thereof, in each instance, the word: — pupil,— and by striking out, in line 9, the word "children" and inserting in place thereof the word: — pupils.

SECTION 8B. Section 5 of said chapter 70, as so appearing, is hereby amended by striking out, in lines 16, and 20, the word "children" and inserting in place thereof, in each instance, the words: — attending pupils.

SECTION 8C. The first paragraph of section 2A of chapter 72

of the General Laws, as appearing in section 63 of chapter 14 of the acts of 1966, is hereby amended by striking out, in line 4, the words "minor children" and inserting in place thereof the word: — pupils.

SECTION 8D. The last paragraph of said section 2A of said chapter 72, added by section 2 of chapter 100 of the acts of 1972, is hereby amended by striking out, in line 3, the words "minor children" and inserting in place thereof the word: — pupils.

SECTION 8E. Section 7A of chapter 74 of the General Laws is hereby amended by striking out, in line 2, as appearing in the Tercentenary Edition, the word "child" and inserting in place thereof the word: — pupil.

SECTION 8F. Section 8A of said chapter 74 is hereby amended by striking out, in line 8, as appearing in chapter 622 of the acts of 1950, the word "child" and inserting in place thereof the word: — person.

SECTION 9. Section 3 of chapter 76 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Every minor between sixteen and eighteen, except a married woman, who does not meet the requirements for the completion of the sixth grade of the public schools of the town where he resides shall, except as otherwise provided herein, attend some public evening school, if any, in the town of his residence, for the whole time during which the public evening schools are in session, unless he attends a public day school, or a private school approved as provided in section one by the school committee, or unless his physical or mental condition is such as to render his attendance harmful or impractical.

SECTION 9A. Section 5 of said chapter 76, as amended by section 1 of chapter 622 of the acts of 1971, is hereby further amended by striking out, in lines 1, and 3, the word "child" and inserting in place thereof, in each instance, the word: — person.

SECTION 10. The fourth paragraph of section 2 of chapter 90 of the General Laws, as most recently amended by section 1 of chapter 736 of the acts of 1967, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — A person who has attained eighteen years of age and who transfers the ownership of a registered motor vehicle or trailer owned by him to another or who loses possession thereof and who intends to transfer the registration of such motor vehicle or trailer to a newly acquired vehicle of the same type and having the same number of wheels may, subject to other provisions of this chapter, operate such newly acquired motor vehicle or trailer for a period beginning from the date of transfer until five o'clock post meridian of the second registry business day following the date of transfer within the period for which the transferred vehicle was registered; provided, that the number plates issued upon registration of the transferred motor vehicle or trailer are attached to the newly acquired vehicle.

SECTION 11. Section two C of said chapter ninety is hereby repealed.

SECTION 12. Section 7B of said chapter 90 is hereby amended by striking out clause (4), as most recently amended by chapter 74 of the acts of 1966, and inserting in place thereof the following clause: —

(4) Each school bus shall be operated by a person eighteen years of age or over who is licensed under section eight A or who is licensed under section nine of chapter one hundred and fifty-nine A and is subject to an annual physical examination in accordance with the regulations of the carrier employing such person as an operator; provided, however, that in case of an emergency such school bus may, for a period not to exceed three consecutive days, be operated by any person, eighteen years of age or over, who is duly licensed by the registrar to operate a motor vehicle other than as provided herein; and provided further, that no person shall operate a school bus whose license to do so is suspended or revoked, or whose application to operate a school bus has been rejected by the registrar;

SECTION 13. Section 8A of said chapter 90 is hereby amended by striking out the first paragraph, as most recently amended by chapter 100 of the acts of 1970, and inserting in place thereof the following paragraph: —

Application for a license to be a school bus operator may be made by any person who shall have attained the age of eighteen years but who has not passed his seventieth birthday and who shall have been a duly licensed motor vehicle operator for a period of three continuous years prior to his application except a person who has been licensed and whose license is not in force because of revocation or suspension or whose right to operate is suspended by the registrar; but before such a person shall be so licensed the registrar shall be satisfied that he is of good moral character and has successfully completed a driving performance test, a visual test, and a physical examination by a licensed physician within a three-month period of the date of his application in conformity with such minimum physical qualifications as shall be determined by the registrar.

SECTION 14. The second sentence of the first paragraph of section 8B of said chapter 90, as appearing in chapter 187 of the acts of 1967, is hereby amended by striking out, in line 6, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 15. Section 183 of chapter 111 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 1, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 16. The first paragraph of section 2 of chapter 112 of the General Laws, as appearing in chapter 662 of the acts of 1971, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — Each applicant who shall furnish the board with satisfactory proof that he is eighteen or over and of good moral character, that he has completed

two years of premedical studies in a college or university, that he has attended courses of instruction for four years of not less than thirty-two school weeks in each year, or courses which in the opinion of the board are equivalent thereto, in one or more legally chartered medical schools, and that he has received the degree of doctor of medicine, or its equivalent, from a legally chartered medical school in the United States or commonwealth of Puerto Rico or Canada having the power to confer degrees in medicine, shall, upon payment of one hundred and twenty-five dollars, be examined, and, if found qualified by the board, be registered as a qualified physician and entitled to a certificate in testimony thereof, signed by the chairman and secretary.

SECTION 17. The first sentence of section 9 of said chapter 112, as most recently amended by chapter 578 of the acts of 1962, is hereby further amended by striking out, in line 3, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 18. The first paragraph of section 16 of said chapter 112, as most recently amended by section 19 of chapter 684 of the acts of 1972, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — If an applicant furnishes the board with satisfactory proof that he is eighteen and of good moral character, and that he is a graduate of a high school or its equivalent, and has completed a four-year course in podiatry, or an accelerated course in podiatry of not less than one hundred and forty-four weeks of academic instruction, in a school of podiatry approved by the board, and holds a doctor's degree in podiatry from a school, college or university having the power to grant such degree, he shall, upon the payment of fifty dollars, be examined by the board as provided in section seventeen, and, if found qualified, shall be registered and shall receive a certificate as a registered podiatrist, signed by the chairman and secretary of the board.

SECTION 19. Section 23C of said chapter 112, as most recently amended by section 1 of chapter 585 of the acts of 1958, is hereby further amended by striking out clause (a) and inserting in place thereof the following clause: —

(a) Be at least eighteen years old.

SECTION 20. The first paragraph of section 45 of said chapter 112, as most recently amended by section 27 of chapter 684 of the acts of 1972, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — Any such applicant eighteen years or over and of good moral character who shall furnish the board with satisfactory proof that he has received a diploma from the faculty of a reputable dental college as defined in section forty-six, shall, upon payment of seventy-five dollars, be entitled to be examined by the board.

SECTION 21. The first paragraph of section 55 of said chapter 112 is hereby amended by striking out the second sentence, as most recently amended by section 1 of chapter 538 of the acts of 1968, and inserting in place thereof the following sentence: — Each appli-

cant who shall furnish the board with satisfactory proof that he is eighteen years of age or over, of good moral character, that he possesses the educational qualifications required for graduation from a public high school, that he has completed one year of collegiate work, including chemistry and biology, in a college or university approved by a body consisting of the secretary of the board and the director of the division of animal health of the department of agriculture, in this section referred to as the approving authority, that he has attended courses of instruction for four years of not less than thirty-two school weeks in each year, or courses which in the opinion of the board are equivalent thereto, in one or more legally chartered schools of veterinary medicine, and that he has received the degree of doctor of veterinary medicine or its equivalent from a legally chartered school of veterinary medicine having the power to confer degrees in veterinary medicine and approved by the approving authority, shall, upon payment of fifty dollars, be examined, and, if found qualified by the board, shall be registered as a veterinarian, and shall receive a certificate thereof, signed by the chairman and secretary.

SECTION 22. The first paragraph of section 68 of said chapter 112, as most recently amended by section 2 of chapter 339 of the acts of 1934, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — Every applicant for examination shall present satisfactory evidence, in the form of affidavits properly sworn to, that he is eighteen years of age or older and of good moral character, that he has graduated from a high school having a course of study of four years and approved by the board or has had a preliminary education equivalent to at least four years in a public high school, and that he has graduated from a school or college of optometry, approved by the board, maintaining a course of study of not less than two years with a minimum requirement of fifteen hundred attendance hours, or, in case of a person applying for a first examination after January first, nineteen hundred and thirty-five, maintaining a course of study of not less than three separate academic years, each academic year consisting of thirty-six weeks of classroom work with thirty-five hours of instruction each week; provided, that if an applicant is unable to prove graduation from, or four years actual attendance at a high school, the board shall determine his preliminary education qualifications by a proper and separate examination, the fee for which shall be five dollars, to be paid by the applicant.

SECTION 23. The first paragraph of section 73E of said chapter 112, as most recently amended by chapter 440 of the acts of 1967, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence: — If the applicant passes such examination and has reached the age of eighteen years, he shall be granted a license signed by the chairman and secretary of the board; if he passes such examination and has not reached said age, he shall be granted such license when he is eighteen years of age.

SECTION 24. The first sentence of the second paragraph of section 83 of said chapter 112, as appearing in section 2 of chapter 653 of the acts of 1954, is hereby amended by striking out, in line 3, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 25. The first sentence of the third paragraph of said section 83 of said chapter 112, as so appearing, is hereby amended by striking out, in line 3, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 26. The first paragraph of section 87A of said chapter 112, as appearing in section 2 of chapter 663 of the acts of 1963, is hereby amended by striking out, in line 6, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 27. The second sentence of the second paragraph of section 87TT of said chapter 112, as appearing in section 2 of chapter 726 of the acts of 1957, is hereby amended by striking out, in line 2, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 28. The third sentence of the first paragraph of section 87GGG of said chapter 112 is hereby amended by striking out the word "nineteen", inserted by chapter 243 of the acts of 1969, and inserting in place thereof the word: — eighteen.

SECTION 29. The first sentence of the second paragraph of section 87000 of said chapter 112, as appearing in chapter 137 of the acts of 1967, is hereby amended by striking out, in line 4, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 30. Section 87PPP of said chapter 112 is hereby amended by striking out the definition of "Master technician license", as appearing in section 2 of chapter 604 of the acts of 1963, and inserting in place thereof the following definition: —

"Master technical license", license issued to any person at least eighteen years of age who has had at least one year of experience in the repair and maintenance of radio and television receivers.

SECTION 31. The second paragraph of section 87TTT of said chapter 112, as most recently amended by chapter 170 of the acts of 1965, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — A master technician technical license shall not be issued to any person under eighteen years of age.

SECTION 32. The third sentence of section 91 of said chapter 112 is hereby amended by striking out, in line 2, as appearing in section 2 of chapter 409 of the acts of 1966, the word "twenty-one" and inserting in place thereof the word: — eighteen

SECTION 33. Paragraph (b) of section 109 of said chapter 112, as appearing in section 2 of chapter 865 of the acts of 1970, is hereby amended by striking out, in line 4, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 34. Section 1 of chapter 116 of the General Laws is hereby amended by striking out clause First, as appearing in the

Tercentenary Edition, and inserting in place thereof the following clause: —

First, Except as provided in the following clause, each person who after reaching the age of eighteen has resided in any town within the commonwealth for five consecutive years shall thereby acquire a settlement in such town.

SECTION 35. Section 5 of said chapter 116, as amended by section 1 of chapter 624 of the acts of 1948, is hereby further amended by striking out, in line 6, the word "twenty-one" and inserting in place the word: — eighteen.

SECTION 36. Chapter 117 of the General Laws is hereby amended by striking out section 9, as most recently amended by chapter 908 of the acts of 1971, and inserting in place thereof the following section: —

Section 9. The kindred of such poor persons, in line or degree of father, mother, and children, by consanguinity, living in the commonwealth, and of sufficient ability, shall be bound to support such poor persons in proportion to their respective ability; provided, however, that parents shall not be required to support or contribute to the support of any of their children eighteen years of age or over who are poor or indigent.

SECTION 37. Section two A of chapter one hundred and eighteen of the General Laws is hereby repealed.

SECTION 38. The second paragraph of section 1 of chapter 118E of the General Laws, as appearing in section 1 of chapter 800 of the acts of 1969, is hereby amended by striking out, in lines 6 and 7, the words "persons under twenty-one years of age" and inserting in place thereof the words: — children under eighteen years of age and adults eighteen, nineteen and twenty years of age.

SECTION 39. Section 10 of said chapter 118E, as so appearing, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph: —

In determining responsibility of any individual for any applicant or recipient of assistance under this chapter, such responsibility shall be limited to husband for wife and parents for children under the age of eighteen.

SECTION 40. Chapter 119 of the General Laws is hereby amended by striking out section 23 and inserting in place thereof the following section: —

Section 23. The department shall have the responsibility, including financial responsibility, for providing foster care for children through its own resources or by use of appropriate voluntary agencies according to the rules and regulations of the department in the following instances:

A. Upon the application of a parent or guardian or any person acting in behalf of the child, or of the child himself, the department may accept for foster care any child under eighteen years who in its judgment is in need of foster care. Such acceptance shall entail no abrogation of parental rights or responsibilities, but the department may accept from parents a temporary delegation of certain rights

and responsibilities necessary to provide the foster care for a period of time under conditions agreed upon by both and terminal by either.

B. The department may accept from parents voluntary surrender of custody of their children under eighteen years for purposes of giving consent for adoption under the same conditions as noted in paragraph A of this section.

C. The department may seek and shall accept on order of a probate court the responsibility for any child under eighteen years of age who is without proper guardianship due to the death, unavailability, incapacity or unfitness of the parent or guardian, or on the consent of the parent or parents. Such responsibility shall include the right to determine the child's place of abode, medical care, and education; to control visits to the child; to give consents to enlistments, marriages and other contracts requiring parental consent, such responsibility to include the right to consent to adoption only when it is expressly included in the order of the court. If such child is in the care of the department of mental health, the responsibility enumerated above and all rights therein contained shall continue in the department. The department shall continue to have such responsibility for a mentally retarded person notwithstanding the fact that such person has reached the age of eighteen years, if the department has accepted responsibility for such person prior to his reaching the age of eighteen years and such person has been declared to be legally incompetent. Such responsibility shall continue in the department until such person shall be declared to be no longer legally incompetent.

D. The department shall accept on commitment from the Boston juvenile court, the Worcester juvenile court, the Bristol county juvenile court and the Springfield juvenile court and from any juvenile session of a district court of the commonwealth or from any superior civil court of the commonwealth any child under sixteen years of age declared in need of foster care under section twenty-six.

E. Any child under fourteen years who is left in any place and who is seemingly without a parent or legal guardian available shall be immediately reported to the department, which shall proceed to arrange care for such child temporarily and shall forthwith cause search to be made for parent or guardian. If parent or guardian cannot be found or is unable or refuses to make suitable provisions for the child, the department shall make such lawful provisions as seems for the best interest of such child within the provisions of this chapter.

F. If the department has in its care a child whose parent or parents have consented to his adoption and the department has been unable to place such child in an adoptive home within sixty days of the receipt of such consent, it shall so notify all children's foster care agencies in the commonwealth licensed to place children for adoption. Said notice shall request that each such agency attempt to find an adoptive home for such child. If one of said

agencies locates an adoptive home for such child the department shall cooperate with such agency in the placement of the child in such home and in the supervision of the placement during the one year waiting period. Any person in whose home such child has been placed by the division shall also be informed by the department if such child has become eligible for adoption, and such person may request consideration as a prospective adoptive parent.

The department may continue to have the responsibility for any person provided for in this section under twenty-one years for the purposes of specific educational or rehabilitative programs, under conditions agreed upon by both the department and such person and terminable by either.

SECTION 41. The second sentence of section 26 of said chapter 119, as appearing in section 1 of chapter 646 of the acts of 1954, is hereby amended by striking out, in line 5, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 42. The second sentence of the second paragraph of section 58 of said chapter 119, as appearing in section 15 of chapter 838 of the acts of 1969, is hereby amended by striking out, in line 11, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 43. The first sentence of the first paragraph of subsection (a) of section 10 of chapter 120 of the General Laws, as appearing in section 39 of said chapter 838, is hereby amended by striking out, in line 12, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 44. Said chapter 120 is hereby further amended by striking out section 16, as amended by section 46 of said chapter 838, and inserting in place thereof the following section: —

Section 16. Every person committed to the department as a wayward child or delinquent child, if not already discharged, shall be discharged when he reaches his eighteenth birthday, unless a petition is filed by the department under section seventeen. Every person committed to the department after conviction in criminal proceedings, unless already discharged, shall be discharged when such person reaches his twenty-first birthday, unless a petition is filed by the department under section seventeen. The department may continue to have the responsibility for any person provided for in this chapter under twenty-one years for the purposes of specific educational or rehabilitative programs, under conditions agreed upon by both the department and such person and terminable by either.

SECTION 45. The first paragraph of section 19 of said chapter 120, as amended by section 49 of said chapter 838, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — Such orders and applications may be repeated at intervals as often as in the opinion of the department may be necessary for the protection of the public, except that the department shall have power, in order to protect other children and adolescents, to transfer the custody of any per-

son eighteen years of age or older to the department of correction for placement in the appropriate institution.

SECTION 46. Said chapter 120 is hereby amended by striking out section 23, as most recently amended by section 53 of said chapter 838, and inserting in place thereof the following section: —

Section 23. The department may act as guardians for any boy or girl in its charge under eighteen who has neither parent living nor guardian, with all the power and authority conferred by chapter two hundred and one, except that when a guardian is appointed, the powers herein conferred shall cease.

SECTION 47. The third sentence of clause (c) of the second paragraph of section 32 of chapter 121B of the General Laws, as appearing in section 1 of chapter 751 of the acts of 1969, is hereby amended by striking out, in line 2, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 48. The second sentence of the first paragraph of section 10 of chapter 123 of the General Laws, as appearing in section 4 of chapter 888 of the acts of 1970, is hereby amended by striking out, in line 3, the word "twenty-one" and inserting in place thereof the word: — eighteen:

SECTION 49. The second sentence of section 32 of said chapter 123, as so appearing, is hereby amended by striking out, in line 4, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 50. Section 37 of said chapter 123, as so appearing, is hereby amended by striking out, in line 3, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 51. Section 4 of chapter 125 of the General Laws, as most recently amended by chapter 30 of the acts of 1967, is hereby further amended by striking out, in line 4, the word "twenty-one" and inserting in place thereof the word: — nineteen.

SECTION 52. The second sentence of the first paragraph of section 14 of chapter 131 of the General Laws, as appearing in section 1 of chapter 802 of the acts of 1967, is hereby amended by striking out, in line 6, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 53. Section 197 of chapter 140 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Whoever, himself or by his servant or agent, admits a child under fourteen to any licensed show or place of amusement unless such child is accompanied by a person who has attained the age of eighteen, shall, on complaint of a parent or guardian of the child or of any police officer or of a supervisor of attendance of the town in which the child is so admitted, be punished by a fine of not more than one hundred dollars; but he shall not be liable to said fine if a child apparently fourteen years old has obtained admission by any written misrepresentation or by any unauthorized entrance to said place of amusement, or has entered with and apparently in the company of a person over

eighteen but does not remain with such person, provided the person in charge of said place of amusement shall remove such child immediately therefrom upon knowledge that the child is under fourteen and not then accompanied by a person eighteen years or older.

SECTION 54. Section 75 of chapter 143 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 2 of chapter 772 of the acts of 1971, and inserting in place thereof the following sentence: — No such license shall be granted until the applicant has passed an examination proving him to be thoroughly skilled in the working of the mechanical and electrical apparatus or devices used therein or connected therewith, nor unless he has submitted evidence as to his responsibility in regard to the safety of the public, and no person under eighteen shall be eligible for such examination.

SECTION 55. Chapter 149 of the General Laws is hereby amended by striking out section 67, as most recently amended by chapter 68 of the acts of 1961, and inserting in place thereof the following section: —

Section 67. Except as limited by section fifty-six, no person shall employ a boy or girl under eighteen or permit such a boy or girl to work in, about or in connection with any establishment or occupation named in section fifty-six or sixty for more than six days in a week, or more than forty-eight hours in a week, or more than nine hours in a day, and, if the work performed by such boy or girl in a day is not continuous but is divided into two or more periods, the person employing such boy or girl shall so arrange his or her work that all such periods shall fall within a period of ten consecutive hours.

SECTION 56. Section 6 of chapter 151A of the General Laws is hereby amended by striking out subsection (d), as most recently amended by section 1 of chapter 280 of the acts of 1954, and inserting in place thereof the following subsection: —

(d) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by a child under the age of eighteen in the employ of his father or mother;.

SECTION 57. The first sentence of the first paragraph of section 12 of chapter 156B of the General Laws, as appearing in section 8 of chapter 392 of the acts of 1969, is hereby amended by striking out, in line 1, the word "twenty-one" and inserting in place thereof the word: — eighteen

SECTION 58. The first sentence of section 62 of chapter 167 of the General Laws, as appearing in chapter 357 of the acts of 1968, is hereby amended by striking out, in line 1, the word "twenty-one", and inserting in place thereof the word: — eighteen.

SECTION 59. Section 113K of chapter 175 of the General Laws, added by chapter 403 of the acts of 1965, is hereby amended by striking out, in line 6, the words "the age of twenty-one years" and inserting in place thereof the words: — his full age.

SECTION 60. Section 187E of said chapter 175, added by chapter 104 of the acts of 1947, is hereby amended by striking out the second sentence and inserting in place thereof the following sen-

tence: — Any payment made under any such policy or contract of this section to a person eighteen years of age or older shall constitute a full discharge of the company from all liability thereunder.

SECTION 61. The first paragraph of section 177B of said chapter 175, as appearing in section 1 of chapter 395 of the acts of 1939, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The commissioner may, upon payment of the fee prescribed by section fourteen, issue to any suitable resident of the commonwealth who is eighteen years old a license to act as an insurance advisor.

SECTION 62. The first sentence of the second paragraph of section 9 of chapter 176 of the General Laws, as appearing in section 1 of chapter 540 of the acts of 1958, is hereby amended by striking out, in lines 1 and 2, the words "full age of twenty-one years" and inserting in place thereof the words: — age of majority.

SECTION 63. The first sentence of the first paragraph of section 18 of said chapter 176, as so appearing, is hereby amended by striking out, in line 3, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 64. The first sentence of section 4 of chapter 188 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 5, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 65. Chapter 189 of the General Laws is hereby amended by striking out section 6, as so appearing, and inserting in place thereof the following section: —

Section 6. The signature of a married woman who is a minor affixed by her to any instrument relating to the conveyance of land of her husband shall have the same effect as if she were of full age.

SECTION 66. Section 14 of said chapter 189, as so appearing, is hereby amended by striking out, in line 8, the words "under twenty-one" and inserting in place thereof the words: — a minor.

SECTION 67. Chapter 193 of the General Laws is hereby amended by striking out section 8, as so appearing, and inserting in place thereof the following section: —

Section 8. If a person named as executor is a minor at the time of the probate of the will, administration with the will annexed may be granted during his minority, unless there is another executor who accepts the trust.

SECTION 68. Chapter 201 of the General Laws is hereby amended by striking out section 4, as so appearing, and inserting in place thereof the following section: —

Section 4. The guardian of a minor unless sooner discharged according to law shall continue in office until the minor attains the age of eighteen years and shall have the care and management of all his estate.

SECTION 69. Section 4 of chapter 201A of the General Laws is hereby amended by striking out subsection (d), as appearing in chapter 724 of the acts of 1957, and inserting in place thereof the following subsection: —

(d) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on attaining the age of eighteen years, if the minor dies before attaining said age, he shall thereupon deliver or pay it over to the estate of the minor.

SECTION 70. Subsection (h) of said section 4 of said chapter 201A, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — The custodian shall deliver his final account to the minor within six months after the latter has attained the age of eighteen years or, if his custodianship be sooner terminated, by delivering his final account to the legal representative of the minor within six months of such termination.

SECTION 71. The first paragraph of subsection (d) of section 7 of said chapter 201A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — If the person designated as custodian is not eligible, renounces or dies before the minor attains the age of eighteen years, the guardian of the minor shall be successor custodian.

SECTION 72. Section 8 of said chapter 201A is hereby amended by striking out subsection (a), as so appearing, and inserting in place thereof the following subsection: —

(a) A minor, if he has attained the age of fourteen years, or his legal representative, an adult member of the minor's family, or the donor or his legal representatives may petition the probate court for an accounting by the custodian or his legal representative, but such right to petition shall terminate two years after (1) the minor has attained his majority and the custodian has delivered his final account to the minor or his legal representative; or (2) the minor has died before attaining his majority and the custodian has delivered his final account to the legal representative of the minor.

SECTION 73. Section 37 of chapter 221 of the General Laws is hereby amended by striking out the first sentence, as appearing in the Tercentenary Edition, and inserting in place thereof the following sentence: — A citizen of the United States, whether man or woman, may, if over eighteen, file a petition in the supreme judicial or superior court to be examined for admission as an attorney at law, and, if found qualified, to be admitted as such; whereupon, unless the court otherwise orders, the petition shall be referred to the board of bar examiners to ascertain his acquirements and qualifications.

SECTION 74. Chapter 231 of the General Laws is hereby amended by inserting after section 85N, inserted by chapter 242 of the acts of 1972, the following section: —

Section 85 O. Any person who has attained the age of eighteen shall have full legal capacity to act in his own behalf in the matter of contracts and shall be liable in any civil action for breach thereof.

SECTION 75. Section 147 of said chapter 231 is hereby amended

by striking out form 32 and inserting in place thereof the following form: —

32. MINORITY

As to the note mentioned in the plaintiff's second count, the defendant says that at the time of making the same he was a minor.

SECTION 76. The second paragraph of section 1 of chapter 234 of the General Laws is hereby amended by striking out, in line 12, as appearing in section 1 of chapter 148 of the acts of 1969, the words "persons under twenty-two years of age;"

SECTION 77. Section 22A of chapter 265 of the General Laws, added by section 2 of chapter 763 of the acts of 1955, is hereby amended by striking out, in lines 4 and 5, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 78. Section 24B of said chapter 265, added by section 3 of said chapter 763, is hereby amended by striking out, in line 5, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 79. Section 35A of chapter 272 of the General Laws, added by section 4 of said chapter 763, is hereby amended by striking out, in line 7, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 80. The first sentence of section 20 of chapter 273 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 1, the word "twenty-one" and inserting in place thereof the word: — eighteen.

SECTION 81. Chapter 276 of the General Laws is hereby amended by striking out section 87, as most recently amended by section 23 of chapter 731 of the acts of 1972, and inserting in place thereof the following section: —

Section 87. The superior court may place upon probation under any of its probation officers any person before it charged with crime and any court may place any person convicted before it in the care of its probation officer for such time and upon such conditions as it deems proper; provided, that in the case of any child under the age of seventeen placed upon probation by the superior court, he may be placed in the care of a probation officer of the district court, including in such term the Boston juvenile court, the Worcester juvenile court, the Bristol county juvenile court and the Springfield juvenile court, within the judicial district of which such child resides; and provided, further, that no person convicted under section twenty-two A or twenty-four B of chapter two hundred and sixty-five, or section thirty-five A of chapter two hundred and seventy-two shall, if it appears that he has previously been convicted under said sections and was eighteen years of age or older at the time of committing the offense for which he was so convicted, be released on parole or probation prior to the completion of five years of his sentence.

SECTION 82. The provisions of section fourteen of chapter one hundred and eighty-nine of the General Laws, as amended by

section 66 of this act, shall not apply to any claim of an interest in real estate which, under the provisions of said section fourteen in effect prior to the effective date of this act, would be valid until March first, nineteen hundred and seventy-six.

SECTION 83. The provisions of this act are severable and if any provision shall be in violation of any federal rule or regulation established by the Department of Health, Education and Welfare as a condition for receiving federal funds in connection with any program administered by the department of public welfare, such provision shall be null and void and such violation shall not affect or impair any of the remaining provisions.

SECTION 84. This act shall take effect on January first, nineteen hundred and seventy-four. *Approved October 17, 1973.*

Chap. 926. AN ACT REQUIRING A FILING FEE FOR APPEALS AND PETITIONS FOR VARIANCES TO THE BOARD OF ELEVATOR REGULATIONS.

Be it enacted, etc., as follows:

Subsection (a) of section 70 of chapter 143 of the General Laws, as most recently amended by section 51 of chapter 802 of the acts of 1972, is hereby further amended by inserting after the second sentence the following sentence: — The filing fee for such appeal or petition for a variance shall be fifty dollars.

Approved October 17, 1973.

Chap. 927. AN ACT PROVIDING FOR A COMBINED RETURN OF INCOME BY CERTAIN CORPORATIONS UNDER THE BUSINESS CORPORATION EXCISE LAW.

Be it enacted, etc., as follows:

SECTION 1. Clause (2) of subsection (a) of section 32 of chapter 63 of the General Laws is hereby amended by striking out the second sentence, as appearing in section 53 of chapter 698 of the acts of 1966.

SECTION 2. Said chapter 63 is hereby further amended by inserting after section 32A the following section: —

Section 32B. If two or more domestic business corporations or foreign corporations participated in the filing of a consolidated return of income to the federal government, the net income measure of their excises imposed under section thirty-two or section thirty-nine may, at their option, be assessed upon their combined net income, in which case the excise shall be assessed to all said corporations and collected from any one or more of them.

SECTION 3. Clause (2) of subsection (a) of section 39 of said chapter 63 is hereby amended by striking out the second sentence, as appearing in section 61 of chapter 698 of the acts of 1966.

SECTION 4. This act shall apply to taxable years ending on and after December thirty-first, nineteen hundred and seventy-three.

Approved October 17, 1973.

Chap. 928. AN ACT PROVIDING FOR THE VESTING OF ACCRUED RETIREMENT BENEFITS AFTER TEN YEARS OF CREDITABLE PUBLIC SERVICE.

Be it enacted, etc., as follows:

SECTION 1. Subdivision (2) of section 10 of chapter 32 of the General Laws is hereby amended by inserting after paragraph (b) the following paragraph: —

(b $\frac{1}{2}$) Any member classified in Group 1, Group 2 or Group 4, who has completed ten or more years of creditable service, and who, before attaining age fifty-five, resigns or voluntarily terminates his service and leaves his accumulated total deductions in the annuity savings fund of the system of which he is a member, shall have the right upon attaining age fifty-five, or at any time thereafter, to apply for a termination retirement allowance to become effective as provided for in subdivision (3) of this section. Such allowance shall be determined in accordance with the provisions of section five or the provisions of any other section governing superannuation retirement applicable to such member upon the basis of such member's age on the date when the retirement allowance becomes effective, with an amount of creditable service equal to that with which he was credited on the date of his termination of service.

SECTION 2. This act shall take effect as of January first, nineteen hundred and seventy-three. *Approved October 17, 1973.*

Chap. 929. AN ACT PROHIBITING UNLAWFUL DISCRIMINATION BY REQUIRING EMPLOYEES TO VIOLATE RELIGIOUS OBSERVATION.

Be it enacted, etc., as follows:

Section 4 of chapter 151B of the General Laws is hereby amended by inserting after subsection 1 the following subsection: —

1A. It shall be unlawful discriminatory practice for an employer to impose upon an individual as a condition of obtaining or retaining employment any terms or conditions, compliance with which would require such individual to violate, or forego the practice of, his creed or religion as required by that creed or religion including but not limited to the observance of any particular day or days or any portion thereof as a sabbath or holy day and the employer shall make reasonable accommodation to the religious needs of such individual. No individual who has given notice as hereinafter provided shall be required to remain at his place of employment during any day or days or portion thereof that, as a requirement

of his religion, he observes as his sabbath or other holy day, including a reasonable time prior and subsequent thereto for travel between his place of employment and his home, provided, however, that any employee intending to be absent from work when, so required by his or her creed or religion shall notify his or her employer not less than ten days in advance of each absence, and that any such absence from work shall, wherever practicable in the judgment of the employer, be made up by an equivalent amount of time at some other mutually convenient time. Nothing under this subsection shall be deemed to require an employer to compensate an employee for such absence. "Reasonable Accommodation", as used in this subsection shall mean such accommodation to an employee's or prospective employees' religious observance or practice as shall not cause undue hardship in the conduct of the employer's business. The employee shall have the burden of proof as to the required practice of his creed or religion.

Undue hardship, as used herein, shall include the inability of an employer to provide services which are required by and in compliance with all federal and state laws, including regulations or tariffs promulgated or required by any regulatory agency having jurisdiction over such services or where the health or safety of the public would be unduly compromised by the absence of such employee or employees, or where the employee's presence is indispensable to the orderly transaction of business and his or her work cannot be performed by another employee of substantially similar qualifications during the period of absence, or where the employee's presence is needed to alleviate an emergency situation. The employer shall have the burden of proof to show undue hardship.

Approved October 17, 1973.

Chap. 930. AN ACT PROVIDING FOR THE REPAIR, REHABILITATION AND REPLACEMENT OF CERTAIN TIDE GATES, SO CALLED, LOCATED IN THE CITY OF CHELSEA.

Be it enacted, etc., as follows:

Section 5 of chapter 803 of the acts of 1972 is hereby amended by striking out, in lines 21 to 23, inclusive, the words "such of the city of Boston's tide gates, so called, as are located in the Charlestown and East Boston districts of said city" and inserting in place thereof the words: — such tide gates, so called, as are located in the Charlestown and East Boston districts of the city of Boston and in the city of Chelsea.

Approved October 17, 1973.

Chap. 931. AN ACT RELATIVE TO AQUACULTURE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 130 of the General Laws is hereby amended by inserting after section 17A the following section: —

Section 17B. Notwithstanding the provisions of sections forty-one through forty-four, inclusive, sixty-nine, seventy, seventy-one

and seventy-two, the director may, by issuance of a written permit under such terms and conditions as he may impose, authorize the possession of fish at any season and of any size for purposes of propagation, rearing, harvesting or sale in connection with an aquacultural enterprise in which the fish being so propagated, reared and harvested are kept separate from natural stocks of the same species.

SECTION 2. Section 57 of said chapter 130, as appearing in section 1 of chapter 598 of the acts of 1941, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

The city council of a city or the selectmen of any town may, upon written application therefor and after public notice and hearing thereon as provided in section sixty, grant to any person a license for a period not exceeding ten years to plant, grow, and take shellfish and to plant cultch for the purpose of catching shellfish seed, in such city or town at all times of the year, in, upon or from a specific portion of flats or land under coastal waters, provided the division of marine fisheries shall, after inspection, certify that the license and operation thereunder would cause no substantial adverse effect on the natural shellfish resources of the town, and provided further, no license shall be issued for any area then or within two years prior thereto, closed for municipal cultivation under the provisions of section fifty-four. Licenses under this section shall be issued upon forms supplied by such cities and towns and upon such terms and conditions and subject to such regulations as the city council or selectmen issuing the same shall deem proper, but not so as to impair the private rights of any person or to materially obstruct navigable waters, and they shall describe by meets and bounds the waters, flats or creeks covered thereby.

SECTION 3. Section 58 of said chapter 130, as so appearing, is hereby amended by inserting after the word "transferred", in lines 2 and 3, the words: — with the approval of the city council or selectmen.

SECTION 4. Said chapter 130 is hereby further amended by striking out section 59, as so appearing, and inserting in place thereof the following section: —

Section 59. Any person, firm or corporation qualified as provided in section fifty-seven and desiring to obtain a license thereunder shall present to the city council or selectmen a written application setting forth the name and residence of the applicant, a definite description made by reference to a survey conducted by the applicant, and a request that such license be granted to the applicant.

SECTION 5. Section 61 of said chapter 130, as so appearing, is hereby amended by striking out the first sentence.

SECTION 6. The third sentence of section 62 of said chapter 130, as so appearing, is hereby amended by striking out, in line 6, the words: — in making such survey and plan and.

SECTION 7. Section 64 of said chapter 130, as so appearing, is hereby amended by striking out, in line 4, the words "one or more than five" and inserting in place thereof the words: — five nor more than twenty-five.

SECTION 8. Section 65 of said chapter 130, as so appearing, is hereby amended by striking out, in line 11, the word "twenty-five" and inserting in place thereof the words: — one hundred, — by striking out, in line 13, the word "fifty" and inserting in place thereof the words: — two hundred and fifty, — and by striking out, in line 16, the word "may" and inserting in place thereof the word: — shall.

SECTION 9. Said chapter 130 is hereby amended by inserting after section 68 the following section: —

Section 68A. The selectmen of a town or the mayor of a city, upon a written application accompanied by plans sufficient to show the intended work, may grant to any person an aquaculture license to grow shellfish by means of racks, rafts, or floats in waters of the commonwealth below the line of extreme low water. The selectmen or mayor shall grant or deny said license in writing within sixty days after receipt of the written application therefor. Not more than thirty days after the grant or denial of a license, any person aggrieved by said grant or denial may, by certified mail, request the division of marine fisheries to determine whether such license or operation thereunder will cause any adverse effect on the shellfish or other natural resources of the city or town. The person making any such request shall, at the same time, send a copy thereof by certified mail to the board of selectmen or the mayor who granted or denied said license. If such person is other than the applicant, upon receipt of such request the division of marine fisheries shall make the determination requested and shall in writing grant or deny said license or impose such conditions as will contribute to the protection of the interests described herein. Such determination shall supersede the prior action of the board of selectmen or mayor.

Any person aggrieved by the determination of the division of marine fisheries under this section may appeal under the provisions of chapter thirty A. Such right of appeal shall be exclusive.

Said license shall be for a period of not more than ten years and may be renewed for similar periods. Said license may contain terms and conditions and may be revoked for failure to comply therewith or for lack of substantial use of the licensed area. Said licensee shall have the right to the exclusive use of the lands and waters within one hundred feet of said racks, rafts or floats for the purposes of growing shellfish thereon, and the license shall plainly mark the boundaries of said area. The selectmen or mayor shall permit, as a condition of the license, such public uses of said waters and lands as are compatible with the aquacultural enterprise. Whoever without the consent of the licensee and unless permitted by the terms of the license, takes shellfish from the licensed lands or waters, or from said racks, rafts or floats, or in any way disturbs

the growth of the shellfish thereon, or discharges any substance which may directly or indirectly injure the shellfish upon said racks, rafts, or floats, or willfully injures, defaces, destroys, removes or trespasses upon said racks, rafts, or floats or any mark or bound used to define the extent of any shellfish license, or ties or fastens any boat or vessel thereto, shall be liable in tort for treble damages and costs to the licensee or transferee injured by such act. Nothing in this section shall excuse the licensee from complying with other laws concerning interference with navigation.

Approved October 17, 1973.

Chap. 932. AN ACT EXEMPTING CERTAIN MEDICAL IMPLEMENTS COMMONLY USED BY PERSONS WHO HAVE UNDERGONE A COLOSTOMY OR AN ILEOSTOMY FROM THE TAX ON RETAIL SALES.

Be it enacted, etc., as follows:

Section 6 of chapter 64H of the General Laws is hereby amended by adding after paragraph (y), added by section 45A of chapter 555 of the acts of 1971, the following paragraph: —

(z) All medical implements, pads, pouches and solutions purchased by a person who has undergone a colostomy or an ileostomy which are used entirely as the result of such operation.

Approved October 17, 1973.

Chap. 933. AN ACT AUTHORIZING MUNICIPAL LIGHTING PLANTS TO OPERATE AND MAINTAIN COMMUNITY ANTENNA TELEVISION SYSTEMS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 164 of the General Laws is hereby amended by striking out section 34, as most recently amended by chapter 146 of the acts of 1966, and inserting in place thereof the following section: —

Section 34. A town may, in accordance with this chapter, construct, purchase or lease, and maintain within its limits, one or more plants for the manufacture or distribution of gas or electricity or for the operation of a community antenna television system for municipal use or for the use of its inhabitants. Such plants may include suitable land, structures and machinery and other apparatus and appliances for operating a community antenna television system or for manufacturing, using and distributing gas or electricity for said purposes. A town, engaged in the business of operating a community antenna television system, or of distributing gas or electricity, may, as a part of such business if an

appropriation is made therefor, rent, lease, or sell for cash or credit at prevailing retail prices, install and service, within the territory served by such business, merchandise, equipment, utensils and chattels of any description, incidental or auxiliary to the operation of a community antenna television system, or to the use of gas or electricity distributed to its consumers or necessary or expedient in the protection or management of its property used in such business. Wherever apt, the provisions of this chapter and chapter forty-four which apply to the operation and maintenance of a municipal light plant shall apply also to the operation and maintenance of a community antenna television system.

SECTION 2. Section 8 of chapter 44 of the General Laws is hereby amended by striking out clause (8) and inserting in place thereof the following clause: —

(8) For establishing, purchasing, extending or enlarging a gas or electric lighting plant, or a community antenna television system, whether or not operated by a gas or electric lighting plant, within the limits of the territory within which such gas, electric plant, or community antenna television system is authorized to distribute its products, twenty years; but the outstanding indebtedness so incurred shall not exceed in a town five per cent and in a city two and one half per cent of the equalized valuation of such town or city; provided, however, that the emergency finance board, established under chapter forty-nine of the acts of nineteen hundred and thirty-three, may authorize a city to incur indebtedness under this clause in excess of two and one half per cent but not in excess of five per cent of the equalized valuation of such city, and may authorize a town to incur indebtedness under this clause in excess of five per cent but not in excess of ten per cent of the equalized valuation of such town.

SECTION 3. Said section 8 of said chapter 44 is hereby further amended by striking out clause (8A) and inserting in place thereof the following clause: —

(8A) For remodeling, reconstructing or making extraordinary repairs to a gas or electric lighting plant, or a community antenna television system, when approved by the emergency finance board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, for such number of years not exceeding ten, as said board shall fix; provided, however, that the indebtedness incurred hereunder shall be included in the limit of indebtedness for gas and electric lighting plants, or community antenna television systems as set forth in clause (8). Each city or town seeking approval by said board of a loan under this clause shall submit to it all plans and other information considered by the board to be necessary for a determination of the probable extended use of such plant or community television antenna system likely to result from such remodeling, reconstruction or repair, and in considering approval hereunder of a requested loan and the terms thereof, special consideration shall be given to such determination.

Approved October 17, 1973.

- Chap. 934.** AN ACT DESIGNATING METROPOLITAN DISTRICT COMMISSION FOOTBALL FIELD BEING CONSTRUCTED IN THE HYDE PARK DISTRICT OF THE CITY OF BOSTON AS THE FRANK CHIPPENDALE FIELD.

Be it enacted, etc., as follows:

The metropolitan district commission football field being constructed on River street in the Hyde Park district of the city of Boston shall upon its completion be designated and known as the Frank Chippendale field, in memory of Frank Chippendale, a gifted athletic leader of national stature who served his country with honor during World War II. A suitable marker bearing said designation shall be placed at said field by the metropolitan district commission.

Approved October 17, 1973.

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- Chap. 935.** AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF BERKSHIRE TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Berkshire are hereby authorized to pay from any available funds a certain unpaid bill in the amount of eight hundred and seven dollars and twenty-two cents to the Burroughs Corporation, a corporation incorporated under the laws of the state of Michigan, for goods supplied to said county during the year nineteen hundred and seventy-one and which bill is legally unenforceable against said county.

SECTION 2. No bill shall be approved by the county commissioners of said county or paid by said treasurer under authority of this act unless and until a certificate has been signed and filed with said treasurer stating under the penalties of perjury that the goods for which such bill has been submitted were ordered by an official or an employee of said county and that such goods were delivered and actually received by said county.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for goods or services which were not received by or rendered to said county shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved October 17, 1973.

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- Chap. 936.** AN ACT PLACING THE MASSACHUSETTS MOBILE RADIO TELEPHONE UTILITY COMPANIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC UTILITIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 159 of the General Laws is hereby amended by inserting after section 12 the following four sections: —

Section 12A. The following words, when used in sections twelve B to twelve D, inclusive, shall have the following meanings unless the context otherwise requires:

"Authorized service area" or "service area", the area defined in section 21.504 of the United States Federal Communications Commission's Domestic Public Radio Service Rules, describing the limits of the reliable service area of the base station of a mobile radio utility system;

"Certificate", a certificate issued an applicant by the department, after hearing and proof of public convenience and necessity, for the construction, operation or extension of a proposed or existing mobile radio utility system, and the designation of the authorized service area for such system.

"Facility", all real property, stations, antennae, radios, receivers, transmitters, instruments, appliances, fixtures and other personal property used by a radio utility in providing service to its subscribers;

"Mobile radio utility system", any facility within the commonwealth which provides mobile radio telephone service, including one-way mobile radio telephone service, on a for-hire basis to the public, whether or not such mobile radio telephone service is provided on frequencies allocated to the Domestic Public Land Mobile Radio Services and whether or not such facility is interconnected with a public land-line telephone exchange network.

"Radio utility", any person or organization which owns, controls, operates or manages a mobile radio telephone utility system, except a land-line telephone utility or land-line telegraph utility regulated by the United States Federal Communications Commission.

Section 12B. No person offering or proposing to offer mobile radio telephone service to the public within the commonwealth shall begin or continue the construction or operation of any mobile radio utility system, or any extension thereof, either directly or indirectly, without a certificate issued by the department which indicates that the public convenience and necessity require such construction, operation or extension. Separate applications and certificates shall be required for each construction, operation or extension in an area not already served by the applicant. Each application shall be accompanied by a nonrefundable filing fee of two hundred and fifty dollars. The department shall issue rules and regulations governing the issuance of such certificates.

This section shall not be deemed to require a certificate for any of the following:

(a) an extension of a system within any authorized service area within which a radio utility has theretofore lawfully operated;

(b) an extension within or to an authorized service area already served by the radio utility, necessary in the ordinary course of business;

(c) the replacement of facilities within or to any authorized service area already served by a utility;

(d) an extension into an area contiguous to that already served by a radio utility which is not the recipient of mobile radio tele-

phone service from another radio utility, if no certificate for service in such contiguous area has been issued to or applied for by any other radio utility;

(e) the acquisition and operation of any mobile radio utility system for which a certificate had been issued for previous construction and operation by a radio utility.

Section 12C. Any radio utility operating under a certificate issued by the department shall be subject to the jurisdiction of the department in the same manner and to the same extent as are common carriers.

Section 12D. The provisions of sections twelve A to twelve C, inclusive, are not applicable to any telephone or telegraph utility regulated by the department or to the facilities, systems or services of such utilities.

SECTION 2. Any person requiring a certificate pursuant to section twelve B of chapter one hundred and fifty-nine of the General Laws, inserted by section one of this act, who is authorized by the United States Federal Communications Commission on the effective date of this act to engage in the operation of a mobile radio utility system, the base station transmitter or transmitters of which are located in the commonwealth, shall be issued a certificate from the department of public utilities, indicating that the public convenience and necessity requires the operation of said system in the area served by said person on the effective date of this act, and in an area proposed to be served under applications then pending before said Federal Communications Commission, if, within ninety days after said effective date, said person files with said department an application for said certificate, including therewith copies of any authorization issued by said Federal Communications Commission to said person, indicating the area served by said person, and copies of any application pending before said Federal Communications Commission.

Approved October 19, 1973.

Chap. 937. AN ACT FACILITATING AN INCREASE IN MEDICAL MAN-POWER THROUGH THE USE OF PHYSICIAN ASSISTANTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to allow students who graduated from the Physician Assistants Program at Northeastern University in June, nineteen hundred and seventy-three, to practice as physician assistants in order to protect the public health and welfare of the people of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 112 of the General Laws is hereby amended by inserting after section 9B the following sections: —

Section 9C. As used in sections nine C to nine H, inclusive, the following words shall have the following meanings: —

"Board", the board of approval and certification of physician assistant programs.

"Health care facility", any hospital, nursing home, extended care facility, state health or mental institution, clinic, physician's office, or health maintenance organization licensed or otherwise operating legally within the commonwealth.

"Approved program", a program for the education and training of physician assistants approved by the board.

"Physician assistant", a person who is a graduate of an approved program.

"Physician assistant trainee", a person enrolled in an approved program.

Section 9D. The provisions of sections nine C to nine H, inclusive, shall not apply to services performed in any of the following areas: —

(a) The practice of dentistry or dental hygiene as defined in sections fifty and fifty-one.

(b) The practice of manipulative therapy or chiropractic.

(c) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive states of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(d) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(e) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to the human eye.

(f) The practice of podiatry as defined in section thirteen.

Nothing in clauses (c), (d), or (e) shall preclude the performance of routine visual screening by a physician assistant.

The provisions of sections nine C to nine H, inclusive, shall not apply to the practice of ophthalmology or to the use of trained assistants by ophthalmologists.

Section 9E. Notwithstanding any other provisions of law, a physician assistant may perform medical services when such services are rendered under the supervision of a registered physician. Such supervision shall be continuous but shall not require the personal presence of the supervising physician or physicians. A registered physician shall supervise no more than two physician assistants at any one time.

Physician assistants, depending upon their level of professional training and experience as determined by a supervising physician, may perform medical services of a general nature in assisting general practitioners in his own practice, in group practices, or in health care facilities.

If a physician assistant is employed by a physician or group of physicians, the assistant shall be supervised by and shall be the legal responsibility of the employing physician or physicians. The legal responsibility of such an assistant shall remain that of the employing physician or physicians at all times including occasions

when the assistant, under the direction and supervision of the employing physician or physicians, aids in the care and treatment of patients in health care facilities. Such health care facilities shall not be legally responsible for the actions or omissions of the physician assistant.

If a physician assistant is employed by a health care facility the legal responsibility for his actions and omissions shall be that of the employing facility. Such physician assistants shall be supervised by registered physicians. Such physician assistants employed by health care facilities shall not be utilized as the sole medical personnel in charge of emergency or outpatient services or any other clinical service where a physician is not regularly available.

Notwithstanding any other provision of the law, a physician assistant trainee may perform medical services when such services are rendered within the scope of a program approved under section nine G.

Section 9F. There shall be in the department of public health a board of approval and certification of physician assistant programs consisting of nine persons, residents of the commonwealth, to be appointed by the governor, as follows: — Two members shall be registered physicians who shall have been actively engaged in the practice of medicine and at least one of whom shall be a member of the Massachusetts Medical Society; one member shall be a representative of a legally chartered medical school located in the commonwealth; one member shall be a representative of a program for the training of physician assistants; one member shall be an administrator of a health care facility located and licensed in the commonwealth; one member shall be a registered nurse who is a member of the Massachusetts Nurses Association; two members shall be representatives of the general public not employed in any health-related field; and one member shall be a physician assistant.

The board shall elect its chairman annually and shall meet at the call of the chairman or upon the request of two or more members of the board. Members shall be appointed for terms of three years each, and no member shall serve more than two consecutive terms. A quorum shall consist of at least five members present. Board members shall serve without compensation but shall be reimbursed for actual and reasonable expenses incurred in the performance of their duties.

Section 9G. The board shall issue certificates of approval of programs for the education and training of physician assistants which meet the standards established by the board.

In developing criteria for program approval, the board shall give consideration to, and encourage, the utilization of equivalency and proficiency testing and other mechanisms whereby credit is given to trainees for past education and experience in health fields. The board, in developing criteria for approved programs and in approving such programs may accept as approved programs those that have been certified by a nationally recognized accrediting agency or organization.

The board shall adopt regulations concerning the quality of education and clinical training to be received by a physician assistant trainee and the supervision of a physician assistant trainee.

The board shall encourage the development of continuing education for physician assistants. The board shall periodically review the quality of the curriculum, faculty, and the facilities of approved programs.

On request of a physician or health care facility the board shall certify that an applicant for a position as a physician assistant is a graduate of an approved program.

The board shall adopt advisory guidelines for the employment of physician assistants. Upon employing a physician assistant, an employer shall, upon forms designed and made available by the board, immediately advise the board of the employment of the physician assistant. Upon the termination of the employment of a physician assistant an employer shall forthwith notify the board.

The board shall not permit any one physician to employ more than two physician assistants at any one time. Such restriction shall not apply to employment by health care facilities, but no physician in such health care facilities shall supervise more than two physician assistants.

The board may establish such fees as are necessary for the implementation of this section.

Any such fees shall be published and made known to the public. Any alteration of said fees shall not become effective until thirty days following adequate public notice thereof.

The board shall maintain a current compilation of: —

(a) The number, description and location of each approved program.

(b) A roster of graduates of approved programs conducted in the commonwealth.

(c) A roster of currently practicing physician assistants and their employers, and their locations in the commonwealth.

Such information shall be reported to the governor and general court at least annually on or before the last Wednesday of November.

Section 9H. No person who is not a graduate of an approved program for the training of physician assistant shall use the title of "Physician assistant" or hold himself out as a graduate of an approved program. Any person who violates this section shall be punished by a fine of not less than two hundred dollars.

SECTION 2. In his initial appointment the governor shall designate the members of the board of approval and certification of physician assistant programs, established by section one of this act, as follows: — Three members to serve for terms of three years; three members to serve for terms of two years; and three members to serve for terms of one year.

In the initial appointment the requirement for a member who is a physician assistant shall be met by the appointment of a person who is a graduate of a program for the training of physician assis-

tants of an accredited college or university.

SECTION 3. Notwithstanding any other provision of this act, a physician assistant trainee may perform medical services when such services are rendered within the scope of a program pending approval before the board of approval and certification of physician assistant programs, established by section one of this act, and upon written notification to said board by a program listing by name those physician assistant trainees who will be performing such services and under whose direct supervision said services are to be performed.

SECTION 4. Sections nine C, nine F and nine G of chapter one hundred and twelve of the General Laws, inserted by section one of this act, shall take effect upon their passage. Sections nine D, nine E and nine H of said chapter one hundred and twelve, as so inserted, shall take effect in ninety days. Section three of this act shall become inoperative two years after its effective date.

Approved October 23, 1973.

Chap. 938. AN ACT DIRECTING THE BUILDING INSPECTOR OF THE CITY OF QUINCY TO ISSUE A PERMIT TO THE QUINCY HOUSING AUTHORITY TO CONSTRUCT CERTAIN MULTIPLE DWELLING UNITS FOR THE ELDERLY IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law and notwithstanding the provisions of section seventy-two of the zoning ordinances of the city of Quincy but, except as herein provided, subject to all other applicable provisions of said zoning ordinances, the building inspector of the city of Quincy shall issue a permit to the Quincy Housing Authority to construct a two-hundred-unit multiple housing project for the elderly on a certain parcel of land in Quincy, pursuant to the provisions of the General Laws applicable thereto, to be known as State-Aided Housing Project, Quincy 667-4; provided, that all construction shall be in accordance with plans and specifications already approved by the said authority, the said city and the department of community affairs; and provided further, that said building is constructed on the premises numbered 66-88 Clay street, 9-11 Wentworth road and 703 Hancock street, Quincy, an area further described as plots 77 and 78 and having a total area of 105,471 square feet, more or less, which location has already been approved by said city and said department of community affairs, and provided further that project Quincy 667-4 shall be a permitted use as of right under such zoning ordinances in said area presently zoned Residence C.

SECTION 2. This act shall take effect upon its passage.

Approved October 23, 1973.

Chap. 939. AN ACT AUTHORIZING AND REGULATING CERTAIN CONSUMER CIVIL ACTIONS AND REMEDIES PRIOR TO EXHAUSTING CERTAIN ADMINISTRATIVE REMEDIES.

Be it enacted, etc., as follows:

Section 9 of chapter 93A of the General Laws is hereby further amended by adding after paragraph (5), added by section 2 of chapter 736 of the acts of 1970, the following three paragraphs: —

(6) Any person entitled to bring an action under this section shall not be required to initiate, pursue or exhaust any remedy established by any regulation, administrative procedure, local, state or federal law or statute or the common law in order to bring an action under this section or to obtain injunctive relief or recover damages or attorney's fees or costs or other relief as provided in this section. Failure to exhaust administrative remedies shall not be a defense to any proceeding under this section, except as provided in paragraph seven.

(7) The court may upon motion by the respondent before the time for answering and after a hearing suspend proceedings brought under this section to permit the respondent to initiate action in which the petitioner shall be named a party before any appropriate regulatory board or officer providing adjudicatory hearings to complainants if the respondent's evidence indicates that:

(a) there is a substantial likelihood that final action by the court favorable to the petitioner would require of the respondent conduct or practices that would disrupt or be inconsistent with a regulatory scheme that regulates or covers the actions or transactions complained of by the petitioner established and administered under law by any state or federal regulatory board or officer acting under statutory authority of the commonwealth or of the United States; or

(b) that said regulatory board or officer has a substantial interest in reviewing said transactions or actions prior to judicial action under this chapter and that the said regulatory board or officer has the power to provide substantially the relief sought by the petitioner and the class, if any, which the petitioner represents, under this section.

Upon suspending proceedings under this section the court may enter any interlocutory or temporary orders it deems necessary and proper pending final action by the regulatory board or officer and trial, if any, in the court, including issuance of injunctions, certification of a class, and orders concerning the presentation of the matter to the regulatory board or officer. The court shall issue appropriate interlocutory orders, decrees and injunctions to preserve the status quo between the parties pending final action by the regulatory board or officer and trial and shall stay all proceedings in any court or before any regulatory board or officer in which petitioner and respondent are necessarily involved. The court may issue further orders, injunctions or other relief while the matter is before the regulatory board or officer and shall terminate the sus-

pension and bring the matter forward for trial if it finds (a) that proceedings before the regulatory board or officer are unreasonably delayed or otherwise unreasonably prejudicial to the interests of a party before the court, or (b) that the regulatory board or officer has not taken final action within six months of the beginning of the order suspending proceedings under this chapter.

(8) Except as provided in section ten, recovering or failing to recover an award of damages or other relief in any administrative or judicial proceeding, except proceedings authorized by this section, by any person entitled to bring an action under this section, shall not constitute a bar to, or limitation upon relief authorized by this section.

Approved October 23, 1973.

Chap. 940. AN ACT RELATIVE TO THE COMPENSATION OF JUSTICES OF THE DISTRICT COURTS FOR SERVICE ON APPELLATE DIVISIONS OF THE DISTRICT COURTS.

Be it enacted, etc., as follows:

Section 108 of chapter 231 of the General Laws is hereby amended by striking out the second paragraph, as most recently amended by chapter 683 of the acts of 1949, and inserting in place thereof the following paragraph: —

A justice acting in the appellate division of a district court shall be allowed in addition to his compensation as set forth in chapter two hundred and eighteen, the sum of two thousand dollars for each year's service, and his necessary traveling expenses, incidental expenses and clerical assistance while so acting, which shall be paid by the commonwealth. No deductions shall be made from the compensation of a justice acting in the appellate division of a district court under section six of chapter two hundred and eighteen on account of compensation paid to a special justice of his court for service at any session which such justice is unable to hold by reason of so acting.

Approved October 23, 1973.

Chap. 941. AN ACT ESTABLISHING THE RIGHT OF PRIVACY AND A REMEDY TO ENFORCE SUCH RIGHT.

Be it enacted, etc., as follows:

Chapter 214 of the General Laws is hereby amended by inserting after section 1A the following section: —

Section 1B. A person shall have a right against unreasonable, substantial or serious interference with his privacy. The superior court shall have jurisdiction in equity to enforce such right and in connection therewith to award damages.

Approved October 23, 1973.

Chap. 942. AN ACT RELATIVE TO THE POWERS OF THE WOODS HOLE, MARTHA'S VINEYARD AND NANTUCKET STEAMSHIP AUTHORITY.

Be it enacted, etc., as follows:

Section 5 of chapter 701 of the acts of 1960 is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph: —

Except as provided in this act, no person shall operate a vessel with a Coast Guard approved capacity rating in excess of forty passengers or a vessel of more than seventy-five gross tons for the carriage of passengers, vehicles or freight for hire by water between the mainland of the commonwealth and the island of Martha's Vineyard or the island of Nantucket or between said islands unless licensed or permitted in writing to do so by the Authority. The superior court shall have jurisdiction, on a petition in equity by the Authority, to enjoin any such operation. This section shall not apply to continuance of existing services by vessels or a replacement of similar capacity thereof, which were in service on a daily seasonal basis on or before May thirtieth, nineteen hundred and seventy-three, or which were under contract for construction or purchase therefor executed on or before May thirtieth, nineteen hundred and seventy-three. The foregoing exclusion, however, shall not be applicable to vessels operating on a charter basis from a non-financial institution.

The provisions of the foregoing paragraph shall not apply to the continuance of the existing service from the port of New Bedford to the island of Martha's Vineyard by the motor vessel Manisee or a replacement of similar capacity, nor shall said provisions be construed to prohibit the operation of another motor vessel for a period of twenty days, in the event that the motor vessel Manisee or a replacement is unable to operate because of a breakdown or an emergency situation.

Approved October 23, 1973.

Chap. 943. AN ACT RELATING TO A WATER SUPPLY FOR THE TOWN OF LEICESTER.

Be it enacted, etc., as follows:

SECTION 1. Chapter 554 of the acts of 1970 is hereby amended by striking out section 2 and inserting in place thereof the following section: —

Section 2. For the purposes stated in section one, the town treasurer of said town, with the approval of the selectmen and by a two-thirds vote of a town meeting, is hereby authorized to borrow outside the limits of indebtedness prescribed by any other provision of law, at one time or from time to time, a sum of money from the federal government for a period not to exceed fifty years and payable as follows:

(1) payments of principal on that amount borrowed for land acquisition and related costs, including survey, appraisal, title search and closing fees, to commence within two years from the date of the borrowing with interest from the date of the borrowing;

(2) payments of principal on that amount borrowed for all other costs of the project to commence the first day of the first January after the tenth anniversary of the issuance of the loan or on the first day of the first January after the time that water for domestic purposes is drawn from the project, whichever shall first occur, with interest payable from one year preceding the first principal payment or from the time that water for domestic purposes is drawn from the project, whichever occurs first.

SECTION 2. Said chapter 554 is hereby further amended by adding the following section: —

Section 3. Notwithstanding any provision of law to the contrary, amounts borrowed pursuant to section two of this act shall be represented by bonds or by notes in anticipation of such bonds, or by both, in such form as is required and approved by the United States Farmers' Home Administration. The town treasurer, with the approval of the selectmen, shall determine the dates, maturities, interest rates, denominations and other details of such bonds or notes, provided that the aggregate principal amount of such bonds shall not exceed the amount determined by the town meeting referred to in section two of this act.

SECTION 3. All action taken by the town of Leicester at the special town meeting held on July thirtieth, nineteen hundred and seventy-three or through its officers pursuant to chapter five hundred and fifty-four of the acts of nineteen hundred and seventy, as amended by this act, is hereby validated, ratified and confirmed to the same extent as though this act had been in full force and effect at the time of the posting of the warrant for said meeting or at the time such action was taken.

SECTION 4. This act shall take effect upon its passage.

Approved October 24, 1973.

Chap. 944. AN ACT PERMITTING THE GAME COMMONLY CALLED
BEANO TO BE CONDUCTED ON SUNDAY.

Be it enacted, etc., as follows:

SECTION 1. Section 38 of chapter 10 of the General Laws is hereby amended by striking out the fourth paragraph, as appearing in section 1 of chapter 729 of the acts of 1973, and inserting in place thereof the following paragraph: —

Each license shall limit the playing of such game to the hours between seven o'clock post meridiem and twelve o'clock midnight, except that on Sunday the playing of said game shall be limited to a five-hour period between one o'clock post meridiem and twelve o'clock midnight. Each such organization licensed hereunder shall be limited to conducting such game to one day in each calendar week and said day shall be set forth in the license.

SECTION 2. Section 4 of chapter 136 of the General Laws is hereby amended by striking out paragraph (7), as amended by chapter 456 of the acts of 1964, and inserting in place thereof the

following paragraph: —

(7) Sections two and three and this section shall not apply to golf, tennis, bowling-on-the-green, skiing, or any activity in a gymnasium or on any rink, court, or field, for which a charge is made only for the privilege of engaging therein and not for the privilege of being present thereat as a spectator, nor to the conduct for charitable purposes of amateur contests involving time trial driving of automobiles, nor to beano games licensed under the provisions of section thirty-eight of chapter ten.

Approved October 24, 1973.

Chap. 945. AN ACT AUTHORIZING THE TOWN OF BRAINTREE TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS EXERCISING THE POWERS OF CERTAIN DEPARTMENTS AND TOWN OFFICIALS OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the town of Braintree a department of public works, hereinafter called the department, which shall be under the jurisdiction of the board of selectmen. The department shall have all of the powers and duties now vested in or exercised by any of the following departments which are hereby abolished, to wit: highway department, water department, sewer department, waste disposal department, engineering department and the maintenance and construction functions of the park and recreation department. The tree and moth department, cemetery department and the positions of inspector of buildings, wire inspector and the sealer of weights and measures shall not be abolished but shall be included within the said department. The department shall also have jurisdiction over the operation, maintenance and repair of public buildings other than school buildings. No contracts, obligations or liabilities in force on the date when this act becomes fully effective shall be affected hereby, but the department shall in all respects be the lawful successor of the departments so abolished.

SECTION 2. The board of selectmen shall appoint a director of public works, whose qualifications, powers and duties shall be determined and prescribed by said board, and who shall be responsible to said board. The director shall have full authority for carrying out the policies of said board and over the operations of the department. The director shall appoint and remove such staff assistants and employees as he deems necessary, subject to available appropriations and with the approval of said board. Such staff shall include a supervisor for each division of activity. The director shall be appointed for a term of three years, subject to removal by said board. Said director shall not be subject to the civil service law and rules.

SECTION 3. The director shall keep a full and complete record of the operation of his office, shall render to said board, as often as

it may require, a full report of all operations under his control during the period required, and annually and from time to time as required by said board shall make a synopsis of such reports for publication and shall keep said board fully advised as to the needs of the town within the scope of his duties, and shall annually, not less than forty-five days prior to the expiration of the calendar year, furnish to said board a carefully prepared and detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said rights and duties.

SECTION 4. All employees of the departments or offices set forth in section one, including heads of departments, shall, immediately upon the effective date of this act in the manner hereinafter provided, be transferred to the said department of public works without loss of pay, without loss of rights under the civil service law and rules, and shall not be adversely affected by any change of rating, seniority, retirement or pension rights, or lose any other rights or privileges under any provision of law. Said employees so transferred shall be employed under the control of the director of public works in a capacity identical or similar to his capacity at the time of his transfer.

SECTION 5. Upon the effective date of this act, as hereinafter provided, the offices of cemetery commissioners, sewer commissioners and water commissioners shall be abolished, and all the powers and duties vested by General Law, special law or by-law in said offices are hereby transferred to the department of public works established in section one.

SECTION 6. This act shall be submitted to the voters of the town of Braintree for acceptance at the next annual town election in the form of the following question which shall be placed on the official ballot: "Shall an act passed by the General Court in the year nineteen hundred and seventy-three, entitled 'An Act authorizing the town of Braintree to establish a department of public works exercising the powers of certain departments and town officials of said town', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, this act shall take effect one hundred and twenty days after the affirmative vote to accept this referendum question.

SECTION 7. If the act is rejected by the registered voters of the town of Braintree when submitted to said voters pursuant to the provisions of section six, the selectmen of said town shall submit the act for acceptance from time to time in like manner and with like effect at any annual town election in said town not later than that held in the year nineteen hundred and seventy-five, and if accepted at any such election, shall take effect one hundred and twenty days after the affirmative vote to accept this referendum question.

SECTION 8. The town of Braintree may after the expiration of four years from the date of acceptance of this act vote at an annual meeting to revoke such acceptance and the question of revocation

shall be submitted to the voters in the form of the following question which shall be placed on the official ballot: "Shall the acceptance by the town of Braintree of an act passed by the General Court in the year nineteen hundred and seventy-three, entitled 'An Act authorizing the town of Braintree to establish a department of public works exercising the powers of certain departments and town officials of said town', be revoked?" If a majority of the votes cast in answer to said question is in the affirmative, then at the next annual town election held after said vote of revocation, the town shall elect such officers as are necessary to exercise and perform the powers, rights and duties transferred to the department of public works by said act. Such action shall not affect any contract or liability then created or existing. All General Laws respecting town administration and town officers and any special laws relative to said town, the operation of which has been suspended or superceded by the acceptance of this act, shall then be in full force and effect. Any by-law inconsistent with such special or General Laws shall be revoked thereby. Any subsequent vote to revoke the acceptance of this act shall not be taken more often than once in three years.

Approved October 24, 1973.

Chap. 946.

AN ACT PROVIDING FOR THE TESTING, TREATMENT AND CARE OF PERSONS WHO HAVE A SUSCEPTIBILITY TO SICKLE CELL ANEMIA OR OTHER GENETICALLY-LINKED DISEASES SUCH AS TAY-SACHS DISEASE, COOLEY'S ANEMIA AND HEMOPHILIA.

Be it enacted, etc., as follows:

Chapter 76 of the General Laws is hereby amended by inserting after section 15A the following section: —

Section 15B. The department of public health shall furnish necessary laboratory and testing facilities for a voluntary screening program for sickle cell anemia or for the sickle cell trait and for such genetically-linked diseases as may from time to time be determined by the commissioner of public health, such as Tay-sachs disease, Cooley's anemia and hemophilia, which shall be established by each city and town. The commissioner shall promulgate rules and regulations for the testing, treatment, care and counseling of all susceptible persons. The most appropriate age for screening and the method of screening shall be determined and redetermined by the commissioner in accordance with said regulations in the light of technical and laboratory changes. Any screening programs which may be established shall include provisions for a complete health education and post-screening counseling service and for such treatment of those affected by any blood abnormality as the commissioner by regulation may determine to be appropriate or practical. Records maintained as part of any screening program shall be confidential and shall not be accessible to anyone other than the commissioner of public health or his agents or to the local

health department which is conducting the screening program except by permission of the parents or guardian of any child or adolescent who has been screened. Information on the results of any particular screening program shall be limited to notification to the parents or guardian of the result if the person screened is under the age of eighteen or to said person himself if he is over the age of eighteen. The results may be used otherwise only for collective statistical purposes.

Approved October 24, 1973.

Chap. 947. AN ACT CLARIFYING THE LAW PLACING CERTAIN EMPLOYEES OF MUNICIPAL GAS AND ELECTRIC PLANTS IN GROUP 4 OF THE CONTRIBUTORY RETIREMENT LAW.

Be it enacted, etc., as follows:

Group 4 of paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws is hereby amended by inserting after the word "electric", in line 18, as appearing in section 2 of chapter 809 of the acts of 1972, the words: — generating or distribution.

Approved October 24, 1973.

Chap. 948. AN ACT TO INSURE HIGH QUALITY EMERGENCY MEDICAL CARE THROUGH REGULATION OF AMBULANCES AND AMBULANCE SERVICES.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 111B the following chapter: —

Chapter 111C.

EMERGENCY MEDICAL CARE.

Section 1. For the purpose of this chapter the following definitions shall apply unless the context or subject matter requires a different interpretation: —

"Ambulance", means any aircraft, boat, motor vehicle, or any other means of transportation, including a dual purpose vehicle, however named, whether privately or publicly owned, which is intended to be used for, and is maintained and operated for, the transportation of sick, injured or disabled individuals.

"Ambulance service", means the business or regular activity, whether for profit or not, of transporting sick, injured or disabled individuals by ambulance.

"Board", means the emergency medical care advisory board established under section seven.

"Commissioner", means the commissioner of public health.

"Company", means a corporation, a partnership, a business trust, an association, or an organized group of persons, whether incor-

porated or not; or any receiver, trustee, or other liquidating agent of any of the foregoing while acting in such capacity.

"Department", means the department of public health.

"Dual purpose vehicle", means a vehicle which is used for ambulance service even though it is also used for other purposes, including police and fire purposes.

"Person", means an individual, a company, or an agency or political subdivision of the commonwealth.

The department may define in regulations any term used in this chapter, provided that such definition is not contrary to a provision of the general laws.

Section 2. For the administration and enforcement of this chapter, the department may: —

(1) establish and enforce rules and regulations for the establishment and maintenance of ambulance services and for the maintenance and operation of ambulances, including but not limited to rules and regulations governing ambulance personnel, safety, sanitation, equipment, communications, medical supplies and records;

(2) establish fees for the issuance and renewal of licenses and certificates of inspection;

(3) make such reasonable classifications of ambulances, by type of vehicle and purpose, and ambulance services, by nature and scope of service, as it finds necessary or appropriate in the public interest;

(4) determine the need for and to plan for the distribution of ambulances and ambulance services in the commonwealth;

(5) inspect at any time any ambulance and any facilities and records maintained in connection with any ambulance service, provided that a license has been issued, or an application for a license has been filed, for such ambulance service;

(6) approve courses in emergency medical care for ambulance operators and attendants under such conditions as it may establish with the advice of the board;

(7) develop a cost-sharing program between local, state and federal governments and voluntary private funding for training of ambulance operators and attendants and purchase of ambulances;

(8) coordinate on a regional basis communications centers, ambulance services, hospital emergency services, law enforcement and fire units and emergency operation centers and facilitate hospital transfers of patients;

(9) subject to the provisions of section three, make rules and regulations regarding adequate insurance coverage for licensed ambulance services and for operators and attendants of certified ambulances;

(10) make rules, regulations, and orders, and delegate authority to its divisions, employees and agents, as may be necessary or appropriate to carry out the provisions of this chapter.

The department shall not establish the requirements as specified in clause (1) and shall not establish conditions for approval of

courses as specified in clause (6) until the board has been provided a reasonable opportunity to review and make recommendations on such requirements and conditions.

Section 3. Any person who proposes to establish or maintain an ambulance service shall file an application with the department, containing such information as the department may require, including but not limited to the identity of the applicant, and any parent or associated company, and the number of ambulances for which application is made.

Upon receipt and review of an application for a license, the department shall issue a license if it finds that the applicant is responsible and suitable to establish or maintain the proposed service and meets such requirements as the department may establish by regulation for an ambulance service license. On or after July first, nineteen hundred and seventy-seven no original or renewal license shall be issued hereunder except in the case of ambulance services owned or operated by an agency or political subdivision of the commonwealth unless the applicant has received and there is in effect a contract of insurance conforming to the rules and regulations established by the department, subject to the provisions of chapter one hundred and seventy-five.

In the case of a renewal application, the department may, subject to such regulations as it may make, issue a provisional license to an applicant who does not meet the requirements under this section, provided that the applicant has demonstrated to the department's satisfaction a good faith intention to meet such requirements, and, provided further, that the department finds that the licensee provides adequate emergency medical care and evidences a potential for full licensure within a reasonable period, not to exceed six months. The department, however, shall in no case issue a person more than two consecutive provisional licenses for the same ambulance service.

The department shall set forth in every license which it issues under this section the name and address of the person to whom such license is issued, the period for which such license is issued, the classification, if any, for which such license is issued, the number and classification of ambulances to be operated under the license, the conditions as to transfer and assignment prescribed by law, and such other terms of issuance as the department may, in the public interest, prescribe as necessary or appropriate. The department shall fix the period of a provisional license for no more than six months, and it shall fix the period of a full license for not less than twelve months nor more than fifteen months.

Section 4. Prior to issuing a license under section three, the department shall inspect each ambulance for which application is made. Each person to whom a license is issued shall be entitled to a certificate of inspection for each ambulance listed in his license upon proof that the ambulance is in compliance with such requirements as the department may establish by regulation for a certificate of inspection. Each certificate shall be valid only for the vehicle

for which it is issued and to the licensee to whom it is issued, and no certificate shall continue in force after the expiration of the license under which it is issued. Each licensee issued a certificate shall cause such certificate to be displayed in such ambulance in such manner as the department may prescribe by regulation.

Section 5. Any licensee who desires a change in his allotted number of ambulances or other license modification shall file a request in writing therefor with the department. The department shall not grant such request unless it finds that the modification requested is in the public interest, and in the case of modification involving a substantial change in the nature and scope of the ambulance service, that such change serves a need for emergency medical care. If a licensee so desires, he may file a request for license modification as part of a renewal application under section three, and the department shall consider, and act upon, such request and the application at the same time.

No licensee shall transfer or assign in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any company, the license issued him, or any rights thereunder, without first obtaining the department's written permission upon application to the department. Every application therefor shall contain such information as the department may require, and shall be disposed of within sixty days of filing with the department. The department shall grant written permission only if the department finds that the transferee or assignee is responsible and suitable to maintain an ambulance service and meets such requirements as the department has established by regulation for a license. Every denial order shall include a statement of the reasons for denial and the provisions of law relied upon, and shall be subject to judicial review through a petition for a writ of certiorari brought within thirty days thereof under the provisions of section four of chapter two hundred and forty-nine. Any transfer or assignment in violation of this section shall be void.

Section 6. No person shall operate an ambulance or be an attendant thereon unless he has successfully completed a full course in emergency medical care approved by the department pursuant to this chapter, or has received training in the provision of emergency medical care which, subject to such regulations as the department may establish with the advice of the board, the department finds to be substantially equivalent to that provided by full courses in emergency medical care approved by the department pursuant to this chapter, and unless in each year following completion of such course he participates satisfactorily in a supplemental course in emergency medical care approved by the department pursuant to this chapter; provided, however, that the department may, under such regulations as it may establish, grant a temporary waiver of such requirements, but only in the case of an operator and for no more than three months, upon application and upon a finding that the public convenience and necessity require such a waiver.

For the purpose of establishing training requirements under this section, the department shall classify ambulance services by such categories as dual purpose vehicles, municipally-operated services, volunteer services, or such others as the department may from time to time determine, and shall, with the board, establish training requirements for operators and attendants by class of service. In establishing the level of such requirements for each service, the department shall consider such factors as geographic location of the service, availability of approved training courses, source and compensation for personnel serving as ambulance operators and attendants, and financial impact on the licensee.

Section 7. There shall be within the department an emergency medical care advisory board, consisting of the commissioner or his designee, as chairman, the registrar of motor vehicles, or his designee, the commissioner of public safety, or his designee, the commissioner of the metropolitan district commission, or his designee, the chief executive officer, or his designee, of each regional comprehensive health planning agency designated pursuant to the federal Public Health Service Act (P.L. 89-749), and twenty-one members appointed by the commissioner as follows: — three from the Massachusetts Medical Society; one each from the Massachusetts Nurses Association, the Massachusetts Hospital Association, the Massachusetts Ambulance Association, the Massachusetts Heart Association, the American Red Cross, the Massachusetts League of Cities and Towns, the Massachusetts Chiefs of Police Association, and the Massachusetts Fire Chiefs Association; one from the volunteer ambulance associations; three at large from organizations involved in the planning for, provision of or training for emergency medical care, including any of the organizations listed above; a representative of the Governor's Highway Safety Bureau; one person who shall be an expert in communications; one person who shall be an attorney; and three who shall be consumers. Additional members may be appointed to the board by the commissioner upon recommendation of a majority of the board.

Each appointed member of the board shall serve for a term of three years, or until his successor is appointed and qualified, whichever is longer; provided, however, that no appointee shall serve more than two consecutive terms. Appointees shall serve without compensation but shall be reimbursed for expenses actually and necessarily incurred in the discharge of their duties.

The board shall, in addition to other powers conferred in this chapter and in addition to functioning in a general advisory capacity shall assist in coordinating the efforts of all persons and agencies in the commonwealth concerned with emergency medical care; and render advice on the development of emergency medical care services where needed. The board shall make an annual report to the commissioner on or before the thirtieth day of June each year.

Section 8. The department shall establish and implement procedures for the making, transmission, and investigation of complaints concerning the maintenance of any ambulance service. The depart-

ment shall prepare, and make available upon request, a description of such procedures, and it shall, as the public interest may require, investigate every complaint received, except to the extent that the act or practice complained of does not constitute a violation of this chapter or any regulation under this chapter. Upon investigation the department shall notify the complainant, if known, of its action in the matter. If it finds that an investigation is not required, it shall notify the complainant, if known, of its finding and the reasons therefor.

Section 9. (a) Whenever the department finds upon inspection, or through information in its possession, that an ambulance is not in compliance with a requirement established under this chapter, the department may order the licensee to correct such deficiency. Every such correction order shall include a statement of the deficiencies found, the period prescribed within which the deficiency must be corrected, and the provisions of law relied upon. The period prescribed shall be reasonable and, except in an emergency declared by the commissioner, not less than thirty days from receipt of such order. Within seven days of receipt, the affected licensee may file a written request with the department for administrative reconsideration of the order or any portion thereof. Failure of the department to grant, deny, or otherwise act upon a written request within seven days of filing shall be deemed a denial of such request.

(b) The department may assess a licensee ordered to correct deficiencies fifty dollars per deficiency for each day the deficiency continues to exist beyond the date prescribed for correction. Before making an assessment, the department shall give the affected licensee notice of the matters alleged and the provisions of law relied upon and shall accord such licensee an opportunity for a hearing upon timely written request. If after hearing, or waiver thereof, the department determines that cause exists, it shall make an appropriate assessment. The affected licensee shall pay such assessment except to the extent that, upon judicial review, the reviewing court may reverse the final decision of the department.

(c) An assessment made under this section shall be due and payable to the commonwealth on the thirtieth day after notification to the affected licensee. The attorney general shall recover any assessment due and payable in an action of contract, or any other appropriate action, suit or proceeding, brought in the name of the commonwealth in the superior court. Upon the motion of the attorney general, such court may consolidate for hearing and decision a judicial review proceeding and an assessment collection proceeding if the proceedings result from the same administrative action.

Section 10. The department may, after hearing or waiver thereof, revoke or refuse to renew a certificate of inspection or license for failure to perform such requirements as set forth in such certificate or license, for violation of any applicable requirement prescribed under this chapter, for violation of a correction order, or for

engaging in, or for aiding, abetting, causing, or permitting, any act prohibited under this chapter. The commissioner may, without hearing, suspend a certificate of inspection or license if he finds that the licensee concerned is operating or maintaining the ambulance subject to such certificate, or is maintaining the ambulance service subject to such license, in a manner which endangers the public health or safety; provided, however, that in every case of suspension the licensee shall be promptly afforded an opportunity for a hearing under this section. If after any hearing hereunder concerning a license, the department determines that cause exists, instead of revoking or refusing to renew such license, the department may issue an order modifying the license if it finds that the public interest would be better served by such action. No certificate of inspection under a licensee shall continue in force after the department has revoked or refused to renew such license.

Section 11. The attorney general, at the request of the department, shall, or any ten taxpayers of the commonwealth, may bring a bill in equity in the superior or supreme judicial court to enforce compliance with this chapter or any rule, regulation, or order made under this chapter, whenever it shall appear that any person has engaged in, or is about to engage in an act or practice in violation of this chapter or any rule, regulation, or order made under this chapter, or whenever it shall appear that any person has aided, abetted, caused, or permitted, is aiding, abetting, causing, or permitting, or is about to aid, abet, cause, or permit any such act or practice. Upon a bill brought hereunder, the superior court or supreme judicial court, as the case may be, shall have jurisdiction to grant temporary relief and, upon hearing, a permanent injunction, which shall be mandatory in form, if appropriate, provided, however, that, where a bill is brought by ten taxpayers of the commonwealth, no permanent injunction shall be issued until the department has been permitted to intervene as a party, if it so desires, or to submit an amicus brief to the court. Any ten taxpayers filing a bill in equity hereunder shall serve a copy thereof upon the department on the same day as such filing.

Section 12. No person shall: —

(1) establish or maintain an ambulance service without a valid license or in violation of the terms of a valid license;

(2) operate, maintain, or otherwise use any aircraft, boat, motor vehicle, or other means of transportation as an ambulance without a valid certificate of inspection;

(3) operate an ambulance or to serve as an attendant thereon in violation of section six;

(4) obstruct, bar, or otherwise interfere with an inspection undertaken under authority of this chapter;

(5) knowingly to make an omission of a material fact or a false statement in any application or other document filed with the department; or

(6) violate or fail to observe any requirement of this chapter, or of any rule, regulation, or order under this chapter, which re-

quirement the department has made subject to this section by regulation.

Whoever engages in, aids, abets, causes, or permits any act prohibited under this section shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars for each offense. A separate and distinct offense shall be deemed to have been committed on each day during which any prohibited act continues after written notice by the department to the offender. The commissioner shall report each suspected offense to the attorney general for investigation and, if appropriate, prosecution in the courts of the commonwealth.

Section 13. No physician duly registered under the provisions of sections two, two A or nine of chapter one hundred and twelve, and no nurse duly registered under the provisions of section seventy-four or section seventy-six of said chapter, and no hospital shall be liable in a suit for damages as a result of acts or omissions related to advice, consultation or orders given in good faith to ambulance operators and attendants who are qualified under section six, and are acting on behalf of an ambulance service duly licensed under section three, by radio, telephone or other remote means of communication under emergency conditions and prior to arrival of the patient at the hospital, clinic, office or other health facility from which the emergency communication to the ambulance operator or attendant is made; nor shall any said ambulance operator or attendant be liable in a suit for damages as a result of his said acts or omissions based upon said advice, consultation or orders by remote communication, if the said acts or omissions were made in good faith.

SECTION 2. The department of public health shall, subject to such rules and regulations as it may establish, issue a license for a period of two years to an applicant who is operating or maintaining an ambulance service on the effective date of this act. In the case of such an applicant who does not meet the requirements established under section three of chapter one hundred and eleven C of the General Laws, inserted by section one of this act, such license shall be issued only if the applicant has demonstrated to the department's satisfaction a good faith intention to meet such requirements and said department finds that the applicant provides adequate emergency medical care.

SECTION 3. Of the members first appointed to the emergency medical care advisory board established under section seven of chapter one hundred and eleven C of the General Laws, inserted by section one of this act, seven shall be appointed for a term of one year, seven shall be appointed for a term of two years, and seven shall be appointed for a term of three years.

SECTION 4. Paragraph (3) of section twelve of chapter one hundred and eleven C of the General Laws, inserted by section one of this act, shall not take effect until July first, nineteen hundred and seventy-seven, provided, that under the authority conferred under section two of said chapter, the department may require

prior to July first, nineteen hundred and seventy-six, that no more than two thirds of the operators and attendants employed by an ambulance service be in compliance with the training requirements of section six of said chapter, and it may require prior to July first, nineteen hundred and seventy-five, that no more than one third of such operators and attendants be in compliance with said training requirements. For purposes of this section, the department may treat classes of operators and attendants separately in the event that it establishes different training requirements for each class.

SECTION 5. The provisions of section seven F of chapter ninety of the General Laws shall not be applicable to operators and attendants who are subject to the provisions of section six of chapter one hundred and eleven C of the General Laws. Said section seven F of said chapter ninety is repealed effective as of July first, nineteen hundred and seventy-seven.

SECTION 5A. Nothing in this act shall limit the number of private ambulances which may be owned by any individual or corporation; provided, that said individual or corporation meets all standards and requirements as set forth in this act.

SECTION 6. Section eight B of chapter one hundred and eleven of the General Laws is hereby repealed.

Approved October 24, 1973.

Chap. 949. AN ACT INCREASING THE PENALTIES FOR THE VIOLATION OF A CITY ORDINANCE IN THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

Clause 4 of section 17 of chapter 240 of the acts of 1899 is hereby amended by striking out, in line 2, the word "twenty" and inserting in place thereof the word: — fifty. *Approved October 24, 1973.*

Chap. 950. AN ACT VALIDATING THE LOCATION OF CERTAIN GAS PIPES, MAINS, LINES AND OTHER EQUIPMENT OF THE BOSTON GAS COMPANY, THE LYNN GAS COMPANY, THE MYSTIC VALLEY GAS COMPANY, AND THE NORTH SHORE GAS COMPANY.

Be it enacted, etc., as follows:

SECTION 1. All locations of the pipes, mains and lines for the transmission and distribution of gas actually in place on the date of concurrence by the department of public utilities as hereinafter provided and erected or acquired by the Boston Gas Company, the Lynn Gas Company, the Mystic Valley Gas Company and the North Shore Gas Company, upon, under, along or across the highways, reservations, land, waterways and tidewaters of the commonwealth, the boulevards and reservations of the metropolitan district commission and the public ways, streets and places of the cities and towns of Abington, Acton, Arlington, Ayer, Bedford, Belmont,

Beverly, Boston, Boxborough, Braintree, Brookfield, Brookline, Burlington, Cambridge, Carlisle, Chelsea, Clinton, Cohasset, Concord, Danvers, Dudley, East Brookfield, Everett, Framingham, Gloucester, Groton, Harvard, Hingham, Hull, Lancaster, Leicester, Leominster, Lexington, Lincoln, Littleton, Lunenburg, Lynn, Lynnfield, Malden, Marblehead, Medford, Melrose, Middleton, Milton, Nahant, Natick, Needham, Newton, North Brookfield, Norwood, Peabody, Quincy, Reading, Revere, Rockland, Rockport, Salem, Saugus, Shirley, Somerville, Southbridge, Spencer, Stoneham, Sudbury, Swampscott, Wakefield, Waltham, Warren, Watertown, Wayland, Webster, Wellesley, West Brookfield, Weston, Weymouth, Whitman, Winchester, Winthrop, Woburn, and the valves, governors, poles, piers, abutments, conduits, manholes, vaults and other structures, fixtures, and appurtenances designed to sustain, protect or operate said pipes, mains and lines are, upon the written concurrence of said department, hereby made lawful, notwithstanding any informality or other irregularity whatsoever in obtaining, or the failure to obtain, any location, permit, license or other approval whatsoever required in connection with the laying, maintenance or existence thereof.

SECTION 2. The Boston Gas Company, the Lynn Gas Company, the Mystic Valley Gas Company and the North Shore Gas Company shall apply within one year after the effective date of this act to the department of public utilities for its written concurrence, as provided in section one and said department shall hold a public hearing after notice, in the manner provided by section four A of chapter twenty-five of the General Laws, to the public in the cities, towns or areas affected thereby. Said department shall grant its written concurrence if it finds such validation to be required by public convenience and necessity. Said department may grant its written concurrence in whole or in part. The companies shall file prior to said public hearing with the clerk of each of said cities and towns a map or maps showing the locations of their pipes, mains and lines, within each such city or town. Prior to said hearing, the companies shall file with the department of public works a map or maps showing the location of such pipes, mains and lines upon, under, along or across the highways, reservations, lands, waterways and tidewaters of the commonwealth, and prior to said hearing, the companies shall file with said department and with the metropolitan district commission a map or maps showing the location of such pipes, mains and lines upon, under, along or across the boulevards and reservations of the metropolitan district commission.

Approved October 24, 1973.

Chap. 951. AN ACT AUTHORIZING ON THE JOB TRAINING PROGRAM IN PLUMBING FOR CERTAIN VOCATIONAL SCHOOL STUDENTS.

Be it enacted, etc., as follows:

Section 3A of chapter 142 of the General Laws, inserted by

section 3 of chapter 431 of the acts of 1963, is hereby amended by adding the following two paragraphs: —

Notwithstanding the provisions of this section, students in a vocational school accredited by the department of education, under the direct personal supervision of a master plumber or a journeyman who is certified as an instructor by the division of occupational education in said department shall be permitted to engage in an on-the-job training program, so-called, on installations approved by the examiners and conducted in cooperation with such a vocational school.

The examiners may formulate rules and regulations relative to said on-the-job training program. *Approved October 25, 1973.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, October 26, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 951 of the Acts of 1973, entitled "AN ACT AUTHORIZING ON THE JOB TRAINING PROGRAM IN PLUMBING FOR CERTAIN VOCATIONAL SCHOOL STUDENTS." and the enactment of which received my approval on October 25, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is essential that the provisions of this Act become effective forthwith in order that the appropriate rules and regulations necessary to govern this program may be formulated and the program instituted promptly.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, October 26, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at three o'clock and ten minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter nine hundred and fifty-one of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 952. AN ACT PROVIDING FOR TENURE OF OFFICE FOR LEO J. LAFONTANA, INCUMBENT OF THE OFFICE OF VETERANS AGENT AND DISTRICT DIRECTOR OF VETERANS' SERVICES OF CERTAIN TOWNS.

Be it enacted, etc., as follows:

SECTION 1. Leo J. LaFontana, incumbent of the office of veterans agent and director of veterans' services of the district department of veterans' services for the towns of Great Barrington, West Stockbridge, Egremont, Monterey, Sheffield, New Marlborough, Sandisfield, Alford, Otis, Tyringham and Mount Washington, shall hold said office until he reaches age seventy, but he may be removed therefrom for cause after hearing in the manner provided by section forty-three of chapter thirty-one of the General Laws.

SECTION 2. This act shall take effect upon its acceptance by a majority of said towns at special town meetings called for the purpose or at the next annual town meetings of said towns.

Approved October 26, 1973.

Chap. 953. AN ACT PROVIDING FOR CERTAIN ADDITIONAL DEDUCTIBLE PROVISIONS FOR MOTOR VEHICLE PROPERTY PROTECTION INSURANCE COVERAGE.

Be it enacted, etc., as follows:

SECTION 1. Section 34 O of chapter 90 of the General Laws, inserted by section 1 of chapter 978 of the acts of 1971, is hereby amended by striking out the third paragraph and inserting in place thereof the following two paragraphs: —

Insurers shall make available to all property protection insurance policy holders at their option additional coverage whereby:

(a) An insured who has selected option (2) above shall be entitled to payment, without regard to any deductible, if any of the cases described in clauses (a) to (e), inclusive, of option (2) occur; and

(b) An insured who has selected either option (1) or option (2) above shall be entitled to full payment, without regard to comparative negligence or any deductible, if any of the cases described in clauses (a) to (e), inclusive, of said option (2) occur, provided that the negligence attributable to such an insured is fifty per cent or less.

Insurers shall also make available to all property protection insurance policy holders at their option a fifty dollar deductible coverage for said options (1) and (2) above and such other deductible amounts as are approved by the commissioner.

SECTION 2. This act shall take effect on January first, nineteen hundred and seventy-four, and shall apply to policies issued on and after said date.

Approved October 26, 1973.

Chap. 954. AN ACT PROVIDING FOR THE ELECTION OF TOWN MEETING MEMBERS IN THE TOWN OF NORWOOD.

Be it enacted, etc., as follows:

SECTION 1. Chapter 541 of the acts of 1947 is hereby amended by striking out section 3 and inserting in place thereof the following section: —

Section 3. Each of the existing town meeting districts shall be represented in the representative town meeting by elected representatives, the number of which shall bear the same proportion to the total elected membership as the number of inhabitants in the district bears to the total number of inhabitants in the town as nearly may be. The representative town meeting membership shall, in each district, consist of the largest number divisible by three which will admit of a representation thereof in the approximate proportion which the number of inhabitants therein bears to the total number of inhabitants in the town and which will cause the total elected membership to be not more than three hundred.

SECTION 2. A committee, consisting of the selectmen, the town clerk and six registered voters appointed by the moderator shall prepare a plan for the election of members of a representative town meeting in the town of Norwood so as to effectuate the purposes of this act.

Within thirty days after the adoption of such a plan the committee shall file a report of its doings with the town clerk, the registrars of voters and the assessors with a map or description of the districts.

The plan adopted shall take effect upon the date of the filing of the report thereof by said committee with the town clerk.

SECTION 3. All incumbent town meeting members serving on the effective date of the adoption of the plan referred to hereunder shall continue to serve until the next annual town election, at which time their terms of office shall expire and their successors shall be elected in accordance with the provisions of section nine of chapter five hundred and forty-one of the acts of nineteen hundred and forty-seven.

Approved October 26, 1973.

Chap. 955. AN ACT REQUIRING CERTAIN DISTRIBUTORS OF PETROLEUM TO FILE CERTAIN INFORMATION WITH THE SECRETARY OF CONSUMER AFFAIRS AND PROVIDING PENALTIES FOR FAILURE TO SO FILE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 94 of the General Laws is hereby amended by inserting after section 295Y the following three sections: —

Section 295Z. Sections two hundred and ninety-five AA and two hundred and ninety-five BB may be cited as the Petroleum Fuel Reporting Act, and in said sections the following words shall, unless the context otherwise requires, have the following meanings: —

"Distributor", any person engaged in the business of distributing petroleum fuels within the commonwealth whether to consumers or to other petroleum fuel distributors, including any person owning, operating, or controlling the operation of a facility; provided, however, that no person shall be considered a distributor who (1) shall not have annual sales within the commonwealth in excess of one hundred thousand barrels of petroleum fuel, or (2) is engaged in the business of distributing petroleum fuel exclusively by virtue of transporting petroleum fuel as a common carrier.

"Petroleum Fuel", all petroleum derivatives, whether in bond or not, which are commonly burned to produce heat, power, electricity or motion, or which are commonly processed to produce synthetic gas for burning.

"Secretary", the secretary of consumer affairs.

Section 295AA. On or before the first day of May and the first day of November of each year, each distributor shall submit to the secretary information which the secretary determines to be material regarding the overall availability of petroleum fuel supplied within the commonwealth. The secretary shall, from time to time, promulgate regulations in accordance with chapter thirty A of the General Laws which will establish the content and form of information which he shall require distributors of petroleum fuel to submit.

The secretary shall make all information submitted by distributors pursuant to this section available to other state agencies, federal agencies and the public; provided, however, that notwithstanding the provisions of section ten of chapter sixty-six, information concerning the identification of suppliers and customers of said distributors, and the volumes supplied or purchased, as the case may be, shall not be made available for public inspection nor shall copies thereof be furnished, without written permission from the distributor.

Section 295BB. Any person who violates any provision of section two hundred and ninety-five AA or who fails, neglects or refuses to obey any regulation promulgated hereunder, shall be punished by a fine of not more than five thousand dollars for each day of such violation, failure, neglect or refusal.

SECTION 2. Notwithstanding the provisions of section two hundred and ninety-five AA of chapter ninety-four of the General Laws, inserted by section one of this act, the date for the first submission to the secretary of consumer affairs of the information required under said section two hundred and ninety-five AA shall be thirty days following the issuance of regulations by said secretary pursuant to said section.

SECTION 3. This act shall take effect as of September first, nineteen hundred and seventy-three. *Approved October 26, 1973.*

Chap. 956. AN ACT ESTABLISHING THE FRANKLIN COUNTY REGIONAL HOUSING AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. There is hereby created in Franklin county, herein-

after referred to as the county, a public body politic and corporate to be known as the Franklin County Regional Housing Authority, hereinafter referred to as the authority. The authority shall be managed, controlled and governed by eleven members, six of whom shall constitute a quorum. Nine members shall be appointed by the county commissioners of Franklin county, provided, that not more than one of the members shall be chosen from the same town. Three members shall be appointed for an initial term of one year, two members shall be appointed for an initial term of two years, two members shall be appointed for an initial term of four years, two members shall be appointed for an initial term of five years and two members shall be appointed by the department of community affairs, hereinafter referred to as the department, for an initial term of three years, their successors to be appointed in the same manner and by the same body for terms of five years from the expiration of the terms of the original appointees.

Membership in the authority shall be restricted to residents of Franklin county, who shall serve until the qualification of their respective successors unless sooner removed.

Members may be removed or suspended by the county commissioners in the same manner as removal by the city council or board of selectmen in accordance with the provisions of section six of chapter one hundred and twenty-one B of the General Laws. A member of the authority who ceases to be a resident of the county shall be removed upon the date of his change of residence by operation of law.

The clerk of the county commissioners for Franklin county shall, as soon as possible after the event occurs, file a certificate with the department and a duplicate certificate with the state secretary, of any appointment, resignation or removal of a member of the authority. If the state secretary shall find that the authority has been organized and the members thereof appointed according to law, he shall issue to it a certificate of organization, and such certificate shall be conclusive evidence of the lawful organization of the authority and of appointment of the members thereof.

SECTION 2. Notwithstanding the provisions of section three A of chapter one hundred and twenty-one B of the General Laws, and except as may otherwise be provided herein, the authority shall be deemed to be, and within every town in the county, shall have the rights, powers, and obligations of, a housing authority organized under the provisions of said chapter one hundred and twenty-one B, except with respect to any project or activity theretofore undertaken on a particular site or location by a local housing authority organized in a town. Every town in the county shall have the same rights, powers, and obligations with respect to projects and other activities of the authority in such town as are provided in said chapter one hundred and twenty-one B for a city or town in which a housing authority has been created.

Any local housing authority organized in a town within the county, whether organized prior to or subsequent to the creation

of the authority by this act, shall have the rights, powers, and obligations of a housing authority under said chapter one hundred and twenty-one B, except with respect to any project or activity theretofore undertaken on a particular site or location by the authority.

The relationship within any town between the authority and any local housing authority regarding operating procedures and management of projects or programs shall be as specified in any resolution approved as provided in section three and on matters not covered by such resolution, shall be as mutually agreed upon by the two authorities, or in the absence of such agreement, as shall be determined by the department, not inconsistent with the department's regulations.

The authority shall annually make a report of its activities, receipts, and expenditures to the commissioners, to the department, to the state auditor, and to the selectmen and housing authority, if any, of each of the towns in the country, in accordance with the provisions of section twenty-nine of said chapter one hundred and twenty-one B.

SECTION 3. Prior to taking, purchasing, or otherwise acquiring the fee in any real property, the authority shall submit a resolution authorizing such acquisition to the housing authority of the town in which the real property is located, or if no housing authority has been organized in said town, to its board of selectmen. No such taking, purchase or acquisition shall be completed until thirty calendar days have elapsed following the approval of such resolution by the local housing authority or selectmen, as the case may be, or unless approved by vote of the town meeting as provided below. Upon the expiration of thirty calendar days from the date of submittal without either approval or disapproval by the housing authority or selectmen, as the case may be, the resolution shall be deemed approved. The local housing authority or selectmen shall include in their consideration of each such resolution the housing needs, the consistency of the proposed action with local plans, and the health, safety, welfare and convenience of all the persons residing in the town.

If, prior to the expiration of thirty calendar days following approval or disapproval of such a resolution by the local housing authority or board of selectmen, the town clerk certifies receipt of written requests from a sufficient number of voters, as specified in section ten of chapter thirty-nine of the General Laws, that an article to approve the proposed purchase, taking or acquisition be placed on the warrant for a town meeting to be held within sixty days of said submission, the selectmen shall call such town meeting and no taking, purchase, or acquisition of fee in real property shall be made except following an affirmative vote of the town meeting to approve such action.

The provisions of section thirty-nine of chapter one hundred and twenty-one B of the General Laws, limiting the powers of a local housing authority to erect or to contract for financial assistance

for the construction of new projects for the housing of elderly persons shall not apply to any housing project erected by the authority.

SECTION 4. For the purpose of defraying costs and expenses of the authority as provided in section nineteen of said chapter one hundred and twenty-one B, the county treasurer may pay such sums to the authority as may be appropriated therefor, and shall be repaid such sums in the manner provided in said section nineteen.

SECTION 5. This act shall take effect upon its passage.

Approved October 29, 1973.

Chap. 957. AN ACT EXTENDING FROM TWO TO THREE YEARS THE PERIOD WITHIN WHICH AN ACTION TO RECOVER DAMAGES FOR WRONGFUL DEATH SHALL BE COMMENCED.

Be it enacted, etc., as follows:

SECTION 1. The last sentence of section 2 of chapter 229 of the General Laws, as appearing in section 1 of chapter 699 of the acts of 1973, is hereby amended by striking out, in line 2, the word "two", and inserting in place thereof the word: — three.

SECTION 2. This act shall take effect on January first, nineteen hundred and seventy-four, and shall apply to causes of action arising on or after said date.

Approved October 29, 1973.

Chap. 958. AN ACT PROVIDING THAT CERTAIN LICENSES FOR THE PURPOSES OF PLACING AND MAINTAINING FILL AND OTHER STRUCTURES IN AND OVER CERTAIN TIDEWATERS OF BOSTON HARBOR ADJACENT TO THE RESERVED CHANNEL IN SOUTH BOSTON BE IRREVOCABLE.

Be it enacted, etc., as follows:

All licenses and authority to place solid fill, to maintain existing fill, to build and maintain bulkheads, to build, extend and widen wharves on piles or to construct other structures heretofore or hereafter granted under the applicable provisions of chapter ninety-one of the General Laws, with respect to premises in South Boston, Suffolk county, now owned by William T. King et al, Trustees, bounded northerly by Boston harbor, westerly by K Street, southerly by East First Street, and easterly by L Street, and more particularly described in deed dated January 13, 1904 to Daniel W. King et al, Trustees, recorded with Suffolk registry of deeds, book 2944, page 83, including without limitation the following licenses, namely: Licenses Nos. 1535, 2011, 2354 and 2455, dated respectively February second, eighteen hundred and ninety-three, May twenty-sixth, eighteen hundred and ninety-seven, April twenty-seventh, nineteen hundred and March seventh, nineteen hundred and one to Boston Fire Brick and Clay Retort Manufacturing Company, respectively recorded with said registry of deeds in book 2114, page 109, book 2447, page 618, book 2683, page 345 and book 2741,

page 314; Licenses Nos. 61, 214, and 231, dated respectively April twenty-fourth, nineteen hundred and thirteen, August first, nineteen hundred and sixteen and June ninth, nineteen hundred and twenty-two to Tarrant P. King et al, Trustees, respectively recorded with said registry of deeds in book 3727, page 501, book 3979, page 394 and book 4378, page 613; License No. 4732, dated September seventeenth, nineteen hundred and sixty-three, to William T. King et al, Trustees, recorded with said registry of deeds in book 7788, page 117; and License No. 5607, dated October first, nineteen hundred and sixty-nine to William T. King et al, Trustees, duly recorded with said registry of deeds, shall, notwithstanding any provision of general or special law to the contrary, be irrevocable, provided however that applicable provisions of said chapter ninety-one are or have been complied with, and that if, within ten years after the effective date of this act, the commonwealth or any of its political subdivisions shall take any land which has the benefit of said licenses, the damage recoverable by reason of such taking shall not exceed the actual cost of acquisition of said land by the owner from whom said taking is made, together with the cost to such owner of any buildings or improvements thereon, with interest at four per cent annually from the date any such cost was incurred.

The provisions of this act shall be subject to payment to the commonwealth of any increase of land value conferred as a result of this act, said value to be approved by the real estate review board after determination by an expert real estate appraiser selected by the department and paid for by the licensee.

Nothing in this act shall be considered as granting any fee in the commonwealth tidelands.

Approved October 29, 1973.

Chap. 959. AN ACT PROVIDING FOR AN ADDITIONAL JUSTICE IN THE MUNICIPAL COURT OF THE ROXBURY DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 6 of chapter 218 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 356 of the acts of 1973, and inserting in place thereof the following sentence: — Each district court, other than the municipal court of the city of Boston, shall have one justice, except that the district court of Brockton, the third district court of Bristol, the district court of Springfield, the municipal court of the Dorchester district, the first district court of eastern Middlesex and the first district court of southern Middlesex shall have two justices each, and the municipal court of the Roxbury district, the third district court of eastern Middlesex and the central district court of Worcester shall have three justices each.

SECTION 2. Notwithstanding the provisions of the third paragraph of section six of chapter two hundred and eighteen of the General Laws, the number of special justices provided for the

municipal court of the Roxbury district prior to the effective date of this act shall not be increased. *Approved October 29, 1973.*

Chap. 960. AN ACT RELATIVE TO PAYMENTS INTO THE UNEMPLOYMENT COMPENSATION FUND BY CERTAIN EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. Subsection (a) of section 14A of chapter 151A of the General Laws, as appearing in section 13 of chapter 940 of the acts of 1971, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

Any nonprofit organization which, pursuant to subsection (f) of section four A, is or becomes subject to this chapter on or after January first, nineteen hundred and seventy-two, shall pay contributions under the provisions of section fourteen, unless it elects, in accordance with this subsection, to pay into the unemployment compensation fund the amount equal to the amount of benefits, including dependency benefits, paid under any provision of this chapter, to the extent that such benefits are attributable to service in the employ of such employer, and are not reimbursable by funds made available under any act of Congress.

SECTION 2. Subsection (b) of said section 14A of said chapter 151A, as so appearing, is hereby amended by striking out clause (1) and inserting in place thereof the following clause: —

(1) At the end of each calendar quarter, or at the end of any other period as determined by the director, the director shall bill each nonprofit organization, or group of such organizations, which has elected to make payments in lieu of contributions for an amount equal to the full amount of benefits, including dependency benefits, paid under any provision of this chapter, to the extent that such benefits are attributable to service in the employ of such employer, and are not reimbursable by funds made available under any act of Congress.

SECTION 3. Subsection (f) of said section 14A of said chapter 151A, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

Each employer that is liable for payments in lieu of contributions shall pay into the unemployment compensation fund the amount of any benefits, including dependency benefits, paid under any provision of this chapter, to the extent that such benefits are attributable to service in the employ of such employer, and are not reimbursable by funds made available under any act of Congress.

SECTION 4. Said section 14A of said chapter 151A is hereby amended by striking out subsection (h), as so appearing, and inserting in place thereof the following subsection: —

(h) Notwithstanding any provisions in this section, any nonprofit organization that prior to January first, nineteen hundred and sixty-nine, paid contributions required under section fourteen,

and, pursuant to this section, elects within thirty days after the effective date of this section, to make payments in lieu of contributions, shall not be required to make any such payment on account of any benefits, including dependency benefits, paid under any provision of this chapter, to the extent that such benefits are attributable to service in the employ of such employer, and are not reimbursable by funds made available under any act of Congress, to individuals for weeks of unemployment which began on or after the effective date of such election until the amount of such benefits equals the amount of the positive balance in the experience rating of such organization.

Approved October 29, 1973.

Chap. 961. AN ACT PROVIDING FOR PUBLIC HEARINGS BEFORE THE ADOPTION OF CERTAIN POLICIES, RULES AND REGULATIONS UNDER THE CRIMINAL OFFENDER RECORD INFORMATION SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. Section 168 of chapter 6 of the General Laws, as appearing in section 1 of chapter 805 of the acts of 1972, is hereby amended by adding the following paragraph: —

Policies, rules and regulations shall not be adopted by the board until a hearing has been held in the manner provided by section two of chapter thirty A.

SECTION 2. Section 169 of said chapter 6, as so appearing, is hereby amended by adding the following paragraph: —

Policies, rules and regulations shall not be adopted by the advisory committee until a hearing has been held in the manner provided by section two of chapter thirty A.

SECTION 3. Section 170 of said chapter 6, as so appearing, is hereby amended by adding the following paragraph: —

Policies, rules and regulations shall not be adopted by the council until a hearing has been held in the manner provided by section two of chapter thirty A.

Approved October 29, 1973.

Chap. 962. AN ACT INCREASING THE FUNDS AVAILABLE TO THE PARKING FACILITIES FUND OF THE REAL PROPERTY BOARD OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Section 3 of chapter 474 of the acts of 1946 is hereby amended by striking out the seventh sentence, as appearing in section 4 of chapter 612 of the acts of 1948, and inserting in place thereof the following sentence: — All amounts received in reimbursement for the cost of plans and specifications and all amounts received as a result of the failure of faithful performance of covenants to construct, or cause to be constructed, structures or facilities for parking shall be credited to the Parking Facilities Fund established under

section four; in addition, on July first of each year said Parking Facilities Fund shall also be credited, from the amounts received from leases entered into under this act, with an amount equivalent to twelve times twenty per cent of the total monthly rental of all leases entered into under this act as of said date; and all other amounts received from leases under this act or as a result of other failure of faithful performance required in any such lease shall be credited as general funds of the city and may be appropriated for any municipal purposes.

Approved October 29, 1973.

Chap. 963. AN ACT REQUIRING APPROVAL OF THE EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION FOR CERTAIN CONSTRUCTION ON RAILROAD RIGHTS-OF-WAY.

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by adding after section 54 the following section: —

Section 54A. If a city or town or any other person purchases any lands formerly used as a railroad right-of-way or any property appurtenant thereto formerly used by any railroad company in the commonwealth, no permit to build a structure of any kind on land so purchased shall be issued by any city or town in the commonwealth without first obtaining, after public hearing, the consent in writing to the issuance of such permit from the secretary of the executive office of transportation and construction. If said secretary does not consent to the issuance of such permit, the owner of the land may recover from the commonwealth such damages as would be awarded under the provisions of chapter seventy-nine.

Approved October 29, 1973.

EMERGENCY LETTER — November 30, 1973 at 1:01 P.M.

Chap. 964. AN ACT PROHIBITING ADMISSION OF EVIDENCE OF DISBELIEF IN THE EXISTENCE OF GOD TO AFFECT CREDIBILITY OF A WITNESS.

Be it enacted, etc., as follows:

Chapter 233 of the General Laws is hereby amended by striking out section 19, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 19. A person believing in any other than the Christian religion may be sworn according to the appropriate ceremonies of his religion. A person not a believer in any religion shall be required to testify truly under the penalties of perjury, and evidence of his disbelief in the existence of God may not be received to affect his credibility as a witness.

Approved October 30, 1973.

Chap. 965. AN ACT DIRECTING THE COUNTY COMMISSIONERS OF PLYMOUTH COUNTY TO CONSTRUCT AND EQUIP A NEW COURT HOUSE FOR THE FOURTH DISTRICT COURT OF PLYMOUTH.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Plymouth county are hereby authorized and directed to construct and originally equip a court house to provide suitable and adequate facilities in the town of Wareham for the fourth district court of Plymouth. Said commissioners may take by eminent domain, or acquire by purchase or otherwise, any land that may be necessary for the purposes of this act, including a sufficient area for parking motor vehicles. Said commissioners may expend for the purposes of this act, including the preparation of plans and specifications in connection therewith and landscaping, such sums as may be necessary, not exceeding, in the aggregate, two million two hundred and fifty thousand dollars. Any sums received from the federal government for the purposes of this act shall be included in, and considered a part of, the total amount authorized to be expended hereunder.

SECTION 2. For the purposes authorized by section one, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, two million two hundred and fifty thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Fourth District Court of Plymouth Court House Loan, Act of 1973. Each authorized issue shall constitute a separate loan and such loans shall be payable not more than twenty years from their dates. The bonds or notes shall be signed by the County treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws. *Approved October 30, 1973.*

Chap. 966. AN ACT REQUIRING FIRE INSURANCE COMPANIES TO CONTRIBUTE TO CERTAIN COSTS FOR FIRE PROTECTION.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by adding the following section: —

Section 195. Such sums for the expenses of the operation of training facilities and curriculum for fire fighting personnel of the Massachusetts Fire Fighting Academy, not to exceed five hundred thousand dollars per year, as may be appropriated therefor, shall be repaid to the commonwealth by insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies

on property situated in the commonwealth. The commissioner shall apportion such costs among all such companies and shall assess them for the same on a fair and reasonable basis, not to exceed one fourth of one per cent of their gross premiums on such insurance written on property situated in the commonwealth.

Approved October 30, 1973.

Chap. 967. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO GRANT AN ANNUITY TO MELINDA CARDINAL.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law and for the purpose of promoting the public good and in consideration of the long and meritorious service of Arthur O. Cardinal, former patrolman in the police department of the city of Springfield, said city may grant to Melinda Cardinal widow of said Arthur O. Cardinal an annuity as provided in section ninety-five A of chapter thirty-two of the General Laws from September fifteenth, nineteen hundred and seventy-three. Said annuity shall be in lieu of any other annuity or pension payable to said widow under any other general or special law.

SECTION 2. This act shall take effect upon its acceptance during the current year by the city of Springfield.

Approved October 30, 1973.

Chap. 968. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO GRANT AN ANNUITY TO EUNICE CARROLL.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law and for the purpose of promoting the public good and in consideration of the long and meritorious service of Harold F. Carroll, former sergeant in the police department of the city of Springfield, said city may grant to Eunice Carroll widow of said Harold F. Carroll an annuity as provided in section ninety-five A of chapter thirty-two of the General Laws from September fifteenth, nineteen hundred and seventy-three. Said annuity shall be in lieu of any other annuity or pension payable to said widow under any other general or special law.

SECTION 2. This act shall take effect upon its acceptance during the current year by the city of Springfield.

Approved October 30, 1973.

Chap. 969. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO GRANT AN ANNUITY TO HELEN COOK.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law and for the purpose of promoting the public good and in consideration

of the long and meritorious service of S. Everett Cook, former teacher in the school department of the city of Springfield, said city may grant to Helen Cook widow of said S. Everett Cook an annuity as provided in section ninety-five A of chapter thirty-two of the General Laws from September fifteenth, nineteen hundred and seventy-three. Said annuity shall be in lieu of any other annuity or pension payable to said widow under any other general or special law.

SECTION 2. This act shall take effect upon its acceptance during the current year by the city of Springfield.

Approved October 30, 1973.

Chap. 970. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO GRANT AN ANNUITY TO HELEN DUQUETTE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law and for the purpose of promoting the public good and in consideration of the long and meritorious service of Archie H. Duquette, former foreman in the park department of the city of Springfield, said city may grant to Helen Duquette widow of said Archie H. Duquette an annuity as provided in section ninety-five A of chapter thirty-two of the General Laws from September fifteenth, nineteen hundred and seventy-three. Said annuity shall be in lieu of any other annuity or pension payable to said widow under any other general or special law.

SECTION 2. This act shall take effect upon its acceptance during the current year by the city of Springfield.

Approved October 30, 1973.

Chap. 971. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO GRANT AN ANNUITY TO EMMA J. FISETTE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law and for the purpose of promoting the public good and in consideration of the long and meritorious service of Henry J. Fiset, former firefighter in the fire department of the city of Springfield, said city may grant to Emma J. Fiset widow of said Henry J. Fiset an annuity as provided in section ninety-five A of chapter thirty-two of the General Laws from September fifteenth, nineteen hundred and seventy-three. Said annuity shall be in lieu of any other annuity or pension payable to said widow under any other general or special law.

SECTION 2. This act shall take effect upon its acceptance during the current year by the city of Springfield.

Approved October 30, 1973.

Chap. 972. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO GRANT AN ANNUITY TO MYRA KELLIHER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law and for the purpose of promoting the public good and in consideration of the long and meritorious service of Thomas J. Kelliher, former lieutenant in the police department of the city of Springfield, said city may grant to Myra Kelliher widow of said Thomas J. Kelliher an annuity as provided in section ninety-five A of chapter thirty-two of the General Laws from September fifteenth, nineteen hundred and seventy-three. Said annuity shall be in lieu of any other annuity or pension payable to said widow under any other general or special law.

SECTION 2. This act shall take effect upon its acceptance during the current year by the city of Springfield.

Approved October 30, 1973.

Chap. 973. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO GRANT AN ANNUITY TO CATERINA SISK.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law and for the purpose of promoting the public good and in consideration of the long and meritorious service of Wheeler B. Sisk, former firefighter in the fire department of the city of Springfield, said city may grant to Caterina Sisk widow of said Wheeler B. Sisk an annuity as provided in section ninety-five A of chapter thirty-two of the General Laws from September fifteenth, nineteen hundred and seventy-three. Said annuity shall be in lieu of any other annuity or pension payable to said widow under any other general or special law.

SECTION 2. This act shall take effect upon its acceptance during the current year by the city of Springfield.

Approved October 30, 1973.

Chap. 974. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO GRANT AN ANNUITY TO PAULINE SOTOLOTTO.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law and for the purpose of promoting the public good and in consideration of the long and meritorious service of Antonio Sotolotto, former laborer in the streets and engineering department of the city of Springfield, said city may grant to Pauline Sotolotto widow of said Antonio Sotolotto an annuity as provided in section ninety-five A of chapter thirty-two of the General Laws from September fifteenth, nineteen hundred and seventy-three. Said annuity shall be in lieu

of any other annuity or pension payable to said widow under any other general or special law.

SECTION 2. This act shall take effect upon its acceptance during the current year by the city of Springfield.

Approved October 30, 1973.

Chap. 975. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO GRANT AN ANNUITY TO ELEANOR TORREY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law and for the purpose of promoting the public good and in consideration of the long and meritorious service of Frederick B. Torrey, former firefighter in the fire department of the city of Springfield, said city may grant to Eleanor Torrey widow of said Frederick B. Torrey an annuity as provided in section ninety-five A of chapter thirty-two of the General Laws from September fifteenth, nineteen hundred and seventy-three. Said annuity shall be in lieu of any other annuity or pension payable to said widow under any other general or special law.

SECTION 2. This act shall take effect upon its acceptance during the current year by the city of Springfield.

Approved October 30, 1973.

Chap. 976. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO GRANT AN ANNUITY TO BARBARA TRACY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law and for the purpose of promoting the public good and in consideration of the long and meritorious service of George W. Tracy, former patrolman in the police department of the city of Springfield, said city may grant to Barbara Tracy widow of said George W. Tracy an annuity as provided in section ninety-five A of chapter thirty-two of the General Laws from September fifteenth, nineteen hundred and seventy-three. Said annuity shall be in lieu of any other annuity or pension payable to said widow under any other general or special law.

SECTION 2. This act shall take effect upon its acceptance during the current year by the city of Springfield.

Approved October 30, 1973.

Chap. 977. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO GRANT AN ANNUITY TO EVA WESTERGREN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law and

for the purpose of promoting the public good and in consideration of the long and meritorious service of William H. Westergren, former fire inspector in the fire department of the city of Springfield, said city may grant to Eva Westergren widow of said William H. Westergren an annuity as provided in section ninety-five A of chapter thirty-two of the General Laws from September fifteenth, nineteen hundred and seventy-three. Said annuity shall be in lieu of any other annuity or pension payable to said widow under any other general or special law.

SECTION 2. This act shall take effect upon its acceptance during the current year by the city of Springfield.

Approved October 30, 1973.

Chap. 978. AN ACT INCREASING THE AMOUNT OF COMPENSATION FOR INCAPACITY UNDER THE WORKMEN'S COMPENSATION ACT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide for certain increases in payments under the workmen's compensation law effective November the first, nineteen hundred and seventy-three, in order to assist injured employees to maintain necessary support while permanently or partially incapacitated, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 152 of the General Laws is hereby amended by striking out section 34, as most recently amended by section 4 of chapter 879 of the acts of 1971, and inserting in place thereof the following section: —

Section 34. While the incapacity for work resulting from the injury is total, the insurer shall pay the injured employee a weekly compensation equal to two thirds of his average weekly wages, but not more than ninety dollars nor less than twenty dollars a week, unless the weekly wages of the injured employee are less than twenty dollars, in which case said weekly compensation shall be equal to his average weekly wages, but not less than ten dollars where the number of normal working hours of the injured employee in a week are fifteen or more; provided, that the amount does not exceed twenty-two thousand five hundred dollars, except that if the injured employee has received compensation for the same injury under section thirty-five the combined amount of compensation payable under this section and section thirty-five shall not exceed the maximum amount as set forth in section thirty-five.

SECTION 2. Section 34A of said chapter 152 is hereby amended by striking out the first sentence, as most recently amended by section 5 of said chapter 879, and inserting in place thereof the following sentence: — While the incapacity for work resulting from the injury is both permanent and total, the insurer shall pay to the

injured employee, following payment of the maximum amount of compensation provided in sections thirty-four and thirty-five, or either of them, a weekly compensation equal to two thirds of the average weekly wage but not more than ninety dollars per week nor less than twenty dollars a week during the continuance of such permanent and total incapacity.

SECTION 3. Said chapter 152 is hereby further amended by striking out section 35, as most recently amended by section 6 of said chapter 879, and inserting in place thereof the following section: —

Section 35. While the incapacity for work resulting from the injury is partial, the insurer shall pay the injured employee a weekly compensation equal to the entire difference between his average weekly wage before the injury and the average weekly wage he is able to earn thereafter, but not more than ninety dollars per week; and the amount of such compensation shall not be more than twenty-two thousand five hundred dollars nor shall the combined amount of compensation payable under this section and section thirty-four be more than twenty-two thousand five hundred dollars.

SECTION 4. Said chapter 152 is hereby amended by striking out section 34, as most recently amended by section 1 of this act, and inserting in place thereof the following section: —

Section 34. While the incapacity for work resulting from the injury is total, the insurer shall pay the injured employee a weekly compensation equal to two thirds of his average weekly wages, but not more than ninety-five dollars nor less than twenty dollars a week, unless the weekly wages of the injured employee are less than twenty dollars, in which case said weekly compensation shall be equal to his average weekly wages, but not less than ten dollars where the number of normal working hours of the injured employee in a week are fifteen or more; provided, that the amount does not exceed twenty-three thousand seven hundred and fifty dollars, except that if the injured employee has received compensation for the same injury under section thirty-five the combined amount of compensation payable under this section and section thirty-five shall not exceed the maximum amount as set forth in section thirty-five.

SECTION 5. Section 34A of said chapter 152 is hereby amended by striking out the first sentence, as most recently amended by section 2 of this act, and inserting in place thereof the following sentence: — While the incapacity for work resulting from the injury is both permanent and total, the insurer shall pay to the injured employee, following payment of the maximum amount of compensation provided in sections thirty-four and thirty-five, or either of them, a weekly compensation equal to two thirds of the average weekly wage but not more than ninety-five dollars per week nor less than twenty dollars a week during the continuance of such permanent and total incapacity.

SECTION 6. Said chapter 152 is hereby further amended by striking out section 35, as most recently amended by section 3 of this act, and inserting in place thereof the following section: —

Section 35. While the incapacity for work resulting from the injury is partial, the insurer shall pay the injured employee a weekly compensation equal to the entire difference between his average weekly wage before the injury and the average weekly wage he is able to earn thereafter, but not more than ninety-five dollars per week; and the amount of such compensation shall not be more than twenty-three thousand seven hundred and fifty dollars nor shall the combined amount of compensation payable under this section and section thirty-four be more than twenty-three thousand seven hundred and fifty dollars.

SECTION 7. Sections one, two and three of this act shall take effect on November the first, nineteen hundred and seventy-three and shall apply only to injuries occurring after said date. Sections four, five and six shall take effect on November the first, nineteen hundred and seventy-four and shall apply only to injuries occurring after said date.

Approved October 31, 1973.

Chap. 979. AN ACT IMPOSING A PENALTY FOR THE UNAUTHORIZED REPRODUCTION AND TRANSFER OF SOUND RECORDINGS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prevent immediately the unauthorized use of sound recordings, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 266 of the General Laws is hereby amended by adding the following section: —

Section 143. Whoever directly or indirectly by any means, shall knowingly transfer or cause to be transferred any sounds recorded on a phonograph record, disc, wire, tape, film or other article on which sounds are recorded, with intent to sell, or cause to be sold, or to use or cause to be used for profit through public performance, such article on which such sounds are so transferred, without the consent of the owner, or whoever sells any such article with the knowledge that the sounds thereon have been so transferred thereon without the consent of the owner, shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than one year. For the purpose of this section the word "owner" shall mean the person who owns the master phonograph record, master disc, master tape, master film or other device used for reproducing recorded sounds on phonograph records, discs, tapes, films or other articles on which sound is recorded, and from which the transferred recorded sounds are directly or indirectly derived, provided that nothing contained in this section shall be construed to apply to any person lawfully entitled to use or cause to be used such sounds for profit through public performance, who transfers or causes to be transferred any such sounds as part of a radio or television broadcast or for archival preservation.

SECTION 2. The provisions of section one hundred and forty-three of chapter two hundred and sixty-six of the General Laws, added by section one of this act, shall apply to transfers with intent to sell or sales of phonograph records, discs, wires, tapes, films or other articles on which sounds are recorded, the ownership rights of which were established prior to February fifteenth, nineteen hundred and seventy-two, and shall also apply to any such transfers or sales, the ownership rights of which are established on or after January first, nineteen hundred and seventy-five.

Approved October 31, 1973.

Chap. 980. AN ACT DIRECTING THE MASSACHUSETTS BOARD OF REGIONAL COMMUNITY COLLEGES TO SELL AND CONVEY A CERTAIN PARCEL OF LAND IN GREENFIELD TO ALAN R. WESTON AND BEVERLY L. WESTON.

Be it enacted, etc., as follows:

The Massachusetts board of regional community colleges is hereby authorized and directed on behalf of the commonwealth to convey to Alan R. Weston and Beverly L. Weston of Greenfield, for such consideration as may be agreed upon by said board and said Alan R. Weston and Beverly L. Weston, a certain parcel of land located on state highway route 2 in said town, bounded and described as follows: — Beginning at a point on the easterly side of said route 2, which point is located at the northwesterly corner of lot 35 on a plan of land entitled, "property map, Greenfield, Mass. Jan. 1, 1973" and which is on file with the assessor's office of said town and referred to as R-37; thence running in an easterly direction along the northerly side of said lot 35, fifty feet to a point; thence turning and running in a northwesterly direction, on a line parallel with the easterly line of route 2, one hundred feet to a point; thence turning and running in a westerly direction on a line parallel to the northerly line of said lot 35, fifty feet, more or less to the easterly line of route 2; thence turning and running in a southerly direction along the easterly line of route 2, one hundred feet more or less to the point of beginning. No such conveyance shall be made until said board has caused an independent appraisal of the fair market value of the property to be made by a disinterested appraiser, and provided further, that the consideration for the conveyance shall not be less than the appraised value established by said appraiser.

Approved October 31, 1973.

Chap. 981. AN ACT TO REGULATE LEGISLATIVE REPRESENTATION, TO REQUIRE PUBLIC DISCLOSURE OF EXPENDITURES OF LEGISLATIVE AGENTS, EMPLOYERS OF LEGISLATIVE AGENTS, AND CERTAIN OTHER LOBBYING GROUP AND TO PRESERVE A CITIZEN'S CONSTITUTIONAL RIGHT TO COMMUNICATE WITH MEMBERS OF THE GENERAL COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part to immediately require the state secretary to prepare forms and books for the registration of legislative agents and their employers and groups participating in lobbying activity; therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. *Statement of intent.* The Great and General Court of the Commonwealth hereby declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition the General Court for the redress of grievances and to express freely to individual members of the legislature and, to legislative committees, their opinions on legislation, on pending executive approval or veto thereof and on current issues. Since no comprehensive review of the so-called lobbying laws has occurred since nineteen hundred and eleven and that, to preserve and maintain the integrity of the legislative process, it is necessary that the identity, expenditures and activities of certain persons who engage in reimbursed efforts, the so-called lobbyists, to persuade members of the General Court or the executive branch to take specific legislative actions, either by direct communication to such officials, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

SECTION 2. Chapter 3 of the General Laws is hereby amended by striking out section 39, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 39. "Legislation", all bills, resolutions, and all proposals of every kind, character or description considered by the general court, any committee thereof, or the governor.

"Legislative agent", any person who for compensation or reward does any act to promote, oppose, or influence legislation, or to promote, oppose, or influence the governor's approval or veto thereof or to influence the decision of any member of the Executive branch where such decision concerns legislation or the adoption, defeat, or postponement of a standard, rate, rule or regulation pursuant thereto. The term shall include persons who, as any part of their regular and usual employment and not simply incidental thereto, attempt to promote, oppose or influence legislation or the governor's approval or veto thereof, whether or not any compensation in addition to the salary for such employment is received for such services.

SECTION 3. Said chapter 3 is hereby further amended by striking out section 40, as so appearing, and inserting in place thereof the following section: —

Section 40. A person employing or agreeing to employ a legislative agent, shall, within one week after such employment or agreement, cause the name of such agent to be entered upon a docket as provided in section forty-one. The agent within ten days shall also enter his name upon such docket. The termination of such employment shall be entered opposite the name of such agent either by him

or by his employer.

SECTION 4. Said chapter 3 is hereby further amended by striking out section 41, as so appearing, and inserting in place thereof the following section: —

Section 41. The state secretary shall keep a docket in which shall be entered the names of all who are employed as legislative agents. Such entries shall include the name, business address, and the employer's business interests which may be affected by legislation; the name, business address and business interests which may be affected by legislation in whose behalf the legislative agent is retained or employed if said person is not the direct employer; the name and residence of the legislative agent; the date of the employment or agreement therefor; and the duration of the employment status, if ascertainable.

The state secretary shall assess each legislative agent a reasonable filing fee upon the entering of said agent's name upon the docket. Said fee shall be determined by the costs of maintaining said docket. The state secretary shall apply said fee to the costs of maintaining said docket.

Every legislative agent shall, within ten days after entering his name upon the docket, file with the state secretary a written authorization to act as such agent, signed by the employer on whose behalf the legislative agent assumes to act and shall provide two photographs of said agent to the state secretary.

Upon receipt of said notification required in section forty from the employer of a legislative agent, the state secretary shall issue to each legislative agent a non-transferable identification card which shall include but not be limited to a photograph, the address and name of employer or employers of said legislative agent.

All information required to be filed under the provisions of this section shall be compiled by the state secretary and shall be organized alphabetically according to the name of the persons whose name is entered upon the docket and such files shall be open and accessible for public inspection during normal business hours.

SECTION 5. Said chapter 3 is hereby further amended by striking out section 42, as so appearing, and inserting in place thereof the following section: —

Section 42. No person shall make any agreement whereby any compensation or thing of value is to be paid to any person contingent upon the passage or defeat of any legislation or the approval or veto of any legislation by the governor. No persons shall agree to undertake to promote, oppose or influence legislation or to communicate with members of the legislature, or to advocate approval or veto by the governor for consideration to be paid upon the contingency that any legislation is passed or is defeated.

SECTION 6. Said chapter 3 is hereby further amended by striking out section 43, as so appearing, and inserting in place thereof the following section: —

Section 43. On or before the fifteenth day of May and the fifteenth day of November of each year, every legislative agent

appearing on the docket shall render to the state secretary an itemized statement, under oath, containing all expenditures, and the total amount thereof, incurred or paid during the reporting period in the course of his employment as a legislative agent, except that the legislative agent need not itemize the expenditures of any one day in which the amount incurred or paid did not total thirty-five dollars or more. Such itemized accounting shall include, but shall not be limited to specific expenditures for meals, gifts, transportation, entertainment, advertising, public relations, printing, mailing and telephone; and shall also include the names of the payees and the amount paid to each payee. Where such expenditure is for meals, entertainment, or transportation, said expenditure shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such meal, entertainment or transportation. No expenditure shall be split or divided for the purpose of evading any provision of this section. The state secretary shall, within thirty days of the receipt of such accounting, notify, by registered mail, those legislators and those members of the Executive branch whose names appear therein as having received meals, transportation or entertainment, as to the nature of the expenditure claimed, the date and amount of such expenditure; and the person or persons who reported the same.

The state secretary shall prescribe and make available the appropriate statement forms which shall be open and accessible for public inspection during normal business hours.

SECTION 7. Said chapter 3 is hereby further amended by striking out section 44, as so appearing, and inserting in place thereof the following section: —

Section 44. Any group or organization, however constituted, not employing a legislative agent which as part of an organized effort, expends in excess of two hundred and fifty dollars during any single calendar year to promote, oppose, or influence legislation, or the governor's veto or approval thereof, or to influence the decision of any member of the Executive branch where such decision concerns legislation or the adoption, defeat, or postponement of a standard, rate, rule or regulation pursuant thereto shall register on or before the fifteenth day of May and the fifteenth day of November with the state secretary by rendering a statement, under oath, containing the names and addresses of the principals of such group or organization; the purposes of the organization, the legislation which affects those purposes, the total amount of expenditures, incurred or paid during the reporting period in furtherance of the above stated objectives. Such itemized accounting shall include, but shall not be limited to, specific expenditures for meals, gifts, transportation, entertainment, advertising, public relations, printing, mailing and telephone and the name of the payees and the amount paid to each payee. Where such expenditure is for meals, entertainment, or transportation, said expenditure shall be identified by date, place, amount, and the names of all persons in the group partaking in, or of, such meal, entertainment, or transportation. The statement shall

also include a listing of the names and addresses of every person, group or organization from whom fifteen dollars or more was contributed during the year for the objectives hereinabove stated. No expenditure or contribution shall be split or divided for the purpose of evading any provision of this section. The state secretary shall prescribe and make available the appropriate statement forms which after being completed and filed with the secretary shall be organized alphabetically according to the name of the group and such files shall be open and accessible for public inspection during normal business hours.

SECTION 8. Said chapter 3 is hereby further amended by striking out section 45, as so appearing, and inserting in place thereof the following section: —

Section 45. The state secretary may, upon cause shown therefor, disqualify a person from acting as a legislative agent. A person against whom proceedings for disqualification are brought shall be allowed a public hearing before the secretary or his designee. Such hearings shall be subject to the provisions of chapter thirty A. No person who has been so disqualified shall be employed as legislative agent until the termination of the third regular session of the general court after such disqualification.

SECTION 9. Said chapter 3 is hereby further amended by striking out section 46, as amended by section 4 of chapter 508 of the acts of 1939, and inserting in place thereof the following section: —

Section 46. The docket of legislative agents for each session shall be closed by the state secretary at the time of prorogation of the general court, and the docket for the ensuing session shall then be opened.

SECTION 10. Said chapter 3 is hereby further amended by striking out section 47, as amended by section 5 of said chapter 508, and inserting in place thereof the following section: —

Section 47. On or before the fifteenth day of May and the fifteenth day of November of each year every employer of a legislative agent whose name appears upon the docket shall render to the state secretary a complete and detailed statement, on oath, containing the total amount of expenditures incurred or paid separately by such employer during the reporting period in connection with promoting, opposing or influencing legislation, or the governor's approval or veto thereof or to influence the decision of any member of the Executive branch where such decision concerns legislation or the adoption, defeat, or postponement of a standard, rate, rule or regulation pursuant thereto. Such statement shall also itemize every expenditure made in excess of fifty dollars. Such itemized accounting shall include, but shall not be limited to, specific expenditures for meals, gifts, transportation, entertainment, advertising, public relations, printing, mailing, and telephone; and the names of the payees and the amount paid to each payee. Where such expenditure is for meals, entertainment, or transportation, said expenditure shall be identified by the date, place, amount, and names of all persons in the group partaking in, or of, such meal,

entertainment, or transportation. When such compensation is included as part of a regular salary or retainer, the statement shall specify the amount of the agent's salary or retainer allocable to his legislative duties. If no such apportionment is possible, the statement shall indicate such impossibility and disclose the full salary or retainer. No expenditure shall be split or divided for the purpose of evading any provision of this section.

The state secretary shall prescribe and make available the appropriate statement forms which after being completed and filed with the secretary shall be organized alphabetically, according to the name of the employer and such files shall be open and accessible for public inspection during normal business hours.

SECTION 11. Said chapter 3 is hereby further amended by striking out section 48, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 48. Violation of any provision of sections forty, forty-one, forty-two, forty-three and forty-four, or forty-seven shall be punished by a fine of not less than one hundred, nor more than five thousand dollars. Any person acting as legislative agent who has been found guilty of violating any provisions of said sections shall in addition to such fine, be disqualified from acting as legislative agent until the termination of the third regular session of the general court after the date of conviction of such offense. Upon investigation and when deemed appropriate the attorney general shall cause prosecutions to be instituted for violation of any provision of sections forty, forty-one and forty-two.

The state secretary shall inspect all statements required by sections forty-three, forty-four and forty-seven filed with him if it appears that any person has failed to file such statement as required by said sections, or if it appears to the state secretary that any such statement filed with him does not conform to law, the state secretary shall within a reasonable time notify the delinquent person, group or organization in writing.

Upon failure to file a statement within fourteen days after receiving notice under this section, or if any statement filed after receiving notice indicates any violation of sections forty-three, forty-four, or forty-seven, the state secretary shall within a reasonable time notify the attorney general thereof and shall furnish him with copies of all papers relating thereto. The attorney general shall examine every such case and upon investigation and when deemed appropriate shall cause prosecutions to be instituted in the name of the commonwealth or shall institute appropriate civil proceedings pursuant to section forty-nine or refer the case to the proper district attorney for such action as may be appropriate.

SECTION 12. Said chapter 3 is hereby further amended by striking out section 49, as amended by section 6 of chapter 508 of the acts of 1939, and inserting in place thereof the following section: —

Section 49. The supreme judicial court or superior court may compel any person, group, or organization failing to file a statement required by sections forty-three, forty-four or forty-seven, or filing

a statement not conforming to the requirements of said sections in respect to its truth, sufficiently in detail, or otherwise to file a sufficient statement, upon the application of the attorney general. Proceedings under this section shall be advanced for speedy trial upon the request of either party.

SECTION 13. Nothing in sections thirty-nine to forty-nine, inclusive, of chapter three of the General Laws shall be construed to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of the general court.

SECTION 13A. The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 14. So much of this act as requires the state secretary to prepare for the administration of this act shall take effect upon its passage. Such other sections of this act shall take effect on January first, nineteen hundred and seventy-four.

Approved November 2, 1973.

Chap. 982. AN ACT CHANGING THE EFFECTIVE DATE OF THE LAW RELATIVE TO PENSIONS FOR WIDOWS AND CHILDREN OF CERTAIN PUBLIC EMPLOYEES KILLED IN THE PERFORMANCE OF DUTY.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to change forthwith the effective date of the law relative to pensions for widows and children of certain public employees killed in the performance of duty, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 685 of the acts of 1973 is hereby amended by adding the following section: —

Section 2. This act shall take effect as of January first, nineteen hundred and seventy-two.

Approved November 2, 1973.

Chap. 983. AN ACT PROVIDING FOR TRIAL WITHOUT JURY IN THE FIRST INSTANCE IN EMINENT DOMAIN CASES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 79 of the General Laws is hereby amended by striking out section 22, as most recently amended by section 1 of chapter 548 of the acts of 1964, and inserting in place thereof the following section: —

Section 22. A petition brought under section fourteen shall name all parties adversely interested who are known to the petitioner, and process shall issue and service be made as in suits in equity. Any defense to the petition not relating to the amount of

damages shall be pleaded within thirty days after the return day of the subpoena; provided, that no answer relating solely to the amount of damages shall be filed by any party and no person shall be defaulted for failure to enter an appearance. The trial shall be by a judge of the superior court sitting without a jury. Interrogatories may be filed with the same effect as in actions at law. The judge presiding at the trial shall file a written decision or finding with the clerk who shall forthwith notify the parties or counsel of record thereof. The decision or finding shall include a statement of any damages that are awarded and a report of the material facts found by him. Any party to the action aggrieved by the decision or finding shall have the right to a trial de novo before another judge sitting with a jury. The request for a trial de novo shall be filed with the clerk within ten days after the party making the request has received notice of such decision or finding. The decision or finding, including any award of damages, shall be prima facie evidence upon such matters as are put in issue by the pleadings. Notwithstanding the foregoing provisions of this paragraph, trial shall be held before a jury in the first instance if all parties file a written agreement requesting an initial jury trial, provided that if an initial jury trial is granted, no petition for a trial de novo by any of the aggrieved parties shall be granted. In case of trial by jury, if either party requests it the jury shall view the premises. Judgment shall be entered and execution issued as in actions at law; and when the commonwealth is liable for damages the amount found due shall be certified and paid under section three A of chapter two hundred and fifty-eight.

SECTION 2. The second sentence of section 37 of said chapter 79, as appearing in section 2 of said chapter 548, is hereby amended by striking out, in line 3, the words "on an auditor's report".

SECTION 3. Said section 37 of said chapter 79 is hereby further amended by adding the following sentence: — In case of trial by jury, the date of entry of judgment refers to judgment in the trial de novo.

Approved November 2, 1973.

Chap. 984. AN ACT FURTHER PROTECTING THE SCENIC AND RECREATIONAL RIVERS AND STREAMS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 17B of chapter 21 of the General Laws, inserted by chapter 840 of the acts of 1971, is hereby amended by inserting after the first paragraph the following paragraph: —

The commissioner, with the approval of said board, may, for the purpose of protecting the scenic and recreational rivers and streams of the commonwealth, provide for the restriction and classification of the waters of said rivers and streams for scenic or recreational purposes. Signs indicating such restriction or classification shall be posted by the department at reasonable intervals along the banks

of said rivers and streams.

SECTION 2. No river or stream may hereafter be diverted for water supply purposes outside its own basin without the express approval of the general court. *Approved November 2, 1973.*

Chap. 985. AN ACT REQUIRING ELEVATOR INSPECTORS OF THE DEPARTMENT OF PUBLIC SAFETY AND OF POLITICAL SUBDIVISIONS OF THE COMMONWEALTH TO BE LICENSED.

Be it enacted, etc., as follows:

SECTION 1. Section 71B of chapter 143 of the General Laws, as most recently amended by section 2 of chapter 637 of the acts of 1957, is hereby further amended by adding the following sentence: — No person shall work as an elevator inspector or supervising elevator inspector in the employ of the department of public safety or any political subdivision of the commonwealth, unless he holds a license granted by the board, for the construction, maintenance or repair of elevators as provided by this section.

SECTION 2. This act shall not apply to any person who furnishes the commissioner of public safety with satisfactory proof that he was employed by the department of public safety or by a political subdivision of the commonwealth as an elevator inspector or supervising elevator inspector on or before the effective date of this act.

Approved November 2, 1973.

Chap. 986. AN ACT INCREASING THE AMOUNT OF ANNUAL PENSION PAYABLE TO CERTAIN PERSONS RETIRED FOR PHYSICAL OR MENTAL DISABILITY CAUSED BY ILLNESS OR INJURY INCURRED IN THE PERFORMANCE OF DUTY.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary any officer of the division of state police retired under the provisions of clause (ii) of paragraph (b) of subdivision (2) of section twenty-six of chapter thirty-two of the General Laws between November eighth, nineteen hundred and seventy and August thirty-first, nineteen hundred and seventy-three shall, from the date of his retirement receive a yearly amount of pension equal to seventy-two per cent of the annual rate of his regular compensation on the date the illness or injury causing such retirement was incurred, or equal to seventy-two per cent of the average annual rate of his regular compensation for the twelve month period for which he last received regular compensation immediately preceding the date his retirement allowance becomes effective, whichever is greater.

Approved November 2, 1973.

Chap. 987. AN ACT PLACING THE CAPITOL POLICE IN GROUP 4 OF THE CONTRIBUTORY RETIREMENT LAW.

Be it enacted, etc., as follows:

SECTION 1. The definition of *Group 2* in paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws, as appearing in section 1 of chapter 809 of the acts of 1972, is hereby amended by striking out, in line 1, the words "Capitol police, public", and inserting in place thereof the word: — Public.

SECTION 2. The definition of *Group 4* in said paragraph (g) of said subdivision (2) of said section 3 of said chapter 32, as appearing in section 2 of said chapter 809, is hereby amended by inserting after the word "ninety," in line 3, the words: — capitol police.

Approved November 2, 1973.

Chap. 988. AN ACT INCREASING THE SALARIES OF CERTAIN CLERKS OF THE SUPERIOR COURT.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 94 of chapter 221 of the General Laws, as appearing in section 1 of chapter 503 of the acts of 1972, is hereby amended by striking out, in line 29 and in line 42, the word "sixty-five" and inserting in place thereof, in each instance, the word: — seventy.

SECTION 2. The second paragraph of said section 94 of said chapter 221, as so appearing, is hereby amended by striking out, in line 5, the word "sixty-five" and inserting in place thereof the word: — seventy.

SECTION 3. This act shall take effect as of July first, nineteen hundred and seventy-three.

Approved November 2, 1973.

Chap. 989. AN ACT ESTABLISHING A BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES AND PROVIDING FOR THE PRESERVATION OF SAID RESOURCES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section 178, under the caption BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES, the following two sections: —

Section 179. There shall be in the department a board of underwater archaeological resources hereinafter called the board. The board shall consist of the state archaeologist, the state archivist, the commissioner of waterways or his designee, the director of mineral resources or his designee, and five members to be appointed by the governor, who shall include one representative of the Massachusetts Historical Commission, one marine archaeologist, one law enforcement specialist, and two qualified or certified divers, one to

be chosen from a list submitted by recognized diving organizations. The public members of the board shall be appointed for terms of three years, their initial appointments, however, being one for a term of one year, two for terms of two years, and two for terms of three years. They shall serve without compensation, but shall be reimbursed for actual expenses incurred by them in the performance of their duties.

The board shall be headed by a director of underwater archaeological resources, appointed by a majority of the members of said board, who shall be responsible for carrying out the work of the board under the supervision of said board. The director shall be qualified by training and experience to carry out the duties of the board. The director may employ such employees, experts and consultants as may be necessary.

As used in this section the word "department" shall mean the department of public works.

Section 180. It shall be the duty and responsibility of the board to encourage the discovery and reporting of and to protect and preserve historical, scientific and archaeological information about underwater archaeological resources located within the inland and coastal waters of the commonwealth. Title to underwater archaeological resources located within the inland and coastal waters of the commonwealth is hereby declared to be in the commonwealth.

"Underwater archaeological resources", shall mean any of the following which have historical value: abandoned properties, artifacts, treasure trove or sunken ships, which have remained unclaimed for one hundred years or more or which are valued at five thousand dollars or more, within the inland or coastal waters of the commonwealth as defined in section one of chapter one hundred and thirty and section one of chapter one hundred and thirty-one, respectively, or upon lands thereunder, or any other objects one hundred years old or judged by the board to be of historical value which are located inside, upon or around said resources.

Said board shall: —

(1) cooperate with all departments, boards, officials and institutions of the commonwealth and its political subdivisions that are concerned with matters under its supervision;

(2) cooperate and consult with appropriate federal agencies or the agencies of other states;

(3) determine after a public hearing, if the board deems such a hearing in the public interest, whether certain objects found under the waters of the commonwealth are of historical value.

Said board may: —

(1) enter into agreements relative to the federal administration and enforcement of underwater exploration and removal or salvage of underwater archaeological resources beyond the coastal waters of the commonwealth;

(2) apply for, receive and expend such federal funds or private grants as may be available therefor in carrying out its duties;

(3) request assistance from appropriate state and local agencies and private organizations and individuals.

The director, with the approval of the board, shall: —

(1) adopt, after public hearing, such rules and regulations regarding reporting and permit requirements for the removal and salvage of underwater archaeological resources as will insure the protection of their historical and educational value;

(2) grant permits in accordance with section sixty-three of chapter ninety-one to qualified persons, organizations, or corporations for the orderly salvage or removal of underwater archaeological resources;

(3) oversee the salvage and recovery operations by said permit holders;

(4) maintain an inventory of the underwater archaeological resources reported and recovered under the provisions of this section and said section sixty-three of said chapter ninety-one.

SECTION 2. Section 26 of chapter 9 of the General Laws is hereby amended by striking out the fourth sentence, as appearing in section 1 of chapter 692 of the acts of 1963, and inserting in place thereof the following sentence: — The commission and the board of underwater archaeological resources established pursuant to section one hundred and seventy-nine of chapter six shall advise the state secretary on matters relating to the historic assets of the commonwealth and assist him in compiling and maintaining an inventory of such assets.

SECTION 3. The fourth paragraph of section 11D of chapter 12 of the General Laws, as appearing in section 1 of chapter 781 of the acts of 1972, is hereby amended by inserting after the word "resources", in line 8, the words: — , underwater archaeological resources.

SECTION 4. The second paragraph of section 61 of chapter 30 of the General Laws, as appearing in section 2 of said chapter 781, is hereby amended by inserting after the word "resources", in lines 8 and 9, the words: — , underwater archaeological resources.

SECTION 5. Chapter 91 of the General Laws is hereby amended by inserting after section 62 the following section: —

Section 63. No person, organization or corporation may remove, displace, damage or destroy underwater archaeological resources as defined in section one hundred and eighty of chapter six, except in conformity with the provisions of this section. Any qualified person, organization or corporation desiring to conduct any type of exploration, recovery or salvage operations in the course of which any underwater archaeological resources, with the exception of those specifically exempted from permit requirements, may be removed, displaced or destroyed shall first make application to the director for a permit to conduct such operations. If the director, with the approval of the board, shall find that the operation desired involve underwater archaeological resources and said operations are in the public interest, he shall, within thirty days from the receipt of application, grant the initial applicant a permit which allows said

applicant the sole right to remove or salvage said resources for a period of one year. Said permits shall include without limitation the location, nature of activity, reporting requirements and time period covered and shall provide for the termination of the rights of the permittee upon violation of any of the terms of the permit. Until such time as a permit for any given site is granted, all records regarding the permit application for said site shall be confidential unless released by the applicant.

The director may establish a uniform fee for such permits, not to exceed one hundred dollars. Said permits shall be renewable by the director upon approval of the board; provided, however, that operations on the location have been conducted during the period of the original permit.

The permittee may, with the approval of the board, subcontract his permit rights to another qualified person, organization or corporation, subject to the provisions of this section and the terms of the original permit.

All exploration, recovery and salvage operations undertaken pursuant to said permit shall be carried out under the general supervision of the board in accordance with its rules and regulations so that the maximum amount of historical, scientific, archaeological and educational information may be recovered, reported and preserved. If the director deems necessary, he may require that a permittee shall work under the direction of a qualified expert designated by the board. Permittees shall be responsible for obtaining permission of any federal agencies having jurisdiction prior to conducting any operations.

Permittees may retain seventy-five per cent of the value of said underwater archaeological resources. The remainder of such value shall be paid to the commonwealth; provided, however, that the commonwealth and private museums within the commonwealth shall have the first option to purchase within six months said resources at fair market value. Final disposition of said resources and the proceeds from the sale thereof shall be made within one year from the date of salvage unless extended by mutual agreement between the board and the permittee with the approval of the commissioner of administration and finance. Until final disposition the commonwealth and the permittee shall act in such a way as to preserve and protect all salvaged underwater archaeological resources.

Upon the request of an applicant or permittee, the board may require a public hearing, if said board deems such a hearing in the public interest, on the granting or renewal of a permit, the subcontracting of permit rights, or the disposition of resources recovered under a permit.

The director shall invite information regarding previously discovered or salvaged underwater archaeological resources and the location thereof, and shall cause to be printed a list of previously discovered and commonly known underwater archaeological resources and locations thereof which shall be exempt from the preceding permit requirements. A public hearing may be requested

regarding the placement of any individual resource on said list. Persons may petition the director to add certain resources to said list.

Law enforcement agencies and officers of the commonwealth and its subdivisions shall enforce the laws, rules and regulations pertaining to underwater archaeological resources and shall protect the permittee from the removal or salvage of said resources by unauthorized parties. If such protection is extended at the request of the permittee for a period in excess of two months, the permittee shall pay reasonable costs of such protection.

Any person violating a provision of this section shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars, imprisonment for six months, or both, and shall forfeit any underwater archaeological resources he has obtained thereby. In addition his permit, if any, shall be subject to revocation or suspension. Violations committed within the coastal waters of the commonwealth may be prosecuted in any district which has venue over the coastal waters. The superior court sitting in equity shall have jurisdiction to restrain continuing violations of section sixty-five and shall have jurisdiction to compel the restoration to the commonwealth of any underwater archaeological resources taken in violation of the provisions of this section.

SECTION 6. Section 72 of chapter 92 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "commission", in line 13, the words: — ; provided however, that the commission shall cooperate with the board of underwater archaeological resources in the salvage of underwater archaeological resources in accordance with section sixty-three of chapter ninety-one.

Approved November 2, 1973.

Chap. 990. AN ACT PROVIDING FOR THE EXHIBITION OF SELECTED WRITINGS OF JOHN ADAMS IN THE STATE HOUSE.

Be it enacted, etc., as follows:

Chapter 8 of the General Laws is hereby amended by inserting after section 17A the following section: —

Section 17B. The state superintendent of buildings shall set apart and maintain a suitable area located in Doric Hall in the state house for the use of the Massachusetts Historical Commission, such area to be under the charge of said Commission, subject to this section. The area thus set apart shall be used for exhibiting, under the direction of the editor-in-chief of the Adams Papers, selected writings of John Adams.

Approved November 2, 1973.

Chap. 991. AN ACT AUTHORIZING THE COUNTY TREASURER OF BRISTOL COUNTY TO PAY A CERTAIN SUM OF MONEY TO VARLEY PLUMBING AND HEATING COMPANY.

Be it enacted, etc., as follows:

SECTION 1. The county treasurer of Bristol county is hereby

authorized to pay from any available funds an unpaid bill in the amount of eight hundred and forty-five dollars and thirty-one cents to Varley Plumbing and Heating Company of the town of Dighton for goods supplied and services rendered to said county during the year nineteen hundred and seventy-one, payment for which bill is legally unenforceable against said county.

SECTION 2. No bill shall be approved by the county commissioners of said county or paid by said treasurer under authority of this act unless and until a certificate has been signed and filed with said treasurer stating under the penalties of perjury that the goods or services for which such bill has been submitted were ordered by an official or an employee of said county and that such goods were delivered and actually received by said county or that the services were rendered to said county, or both.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for goods or services which were not received by or rendered to said county shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved November 2, 1973.

Chap. 992. AN ACT AUTHORIZING THE CITY OF LOWELL TO SELL AND CONVEY CERTAIN PARK LAND TO ABUTTERS.

Be it enacted, etc., as follows:

The city of Lowell is hereby authorized to sell and convey to each person owning land abutting thereon so much of a certain portion of land in said city held for park purposes, being part of Gage field in said city, as abuts on the land of each such person as a natural direct extension of said abutter's boundary line. Said portion consists of a strip of land fifty feet wide and eight hundred and twenty-five feet long.

Approved November 2, 1973.

Chap. 993. AN ACT AUTHORIZING AIRPORT COMMISSIONS TO LEASE CERTAIN LAND AREAS AT AIRPORTS FOR CERTAIN PURPOSES.

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by striking out section 51F, as most recently amended by section 1 of chapter 769 of the acts of 1949, and inserting in place thereof the following section: —

Section 51F. Any airport commission may let or lease, for a period not exceeding twenty years, those land areas at any airport under its control which are used for airport purposes, under such

terms and conditions as it may prescribe, for hangars, shops, storage, industrial purposes, offices and other space rental, and for concessions, and may lease any other areas at such an airport for any purpose. With the approval of the mayor and the city council in cities or the approval of a town meeting, as the case may be, said commission may so let or lease for a longer period; provided, that no such airport in the cities of New Bedford and Beverly shall be let or leased except with the approval of the mayor and the city council, or in the town of Southbridge by vote of the town.

Approved November 2, 1973.

Chap. 994. AN ACT PROVIDING FOR THE APPOINTMENT OF ADDITIONAL ASSISTANT CLERKS IN THE THIRD DISTRICT COURT OF BRISTOL AND THE EAST BOSTON DISTRICT COURT.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 10 of chapter 218 of the General Laws is hereby amended by striking out the line reading "third district court of Bristol," as appearing in section 1 of chapter 75 of the acts of 1973.

SECTION 2. The fourth paragraph of said section 10 of said chapter 218 is hereby amended by inserting after the line reading "municipal court of the South Boston district," as so appearing, the following: —

third district court of Bristol,

East Boston district court.

SECTION 3. The third paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by striking out the line reading "East Boston district court,".

Approved November 2, 1973.

Chap. 995. AN ACT DESIGNATING THE SKATING RINK CONSTRUCTED BY THE DEPARTMENT OF NATURAL RESOURCES IN THE CITY OF NEWBURYPORT AS THE HENRY GRAF, JR. SKATING RINK.

Be it enacted, etc., as follows:

The skating rink constructed by the department of natural resources in the city of Newburyport shall be designated and known as the Henry Graf, Jr. skating rink, in memory of Henry Graf, Jr., who served as mayor of said city from nineteen hundred and fifty-four to nineteen hundred and fifty-seven. A suitable marker bearing said designation shall be erected at said skating rink by said department.

Approved November 2, 1973.

Chap. 996. AN ACT RELATIVE TO THE HOLDING OF THE STATE
PRIMARIES IN THE YEAR NINETEEN HUNDRED AND
SEVENTY-FOUR.

Be it enacted, etc., as follows:

The biennial state primaries for the year nineteen hundred and seventy-four shall be held on Tuesday, the tenth day of September, notwithstanding any contrary provision contained in section twenty-eight of chapter fifty-three of the General Laws.

The dates, days and hours for the performance of certain acts and the doing of certain things under the provisions of the General Laws shall, for said year, notwithstanding any contrary provision of said General Laws as to said dates, days and hours, be in accordance with the dates, days and hours set forth in the following political calendar: —

POLITICAL CALENDAR

1974

STATE PRIMARIES AND ELECTION

May 28	Registrars of Voters and Election Commissioners are required to hold meetings for certifying names on all nomination papers except for state-wide office and for congressman on the four Tuesdays preceding June 25.
June 4, 11 & 18	
June 4, 11, 18 & 25	Registrars of Voters and Election Commissioners are required to hold meetings for certifying names on nomination papers for all state-wide offices and for congressman on the four Tuesdays preceding July 2.
June 18	5 P.M., Last day and hour for submitting nomination papers for all offices except state-wide office and congressman to Registrars of Voters and Election Commissioners for certification of signatures.
June 25	5 P.M., Last day and hour for submitting nomination papers for state-wide office and congressman to Registrars of Voters and Election Commissioners for certifications of signatures.
June 25	5 P.M., Last day and hour for filing nomination papers for all offices except state-wide office and congressman with the Secretary of the Commonwealth.
June 25	5 P.M., Last day and hour for filing certificates of enrolment of all candidates except candidates for state-wide office and for congressman at the State Primaries.
June 28	5 P.M., Last day and hour for filing withdrawals of or objections to nomination papers for all offices except state-wide office and congressman with the Secretary of the Commonwealth.
July 2	5 P.M., Last day and hour for filing nomination papers for state-wide office and for congressman with the Secretary of the Commonwealth.
July 2	5 P.M., Last day and hour for filing certificates of enrolment of candidates for state-wide office and for congressman at the State Primaries.
July 2	5 P.M., Last day and hour for filling vacancies caused by withdrawals for all offices except state-wide office and congressman.

July 5	5 P.M., Last day and hour for filing withdrawals of or objections to nomination papers for state-wide offices or congressman with the Secretary of the Commonwealth.
July 9	5 P.M., Last day and hour for filling vacancies caused by withdrawals in state-wide offices and congressman.
August 13	Last day to register voters for the State Primaries.
August 30	Last day for filing public policy application with Registrars of Voters and Election Commissioners for certification of signatures.
September 6	Last day for filing with the Secretary of the Commonwealth of applications for submission to voters at the State Election of questions of public policy.
September 10	STATE PRIMARIES.
September 23	5 P.M., Last day and hour for filing a written acceptance by candidates to be voted for whose names were not printed on the primary ballots.
September 16	5 P.M., Last day and hour for filing withdrawals of or objections to nominations at the State Primaries.
September 19	5 P.M., Last day and hour for filling vacancies caused by withdrawals at the State Primaries.
October 8	Last day to register voters for the State Election.
November 5	STATE ELECTION.

Approved November 2, 1973.

Chap. 997. AN ACT FURTHER REGULATING THE TERMS OF CERTAIN CORPORATORS OF SAVINGS BANKS AND THEIR SERVICE IN CERTAIN OTHER FINANCIAL INSTITUTIONS.

Be it enacted, etc., as follows:

The first paragraph of section 8 of chapter 168 of the General Laws, as appearing in section 1 of chapter 432 of the acts of 1955, is hereby amended by inserting after the first sentence the following two sentences: — Corporators shall be elected for a term of ten years, except that any corporator may not continue serving upon reaching the age of seventy-five. No person shall serve as a corporator of more than one savings bank, and no corporator shall, after January first, nineteen hundred and seventy-five, serve as an officer or director of a national bank, trust company, co-operative bank, savings and loan association or credit union.

Approved November 2, 1973.

Chap. 998. AN ACT MAKING APPROPRIATIONS TO SUPPLEMENT CERTAIN ITEMS IN CERTAIN COUNTY HOSPITALS APPROPRIATION ACTS FOR THE FISCAL PERIOD FROM JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-THREE, TO JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in cer-

tain county hospitals appropriation acts, the following sums are hereby appropriated subject to the provisions of law regulating the disbursement of hospital funds and the approval thereof, for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four, the sums so appropriated to be in addition to any amount at present available for the purposes.

HAMPSHIRE COUNTY.

Item		
11a.	For reserve for salary increases	\$45,000 00
	For total expenditures	\$45,000 00

MIDDLESEX COUNTY.

1.	For personal services	\$2,458 20
2.	For contractual services	7,500 00
11a.	For reserve for salary increases	200,000 00
	For total expenditures	\$209,958 20

NORFOLK COUNTY.

10.	For unpaid bills of previous year	\$1,160 00
11a.	For reserve for salary increases	100,000 00
	For total expenditures	\$101,160 00

PLYMOUTH COUNTY.

11a.	For reserve for salary increases	\$100,000 00
	For total expenditures	\$100,000 00

WORCESTER COUNTY.

1.	For personal services	\$84,279 63
5.	For equipment	10,150 00
11a.	For reserve for salary increases	125,000 00
	For total expenditures	\$219,429 63

SECTION 2. This act shall take effect upon its passage.

Approved November 5, 1973.

Chap. 999. AN ACT RELATIVE TO THE POWERS OF PUBLIC WORKS BUILDING POLICE.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 16 of the General Laws, as appearing in section 1 of chapter 821 of the acts of 1963, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — An officer of the public works building may upon view of any misdemeanor committed in his presence, while on duty in said building, arrest any person seen committing such misdemeanor, and shall have all the powers of police officers in the enforcement of traffic rules and regulations on streets adjacent to the public works building.

SECTION 2. Said section 6 of said chapter 16 is hereby further amended by adding the following paragraph: —

The public works building police may through an independent contractor, remove from any area or way subject to their jurisdic-

tion or control, and store in any convenient place any vehicle parked or standing thereon in violation of any law, ordinance, by-law, rule, regulation or order; provided, however, that such removal and storage shall be at no expense to and without liability on the part of the commonwealth. The owner or person in charge of such vehicle, in addition to any penalty for such violation, shall be liable for the charges for such removal and storage, not exceeding fifteen dollars for removal nor two and one half dollars per day for storage.

Approved November 5, 1973.

Chap. 1000. AN ACT FURTHER PROMOTING THE BREEDING OF
STANDARDBRED HORSES IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 11 of chapter 20 of the General Laws is hereby amended by striking out clause (c), as amended by section 3 of chapter 861 of the acts of 1971, and inserting in place thereof the following clause: —

(c) An amount not exceeding fifty-six hundred dollars annually for reimbursement to each county agricultural society and each independent agricultural society conducting races for two and three year old colts and fillies, for payment equal to the premium for each such race. No colt or filly shall be eligible to race in this program unless sired by a stallion standing full season in Massachusetts, and registered with the department. If any owner violates such provision relative to eligibility, the purse shall be forfeited and the owner shall be criminally liable for obtaining money under false pretenses.

SECTION 2. Said section 11 of said chapter 20 is hereby further amended by inserting after clause (d) the following clause: —

(e) An amount to aid in the promotion, development and encouragement of the breeding of standardbred horses, to the breeder of a Massachusetts standardbred horse equal to twenty per cent of the first, second or third prize, according to the position in which said horse officially finished in a pari-mutuel standardbred horse race conducted in the commonwealth and a further amount equal to twenty-five per cent of the amount awarded to the breeder of said horse, to the owner of the stallion which sired said horse provided the said stallion stands in the commonwealth and the owner has annually filed with the department prior to November first a list of all mares bred to said stallion. No person shall be eligible for the prizes provided herein unless the following standards are met: —

(1) The said Massachusetts standardbred horse shall have been conceived and foaled in the commonwealth.

(2) In determining the foaling place of said Massachusetts bred horse, the foaling certificate issued by the United States Trotting Association shall be evidence thereof.

(3) The stallion shall have been based in the commonwealth at the time of conception of said foal to the aforementioned mare.

SECTION 3. Section 4 of chapter 136 of the General Laws is hereby amended by adding the following paragraph: —

(9) Sections two and three and this section shall not apply to standardbred racing conducted under the provisions of clauses (b) and (c) of section eleven of chapter twenty.

Approved November 6, 1973.

Chap. 1001. AN ACT PROVIDING FOR ADDITIONAL ASSISTANT CLERKS IN CERTAIN DISTRICT COURTS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 10 of chapter 218 of the General Laws, as appearing in section 1 of chapter 75 of the acts of 1973, is hereby amended by inserting after the line reading "district court of Chicopee," the following line: —

district court of eastern Essex,
and by striking out the line reading "district court of Peabody,".

SECTION 1A. Said first paragraph of said section 10 of said chapter 218 is hereby further amended by striking out the line reading "district court of Gardner-Athol," inserted by section 2 of said chapter 75, and inserting in place thereof the following line: —

first district court of northern Worcester.

SECTION 2. The second paragraph of said section 10 of said chapter 218, as appearing in section 1 of said chapter 75, is hereby amended by striking out the line reading "district court of Hampshire," and inserting in place thereof the following line: —

district court of Peabody.

SECTION 3. The third paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by striking out the line reading "municipal court of the Charlestown district," and inserting in place thereof the following line: —

district court of Hampshire.

SECTION 4. The fourth paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by inserting after the line reading "municipal court of the South Boston district," the following line: —

municipal court of the Charlestown district.

SECTION 5. Said section 10 of said chapter 218 is hereby further amended by striking out the fifth paragraph, as so appearing, and inserting in place thereof the following paragraph: —

Five assistant clerks with salaries payable by the county may be appointed in: —

district court of East Norfolk, and
municipal court of the Dorchester district.

SECTION 6. The sixth paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by striking out the line reading "district court of Springfield" and inserting in place thereof the following line: —

municipal court of the West Roxbury district.

SECTION 7. Said section 10 of said chapter 218 is hereby further amended by striking out the eighth paragraph, as so appearing.

SECTION 8. The ninth paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by inserting before the line reading "municipal court of Roxbury," the following line: —
district court of Springfield, and.

SECTION 9. Said section 10 of said chapter 218 is hereby further amended by inserting after the ninth paragraph, as so appearing, the following paragraph: —

Ten assistant clerks with salaries payable by the county may be appointed in: —

third district court of eastern Middlesex.

SECTION 10. Section one A of this act shall take effect as of April twenty-seventh, nineteen hundred and seventy-three.

(This Bill, returned by the Governor, to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, November 8, 1973, and, in concurrence, by the Senate, November 8, 1973, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 1002. AN ACT FURTHER REGULATING THE OPERATION OF THE STATE LOTTERY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide forthwith security for new operations of the state lottery, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 26 of chapter 10 of the General Laws is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence: — The director shall, so far as practicable in making appointments to such positions, employ employees of the commonwealth serving in positions which are classified under chapter thirty-one; and in every such instance, and in every instance of an employee so hired from a position in which at the time of his employment by the lottery he shall have tenure under chapter seventy-three, or by reason of section nine A of chapter thirty, upon termination of his service in such unclassified position with the lottery, the employee shall, if he shall so request, be restored to the position from which he shall have been hired or, if said position is unavailable, to a position equivalent thereto in salary grade without impairment of his civil service status or his tenure under chapter seventy-three or by reason of said section nine A, and without loss of the seniority, retirement and other rights to which uninterrupted service in the position would have entitled him; provided, however, that if his service in such position shall have been terminated for cause, his right to be so restored shall be determined by the civil service commission in accordance with the standards applied by said commission in administering said

chapter thirty-one; and provided further, that the director shall have the same rights as are accorded herein to other employees of the lottery to be restored to a position with the commonwealth or any instrumentality thereof which he may have held at the time of his original appointment as director.

SECTION 2. Section 27 of said chapter 10 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — No person lawfully dealing in or promoting lottery tickets pursuant to this law or commission regulations shall be subject to prosecution for setting up and promoting a lottery or for any other crime incidental thereto, or for selling or having in his possession lottery tickets, shares or materials of said lottery.

SECTION 3. Section 28 of said chapter 10 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — No right of any person to a prize shall be assignable, except that payment of any prize may be made to the estate of a deceased prize winner, and except that any person pursuant to an appropriate judicial order may be paid the prize to which the winner is entitled, and except that the commission may, by regulations adopted pursuant to section twenty-four, permit assignment of prizes for purposes of paying estate and inheritance taxes, or to a trust the beneficiaries of which are the prize winner, his mother, father, children, grandchildren, brothers, sisters, or spouse.

SECTION 4. Section 33 of said chapter 10 is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences: — The director may make such arrangements for any person, including a bank, to perform such functions, activities or services in connection with the operation of the lottery as he may deem advisable pursuant to the rules and regulations of the commission, for the deposit, handling and disbursement of lottery funds, tickets and materials, and may permit agents to deduct from the proceeds of sales of lottery tickets the agreed amount of reimbursement and compensation for services rendered. For purposes of this section the term "bank" shall include all banks, banking associations, savings banks, co-operative banks, credit unions, trust companies and any other type or form of banking institution organized under the authority of the commonwealth or of the United States whose principle place of business is within the commonwealth.

SECTION 5. Section 37 of said chapter 10, added by section 1 of chapter 729 of the acts of 1973, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The director may license any organization licensed to conduct the game of beano under the provisions of section thirty-eight to sell lottery tickets or shares; provided, that such tickets are sold in conjunction with a properly licensed game commonly called beano or substantially the same game under another name and sold only on the premises of said organization for which such license has been issued; and provided further, that the funds derived therefrom

shall be used exclusively for educational, charitable and religious purposes.

SECTION 6. The first paragraph of section 38 of said chapter 10, as so added, is hereby amended by striking out, in lines 3 and 4, the words "and in existence for a minimum of ten years"—, and by striking out, in lines 21 and 22, the words "June the first, nineteen hundred and sixty-eight"; and inserting in place thereof the words: — the date of making application for such license.

SECTION 7. Said chapter 10 is hereby further amended by inserting after section 39 the following section: —

Section 39A. Any organization holding a beano license, issued pursuant to section thirty-eight, which also holds a raffle permit issued pursuant to section seven A of chapter two hundred and seventy-one, shall submit such information and reports to the director concerning raffles and bazaars conducted by it as may be required by commission regulations, and the commission may establish regulations governing the operation of raffles and bazaars conducted by such organizations. The director may suspend or revoke any such raffle permit for violation of said section seven A of said chapter two hundred and seventy-one or of commission regulations.

SECTION 8. Chapter 147 of the General Laws is hereby amended by striking out section 10K, inserted by chapter 126 of the acts of 1973, and inserting in place thereof the following section: —

Section 10K. The commissioner may, at the request of the state lottery commission, appoint as special police officers employees of said lottery commission holding the title of chief of security, security officer, license agent, field investigator, supervisor of beano, or assistant supervisor of beano. Such special police officers shall serve for one year, subject to removal by the commissioner, and they shall have the same power to make arrests as the state police for any criminal offense committed in connection with any activities operated or regulated by the state lottery commission. They shall report to the commissioner as to their official acts at such times and in such manner as he may require. They shall serve without pay, except their regular compensation as employees of said lottery commission, and they shall receive no fees for service or return of any criminal process.

Approved November 8, 1973.

Chap. 1003. AN ACT PROVIDING FOR THE ESTABLISHMENT OF THE MASSACHUSETTS HOUSING FINANCE AGENCY EMPLOYEES' RETIREMENT SYSTEM.

Whereas, The deferred operation of this act would result in unnecessarily delaying the time when certain employees of the Massachusetts Housing Finance Agency would receive the benefits provided thereby, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The paragraph defining "Employee" in section 1 of chapter 32 of the General Laws, as most recently amended by section 1 of chapter 767 of the acts of 1973, is hereby amended by adding the following sentence: — "Employee", as applied to persons whose regular compensation is paid by the Massachusetts Housing Finance Agency, shall mean any person, including members of the agency, whether employed for a stated term or otherwise, who is engaged in duties which require that his time be devoted to the service of the agency in each year during the ordinary working hours of regular and permanent employees.

SECTION 2. Said section 1 of said chapter 32 is hereby further amended by striking out the paragraph defining "Member", as most recently amended by section 2 of chapter 1012 of the acts of 1971, and inserting in place thereof the following paragraph: —

"Member", any employee included in the state employees' retirement system, in the teachers' retirement system or in any county, city, town, the Massachusetts Turnpike Authority or the Massachusetts Housing Finance Agency contributory retirement system and the Massachusetts Bay Transportation Authority police retirement system established under the provisions of sections one to twenty-eight, inclusive, or under corresponding provisions of earlier laws, and if the context so requires, any member of any contributory retirement system established under the provisions of any special law.

SECTION 3. Said section 1 of said chapter 32 is hereby further amended by striking out the paragraph defining "Political subdivision", as most recently amended by section 2 of chapter 767 of the acts of 1973, and inserting in place thereof the following paragraph: —

"Political subdivision", the metropolitan district commission or any county, hospital district, city, town, district or housing authority, established under the provisions of section five of chapter one hundred and twenty-one B, the Massachusetts Turnpike Authority, the Massachusetts Parking Authority, the Old Colony Planning Council, the Massachusetts Bay Transportation Authority, the Massachusetts State College Building Authority, the Lowell Technological Institute Building Authority, the Massachusetts Housing Finance Agency or any other public unit in the commonwealth.

SECTION 4. Said section 1 of said chapter 32 is hereby further amended by striking out the paragraph defining "System", as most recently amended by section 4 of chapter 1012 of the acts of 1971, and inserting in place thereof the following paragraph: —

"System", the state employees' retirement system, the teachers' retirement system, the Massachusetts Turnpike Authority employees' retirement system, the Massachusetts Housing Finance Agency employees' retirement system, the Massachusetts Bay Transportation Authority police retirement system, or any county, city, or town contributory retirement system, as the case may be,

established under the provisions of sections one to twenty-eight, inclusive, or under corresponding provisions of earlier laws and subject thereto, in which any member is included, and if the context so requires, any contributory retirement system established for the employees of any governmental unit under the provisions of any special law.

SECTION 5. Section 2 of said chapter 32 is hereby amended by striking out the fourth sentence, as most recently amended by section 3 of chapter 436 of the acts of 1972, and inserting in place thereof the following sentence: — Subject to said sections, an employee of the commonwealth or of the metropolitan district commission or of the Massachusetts State College Building Authority or of the Lowell Technological Institute Building Authority or of the Massachusetts Parking Authority shall be included in the state employees' retirement system, except that a register of probate shall be included in the system of the county in which he is elected, a teacher as defined in section one shall be included in the teachers' retirement system, an employee of a county or of a hospital district, an employee of a mosquito control district or a mosquito control project, located within a county shall be included in the system of such county, an employee of a city or town other than a teacher as defined in section one shall be included in the system of or which pertains to the municipality by which he is employed, an employee of the Massachusetts Turnpike Authority shall be included in the Massachusetts Turnpike Authority employees' retirement system, an employee of the police department of the Massachusetts Bay Transportation Authority shall be included in the Massachusetts Bay Transportation Authority police retirement system, an employee of the Massachusetts Housing Finance Agency shall be included in the Massachusetts Housing Finance Agency employees' retirement system, and an employee of a district shall be included in a system as provided for in subdivision (4) of section twenty-eight, except that in the case of a district which comprises cities and towns located in more than one county, or in the case of a district in which the cities and towns comprising such district may vary from time to time, the employees of such district may become members of the state employees' retirement system, subject to the provisions of subdivision (4) of section twenty-eight.

SECTION 6. Paragraph (a) of subdivision (2) of section 3 of said chapter 32 is hereby amended by adding after clause (xii), added by section 7 of chapter 597 of the acts of 1967, the following clause: —

(xiii) Any employee of the Massachusetts Housing Finance Agency who has attained age sixty on the date when the Massachusetts Housing Finance Agency employees' retirement system becomes effective but who had not attained such age when he entered the service of the agency, provided he has not attained the maximum age for the group in which he would be classified.

SECTION 7. Subdivision (1) of section 5 of said chapter 32 is hereby amended by adding after paragraph (j), added by chapter 889 of the acts of 1967, the following two paragraphs: —

(k) Notwithstanding any provisions of this chapter to the contrary, any member inactive of a retirement system who is an employee of the Massachusetts Housing Finance Agency when its employees' retirement system becomes effective may elect to become a member in service of such system if he has not attained the maximum age for the group in which he would be classified, provided however, that if such employee is receiving a retirement allowance his right to receive it shall be suspended during the period of such active service. Such election to become a member in service shall not increase the liability under paragraph (c) of subdivision (8) of section three of the system paying the retirement allowance for services rendered to the governmental unit to which it pertains or of the agency's system for such services unless such employee shall repay into the system from which he is receiving such allowance the total amount of any such allowance received from the date of his retirement to the date of his again becoming a member in service. If such an employee does not repay the total amount of any such allowance received, he shall, upon retirement from the agency, be entitled to the resumption of payment of the retirement allowance which was suspended upon his election to become a member in service of the Massachusetts Housing Finance Agency system, and also to a retirement allowance based solely upon his service with the agency.

(l) Notwithstanding any provisions of this chapter to the contrary, a permanent employee of the Massachusetts Housing Finance Agency when its employees' retirement system becomes effective who is not eligible for membership in said system or who does not elect to be a member in service under paragraph (k) of subdivision (1) of section five may nevertheless continue in the employ of said agency without loss or suspension of rights, benefits or allowances until he has attained the maximum age for his group or for any additional period permitted under this section.

SECTION 8. Paragraph (b) of subdivision (4) of section 7 of said chapter 32 is hereby amended by striking out the last sentence, added by section 9 of chapter 597 of the acts of 1967, and inserting in place thereof the following sentence: — This subdivision shall not be applicable to the Massachusetts Turnpike Authority or its employees' retirement system or to the Massachusetts Housing Finance Agency or its employees' retirement system.

SECTION 9. Subdivision (3) of section 11 of said chapter 32 is hereby amended by striking out the second paragraph, as amended by section 10 of said chapter 597, and inserting in place thereof the following paragraph: —

No check which has been issued by the state treasurer in payment of any obligation of the state board of retirement or the teachers' retirement board under authority of sections one to twenty-eight, inclusive, or which is issued by any county, city or town treasurer, by the secretary-treasurer of the Massachusetts Turnpike Authority or by the treasurer of the Massachusetts Housing Finance Agency in payment of any obligation of any retirement system established

under this chapter shall be payable later than six years after its date, and the obligation of the commonwealth or of any county, city, town, the Massachusetts Turnpike Authority or the Massachusetts Housing Finance Agency represented by any such check shall not be enforceable if such check is not presented for payment within such period. The amount represented by such check shall thereupon be transferred to the pension fund of the retirement system under whose authority the check was originally issued.

SECTION 10. Section 15 of said chapter 32 is hereby amended by striking out subdivision (2), as amended by section 15 of said chapter 597, and inserting in place thereof the following subdivision: —

(2) Proceedings under this section may be initiated by the board, by the head of the department or by the commission or board of the commonwealth or of any political subdivision thereof wherein the member is employed or was last employed if not then in service, or in a county by the county commissioners, in a city by the mayor, in a town by the board of selectmen, in the Massachusetts Turnpike Authority by the authority or in the Massachusetts Housing Finance Agency by the agency. The procedure set forth in subdivision (1) of section sixteen relative to delivery of copies, statement of service thereof, notice, hearing if requested, and the filing of a certificate of findings and decision, so far as applicable, shall apply to any proceedings under this section.

SECTION 11. Section 20 of said chapter 32 is hereby amended by inserting after subdivision (4) the following subdivision: —

(4¼) (a) The contributory retirement system established for the Massachusetts Housing Finance Agency under the provisions of sections one to twenty-eight, inclusive, shall be known as, and all of its business shall be transacted under the name of, the "Massachusetts Housing Finance Agency Employees' Retirement System".

(b) Said system shall be managed by a retirement board which shall have the general powers and duties set forth in subdivision (5). Said board shall consist of three members as follows: the treasurer of the agency who shall be a member ex officio, a second member who shall be elected by the members in service of such system from among their number in such manner and for such term, not exceeding three years, as the chairman of the agency shall determine, and a third member who shall be appointed for a term of three years by the agency. Future elections of the second member shall be held under the supervision of such retirement board and the term of the second member shall be arranged so as not to expire in the year of expiration of the term of the third member. Each member of such retirement board shall continue to hold office until the expiration of his term and until the qualification of his successor. Upon the expiration of the term of office of any elected or appointed member or in case of a vacancy in either of said offices, his successor shall be elected or appointed as aforesaid for a three year term or for the unexpired portion thereof, as the case may be, except that in no event shall the term of the second member expire in the same year as the term of the third member.

(c) The members of the board shall serve without compensation; but they shall be reimbursed from the expense fund of the system for any expense or loss of salary or wages which they may incur through service on such board. Nothing in this paragraph shall prevent the treasurer, or any other person who serves in the active administration of the system in lieu of the treasurer, from being compensated for services rendered in the active administration of the system; provided, that the compensation for such services shall be not less than two hundred nor more than fifteen hundred dollars per annum, and shall be payable from the expense fund of the system.

(d) The board by majority vote shall elect one of its members to serve as chairman until the election of his successor and shall appoint a secretary who may be, but need not be, one of its members. The board shall employ such clerical and other assistants as may be required to transact the business of the system.

(e) The resident counsel of the agency shall be the legal advisor of the board.

(f) The treasurer may be compensated for services rendered as custodian of the funds of the retirement system, provided that the compensation for such services shall not be more than fifteen hundred dollars per annum and shall be payable from the expense fund of the system.

SECTION 12. Paragraph (i) of subdivision (5) of section 20 of said chapter 32 is hereby amended by inserting after the seventh sentence, added by section 7 of chapter 1012 of the acts of 1971, the following sentence: — The retirement board of the Massachusetts Housing Finance Agency employees' retirement system shall file a copy of its report with the agency for publication in the agency's annual report to the governor, to the general court and to the comptroller.

SECTION 13. Paragraph (c) of subdivision (1) of section 21 of said chapter 32 is hereby amended by striking out the last sentence, as most recently amended by section 8 of said chapter 1012, and inserting in place thereof the following sentence: — Upon the completion of such examination, verification and valuation, the commissioner shall make a report in writing of his findings to the board, and shall send a copy thereof to the governor and state treasurer, the county commissioners, the mayor, the board of selectmen, the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, or the Massachusetts Housing Finance Agency, as the case may be.

SECTION 14. Subdivision (2) of said section 21 of said chapter 32, as most recently amended by section 9 of said chapter 1012, is hereby further amended by adding the following sentence: — The Massachusetts Housing Finance Agency shall reimburse the commonwealth for such proportion of such expenses attributable to its retirement system as shall be determined just and proper by the commissioner of insurance, which sum shall be paid to the state treasurer upon notice from the commissioner.

SECTION 15. Subdivision (7) of section 22 of said chapter 32 is hereby amended by adding the following paragraph: —

(g) *Massachusetts Housing Finance Agency Employees' Retirement System.* The retirement board of the Massachusetts Housing Finance Agency employees' retirement system shall, on or before October fifteenth in each year, furnish the actuary with such information as he may require to enable him to determine the amount to be paid for the pension fund of such system by the agency for the fiscal year commencing on the next following January first. The actuary shall, on or before the December fifteenth immediately preceding such fiscal year, determine such amount and specify in a written notice to said board the amount so required to be paid. The board shall, at least ten days before the January first next following the receipt of such notice from the actuary, certify to the agency the amounts necessary to be paid for such fiscal year for the three aforesaid funds of such system and the amounts so certified shall be included by appropriate items in the agency's budgets for such fiscal year and shall be paid by the agency to the treasurer-custodian of such system to be credited to the several funds thereof. Such amounts as the actuary deems necessary to cover the requirements of the retirement system for the period prior to the date when the first regular annual payment is due from the agency shall be paid into the several funds thereof by special payments of the agency.

SECTION 16. Paragraph (a) of subdivision (2) of section 23 of said chapter 32 is hereby amended by striking out the first sentence, as most recently amended by section 11 of chapter 1012 of the acts of 1971, and inserting in place thereof the following sentence: — The county, city or town treasurer, the secretary-treasurer of the Massachusetts Turnpike Authority, the treasurer of the Massachusetts Bay Transportation Authority and the treasurer of the Massachusetts Housing Finance Agency shall be the treasurer-custodian of the system established under the provisions of sections one to twenty-eight, inclusive, or under corresponding provisions of earlier laws, in any county, city, or town, the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority or the Massachusetts Housing Finance Agency, as the case may be, and shall have the custody of the funds of any such system.

SECTION 17. Subdivision (1) of section 24 of said chapter 32 is hereby amended by striking out the first sentence, as most recently amended by section 12 of said chapter 1012, and inserting in place thereof the following sentence: — If the commissioner of insurance is of the opinion that any governmental unit or any officer or employee thereof, or the state board of retirement, the teachers' retirement board or any other retirement board subject to the provisions of sections one to twenty-eight, inclusive, or any member or employee of any such board, has violated or neglected to comply with any provision of such sections, or the rules and regulations established thereunder, he shall give notice thereof to the governor, county commissioners, the mayor, the board of selectmen, the Massachusetts Turnpike Authority, the Massachusetts Bay Transporta-

tion Authority, or the Massachusetts Housing Finance Agency, as the case may be, and to the retirement board, and thereafter, if such violation or neglect continues, shall forthwith present the facts to the attorney general who shall take appropriate action.

SECTION 18. Section 25 of said chapter 32 is hereby amended by striking out subdivision (4), as most recently amended by section 13 of said chapter 1012, and inserting in place thereof the following subdivision: —

(4) The payment of all annuities, pensions, retirement allowances and refunds of accumulated total deductions and of any other benefits granted under the provisions of sections one to twenty-eight, inclusive, are hereby made obligations of the commonwealth in the case of any such payments from funds of the state employees' retirement system or the teachers' retirement system and obligations of the governmental unit in which the system is established in the case of payments from funds of any system established in any county, city or town or in the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, or the Massachusetts Housing Finance Agency.

SECTION 19. Section 28 of said chapter 32 is hereby amended by adding after subdivision (7) under the caption Acceptance by the Massachusetts Housing Finance Agency the following subdivision: —

(8) (a) The Massachusetts Housing Finance Agency may provide retirement benefits for its employees if said agency by a vote duly recorded shall accept sections one to twenty-eight, inclusive, as far as applicable. A duly attested copy of such vote shall be filed by the treasurer of the agency in the office of the commissioner of insurance within thirty days after such vote. The commissioner of insurance shall, within fifteen days after the receipt of such attested copy, issue a certificate to be sent to said treasurer to the effect that such sections shall become operative for said employees of the agency on the first day of January or on the first day of July, whichever first occurs, next following the expiration of three months after the date of such certificate.

(b) On and after the date when sections one to twenty-eight, inclusive, become operative for the employees of the Massachusetts Housing Finance Agency as set forth in paragraph (a) of this subdivision, the eligible employees of the agency shall become members of the Massachusetts Housing Finance Agency employees' retirement system; provided, however, that if any person was an employee of the agency on September first, nineteen hundred and seventy-two and is otherwise eligible except that he is not so employed on the date when sections one to twenty-eight, inclusive, became operative for the employees of the Massachusetts Housing Finance Agency, such person or his surviving spouse shall be entitled to all the rights and benefits provided under said sections to which he or his surviving spouse would have been entitled had he become a member of the Massachusetts Housing Finance Agency employees' retirement system on the date it became operative.

Approved November 8, 1973.

Chap. 1004. AN ACT DESIGNATING A CERTAIN BUILDING RECENTLY CONSTRUCTED AT PONDVILLE HOSPITAL AS THE ERNEST M. DALAND BUILDING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide for the suitable recognition of the life-long achievements of Ernest M. Daland, M.D., concurrent with the meeting of the Daland Society and the New England Cancer Society on October twenty-sixth, nineteen hundred and seventy-three, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The recently constructed building connected to the Bigelow building at Pondville hospital shall be designated and known as the Ernest M. Daland building in honor of Ernest M. Daland, M.D., former chief of staff of said hospital. A suitable marker bearing said designation shall be attached thereto by the department of public health.

Approved November 8, 1973.

Chap. 1005. AN ACT PROVIDING THAT APPEALS FROM ADJUDICATIONS OF CERTAIN DISTRICT COURTS OF SUFFOLK COUNTY RELATIVE TO JUVENILES SHALL BE HEARD BY THE BOSTON JUVENILE COURT.

Be it enacted, etc., as follows:

Section 27 of chapter 119 of the General Laws, as appearing in section 1 of chapter 646 of the acts of 1954, is hereby amended by adding the following sentence: — Such an appeal from the adjudication of juvenile sessions of any district court of Suffolk county, except the municipal court of the city of Boston, shall be heard by the Boston juvenile court.

Approved November 8, 1973.

Chap. 1006. AN ACT AUTHORIZING CERTAIN DISTRICT ATTORNEYS TO EMPLOY ADDITIONAL LEGAL ASSISTANTS.

Be it enacted, etc., as follows:

Chapter 12 of the General Laws is hereby amended by striking out section 20, as most recently amended by chapter 145 of the acts of 1969, and inserting in place thereof the following section: —

Section 20. The district attorneys may each employ additional legal assistants, with the approval of the chief justice of the superior court. The length of time of such employment, which shall in no instance exceed six months, and the amount of compensation, which shall in no instance exceed five thousand dollars, shall be determined by the district attorney, with the approval of said chief justice. Such compensation shall be paid, subject to appropriation, by the treasurer of each county upon presentation of bills approved by the district attorney, and by said chief justice and in Suffolk county by

the auditor thereof. In matters connected with the work for which he is so employed, a legal assistant shall have all the powers and authority of an assistant district attorney.

Approved November 8, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, November 8, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Articles XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 1006 of the Acts of 1973, entitled "AN ACT AUTHORIZING CERTAIN DISTRICT ATTORNEYS TO EMPLOY ADDITIONAL LEGAL ASSISTANTS," and the enactment of which received my approval on November 8, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is essential that the provisions of this Act become effective forthwith in order that the district attorneys may promptly aid the Superior Court in reducing the severe backlog of criminal cases pending before it.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, November 9, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at twelve o'clock and two minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter one thousand and six of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 1007. AN ACT FURTHER REGULATING THE OPERATION OF
MOBILE HOME PARKS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 140 of the General Laws is hereby amended by striking out section 32J, as amended by section 13 of chapter

592 of the acts of 1964, and inserting in place thereof the following section: —

Section 32J. If the mobile home owner or person holding under him holds possession of a mobile home space in a mobile home park without right, after the determination of a tenancy or other estate at will or lease as provided in this section, the licensee entitled to the mobile home space may recover possession thereof by summary process.

Any tenancy or other estate at will or lease in a mobile home park, however created, and including any existing contract for occupancy of a mobile home space in a mobile home park, may be terminated by the licensee entitled to the mobile home space or his agent only for one or more of the following reasons:

- (1) nonpayment of rent.
- (2) substantial violation of any enforceable rule of the mobile home park.

- (3) violation of any laws or ordinances which protect the health or safety of other mobile home park residents.

No action shall be maintained under this section unless:

- (1) the mobile home park licensee has given at least thirty days' written notice, delivered by certified or registered mail, stating the reason or reasons for termination and notifying the mobile home park resident that he has fifteen days from the date of the mailing of the notice in which to pay the overdue rent, or cure the substantial violation of the park rule or rules or of the law or ordinance, in order to avoid eviction;

- (2) the mobile home resident has not paid the overdue rent or cured said violation or violations within twenty days from the day on which such written notice was received; and

- (3) such action, other than for nonpayment of rent, is brought within thirty days from the date of the last alleged violation; provided, however, that an action may be maintained under this section without further notice or opportunity to cure, if the same substantial violation of rules, other than nonpayment of rent, occurs within six months from the date on which such notice was delivered.

SECTION 2. Said chapter 140 is hereby further amended by striking out section 32L, as appearing in section 14 of chapter 592 of the acts of 1964, and inserting in place thereof the following six sections: —

Section 32L. The following requirements and restrictions shall apply to all mobile home parks:

1. A mobile home park licensee may promulgate rules governing the rental or occupancy of a mobile home lot but no such rule shall be unreasonable, unfair, or unconscionable.

2. Any rule or change in rent which does not apply uniformly to all mobile home residents of a similar class shall create a rebuttable presumption that such rule or change in rent is unfair.

3. A mobile home park licensee, directly or indirectly engaged in the business of selling mobile homes, who has sold a number of mobile homes equal to the number of spaces in a mobile home park

shall not then impose any conditions of rental or occupancy which restricts the mobile home owner in his choice of mobile home dealer or any conditions of rental or occupancy which restricts the mobile home owner in his choice of a seller of fuel, furnishings, goods, services, or accessories connected with the rental or occupancy of a mobile home lot, unless such conditions are necessary to protect the health, safety, or welfare of mobile home residents in the park. Said licensee may also impose reasonable conditions relating to central fuel and gas meter systems in the park, providing the charges for such goods or services shall not exceed the average prevailing price in the locality for similar goods and services.

3A. No mobile home park owner shall refuse to allow the transfer of a mobile home located in said park on the ground that such mobile home park owner has not sold as many mobile homes as there are spaces.

4. A mobile home park licensee shall not impose by any rule or condition of occupancy any fee, charge, or commission for the sale of a mobile home located in a mobile home park. The licensee may, however, upon the proposed sale of such a home, contract with the mobile home owner to sell the home for a fee not to exceed ten per cent of the sale price of such home.

5. If any mobile home park licensee adds, changes, deletes or amends any rule governing the rental or occupancy of a mobile home lot in a mobile home park, a new copy of all such rules shall be furnished to all mobile home park residents in such park, and filed with the department of the attorney general and the secretary of communities and development at least forty-five days prior to the effective date of such addition, change, deletion, or amendment. The new copy shall be signed by both the mobile home park owner and the mobile home park resident.

6. Any rule or condition of occupancy which is unfair and deceptive or which does not conform to the requirements of this section shall be unenforceable.

7. Failure to comply with the provisions of this section shall constitute an unfair and deceptive trade practice under the provisions of section two (a) of chapter ninety-three A.

Section 32M. Upon the sale or proposed sale of a mobile home located on a lot in a mobile home park and which is not owned by the mobile home park licensee, the prospective purchaser and members of his household may not be refused entrance if they meet the current rules of the park.

Failure to comply with the provisions of this section shall constitute an unfair and deceptive trade practice under the provisions of section two (a) of chapter ninety-three A.

Section 32N. Any mobile home park licensee or his agent who threatens to or takes reprisals against any mobile home park resident for reporting a violation or suspected violation of section thirty-two L or section thirty-two M or any applicable building or health code to the board of health of a city or town in which the mobile home park is located, the department of public health, the

department of the attorney general or any other appropriate government agency, shall be liable for damages which shall not be less than one month's rent or more than five months' rent, or the actual damages sustained by the mobile home park resident, whichever is greater, and the costs of the court action brought for said damages including reasonable attorney's fees. The receipt of any notice of termination of tenancy by such mobile home park resident, except for nonpayment of rent, within six months after making such a report of a violation or suspected violation shall create a rebuttable presumption that such notice is a reprisal against the mobile home park resident for making such report and said presumption may be pleaded in defense to any eviction proceeding against such mobile home park resident brought within a year after such report.

Section 32O. In any action to enforce the provisions of section thirty-two L or section thirty-two M, the clerk of the court shall mail copies of any judgment, decree, permanent injunction, or order of the court upon the entry thereof to the attorney general and to the board of health of the city or town in which the mobile home park of the licensee is located.

Section 32P. All terms and conditions of occupancy must be fully disclosed in writing by the mobile home park owner to any prospective mobile home park resident at a reasonable time prior to the rental or occupancy of a mobile home lot. Said disclosures shall include, but shall not be limited to, the amount of rent, an itemized list of any charges or fees, the names and addresses of all the owners of the mobile home park, and the rules and regulations governing the use of the mobile home lot and park. Said writing shall be signed by both the mobile home park owner and the mobile home park resident and contain the following notice printed verbatim in a clear and conspicuous manner:

IMPORTANT NOTICE REQUIRED BY LAW

The rules set forth below govern the terms of your lease of occupancy arrangement with this mobile home park. The law requires all of these rules and regulations to be fair and reasonable, else said rules and regulations cannot be enforced against you.

You may continue to stay in the park as long as you pay your rent and abide by the rules and regulations of the park. You may only be evicted for nonpayment of rent, violation of laws, or for a substantial violation of the rules and regulations of the park. In addition, no eviction proceedings may be commenced against you until you have received notice by certified mail of the reason for the eviction proceeding and have been given fifteen days from the date of the notice in which to pay the overdue rent or to cease and desist from any substantial violation of the rules and regulations of the park. However, only one notice of a substantial violation of the rules and regulations of the park is required to be sent to you during any six month period. If a second or additional violation occurs, except for nonpayment of rent, within six months from the

date of the first notice then eviction proceedings may be commenced against you immediately.

If this park requires you to deal exclusively with a certain fuel dealer or other merchant for goods or services in connection with the use or occupancy of your mobile home lot, the price you pay for such goods or services may not be more than the prevailing price in this locality for similar goods and services.

You may not be evicted for reporting any violation of law or health and building codes to boards of health, the department of the attorney general, or any other appropriate government agency. Receipt of notice of termination of tenancy by you, except for nonpayment of rent, within six months after your making such a report shall create a rebuttable presumption that such notice is a reprisal and may be pleaded by you in defense to any eviction proceeding brought within one year.

This law is enforceable by the consumer protection division of the department of the attorney general.

Section 32Q. As used in sections thirty-two A to thirty-two P, inclusive, the words "mobile home" shall mean a dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or a permanent foundation for permanent living quarters.

SECTION 3. The first sentence of section 8A of chapter 239 of the General Laws, as appearing in section 1 of chapter 420 of the acts of 1967, is hereby amended by inserting after the word "tenement", in line 3, the words: — or lot in a mobile home park.

Approved November 8, 1973.

Chap. 1008. AN ACT ALLOWING CONTRACTORS ON PUBLIC BUILDING PROJECTS TO SUBMIT BID BONDS, CERTIFIED CHECKS OR CASH AT THEIR OPTION.

Be it enacted, etc., as follows:

SECTION 1. Section 44B of chapter 149 of the General Laws is hereby amended by striking out subsection (1), as appearing in section 1 of chapter 679 of the acts of 1956, and inserting in place thereof the following subsection: —

(1) Every general bid submitted for a contract subject to section forty-four A, and every sub-bid submitted in connection with such a contract for a subtrade designated in Item 2 of the general bid form pursuant to section forty-four C, shall be accompanied by a bid deposit in the form of a bid bond, or cash, or a certified check on, or a treasurer's or cashier's check issued by, a responsible bank or trust company, payable to the commonwealth or governmental unit thereof in the name of which the contract for the work is to be executed. A bid bond shall be (a) in a form satisfactory to the awarding authority, (b) with a surety company qualified to do business in the commonwealth and satisfactory to the awarding authority and (c) conditioned upon the faithful performance by the

principal of the agreements contained in the sub-bid or general bid.

The amount of such bid deposit shall be not less than five per cent of the value of the proposed work as estimated by the awarding authority, but in no event less than one hundred dollars nor more than fifty thousand dollars.

SECTION 2. Said section 44B of said chapter 149 is hereby further amended by striking out subsection (4), as amended by section 1 of chapter 445 of the acts of 1963, and inserting in place thereof the following subsection: —

(4) In addition to the provisions for the return of bid deposits in the first sentence of subsection (2) and in the first sentence of subsection (3), upon receipt of a bid bond in an amount not less than the amount of the required bid deposit, an awarding authority shall return any bid deposit of a general bidder forthwith after public opening of general bids and of a sub-bidder forthwith after public opening of sub-bids. The bid bond shall be in an amount and in the form provided in subsection (1). *Approved November 8, 1973.*

Chap. 1009. AN ACT TO ALLOW THE ALCOHOLIC BEVERAGES CONTROL COMMISSION TO ACCEPT AN OFFER IN COMPROMISE IN SUCH AN AMOUNT AS MAY IN THE DISCRETION OF SAID COMMISSION BE PROPER UNDER THE CIRCUMSTANCES IN LIEU OF SUSPENSION OF ANY LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

Section 23 of chapter 138 of the General Laws is hereby amended by adding the following paragraph: —

The commission may accept from any licensee or holder of a certificate of compliance under this chapter an offer in compromise in lieu of suspension of any license or certificate of compliance previously suspended by the commission. A licensee or holder of certificate of compliance may petition the commission to accept such an offer in compromise within twenty days following notice of such suspension. The fine in lieu of suspension, when an offer in compromise is accepted, shall be calculated in accordance with the following formula: Fifty per cent of the per diem gross profit multiplied by the number of license suspension days, gross profit to be determined as gross receipts on alcoholic beverage sales less the invoiced cost of goods sold per diem. No such fine, in any event, shall be less than forty dollars a day. Any sums of money so collected by the commission shall be paid forthwith into the general fund of the state treasury. *Approved November 8, 1973.*

Chap. 1010. AN ACT PROVIDING FOR TWO ADDITIONAL ASSISTANT CLERKS OF COURT FOR THE COUNTY OF HAMPDEN.

Be it enacted, etc., as follows:

Chapter 221 of the General Laws is hereby amended by striking

out section 4, as most recently amended by section 1 of chapter 308 of the acts of 1972, and inserting in place thereof the following section: —

Section 4. The justices of the supreme judicial court shall appoint for a term of three years from the date of their appointment, and may remove, assistant clerks of courts, as follows:

For the county of —

Barnstable, an assistant and a second assistant;

Bristol, an assistant and a second assistant;

Essex, an assistant, a second assistant, a third assistant, a fourth assistant, a fifth assistant, a sixth assistant and a seventh assistant;

Hampden, an assistant, a second assistant, a third assistant, a fourth assistant, a fifth assistant, a sixth assistant and a seventh assistant;

Middlesex, an assistant, a second assistant, a third assistant, a fourth assistant, a fifth assistant, a sixth assistant and a seventh assistant;

Norfolk, an assistant;

Plymouth, an assistant;

Suffolk, an assistant of the supreme judicial court;

Worcester, an assistant, a second assistant, a third assistant, a fourth assistant, a fifth assistant, a sixth assistant and a seventh assistant.

Assistant clerks of courts except in Suffolk county shall act as assistant clerks of the supreme judicial court, the superior court and the county commissioners.

Approved November 8, 1973.

Chap. 1011. AN ACT AUTHORIZING THE TOWN OF NATICK TO PAY A CERTAIN SUM OF MONEY TO DIAL HELP, INC.

Be it enacted, etc., as follows:

SECTION 1. The town of Natick is hereby authorized to appropriate and pay to Dial Help, Inc. a sum not to exceed one thousand dollars for services rendered to said town in the year nineteen hundred and seventy-two, payment for which is legally unenforceable against said town.

SECTION 2. No bill shall be approved by the town accountant of said town for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said town accountant, stating under the penalties of perjury that the services for which said bill has been submitted were ordered by an official or an employee of said town and that such services were rendered to said town, or both.

SECTION 3. Any person who knowingly files a certificate required by section two which is false and who thereby receives payment for services rendered to said town, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. The action taken by the town of Natick on Article

11 of the warrant for the special town meeting of said town held on June fifth, nineteen hundred and seventy-three, is hereby validated and confirmed to the same extent as though section one of this act had been in full force and effect at the time of the posting of the warrant for said meeting.

Approved November 8, 1973.

Chap. 1012. AN ACT RELATIVE TO SAVINGS SHARES AND SAVINGS SHARE ACCOUNTS IN CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

Subsection 3 of section 13 of chapter 170 of the General Laws is hereby amended by striking out paragraph (b), as amended by section 5 of chapter 333 of the acts of 1961, and inserting in place thereof the following paragraph: —

(b) A passbook in such form as shall be approved by the commissioner, or other instrument as evidence of the holder's account which need not be approved by the commissioner, shall be issued to the holder of a savings share account and the corporation may accept payments, to be held by the corporation in such accounts, subject, however, to withdrawals therefrom by the holder from time to time. The balance from time to time in any such account shall represent one savings share when it reaches either one hundred dollars or two hundred dollars.

Approved November 8, 1973.

EMERGENCY LETTER — January 2, 1974 at 4:21 P.M.

Chap. 1013. AN ACT PROHIBITING NONEMERGENCY WORK ON CERTAIN HIGHWAYS DURING TIMES OF PEAK TRAFFIC.

Be it enacted, etc., as follows:

Chapter 29 of the General Laws is hereby amended by inserting after section 8B the following section: —

Section 8C. Any contract for the resurfacing, maintenance, minor reconstruction, or minor repair of any major state highway or numbered route within the city of Boston, between said city and state highway route 128, of state highway route 3 as far south as the junction of state highway route 139, on which the average daily traffic exceeds seventy thousand vehicles per day, and any contract for the maintenance, minor reconstruction, or minor repair of state highway route 128 between its junction with state highway route 3 in the town of Braintree and its junction with U. S. route 1 in the town of Lynnfield, to be awarded by the department of public works, the metropolitan district commission, or by a municipality under section thirty-four of chapter ninety shall, unless such contract involves the performance of emergency work as hereinafter described, provide that no work shall be performed between the hours of six-thirty and nine o'clock ante meridian on lanes inbound to the city of Boston or between the hours of four and six post meridian on lanes outbound from the city of Boston, Monday through Friday, except holidays. No such work, except emergency work, shall be per-

formed on such a highway or route by a public employee during such hours. As used in this section emergency work shall include only those projects immediately necessary to insure the safety of persons using such highways or routes. *Approved November 8, 1973.*

Chap. 1014. AN ACT REQUIRING THE STATE SECRETARY TO SEND EVERY VOTER INFORMATION RELATIVE TO NONBINDING REFERENDUM QUESTIONS.

Be it enacted, etc., as follows:

Section 53 of chapter 54 of the General Laws is hereby amended by adding the following paragraph: —

The secretary shall also cause to be sent to each such person any question to be placed on the ballot at a biennial state election for the purpose of ascertaining the will of the people upon a particular subject, together with a brief statement of information concerning said question which shall be prepared by the attorney general. Said question and statement shall be printed in the manner hereinbefore provided. This section shall not apply to a question of public policy filed in accordance with section nineteen of chapter fifty-three.

Approved November 8, 1973.

Chap. 1015. AN ACT RELATIVE TO CERTAIN SELF-CONTAINED RETIREMENT COMMUNITIES FOR USE BY THE ELDERLY.

Be it enacted, etc., as follows:

SECTION 1. Subsection 6 of section 4 of chapter 151B of the General Laws is hereby amended by striking out the last sentence, as appearing in chapter 185 of the acts of 1972, and inserting in place thereof the following sentence: — The word “age” as used in this subsection shall not apply to persons who are minors nor to residency in state-aided or federally-aided housing developments for the elderly nor to residency in self-contained retirement communities constructed expressly for use by the elderly and which are at least twenty acres in size and have a minimum age requirement for residency of at least fifty-five years.

SECTION 2. Subsection 7 of said section 4 of said chapter 151B is hereby amended by striking out the last sentence, as appearing in chapter 661 of the acts of 1971, and inserting in place thereof the following sentence: — The word “age” as used in this subsection shall not apply to persons who are minors, nor to residency in state-aided or federally-aided housing developments for the elderly nor to residency in self-contained retirement communities constructed expressly for use by the elderly and which are at least twenty acres in size and have a minimum age requirement for residency of at least fifty-five years.

SECTION 3. Subsection 8 of said section 4 of said chapter 151B

is hereby amended by striking out the last sentence, as so appearing, and inserting in place thereof the following sentence: — The word "age" as used in this subsection shall not apply to persons who are minors, nor to residency in state-aided or federally-aided housing developments for the elderly nor to residency in self-contained retirement communities constructed expressly for use by the elderly and which are at least twenty acres in size and have a minimum age requirement for residency of at least fifty-five years.

Approved November 8, 1973.

Chap. 1016. AN ACT PROVIDING FOR INFORMATION FACILITIES ON CERTAIN LIMITED ACCESS HIGHWAYS.

Be it enacted, etc., as follows:

SECTION 1. Section 7C of chapter 81 of the General Laws is hereby amended by adding the following three paragraphs: —

The department is authorized to provide information services which may include indoor commercial and non-commercial advertising displays, directories, bulletin boards, wall maps, and the building wherein such services are provided shall be staffed with attendants for the convenience, necessity and safety of the traveling public on limited access highways. The building within which such information services are provided shall be operated, and maintained internally, by a person, firm, corporation, county, municipality or other state department or agency. In the event that an information center is to be operated and maintained by a person, firm, corporation, county, municipality or other state department or agency, the department, subject to rules, regulations and standards determined by the department and the department of commerce and development and with the approval of the Federal Highway Administration, is authorized to enter into a lease or memorandum of understanding for a term of years or on terms which the department deems appropriate regarding the operation and maintenance of such information centers and the operation and maintenance of adjacent sanitary facilities.

All income due the department from leases authorized by this section shall be paid to the state treasurer and credited to the highway fund.

The department of commerce and development shall be designated by the department as the agent to participate with the department in the selection of lessees and to oversee the operation of information centers and control advertising in accordance with lease agreements, subject to approval by the Federal Highway Administration.

SECTION 2. Authorization granted to the department of public works by section seven C of chapter eighty-one of the General Laws, as amended by section one of this act, shall be restricted to six projects for the purpose of operating and maintaining information centers and sanitary facilities on interstate highway route 195 in the

towns of Seekonk and Swansea, on interstate highway route 91 northbound from the state of Connecticut, on interstate highway route 95 in the town of Mansfield, on state highway route 3 in the towns of Plymouth and Kingston, on interstate highway route 93 in the town of Andover and on interstate highway route 495 in the towns of Bolton and Harvard. *Approved November 8, 1973.*

Chap. 1017. AN ACT ENABLING CERTAIN CITIES AND TOWNS AND THE COMMONWEALTH TO CONTRACT FOR THE MAINTENANCE OF LOCAL SERVICE BY PRIVATE BUS COMPANIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the reimbursement of certain cities and towns for a part of the cost of a contract entered into by such cities or towns for the purpose of maintaining local transportation service, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Any city or town outside the Massachusetts Bay Transportation Authority district is hereby authorized to contract annually with a private bus company or public authority for any sum not exceeding six hundred thousand dollars for the express purpose of continued local bus service. The Secretary of Administration and Finance may contract with any such city or town providing for a reimbursement of an amount not exceeding fifty per cent of any expenditure made by a city or town under the provisions of this act, excluding charter and school bus service. Contract assistance provided by the Commonwealth under this section shall be subject to the following conditions:

(a) The Commonwealth shall not pay more than one-third of the gross annual cost of service for any route;

(b) There shall be a local effort to increase ridership and market the bus service. There shall be a specific municipal appropriation to subsidize bus service which need not be restricted to the municipality providing the local contribution;

(c) No reimbursement may be used to subsidize a bus route which is competitive with an active route, providing reasonable service frequencies, of another bus operator;

(d) No city or town shall be reimbursed for a contract with a carrier if its administrative and supervisory personnel exceeds ten per cent of its operating personnel.

(e) The department of public utilities shall certify that these standards are met for each route for which reimbursement is being made.

(f) In case a carrier may go out of business, its operations may be subsidized for a period not exceeding three months to provide a

suitable time for meeting these standards and possibly restructuring the service to meet these standards.

SECTION 2. On or before April fifteenth of each year, the secretary shall determine the amount payable for the preceding fiscal year under this act to certain cities and towns by the Commonwealth, and shall certify the same to the state tax commission and the state treasurer. The state treasurer shall pay such amount from that portion of the excise on cigarettes authorized by paragraph (b) of section twenty-eight of chapter sixty-four C of the General Laws.

SECTION 3. This act shall become inoperative one year from the date of its passage.

Approved November 8, 1973.

Chap. 1018. AN ACT PROVIDING FOR FINANCIAL ASSISTANCE FOR CITIES, TOWNS AND REGIONAL SCHOOL DISTRICTS IN THE ACQUISITION AND REMODELING OF EXISTING STRUCTURES FOR PUBLIC SCHOOL USES.

Be it enacted, etc., as follows:

The first sentence under the definition of "Approved School Project", as amended by section 5 of chapter 871 of the acts of 1970, is hereby further amended by inserting after the word "district", in line 6, the words: — , or any project for the acquisition of an existing structure and the land upon which it stands together with such other lands as may be deemed necessary for the remodeling of such structure for use as a public schoolhouse.

(This Bill, returned by the Governor, to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, November 8, 1973, and, in concurrence, by the Senate, November 12, 1973, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 1019. AN ACT RELATIVE TO THE REMOVAL OF SAFETY BELTS FROM MOTOR VEHICLES.

Be it enacted, etc., as follows:

The first paragraph of section 7 of chapter 90 of the General Laws is hereby amended by inserting after the sentence inserted by section 1 of chapter 826 of the acts of 1963 the following sentence: — No safety belt installed in a motor vehicle in accordance with the provisions of this section or in accordance with the provisions of federal law or the rules or regulations issued by the United States Department of Transportation, shall be removed from said motor vehicle except for the purpose of repairs.

Approved November 12, 1973.

Chap. 1020. AN ACT VALIDATING THE ACTION OF THE CITY OF GARDNER IN GRANTING CERTAIN SUMS TO CERTAIN EMPLOYEES OF THE POLICE DEPARTMENT OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provision of any law to the contrary, the city of Gardner is hereby authorized to appropriate a sum not to exceed eighteen hundred twenty-six dollars and twenty-four cents for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay to certain employees of the police department of said city, such educational, holiday and vacation salaries due them, for the years nineteen hundred and seventy-one and nineteen hundred and seventy-two as stipulated in an agreement between said city and the International Brotherhood of Police Local 380, dated April twenty-third, nineteen hundred and seventy-three.

SECTION 2. Any action heretofore taken or initiated by the city of Gardner during the years nineteen hundred and seventy-one and nineteen hundred and seventy-two relative to the provisions of section one of this act shall be valid and effective as though this act had been in full force and effect at the time said action was taken.

SECTION 3. This act shall take effect upon its passage.

Approved November 13, 1973.

Chap. 1021. AN ACT RENAMING THE COMMITTEE ON LAW ENFORCEMENT AND THE ADMINISTRATION OF CRIMINAL JUSTICE AS THE COMMITTEE ON CRIMINAL JUSTICE AND PROVIDING FOR ITS ADMINISTRATION OF CERTAIN FEDERAL ACTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide immediate assistance to local communities in controlling crime and delinquency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 17 of chapter 6 of the General Laws is hereby amended by striking out the words "the committee on law enforcement and administration of criminal justice", inserted by section 1 of chapter 798 of the acts of 1967, and inserting in place thereof the words: — the committee on criminal justice.

SECTION 2. Said chapter 6 is hereby further amended by striking out section 156 and the caption immediately preceding, inserted by section 2 of said chapter 798, and inserting in place thereof under the caption COMMITTEE ON CRIMINAL JUSTICE the following three sections: —

Section 156. There shall be a committee on criminal justice, hereinafter called the committee, to consist of the attorney general, the district attorneys of the several districts, the chairman of the

parole board, the commissioner of correction, the commissioner of probation, the commissioner of public safety, the commissioner of youth services, the commissioner of the metropolitan district commission, the police commissioner of the city of Boston, and twenty-three persons to be appointed to one-year terms by the governor to consist of the following: one designee of the chief justice of the supreme judicial court or the appeals court, one designee of the chief justice of the superior court, one designee of the chief justice of the district courts or the municipal court of the city of Boston, one member of the house of representatives, one member of the senate, two chief executive officers of cities at least one of whom shall represent a city with a population of more than one hundred thousand persons, one selectman and four members of a city or town police department; provided, however, that not more than two of such four members shall be chiefs of police, one county sheriff, one representative of the Massachusetts defenders committee, one representative of the judicial council, one representative of a local model cities program and three individuals knowledgeable and experienced in the prevention of juvenile delinquency and the rehabilitation of delinquent youths; provided, however, that at least two of such individuals shall not be employees of the commonwealth and shall be representative of community-based delinquency programs, and four other individuals none of whom shall be officers or employees of the commonwealth or any political subdivision thereof; provided, however, that at least two of said individuals shall be residents of an area in the commonwealth which has high incidence of crime. Upon the expiration of the term of an appointive member, he shall serve until the qualification of his successor, who shall be appointed in like manner. Any vacancy among appointive positions on the committee due to causes other than the expiration of a term shall be filled for the remainder of the term by the governor. The chairman of the committee shall be designated from time to time by the governor.

The committee shall meet at least four times during the year and may meet at other times at the call of the chairman. The chairman shall determine the place for holding each meeting and shall send notice of any meeting to the executive director and to all committee members. A majority of the members then serving shall constitute a quorum. The members of the committee shall serve without compensation, but shall be reimbursed for their expenses actually and necessarily incurred as committee members.

The committee shall advise the governor on all phases of the adult and juvenile systems of law enforcement and criminal justice in the commonwealth; develop and revise a comprehensive law enforcement and criminal justice plan; study the problems and needs of and set priorities for improvements in response to adult and juvenile crime at state, regional, county, and local levels; design and conduct programs to reduce crime, to rehabilitate offenders, to increase the effectiveness of law enforcement, and to prevent or reduce juvenile delinquency. Said committee shall conduct research, collect statistics and other data, and encourage and facilitate the

dissemination of law enforcement and criminal justice information; provide technical assistance related to law enforcement and criminal justice to state agencies, regions, units of general local government and private agencies; make grants and administer grant programs, including the development of appropriate procedures for the review of grant applications and the supervision, evaluation, and auditing of expenditures of projects funded by the committee, pursuant to the terms and conditions of Title I, Parts B, C, & E of the federal Omnibus Crime Control and Safe Streets Act of 1968 and Title I of the federal Juvenile Delinquency Prevention and Control Act of 1968; and shall encourage the development of effective coordination among the law enforcement agencies of the commonwealth and with those of other states.

The committee shall approve procedures for the review, and approval or disapproval of applications to the committee for funding authorized pursuant to the provisions of this section, and shall establish substantive guidelines, standards and criteria determining eligibility for the distribution of funds over which the committee has control.

The committee shall establish technical advisory committees in such areas of law enforcement and criminal justice as the committee deems necessary, to provide initial review of applications to the committee for funding and to perform other advisory functions. Any said advisory committee shall consist primarily of individuals with significant knowledge and experience in the particular area of concern. Technical advisory committee members shall serve without compensation. Members shall be appointed by the chairman of the committee for one-year terms.

The committee may enter into contracts and agreements with, and accept gifts, grants, contributions, and bequests of funds from any department, agency or subdivision of federal, county, or municipal government and any individual, foundation, corporation, association, or public authority for the purpose of providing or receiving services, facilities, or staff assistance in connection with its work. Such funds shall be deposited with the state treasurer and may be expended by the committee in accordance with the conditions of the gift, grant, contribution, or bequest, without specific appropriation. The committee may expend for services and other expenses any amounts that the general court may appropriate therefor.

Section 156A. There shall be a proposal review board to consist of the chairman of the committee on criminal justice, the attorney general, and nine other members of the committee designated annually by the governor which shall include the following: a member of the general court, a chief executive officer of a city or a selectman, a representative of the police, a representative of the courts, a representative of a prosecution or defense agency, a representative of the correction, probation or parole departments, a member engaged in work with or concerning juvenile delinquents, and two of the four members of the committee who are not officers or employees of the commonwealth nor any political subdivision thereof. The

chairman of the committee on criminal justice shall also serve as chairman of the proposal review board. The proposal review board shall evaluate and approve or disapprove competitive applications to the committee for funding. Proposal review board members shall serve without compensation, but shall be reimbursed for their expenses actually and necessarily incurred as proposal review board members. Five members shall constitute a quorum. The proposal review board shall meet at the call of the chairman as may be necessary to conduct its business.

Section 156B. There shall be an executive director of the committee, hereinafter referred to as the executive director. He shall be appointed and may be removed by the governor, who shall select his appointee from among candidates recommended by the committee. The executive director shall receive such salary as the governor may determine. The executive director shall be qualified by training and experience in the field of criminal justice, and preferably shall be experienced in the planning, development and evaluation of criminal justice services and programs. He shall be the chief administrative and executive officer of the committee. He shall attend the meetings of the committee, and shall report to the committee upon the performance by the staff of their duties. The executive director shall, with the approval of the governor, establish such staff positions and employ such administrative, research, technical, legal, clerical, and other personnel and consultants as may be necessary to perform the duties of the committee. Such personnel shall receive such compensation as the executive director, with the approval of the governor, shall from time to time fix, and shall not be subject to the provisions of chapter thirty-one or of section nine A of chapter thirty.

SECTION 3. Section 8 of chapter 6A of the General Laws is hereby amended by striking out, in lines 6 and 7, as appearing in section 3 of chapter 704 of the acts of 1969, the words “; the committee on law enforcement and the administration of criminal justice”.

SECTION 4. All books, papers, records, documents and equipment in the custody of or maintained for the use of the committee on law enforcement and administration of criminal justice established pursuant to section one hundred and fifty-six of chapter six of the General Laws and the governor's public safety committee are hereby transferred to the custody and control of the committee on criminal justice created by section two of this act.

All moneys heretofore appropriated for expenditure by the committee on law enforcement and administration of criminal justice and the governor's public safety committee and remaining unexpended on the effective date of this act are hereby transferred to, and shall remain immediately available for expenditure by the committee on criminal justice.

All duly existing contracts, leases and obligations of said committee on law enforcement and administration of criminal justice and said governor's public safety committee shall remain in effect

and shall be performed by the committee on criminal justice. This act shall not affect any renewal provisions or option to renew contained in any such lease in existence on the effective date of this act. Without limiting the generality of the foregoing, all approvals of plans, projects and federal and state financial aid applications heretofore granted shall remain in full force and effect; provided, however, that nothing in this act shall prevent said committee on criminal justice from withdrawing such approval if such action is otherwise in accordance with law.

All gifts, grants, loans, contributions and bequests made to the committee on law enforcement and administration of criminal justice and the governor's public safety committee remaining unexpended on the effective date of this act shall be available for expenditure by the committee on criminal justice in accordance with the conditions of the gift, loan, contribution, or bequest without specific appropriation. All persons who are officers or employees of the committee on law enforcement and administration of criminal justice and the governor's public safety committee immediately prior to the effective date of this act are hereby transferred to the committee on criminal justice. Nothing in this act shall be construed to confer upon any officer or employee any rights not held prior to the transfer.

Approved November 13, 1973.

Chap. 1022. AN ACT RELATIVE TO THE ALLEVIATION OF CERTAIN FINANCIAL BURDENS IMPOSED BY A TORNADO IN THE TOWNS OF CHELMSFORD AND TYNGSBOROUGH ON JULY TWENTY-FIRST, NINETEEN HUNDRED AND SEVENTY-TWO AND BY A TORNADO IN THE TOWNS OF ALFORD, RICHMOND AND WEST STOCKBRIDGE ON AUGUST TWENTY-EIGHT, NINETEEN HUNDRED AND SEVENTY-THREE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for relief of the disaster caused by a tornado in the towns of Chelmsford and Tyngsborough on July twenty-first, nineteen hundred and seventy-two, and by a tornado in the towns of Alford, Richmond and West Stockbridge on August twenty-eighth, nineteen hundred and seventy-three, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The boards of assessors in the towns of Alford, Richmond and West Stockbridge affected by the tornado of August twenty-eighth, nineteen hundred and seventy-three may, on application for abatement in respect to the tax on real estate and personal property for the years nineteen hundred and seventy-three

and nineteen hundred and seventy-four, filed in compliance with the provisions of section fifty-nine of chapter fifty-nine of the General Laws, grant an abatement of such tax, or that portion thereof which relates to the assessment on land and buildings or on personal property thereon which, in the opinion of the assessors, will provide an equitable adjustment for losses to such land and buildings or on personal property arising out of repairs caused or damages sustained by virtue of the tornado; or the assessors may request the state tax commission under the provisions of section eight of chapter fifty-eight of the General Laws to give authority to abate in whole or in part that portion of the tax on property wholly or partially so destroyed which relates to the tax on such real estate and buildings or on personal property thereon, and which tax may be or has been levied against those who were the owners of record of property on January first, nineteen hundred and seventy-three, or subsequent owners who have assumed a part of the tax, as in their opinion provides an equitable adjustment and the boards of assessors of the towns of Chelmsford and Tyngsborough, affected by the tornado of July twenty-first, nineteen hundred and seventy-two, may on application for abatement in respect to the tax on real estate and personal property for the years nineteen hundred and seventy-two, nineteen hundred and seventy-three and nineteen hundred and seventy-four, may, under terms and conditions as outlined above for the other towns, grant an abatement of such tax or portion thereof. Notwithstanding any other provisions of law, application for abatement under this act shall be filed before January first, nineteen hundred and seventy-five.

SECTION 2. In the event the board of assessors grants abatements under the authority of section one of this act in respect to applications for abatement filed under the provisions of section fifty-nine of chapter fifty-nine of the General Laws, or is authorized to make abatements of the taxes levied in accordance with the provisions of section eight of chapter fifty-eight of the General Laws, the commonwealth shall, with the approval of the state tax commission, reimburse the municipalities for the abatements provided in this act from funds appropriated therefor.

SECTION 3. The commonwealth shall, subject to the approval of the board established by section two of chapter six hundred and eighty-four of the acts of nineteen hundred and sixty-eight, reimburse the towns of Alford, Richmond and West Stockbridge, such amounts as may be certified and approved by the director of the budget bureau, on account of expenses incurred in repairing damage caused in said towns by a tornado which swept said towns on August twenty-eighth, nineteen hundred and seventy-three, and the towns of Chelmsford and Tyngsborough such sums as may be certified and approved by said director on account of expenses incurred in repairing damage caused by a tornado which swept through said towns.

SECTION 4. For the purposes of this act the state tax commission may expend such monies as are appropriated.

Approved November 13, 1973.

Chap. 1023. AN ACT PROVIDING THAT CERTAIN LICENSES AND PERMITS GRANTED OR TO BE GRANTED BY THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE OF CREATING AND MAINTAINING FILLED LAND AND A DIKE AND RIPRAP SLOPES AND OF MAINTAINING EXISTING SOLID FILL IN LYNN HARBOR BE IRREVOCABLE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to immediately authorize the placement and maintenance of solid fill and a dike and riprap slopes in Lynn harbor, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. License No. 4992, dated October twenty-seventh, nineteen hundred and sixty-five, granted by the department of public works to the Shmishkiss Trust, which license was made irrevocable by chapter seven hundred and eighty-one of the acts of nineteen hundred and sixty-seven, subject to the conditions set forth in said chapter seven hundred and eighty-one, is hereby ratified, approved, confirmed, and validated, notwithstanding the fact that said License No. 4992 was not recorded or registered within one year from the date of its issuance, and said license is hereby made irrevocable.

SECTION 2. License No. 6163, dated June twentieth, nineteen hundred and seventy-three, and recorded in Essex South District Deeds, Book 5986, Page 302, and with the Land Court, Southern Registry District of Essex County, as Document No. 146783, as noted on Certificate No. 42685 granted by the department of public works to Stanley Shmishkiss, Theodor Kaufman and Gerald Gouchberg, as they are Trustees of the Lynnway Towers Trust in trust for Lynnway Development Associates Joint Venture, to place and maintain solid fill and a dike and riprap slopes in Lynn Harbor and also to maintain the area shown on the plan accompanying License No. 6163 as filed under department of public works License No. 4992 shall, notwithstanding any provisions of law to the contrary and notwithstanding the fact that prior License No. 4992 was not recorded or registered within one year from the date of issuance of said prior license, be irrevocable; provided, that applicable provisions of chapter ninety-one of the General Laws are or have been complied with; and provided further, that if the commonwealth or any of its political subdivisions shall take, within ten years after the effective date of this act, any land which has the benefit of said license, the damages recoverable by reason of such taking shall not exceed the cost of acquisition of such land by the owner from when the taking is made together with the cost to such owner of any buildings or improvements thereon, with interest at four per cent annually from the date any such cost was incurred.

Approved November 13, 1973.

Chap. 1024. AN ACT CHANGING A PORTION OF THE HARBOR LINE IN GLOUCESTER HARBOR.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately change the existing harbor lines in Gloucester Harbor, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The following described line is hereby established as a harbor line beyond which no wharf, pier, other structure or fill shall be extended or placed in or over the tidewaters of Gloucester harbor in that part of the city of Gloucester known as "The Head of the Harbor" in the area lying between the easterly end of the State Fish Pier and properties southerly of Main street which abut the harbor.

Said line is shown on a plan filed in the office of the division of waterways of the department of public works which is entitled Second Waterfront Urban Renewal Project Mass. R-128 Gloucester, Massachusetts PLAN SHOWING PROPOSED ALTERATION TO EXISTING HARBOR LINE by Fay, Spofford & Thorndike Inc., Engineers, Boston, Massachusetts dated November 1972. This new line runs as follows:

Beginning at a point, said point being on the existing harbor line as established by chapter 133 of the acts of 1869, thence leaving said harbor line south $40^{\circ}-09'-15''$ east 373.72 feet distant to a point; thence north $79^{\circ}-25'-29''$ east 27.80 feet distant to a point, said point being located on the existing harbor line as established by chapter 103 of the acts of 1882.

SECTION 2. The harbor line heretofore established by chapter one hundred and thirty-three of the acts of eighteen hundred and sixty-nine and chapter one hundred and three of the acts of eighteen hundred and eighty-two, respectively, upon that part of the harbor frontage covered by this act is superseded by the harbor line hereby established.

SECTION 3. This act shall not be construed to affect or acknowledge the legal rights of any person or corporation to set up any structure in said part of the harbor nor to continue any grant heretofore made.

Approved November 13, 1973.

Chap. 1025. AN ACT RELATIVE TO THE TIME FOR ADOPTING AND CERTIFYING REGIONAL SCHOOL DISTRICT BUDGETS AND AUTHORIZING REGIONAL DISTRICT SCHOOL COMMITTEES TO AMEND AGREEMENTS IN CONNECTION THEREWITH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to extend the dates for the adoption of budgets of regional school districts and the certification of the amounts to be apportioned to member municipalities therein, therefore it is hereby

declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 16 of chapter 71 of the General Laws is hereby amended by striking out clause (m), as amended by section 71 of chapter 849 of the acts of 1969, and inserting in place thereof the following clause: —

(m) To adopt an annual operating and maintenance budget for the next fiscal year not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but not later than March thirty-first, provided that said budget need not be adopted prior to February first.

SECTION 2. The first paragraph of section 16B of said chapter 71, as amended by section 72 of said chapter 849, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — The amounts so apportioned for each town shall be certified by the regional school district treasurer to the treasurers of the several towns within thirty days from the date on which the annual budget is adopted by the regional district school committee, but not later than April thirtieth.

SECTION 3. Notwithstanding any provision of law to the contrary, the regional district school committee of any regional school district established under the provisions of any special law shall adopt its annual operating and maintenance budget not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held or not later than fifteen days prior to the date on which the mayor or city manager, as the case may be, of any member city is required by law to submit to the city council the annual budget, whichever date occurs first, but not later than March thirty-first, provided that the said regional school district budget need not be adopted prior to February first; and the amounts of the annual regional school district budget apportioned for each member city and town of any such district shall be certified to the treasurers of the several cities and towns within thirty days from the date on which the annual regional school district budget is adopted.

SECTION 4. The regional district school committee of any regional school district established under the provisions of chapter seventy-one of the General Laws or of any special law may by a majority vote of its entire membership make an amendment to its agreement for the purposes hereinafter set forth. Such amendment shall have the same force and effect as if it had been adopted in accordance with the amendment procedure contained in said agreement. Such amendment may change the various dates, if any, set forth in the agreement for the adoption of an annual budget, including a tentative annual budget, and for the certification by the regional school district treasurer to the treasurer of each member municipality of the amounts of such budget apportioned to that

municipality; and such amendment may also include technical changes in the agreement to carry out the provisions of sections sixteen and sixteen B of said chapter seventy-one, as amended by sections one and two of this act, and the provisions of section three of this act.

Approved November 13, 1973.

Chap. 1026. AN ACT RELATING TO INVESTMENTS OF DOMESTIC LIFE INSURANCE COMPANIES.

Be it enacted, etc., as follows:

Section 66C of chapter 175 of the General Laws is hereby amended by striking out the fourth paragraph, as appearing in section 2 of chapter 419 of the acts of 1967, and inserting in place thereof the following paragraph: —

At no time shall a domestic life insurance company make an investment in any such insurance companies pursuant to this section which will bring the aggregate cost of its total of such investments to an amount in excess of the lesser of (1) the greater of thirty-five per cent of such company's surplus to policyholders or fifty per cent of its surplus over and above its liabilities and capital, or (2) the sum of (a) four per cent of its first two hundred and fifty million dollars of admitted assets, (b) two per cent of its next two hundred and fifty million dollars of admitted assets and (c) one per cent of its admitted assets in excess of five hundred million dollars; except that a domestic life insurance company may, upon a finding by the commissioner that such an investment will be of benefit to policyholders and not lead to a lessening of competition within the insurance business, make an investment in any such insurance companies pursuant to this section in excess of the foregoing limits provided that at the time made any such investment shall not bring the aggregate cost of such domestic life insurance company's total of such investments to an amount in excess of five per cent of the admitted assets of such domestic life insurance company. For the purposes of this section, surplus, liabilities, capital and admitted assets shall be ascertained as of the December thirty-first next preceding such investment.

Approved November 13, 1973.

Chap. 1027. AN ACT PROVIDING FOR THE APPOINTMENT OF ADDITIONAL COURT OFFICERS IN CERTAIN DISTRICT COURTS AND IN THE BRISTOL COUNTY JUVENILE COURT.

Be it enacted, etc., as follows:

SECTION 1. Clause (3) of section 62 of chapter 218 of the General Laws, as appearing in chapter 211 of the acts of 1972, is hereby amended by inserting after the line reading "Seven court officers: —" the following two lines: —

third district court of eastern Middlesex,
district court of Springfield, and.

SECTION 2. Said section 62 of said chapter 218 is hereby further amended by striking out clause (4), as so appearing.

SECTION 3. Clause (5) of said section 62 of said chapter 218, as amended by section 1 of chapter 443 of the acts of 1972, is hereby further amended by inserting after the line reading "Five court officers: —" the following line: —

first district court of southern Middlesex.

SECTION 4. Clause (6) of said section 62 of said chapter 218, as amended by section 2 of chapter 649 of the acts of 1972, is hereby further amended by striking out the line reading "first district court of southern Middlesex," and inserting in place thereof the following line: —

fourth district court of eastern Middlesex.

SECTION 5. Clause (7) of said section 62 of said chapter 218, as most recently amended by section 3 of said chapter 649, is hereby further amended by striking out the line reading "fourth district court of eastern Middlesex," and inserting in place thereof the following three lines: —

district court of central Middlesex,

first district court of northern Middlesex,

third district court of Bristol.

SECTION 6. Clause (8) of said section 62 of said chapter 218, as amended by section 4 of said chapter 649, is hereby further amended by striking out the lines reading "third district court of Bristol," and "district court of central Middlesex," and by inserting after the line reading "district court of Brockton," the following two lines: —

third district court of Plymouth,

Bristol county juvenile court.

Approved November 13, 1973.

Chap. 1028. AN ACT INCREASING THE PENALTIES FOR, AND FURTHER REGULATING THE SALE OR USE OF, COMBUSTIBLE OR EXPLOSIVE SUBSTANCES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 148 of the General Laws is hereby amended by striking out section 39 and inserting in place thereof the following section: —

Section 39. No person shall sell, or keep or offer for sale, or have in his possession, or under his control, or use, or explode, or cause to explode, any combustible or explosive composition or substance, or any combination of such compositions or substances, or any other article, which was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation.

For the purposes of this section the word "fireworks" shall include compositions, substances or other articles and shall also include blank cartridges or toy cannons in which explosives are used, the type of toy balloon which requires fire underneath to propel the same, firecrackers, cherry bombs, silver salutes, M-80's, torpedoes, sky-rockets, Roman candles, sparklers, rockets, wheels, colored fires,

fountains, mines, serpents, or other fireworks of like construction or any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance.

Whoever shall sell or keep for sale or offer for sale any fireworks in violation of this section shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment for not more than one year or both. Any officer qualified to serve criminal process may arrest without a warrant any person who shall sell or keep for sale or offer for sale any fireworks in violation of this section and any fireworks found in his possession or under his control upon conviction of such a violation shall be forfeited to the commonwealth.

Whoever shall have in his possession or under his control, or whoever shall use or explode or cause to explode any fireworks in violation of this section shall be punished by a fine of not less than ten dollars nor more than one hundred dollars. Any officer qualified to serve criminal process shall seize all of the fireworks mentioned herein without a warrant, and the fireworks seized shall, upon conviction of such violation, be forfeited to the commonwealth.

Notice of such seizure of the fireworks shall immediately be sent to the marshal by the officer making the seizure, and the fireworks seized shall be held and securely stored by that department until the marshal or his authorized representative takes them into his possession for disposal.

The term "fireworks" as used herein shall not include toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, if they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, or toy pistol paper caps or plastic caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times; and provided, further, that this section shall not apply (1) to the sale of any fireworks to be shipped directly out of the commonwealth, or (2) to the sale of any such article for the use of, and its use by, persons having obtained a permit for a supervised display of such fireworks from the marshal or some officer designated by him therefor, under any provision of section thirty-nine A, or (3) to the sale of flares, lanterns or fireworks for the use of, and their use by, railroads, railways, boats, motor vehicles or other transportation agencies, or other activity, lawfully permitted or required to use any or all of such articles for signal purposes, illumination or otherwise, or (4) to the sale or use of blank cartridges for a duly licensed show or theatre or for signal or ceremonial purposes in athletics or sports, or to the sale of special blank cartridges and their use in the proper operation of industrial tools and equipment only, or (5) to experiments at a factory for explosives, or (6) to the sale of blank cartridges for the use of, or their use by, the militia or any organization of war veterans or other organizations authorized by law to parade in public, a color guard armed with firearms, or (7) in teaching the use of firearms by ex-

perts, or (8) to the sale of shells for firearms, cartridges, gunpowder, and for the purpose of using, and their use, or in connection with the hunting of game or in target practice with firearms, or (9) to farmers and fruit growers who, having obtained a permit under section thirteen of chapter forty-eight, use firecrackers for the control of damage to their crops by birds.

SECTION 2. Said chapter 148 is hereby further amended by striking out section 46, as amended by section 17 of chapter 710 of the acts of 1945, and inserting in place thereof the following section: —

Section 46. No person shall manufacture, store, keep for sale, sell or transport any compound for use as a stove polish containing any liquid or compound whatsoever which will emit a gas that will flash at a temperature of less than one hundred and forty degrees Fahrenheit, except that foundry paste which contains inflammable compound, if packed in metal containers, sealed by fusion and weighing in gross not less than five pounds, and if such container is labeled "Dangerous-Inflammable compound — Keep away from fire, heat and lights" may be manufactured, stored, kept for sale, sold or transported for use only by stove foundries, stove manufacturers and stove dealers on their own premises under rules and regulations prescribed by the board. The flash point of said compound shall be ascertained in the manner prescribed by such rules and regulations. Whoever violates this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months or both.

SECTION 3. Section forty-seven of said chapter one hundred and forty-eight is hereby repealed. *Approved November 13, 1973.*

Chap. 1029. AN ACT AUTHORIZING THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TO SELL AND CONVEY A CERTAIN PARCEL OF LAND TO THE CITY OF MALDEN.

Be it enacted, etc., as follows:

The Massachusetts Bay Transportation Authority is hereby authorized to sell and convey to the city of Malden at its fair market value the land with the buildings thereon, situated in said city bounded and described as follows:

Beginning at a point on the easterly street line of Middlesex Street, approximately 90.30 feet southerly of the intersection of said easterly street line of Middlesex Street and the southerly street line of Centre Street;

Thence, easterly along the southerly property line of land now or formerly of Nancy Rimpas approximately 133.76 feet to the westerly property line of land now or formerly of Center Grill, Inc.;

Thence, southerly along said westerly property line approximately 53 feet to the southerly property line of land now or formerly of said Center Grill, Inc.;

Thence, easterly along said southerly property line and the southerly property line of land now or formerly of Henry J. Stein, et al, ap-

proximately 191.16 feet to the westerly line of Main Street;
Thence, southerly along said westerly line of Main Street approximately 12.02 feet to a northerly property line of land now or formerly of Morris Vigoda;

Thence, westerly along said northerly property line approximately 246.67 feet to a westerly property line of said property;

Thence, southerly along said westerly property line approximately 8.41 feet to a northerly property line of said property;

Thence, westerly along said northerly property line approximately 80.00 feet to the easterly line of Middlesex Street;

Thence, northerly along said easterly line of Middlesex Street approximately 73 feet, to the point of beginning.

Approved November 13, 1973.

Chap. 1030. AN ACT RELATIVE TO THE LAW ESTABLISHING THE CITY OF BOSTON PUBLIC FACILITIES DEPARTMENT AND AUTHORIZING SAID CITY TO BORROW ADDITIONAL FUNDS FOR CERTAIN CAPITAL IMPROVEMENTS.

Be it enacted, etc., as follows:

SECTION 1. Clause (a) of section 3 of chapter 642 of the acts of 1966 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — To prepare and from time to time amend a long-range capital improvement program designed to provide the necessary land, structures, facilities and equipment when needed or as soon thereafter as the conditions and adaptability of buildings then existing, the expected availability of land, facilities and buildings then being constructed and the financial resources of the city will permit.

SECTION 2. Said section 3 of said chapter 642 is hereby further amended by striking out clause (f) and inserting in place thereof the following clause: —

(f) To plan, lay out, relocate, widen, alter or discontinue, in the manner provided therefor by law, any public way or alley or any public sewer or water main and to provide for the planting or removal of public shade trees in connection therewith whenever such way, alley, sewer or water main is within the limits of a project of the commission.

SECTION 3. Section 7 of said chapter 642 is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences: — The city, by a two-thirds vote, as defined in section one of chapter forty-four of the General Laws, may borrow from time to time sums not exceeding, in the aggregate, one hundred and fifteen million dollars for the purpose of planning, designing, acquiring land for, constructing and originally equipping structures and facilities it is authorized to construct and for remodeling, reconstructing or making major alterations, additions and major repairs to existing structures and facilities owned by the city, except as otherwise provided in section eight. The city may issue bonds or

notes therefor, which shall bear on their face the words, City of Boston, Capital Improvements Loan, Act of 1966.

SECTION 4. Said chapter 642 is hereby further amended by inserting after section 7 the following section: —

Section 7A. The city, by a two-thirds vote, as defined in section one of chapter forty-four of the General Laws, may borrow from time to time sums, in addition to those authorized in section seven, not exceeding, in the aggregate, one hundred and fifteen million dollars, for the purpose of planning, designing, acquiring land for, constructing and originally equipping structures and facilities it is authorized to construct and for remodeling, reconstructing or making major alterations, additions and major repairs to existing facilities owned by the city, except as otherwise provided in section eight. The city may issue bonds or notes therefor, which shall bear on their face the words, City of Boston, Capital Improvements Loan, Act of 1973. Each issue shall constitute a separate loan, and such loans shall be paid in not more than thirty years from their dates except that the bonds or notes issued for remodeling, reconstructing or making major alterations, additions and major repairs to existing facilities owned by the city, except as otherwise provided in section eight, shall be paid in not more than twenty years from their dates.

Approved November 13, 1973.

Chap. 1031. AN ACT AUTHORIZING CERTAIN OPEN BURNING.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section one hundred and forty-two A or section one hundred and forty-two B of chapter one hundred and eleven of the General Laws, any person during the period from March fifteenth, nineteen hundred and seventy-four to April fifteenth, nineteen hundred and seventy-four, and from March fifteenth, nineteen hundred and seventy-five to April fifteenth, nineteen hundred and seventy-five may conduct, except within the Southeastern Massachusetts Air Pollution Control District, the open burning of products of open space land husbandry and management, including materials commonly referred to as brush, including vegetation such as tree branches, brush, cane, driftwood and other forestry debris, but excluding grass, hay, or leaves. Such burning may be conducted within the Southeastern Massachusetts Air Pollution Control District during the period from February fifteenth, nineteen hundred and seventy-four to March fifteenth, nineteen hundred and seventy-four, and from February fifteenth, nineteen hundred and seventy-five to March fifteenth, nineteen hundred and seventy-five. Said person shall obtain a permit as provided in section thirteen of chapter forty-eight of the General Laws. Such permit shall be valid except on days when the department of public health determines that atmospheric ventilation will be unsuitable or that air stagnation is forecast in the specific area and for a time specified in the permit.

Such open burning shall be performed in accordance with the following requirements: (a) without causing a nuisance; (b) with smoke minimizing starters, if fire starters are necessary; (c) between ten o'clock ante meridian and four o'clock post meridian; (d) on land proximate to the place of generation of such products, or at such other place as may be designated in the permit.

Violation of any provision of this act shall be punishable by a fine of not more than fifty dollars per day and each day's violation shall constitute a separate offense. *Approved November 14, 1973.*

Chap. 1032. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BRISTOL COUNTY TO EXPEND A CERTAIN SUM OF MONEY FOR PROMOTING THE OBSERVANCE BY SAID COUNTY OF THE BICENTENNIAL OF THE UNITED STATES.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Bristol county are hereby authorized to expend sums not to exceed twenty-five thousand dollars annually in the years nineteen hundred and seventy-three, nineteen hundred and seventy-four, nineteen hundred and seventy-five and nineteen hundred and seventy-six for the purpose of promoting the observance by said county of the bicentennial of the United States. Said commissioners may appoint an agent or agents to carry out the purpose of this act. Any sums received from the federal government or any state agency for the purpose of this act shall not be included in, nor considered part of, the total amount authorized to be expended hereunder.

SECTION 2. This act shall take effect upon its passage.

Approved November 16, 1973.

Chap. 1033. AN ACT FURTHER REGULATING THE BORROWING POWERS OF THE SOUTHEASTERN MASSACHUSETTS UNIVERSITY BUILDING AUTHORITY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith urgently needed authorization to refinance notes of the Southeastern Massachusetts University Building Authority at the most economical possible interest rate, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 7 of chapter 703 of the acts of 1964 is hereby amended by striking out the third paragraph, as appearing in section 1 of chapter 611 of the acts of 1969, and inserting in place thereof the following paragraph: —

The Authority is further authorized to provide by resolution at one time or from time to time for the issue of interest-bearing or

discounted notes for the purposes and in the amounts that bonds may be issued as provided above. Such notes shall be payable within three years from their respective dates, but the principal of and any interest on notes issued for such period or for a shorter period may be renewed or paid from time to time by the issue of other notes hereunder; provided that the period from the date of an original note issued prior to July first, nineteen hundred and sixty-nine to the maturity of any note issued to renew or pay the same debt or the interest thereon shall not exceed thirteen years, and the period from the date of an original note issued after July first, nineteen hundred and sixty-nine to the maturity of any note issued to renew or pay the same debt or the interest thereon shall not exceed seven years.

Approved November 16, 1973.

Chap. 1034. AN ACT FURTHER EXTENDING THE TIME FOR THE WITHDRAWAL OF ADDITIONAL DEDUCTIONS PAID INTO THE ANNUITY SAVINGS FUND OF CONTRIBUTORY RETIREMENT SYSTEMS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow forthwith certain public employees to withdraw pension deductions voluntarily paid into the annuity savings fund of contributory retirement systems, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 656 of the acts of 1954 is hereby amended by striking out section 2, as most recently amended by chapter 716 of the acts of 1967, and inserting in place thereof the following section: —

Section 2. Withdrawal of accumulated additional deductions under paragraph (g) of subdivision (1) of section twenty-two of chapter thirty-two of the General Laws, as amended by section one, shall be made upon written application to the board made prior to January first, nineteen hundred and seventy-five.

Approved November 16, 1973.

Chap. 1035. AN ACT AUTHORIZING THE CITY OF TAUNTON TO BORROW ADDITIONAL FUNDS FOR AN ELECTRIC GENERATING UNIT.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 857 of the acts of 1969 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — For the purpose of constructing and equipping a new electric generating unit, including transmission and other facilities appurtenant thereto, the city of Taunton may borrow from time to time such sums as may be necessary, not exceeding twenty-one million dollars, and may issue

bonds or notes of the city therefor which shall bear on their face the words, Taunton Electric Loan, Act of 1969.

SECTION 2. Any loan order or other action taken by the city of Taunton prior to the effective date of this act in connection with the construction or financing of the electric generating unit authorized by chapter eight hundred and fifty-seven of the acts of nineteen hundred and sixty-nine shall be deemed to be as effective as if this act had then been in effect.

SECTION 3. This act shall take effect upon its passage.

Approved November 16, 1973.

Chap. 1036. AN ACT DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO CONSTRUCT AN ADDITIONAL SIPHON ACROSS THE WEYMOUTH FORE RIVER FROM THE NORTH WEYMOUTH SECTION OF THE TOWN OF WEYMOUTH TO THE GERMANTOWN SECTION OF THE CITY OF QUINCY AND TO RECONSTRUCT AND LOWER THE EXISTING SIPHON BETWEEN THESE SAME POINTS.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized and directed to construct as part of the south metropolitan system an additional siphon across the Weymouth Fore river from the North Weymouth section of the town of Weymouth to the Germantown section of the city of Quincy and to reconstruct and lower the existing siphon between these same points.

SECTION 2. For the purpose of constructing said additional siphon and to reconstruct and lower said existing siphon, said commission, acting in behalf of the commonwealth, shall have and exercise all the authority conferred upon said commonwealth by chapter ninety-two of the General Laws, and the provisions of said chapter are hereby made applicable to the taking of lands and easements in land hereunder and to the construction, maintenance and operation of said siphons except as is otherwise provided herein. No more than ten per cent of the funds appropriated for such projects shall be expended for the planning of such projects.

SECTION 3. In the event federal funds or federal assistance is made available to the commonwealth for projects authorized by this act, or state funds or state assistance is made available and received for such project, such funds or assistance shall, if the bonds herein authorized have not been sold, be used to reduce the amount of bonds so authorized, and, if the bonds have been sold, such funds or assistance when received shall be used to meet payments of maturities and interest on the bonds issued under this act.

SECTION 4. To meet the expenditures necessary in carrying out the provisions of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from

time to time, but not exceeding in the aggregate, the sum of eight million dollars. Such bonds shall be designated on their face, Metropolitan Sewerage Loan, Act of 1973, and shall be on the serial payment plan for such maximum terms of years, not exceeding thirty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization other than the final year shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rate as the state treasurer, with the approval of the governor shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, two thousand and eight. All interest payments and payments on account of principal of such bonds shall be assessed and paid as provided in section five of chapter ninety-two of the General Laws.

SECTION 5. No expenditure shall be made from funds authorized by this act for consultant services, so-called, or services coded in accordance with the expenditure code manual under the subsidiary title "03 Services - Non-Employees" unless the rate of compensation for such services shall have been approved by the commissioner of administration. Said commissioner shall, immediately upon the approval of any such rate or rates, file copies of the schedule or schedules of approved rates with the comptroller and with the house and senate committees on ways and means. Before engaging such consultant services under said subsidiary title "03", as so coded, as "Professional," the department shall certify to the budget director that funds are available for the purpose and shall then file a statement of intent with the budget director, the comptroller, and the house and senate committees on ways and means. Such statement shall include the rate of compensation, the period of time for which the services are to be engaged or scope of work to be done, and such other pertinent information as may be necessary to establish the maximum limit of the commonwealth's obligation.

Approved November 16, 1973.

Chap. 1037. AN ACT ESTABLISHING A GENERAL COURT FELLOWSHIP PROGRAM.

Be it enacted, etc., as follows:

SECTION 1. Chapter 75 of the General Laws is hereby amended by inserting after section 33 the following section: —

Section 33A. The University of Massachusetts shall administer a program to be known as the General Court Fellowship Program. Said program shall annually solicit and accept applications for fellowships from the staff of the general court. No more than five such fellowships shall be awarded in any one year. Each fellowship

shall continue for as long as the recipient remains under the supervision of the University of Massachusetts and remains an employee of the general court; but in no event for more than one year. Such recipient shall spend the majority of his or her work week in the employ of the general court.

Fellowships shall be awarded to such members of the staff of the general court who are adjudged worthy and qualified candidates by a selection committee on the basis of a submitted proposal that demonstrates a potential for significant contribution to the legislative, research or administrative concerns of the general court. The selection committee shall consist of seven members, of whom three shall be representatives of said University, one the speaker of the house of representatives, or his designee, one the floor leader of the minority party in the house of representatives, or his designee, one the president of the senate, or his designee, and one the floor leader of the minority party of the senate, or his designee.

As used in this section, the term "staff of the general court" shall mean any legislative, research or administrative personnel, and personnel having substantially similar duties, who are employed by the general court.

SECTION 2. Nothing in the provisions of section thirty-three A of chapter seventy-five of the General Laws, inserted by section one of this act, shall be construed to authorize additional staffing for members of the general court or for the committees of the general court while recipients of the General Court Fellowship Program are pursuing activities related to such program.

Approved November 16, 1973.

Chap. 1038. AN ACT ESTABLISHING A PROGRAM FOR FINANCIAL ASSISTANCE TO REGIONAL AND LOCAL TOURIST PROMOTION AGENCIES AND COMMUNITIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 23A of the General Laws is hereby amended by adding the following section: —

Section 14. The department is hereby directed, subject to appropriation, to establish a program for financial assistance to those public or nonprofit agencies which promote or provide services for tourism, conventions, travel and recreation in the commonwealth.

Funds shall be granted to agencies listed in section six of chapter six hundred and thirty-six of the acts of nineteen hundred and sixty-four with the addition of Norfolk County Tourist Council, Inc., the Central Massachusetts Tourist Council, Inc., the Bristol County Development Council, Inc., the Plymouth County Development Council, Inc., and to any other public or nonprofit agency which has been in operation for two consecutive years prior to application for funds under this section and which spends fifteen thousand dollars in its fiscal year on tourism or a public or nonprofit agency which has a total budget larger than the average of

Massachusetts tourist promotion agencies as estimated by the secretary of the executive office of manpower affairs and which spends twenty-five per cent of said budget on tourism.

Funds shall be used to strengthen efforts of tourists, conventions, travel and recreation agencies to attract and service visitors to the commonwealth and to better manage and distribute the influx of said visitors. The amount of funds received by any one agency shall be based on, but not limited to, the following criteria: —

- (1) geographical size and population served by such agency;
- (2) amount of matching funds from nongovernmental sources;
- (3) assurance that the funded proposal will be in addition to the work currently being done by the agency and that the agency will maintain a continued effort of the funded program;
- (4) demonstrated effectiveness of agency;
- (5) integration of agency's tourism promotion plans with other private and public agency plans.

Appropriated monies shall be derived from the Tourism and Industrial Promotion Fund established by section eleven of chapter sixty-four G. No funds may be spent for travel, entertainment, salaries or purchase of equipment under this section.

The department is hereby authorized to make grants to agencies from the Tourism and Industrial Promotion Fund to assist such agencies in planning and carrying out their promotional programs and projects; provided, that before any such grant may be made:

- (1) the agency shall have made application to the department for such grant, and shall have set forth the program proposed to be undertaken for the purpose of encouraging and stimulating tourist, visitor and vacation business. The application shall further state, with evidence satisfactory to the department, the amount of nongovernmental funds held by or committed or subscribed to the agency for application to the purposes herein described and the amount of the grant for which application is made;

- (2) the department, after review of the application, is satisfied that the program of the agency appears to be in accord with the purposes of this section, and shall authorize the making of a grant to such agency;

- (3) the maximum received by a private nonprofit agency shall be no greater than the amount received by that agency from nongovernmental sources.

Any agency receiving funds under this section shall make a report on the use of said funds at such time and in such form as the commissioner shall specify. The secretary of the executive office of manpower affairs shall establish guidelines in which to regulate the dispersal of funds under this section.

SECTION 2. The department of commerce and development is hereby directed, subject to appropriation, to establish a program for special impact assistance to municipal agencies which are planning and operating programs to manage, distribute, and provide services for major, extraordinary influxes of tourists during the fiscal years nineteen hundred and seventy-four to nineteen hundred

and seventy-seven, inclusive. Said funds shall be appropriated from the two thirds of the room occupancy excise allocated to the General Fund under clause (a) of section eleven of chapter sixty-four G of the General Laws.

A municipal agency shall submit an application to said department for such special impact assistance. If said department, after review of the application, is satisfied that the program of the agency appears to be in accord with the purposes of this section, it shall authorize the making of a grant to such agency.

Grants may be made to municipal agencies for, but not necessarily limited to, programs to provide information services, promote better distribution of visitors throughout the commonwealth to available existing capacities, and to provide aid for extraordinary services necessitated by large increases in visitors. Funds may not be spent for travel, entertainment, capital expenditures or the purchase of equipment, nor may they be dispersed under this section after the fiscal year nineteen hundred and seventy-seven.

The amount of funds received by any one agency shall be based on:

- (1) size and location of population served;
- (2) amount of matching funds from private and municipal sources;
- (3) demonstrated need to manage, distribute and provide services for visitors;
- (4) level of community involvement and support from local institutions;
- (5) integration of program with activities of other private and public agencies affecting the municipality.

SECTION 3. The department of commerce and development shall recommend during the fiscal years nineteen hundred and seventy-four to nineteen hundred and seventy-seven, inclusive, the granting of funds in the general appropriation act, to be appropriated from the two thirds of the room occupancy excise allocated to the General Fund under clause (a) of section eleven of chapter sixty-four G of the General Laws. *Approved November 16, 1973.*

Chap. 1039. AN ACT PROVIDING FOR AN INCREASE IN THE RATE PER MILLION GALLONS TO BE CHARGED CITIES AND TOWNS WHICH ARE MEMBERS OF THE METROPOLITAN WATER DISTRICT AND PROVIDING FOR THE ADJUSTMENT OF SUCH RATE BY THE METROPOLITAN DISTRICT COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 26 of chapter 92 of the General Laws is hereby amended by striking out clause (a), as amended by section 4 of chapter 723 of the acts of 1962, and inserting in place thereof the following clause: —

- (a) In the case of each city and town that was a member of

and took its entire supply from the district at the beginning of the year an amount equal to the rate per million gallons as determined in accordance with this section times its estimated consumption, taken as the number of million gallons of water consumed in the previous calendar year;

SECTION 2. Said section 26 of said chapter 92 is hereby further amended by striking out the fifth paragraph, as amended by chapter 221 of the acts of 1961, and inserting in place thereof the following paragraph: —

The commission shall adjust the rate per million gallons each year by increasing or decreasing it to the next higher multiple or lower multiple, as the case may be, of five dollars per million gallons so that the projected receipts from the water district equal, as nearly as practical, the total cost of interest, principal, sinking fund, maintenance and operation of the water system. The commission shall give due notice to the designated official of each member city and town of any proposed rate change and shall thereafter, in due course, hold a public hearing thereon. Subsequent thereto, the commission shall notify said official of the rate change, as determined by the commission, in January of the year it is to be assessed. The commission shall then, forthwith, certify to the state treasurer such action as has been taken by the commission.

SECTION 3. Section 26A of said chapter 92, as most recently amended by section 7 of chapter 723 of the acts of 1962, is hereby further amended by striking out the second paragraph.

SECTION 4. Said chapter 92 is hereby further amended by inserting after section 26B the following section: —

Section 26C. In the event there is a deficit in the metropolitan water district fund the state treasurer may borrow for this purpose such sums of money as may be necessary for the purpose of making up the deficit and may issue notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than two years from the date of the original issue. Notwithstanding any provision of this act, such notes shall be part of the debt of the metropolitan water district.

SECTION 5. This act shall take effect on January first, nineteen hundred and seventy-four. *Approved November 16, 1973.*

Chap. 1040. AN ACT PROVIDING FOR THE LICENSING OF HALFWAY HOUSES FOR ALCOHOLICS BY THE DEPARTMENT OF PUBLIC HEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 111B of the General Laws, as

appearing in section 1 of chapter 1076 of the acts of 1971, is hereby amended by inserting after the definition of "Facility" the following definition: —

"Halfway house for alcoholics", an intermediate care center in a community which provides temporary residential accommodation, guidance, supervision, and personal adjustment services for a group of three or more sober alcoholics, provided it shall not be deemed a facility as defined in section three of chapter one hundred and eleven B or a permanent residence.

SECTION 2. Said chapter 111B is hereby further amended by inserting after section 6, as so appearing, the following section: —

Section 6A. The department shall issue for a term of two years, and may renew for like terms, a license, subject to revocation by it for cause, to any person, other than a department, agency or institution of the federal government, the commonwealth or any political subdivision thereof, deemed by it to be responsible and suitable to establish and maintain a halfway house for alcoholics. In the case of a department, agency or institution of the commonwealth or any political subdivision thereof, the department shall grant approval to establish and maintain a halfway house for alcoholics for a term of two years, and may renew such approval for like terms, subject to revocation by it for cause.

The department shall promulgate rules and regulations establishing requirements and standards for licensing and approval of halfway houses for alcoholics. Such rules and regulations shall not, however, establish educational nor professional requirements for the staff of any halfway house for alcoholics. The requirements and standards established in the rules and regulations shall include, but shall not be limited to: —

- (1) The need for the halfway house;
- (2) The range of therapeutic programs designed to meet the needs of the residents of the halfway house;
- (3) Licensing fees, application and revocation procedures.

Each halfway house for alcoholics shall be individually licensed or approved.

Each halfway house for alcoholics shall file with the department from time to time, such data, statistics, schedules, or information as the department may reasonably require for the purposes of this section, and any licensee or other person operating a halfway house for alcoholics who fails to furnish such data, statistics, schedules or information as required, or who files fraudulent returns thereof, shall be punished by a fine of not more than one hundred dollars.

The department, after holding a hearing in accordance with chapter thirty A, may refuse to grant, suspend, revoke, limit or restrict the applicability of any license or approval or refuse to renew any license or approval for any failure to meet the requirements of its rules, regulations or standards concerning such halfway houses.

No person, excepting a department, agency or institution of the federal government, the commonwealth or any political subdivision

thereof, shall operate a halfway house without a license and no department, agency or institution of the commonwealth or any political subdivision thereof shall operate a halfway house for alcoholics without approval from the department pursuant to this section. The superior court shall have jurisdiction in equity to restrain any violation of the provisions of this section and to take such other action as equity and justice may require to enforce its provisions.

Whoever knowingly establishes or maintains a halfway house for alcoholics without a license granted pursuant to this section shall be punished by a fine of not more than five hundred dollars.

Each halfway house shall be subject to visitation and inspection by the department and the department shall inspect each facility prior to granting or renewing a license or approval. The department may examine the books and accounts of any facility if it deems such examination is necessary for the purpose of this section. The department is hereby authorized to make a complaint to a district court, to a justice of any court of record or to a magistrate authorized to issue warrants, who may thereupon issue a warrant to any officers or employees of the department authorizing them to enter and inspect at reasonable times, and to examine the books and accounts of any halfway house refusing to consent to such inspection or examination by the department which the department has reason to believe is operating in violation of the provisions of this section.

SECTION 3. This act shall take effect one hundred and eighty days after its passage, provided, however, a halfway house for alcoholics may be granted a temporary license by the department of public health for a period not to exceed one hundred and eighty days in order to meet the standards and regulations prescribed under section six A of chapter one hundred and eleven B of the General Laws, inserted by section two of this act.

Approved November 16, 1973.

Chap. 1041. AN ACT RELATIVE TO THE RETIREMENT RIGHTS OF CERTAIN MEMBERS OF THE CONTRIBUTORY RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

Paragraph (b) of subdivision (2) of section 10 of chapter 32 of the General Laws is hereby amended by striking out the first sentence, as amended by section 20 of chapter 826 of the acts of 1967, and inserting in place thereof the following sentence: — Any member classified in Group 1, Group 2 or Group 4, who has completed six or more years of creditable service, and who, before attaining age fifty-five, fails of nomination or re-election, or fails to become a candidate for nomination, re-election or election, or fails of reappointment, or is removed or discharged from his office or position without moral turpitude on his part, or accepts during,

or prior to the expiration of a term for which he was elected appointment to an office or position the acceptance of which requires under the constitution of the commonwealth resignation from the general court, or any such member whose office or position is abolished, who leaves his accumulated total deductions in the annuity savings fund of the system of which he is a member, shall have the right upon attaining age fifty-five, or at any time thereafter, to apply for a termination retirement allowance to become effective as provided for in subdivision (3) of this section.

Approved November 16, 1973.

Chap. 1042. AN ACT REPEALING THE LAW PROHIBITING THE SERVING OF A WAITING PERIOD OR THE PAYMENT OF BENEFITS UNDER THE EMPLOYMENT SECURITY LAW DURING A PERIOD AN EMPLOYEE IS UNAVAILABLE FOR WORK BECAUSE OF PREGNANCY.

Be it enacted, etc., as follows:

Section twenty-seven of chapter one hundred and fifty-one A of the General Laws is hereby repealed.

Approved November 16, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, November 16, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 1042 of the Acts of 1973, entitled "AN ACT REPEALING THE LAW PROHIBITING THE SERVING OF A WAITING PERIOD OR THE PAYMENT OF BENEFITS UNDER THE EMPLOYMENT SECURITY LAW DURING A PERIOD AN EMPLOYEE IS UNAVAILABLE FOR WORK BECAUSE OF PREGNANCY." and the enactment of which received my approval on November 16, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is essential that the provisions of this Act become effective forthwith to prevent any further denial of the benefits of this reform to our citizens.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, November 16, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at three o'clock and fifty minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter one thousand and forty-two of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 1043. AN ACT PROVIDING FOR THE REMOVAL OF THE GEORGE FINGOLD LIBRARY FROM ITS PRESENT LOCATION IN THE STATE HOUSE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 6 of the General Laws is hereby amended by striking out section 38, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 38. The state library shall be in the state house, and shall be kept open every day except Saturday, Sunday and legal holidays for the use of the governor, lieutenant governor, council, general court and such officers of the government and other persons as may be permitted to use it.

SECTION 2. The George Fingold library shall be moved from its present location in the state house on or before July first, nineteen hundred and seventy-six to such new location in the state house as may be determined by the state superintendent of buildings and subject to the approval of the commissioner of administration after consultation with the secretary of the executive office of educational affairs, the board of trustees of the state library, and the state librarian. Within six months after the effective date of this act, the state superintendent of buildings shall file with the governor and the general court a plan designating and describing the area of the state house to be occupied by the relocated state library. The state superintendent of buildings shall allocate for the use of the George Fingold library space equal to or greater than that presently occupied by such library unless the board of library trustees determines otherwise, and the entire area to be so occupied shall be contiguous with connecting corridors, and shall be convenient to stairways and elevators. In addition, said superintendent shall file with his plan a report outlining the required renovations necessary for the functioning of a modern, efficient state library and an estimate of the cost thereof. Such estimate shall include an estimate of the cost of moving the state library from its present location to the designated new location. The state library as relocated shall continue to be known as the George Fingold library. The location vacated by said library shall be used by the general court.

Approved November 16, 1973.

Chap. 1044. AN ACT AUTHORIZING THE COUNTY OF WORCESTER TO PAY CERTAIN SUMS TO CERTAIN EMPLOYEES OF SAID COUNTY.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of law, the commissioners of the county of Worcester are hereby authorized to pay the sum of four thousand three hundred and thirteen dollars and ninety-three cents to the following persons in the following amounts: —

Stanley D. Hicks	\$848.41
Robert Limoges	488.37
Jean Metivier	319.68
Alfred Sacco	456.72
Pantaleo DiPasquale	20.46
Charles Tower	282.12
Alfred Beland	87.58
Walter T. Barrett	234.07
William Plummer	386.43
Merrill Henderson	395.25
John Zaleskas	529.53
Margaret Carney	71.57
Albert Grudzinskas	67.50
Joseph O'Connor	126.24

Said amounts are compensation to said persons for services performed by them on an overtime basis in the years nineteen hundred and sixty-eight through nineteen hundred and seventy, for which services they had not received compensation on an overtime basis.

Approved November 16, 1973.

Chap. 1045. AN ACT ESTABLISHING A FORM OF REPRESENTATIVE TOWN GOVERNMENT BY LIMITED TOWN MEETINGS IN THE TOWN OF NORTH ATTLEBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of North Attleborough a form of representative town government by limited town meetings hereinafter set forth. Twenty-four members shall be elected from each of six precincts.

SECTION 2. The membership of the representative town meeting shall consist of one hundred and forty-four members elected for terms of three years. Of the members first elected, eight members from each of the six precincts who receive the highest number of votes shall serve for three years, eight members from each of said six precincts who receive the next highest number of votes shall serve for two years, and eight members from each of said six precincts who receive the next highest number of votes shall serve for one year. Any registered voter of the town shall be eligible for

election to the town meeting. Members shall serve without compensation. The moderator, who shall be elected at the annual town election, shall be the only ex officio member of the representative town meeting. He shall possess all of the rights and privileges of elected members, but shall have no vote on any matter coming before the town meeting except in cases of a tie vote.

SECTION 3. The members of the town meeting shall exercise all legislative powers of the town. They shall consider and act upon all proposed by-laws. They shall consider and act upon all proposed operating and capital improvements, budgets, bond issues, and all other financial proposals of the town. The annual town meeting shall be held on the first Monday in March, but special town meetings may be called as needed on the call of the moderator, by an affirmative vote of two thirds of the selectmen, or by twenty or more town meeting members who shall submit their request in writing to the town clerk.

When a session of the town meeting is called, the town clerk shall cause a notice of such meeting, citing the place, date and time of the meeting, to be posted in the town hall. Copies of said notice shall be mailed by the clerk to all town meeting members. Said notices shall be posted and mailed at least seven days in advance of the time set for convening the meeting and shall be accompanied by a copy of the proposed warrant or agenda.

A quorum for the conduct of business shall be seventy-three members, not including the moderator. A smaller number of members than the established quorum, may adjourn any meeting forthwith to a stated date, time and place.

The town clerk shall maintain a journal of the proceedings of all town meetings and a copy thereof shall be kept at the office of said town clerk and at the public library. A roll call vote in which yeas and nays shall be recorded by name in the journal may be requested by eighteen or more members.

All town officers, or their representatives, the chairmen of boards and commissions and department heads may attend sessions of the representative town meeting when proposals affecting their particular office, board, department, or function are included in the warrant or agenda, or when their attendance is requested in writing by the moderator.

SECTION 4. A vacancy in the office of the representative town meeting membership shall result from the resignation, death, permanent disability or removal of any member from the precinct from which he was elected. Vacancies in the office of representative town meeting members shall be filled for the unexpired portion of the term by the remaining town meeting members of the precinct in which the vacancy has arisen. The town clerk shall call such members together by written notice within thirty days. They shall appoint the defeated candidate for representative town meeting member receiving the highest number of votes in the last regular town election and who indicates his willingness to serve by written notice to the town clerk. If no regularly nominated candidate of

the representative town meeting is found who is willing to serve, the remaining members shall elect a registered voter from the precinct to serve the unexpired portion of the term.

The town clerk shall provide an attendance record which shall be personally signed by each town meeting member at each session. The attendance record shall be a part of the journal and shall be a public record.

SECTION 5. All town meetings shall be open to the public. Non-members of the representative town meeting who are registered voters of the town may attend any such town meeting. Any registered voter of the town may speak on any article or items on the warrant or agenda, provided that he shall have first been recognized by the moderator.

SECTION 6. The election of members of the representative town meetings shall be by an official ballot held at the annual town meeting. The name of a representative town meeting member who is a candidate for re-election shall be followed by the words "Candidate for re-election" on his nomination papers and on the official ballot. All candidates shall be listed in alphabetical order.

SECTION 7. A vote of the town meeting under any article or item in the warrant or agenda shall not be operative until the expiration of ten days after its final passage other than the following: — to adjourn; to authorize the expenditure of less than twenty thousand dollars; to appropriate money for the payment of principal and interest of bonds and notes of the town; to authorize the temporary borrowing of money in anticipation of revenue; to enact an emergency measure required for the immediate preservation of the public peace, health, safety and so declared by a preamble and adopted by a two thirds vote of the town meeting members present and voting thereon.

If within such period of ten days, a petition signed by not less than thirty registered voters in each precinct, totaling at least five per cent of the registered voters of the town, is filed with the town clerk, asking that any question involved in such a vote be submitted to the voters of the town, then a referendum shall be held for the sole purpose of presenting the question or questions to the voters of the town. If within five days after the receipt of the petition the town clerk shall determine the petition to contain a sufficient number of signatures, he shall inform the board of selectmen, who, with the town clerk, shall provide for a referendum to be held within twelve days, but not sooner than seven days after such determination.

Each question to be voted on in the referendum shall be submitted to the voters in the following form: "Shall the town vote to approve the action of the Representative Town Meeting whereby it was voted (here insert brief summary of the substance of the vote)?" All procedures for voting upon such a question shall be in the same manner as for town elections. Each question submitted shall be determined by the same proportion of voters as was previously required when considered by the representative town meeting.

SECTION 8. This act shall be submitted to the voters of the town of North Attleborough for acceptance at the annual town election in the year nineteen hundred and seventy-four in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said election: "Shall an act passed by the General Court in the year nineteen hundred and seventy-three entitled 'An Act establishing in the town of North Attleborough representative town government by limited town meeting,' be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take full effect in said town. Notwithstanding the provisions of section six, if this act is accepted by the town, the first election of the members of the representative town meetings shall be held within ninety days of said acceptance. *Approved November 16, 1973.*

Chap. 1046. AN ACT RELATIVE TO THE DATES OF THE ANNUAL TOWN ELECTION AND ANNUAL BUSINESS MEETING HELD IN THE TOWN OF BOURNE.

Be it enacted, etc., as follows:

Notwithstanding any provision of any general or special law to the contrary, in the town of Bourne all matters other than the election of town officers shall be considered at the annual town meeting held on the second Monday in May of each year. Said meeting shall be called by a warrant, as provided for in section ten of chapter thirty-nine of the General Laws, posted in the town hall and in each post office in said town. The meeting for the election of town officers of said town shall be held on the first Wednesday of March annually, said meeting to be called by a separate warrant, similarly posted.

Approved November 16, 1973.

Chap. 1047. AN ACT DEFINING THE TERM "ELECTED INCUMBENT" FOR THE STATE PRIMARIES AND ELECTION TO BE HELD IN THE YEAR NINETEEN HUNDRED AND SEVENTY-FOUR.

Be it enacted, etc., as follows:

For the purposes of sections thirty-four and forty-five of chapter fifty-three and sections forty-one and forty-two of chapter fifty-four of the General Laws, any elected incumbent to the office of councillor, or to the office of senator or representative in the general court, who is a candidate for nomination or election to the same office in a district which contains any portion of the district from which he was elected in the last preceding regular or special state election, shall be deemed to be a candidate for renomination or re-election at the state primaries and state election to be held in the year nineteen hundred and seventy-four.

Approved November 16, 1973.

Chap. 1048. AN ACT PROVIDING FOR THE ESTABLISHMENT OF CERTAIN FIRE DEPARTMENTS IN TOWNS.

Be it enacted, etc., as follows:

SECTION 1. Section 42 of chapter 48 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Towns accepting the provisions of this section and sections forty-three and forty-four, or which have accepted corresponding provisions of earlier laws may establish a fire department to be under the control of an officer to be known as the chief of the fire department.

SECTION 2. Said chapter 48 is hereby further amended by inserting after section 42 the following section: —

Section 42A. In towns which accept this section or have accepted corresponding provisions of earlier laws there shall be a fire department established under the direction of the selectmen, who shall appoint a chief of the fire department and such other officers and firemen as they deem necessary, and fix their compensation in an amount not in the aggregate exceeding the annual appropriation therefor. The selectmen may make suitable regulations governing the fire department and the officers and firemen thereof, and in towns which are not subject to chapter thirty-one may remove the chief and other officers and firemen at pleasure. The chief of the fire department shall be in immediate control of all town property used by the department, and of the officers and firemen, who shall obey his orders.

SECTION 3. Said chapter 48 is hereby further amended by striking out section 43, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 43. The chief of a fire department shall act as forest warden in all such towns which accept the provisions of either of the two preceding sections, and shall have authority to appoint deputy wardens and fix their compensation subject to the approval of the selectmen.

SECTION 4. Said chapter 48 is hereby further amended by striking out section 44, as so appearing, and inserting in place thereof the following section: —

Section 44. The three preceding sections shall not affect the tenure of office nor apply to the removal of permanent and call members of fire departments in towns which have accepted chapter thirty-one or corresponding provisions of earlier laws. Said sections shall not apply to cities.

Approved November 16, 1973.

Chap. 1049. AN ACT AUTHORIZING REGIONAL SCHOOL DISTRICTS TO INCUR DEBT FOR PURPOSE OF PURCHASING DEPARTMENTAL EQUIPMENT FOR A TERM NOT EXCEEDING FIVE YEARS.

Be it enacted, etc., as follows:

Clause (d) of section 16 of chapter 71 of the General Laws is hereby amended by inserting after the word "years", in line 7, as appearing in chapter 367 of the acts of 1965, the words: — and for the purpose of purchasing departmental equipment for a term not exceeding five years.

Approved November 16, 1973.

Chap. 1050. AN ACT FURTHER DEFINING THE AVAILABILITY OF PUBLIC RECORDS.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 4 of the General Laws is hereby amended by striking out clause Twenty-sixth, as most recently amended by section 2 of chapter 831 of the acts of 1969, and inserting in place thereof the following clause: —

Twenty-sixth, "Public records" shall mean all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the general court to serve a public purpose, unless such materials or data fall within the following exemptions in that they are:

(a) specifically or by necessary implication exempted from disclosure by statute;

(b) related solely to internal personnel rules and practices of the government unit, provided however, that such records shall be withheld only to the extent that proper performance of necessary governmental functions requires such withholding;

(c) personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an invasion of personal privacy;

(d) inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the agency; but this subparagraph shall not apply to reasonably completed factual studies or reports on which the development of such policy positions has been or may be based;

(e) notebooks and other materials prepared by an employee of the commonwealth which are personal to him and not maintained as part of the files of the governmental unit;

(f) investigatory materials necessarily compiled out of the public view by law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest;

(g) trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy and upon a promise of confidentiality; but this subparagraph

shall not apply to information submitted as required by law or as a condition of receiving a governmental contract or other benefit;

(h) proposals and bids to enter into any contract or agreement until the time for the opening of bids in the case of proposals or bids to be opened publicly, and until the time for the receipt of bids or proposals has expired in all other cases;

(i) appraisals of real property to be acquired until (1) an agreement is entered into; or (2) three years have elapsed since the making of the appraisal, or until any litigation relative to such appraisal has been terminated, whichever occurs first.

Any person denied access to public records may pursue the remedy provided for in section ten of chapter sixty-six.

SECTION 1A. Chapter 30 of the General Laws is hereby amended by striking out section 42, as amended by chapter 219 of the acts of 1966, and inserting in place thereof the following: —

Section 42. The state librarian, the attorney general, the state comptroller, the commissioner of administration, the supervisor of public records and the chief of the archives division in the department of the state secretary, hereinafter called the archivist, or persons designated by them, shall act as a board, to be known as the records conservation board, of which board the archivist shall be secretary.

The board, after consultation with the executive head of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the General Court to serve a public purpose or a person designated by such executive head may, either by its own motion or on the request of said executive head, sell or destroy, from time to time, all records in accordance with disposal schedules which shall have been submitted to said board and either approved or modified by said board or the board may authorize such sale or destruction. Until such action shall have been taken, all such records shall remain the property, as the case may be, of the commonwealth, or the political subdivision, including an authority established by the General Court to serve a public purpose.

The board shall have power to require all departments of the commonwealth to report to it what series of records they hold, to set standards for the management and preservation of such records, and to establish schedules for the destruction, in whole, or in part, and transfer to the archives, in whole or in part, of records no longer needed for current business.

Nothing in this section shall affect judicial or legislative records, lessen the existing powers of the executive office for administration and finance, or compel any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the General Court to serve a public purpose to surrender records it deems of current use.

Records may be kept in the archives under reasonable restric-

tions as to access, for a reasonable length of time; provided, that such restrictions are in writing and accepted by the records conservation board at a meeting at which the attorney general, or his designee, is present. At least thirty days before selling or destroying any records so kept in the archives, the board may publish in a daily newspaper in Boston a notice of its intention to do so, containing a brief description of the articles to be sold or destroyed, and it shall give such other and further notice as it deems advisable to historical societies or persons interested in the matter.

The board may, before selling or destroying any particular records, books, vouchers or documents, give a public hearing to all persons interested, and ten days' notice of such hearing shall be given in a daily newspaper published in Boston.

The proceeds, if any, of a sale by the board of any records shall be paid to the state treasurer, or to the treasurer of a political subdivision or authority, including an authority established by the General Court to serve a public purpose, whose records were the subject of the sale.

As used in this section, the words "records" shall mean all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the General Court to serve a public purpose.

Any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the General Court to serve a public purpose in doubt as to whether certain materials are records shall make inquiry thereof in writing to the records conservation board which shall determine the question.

SECTION 2. Section 4 of chapter 66 of the General Laws, as most recently amended by chapter 310 of the acts of 1950, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence: — The supreme judicial or superior court shall have jurisdiction in mandamus, on petition of the supervisor of records and pursuant to section five of chapter two hundred and forty-nine, to order compliance with the provisions of this section.

SECTION 3. Said chapter 66 is hereby further amended by striking out section 10, as most recently amended by section 5 of chapter 550 of the acts of 1948, and inserting in place thereof the following section: —

Section 10. (a) Every person having custody of any public records, as defined in clause twenty-sixth of section seven of chapter four, shall, at reasonable times and without unreasonable delay, permit them to be inspected and examined by any person, under his supervision, and shall furnish one copy thereof on payment of

a reasonable fee. Every person for whom a search of public records is made shall, at the direction of the person having custody of such records, pay the actual expense of such search.

(b) A custodian of a public record shall, within twenty days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered in hand to the office of the custodian or mailed via first class mail, registered, return receipt requested. If the custodian refuses or fails to comply with such request as hereinafter provided, the supreme judicial or superior court shall have jurisdiction in mandamus, pursuant to section five of chapter two hundred and forty-nine, to order compliance with the request made under this section.

(c) In any court proceeding pursuant to paragraph (b) there shall be a presumption that the record sought is public, and the burden shall be upon the custodian to prove with specificity the exemption which applies.

SECTION 4. Section seventeen B of said chapter sixty-five is hereby repealed.

SECTION 5. Section 34 of chapter 262 of the General Laws is hereby amended by striking out clause (65).

SECTION 6. The provisions of clause Twenty-sixth of section seven of chapter four of the General Laws, as amended by section one of this act, shall not be construed to exempt any record which was a public record on the effective date of this act from said clause Twenty-sixth.

SECTION 7. This act shall take effect on July first, nineteen hundred and seventy-four.

Approved November 16, 1973.

Chap. 1051. AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE MAINTENANCE OF CERTAIN COUNTIES, THEIR DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A SUPPLEMENTAL COUNTY TAX FOR SAID COUNTIES.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the current appropriation act for each of the following counties, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four.

BARNSTABLE COUNTY.

Item	Subtotal	Total
7. For sheriff, salaries and expenses		\$260 00
5. Equipment	\$260 00	
14. For district courts, salaries and expenses		
First District Court of Barnstable		10,227 00
1. Personal services	10,227 00	

Item	Subtotal	Total
16. For jail and house of correction, maintenance and operation		\$17,000 00
1. Personal services	\$5,000 00	
2. Contractual services	12,000 00	
27. For unpaid bills of previous years		197 50
28a. For reserve for salary increases		170,000 00
28b. For reserve for salary increases for judges, clerks and assistant clerks of district courts		36,000 00
28c. For reserve for upgrading of district court officers and transportation officers		3,200 00
33. For police training school and bureau of criminal investigation		15,000 00
36. For police services building		800 00
41. For fire fighters' training school		2,250 00
Total amount of appropriations		\$254,934 50

And the county commissioners of Barnstable county are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter two hundred and forty of the acts of the current year, the sum of

\$254,934 50

The following items are hereby appropriated from revenue sharing funds for this fiscal period in accordance with section twenty-nine of chapter thirty-five of the General Laws.

18. For court houses and registry buildings, maintenance and operation	\$171,000 00
36. For police services building	43,000 00
Total	\$214,000 00

BERKSHIRE COUNTY.

1. For interest on county debt	\$16,588 31
8. For registry of deeds, salaries and expenses	
Northern District	1,142 00
1. Personal services	\$1,142-00
Middle District	1,332 00
1. Personal services	1,332 00
Southern District	999 00
1. Personal services	999 00
12. For superior court costs	11,374 25
1. Personal services	11,374 25
14. For district courts, salaries and expenses	
District Court of Northern Berkshire	866 10
1. Personal services	866 10
District Court of Central Berkshire	150 00
4. Current charges and obligations	150 00
District Court — Juvenile Division	11,278 80
1. Personal services	11,278 80
16. For jail and house of correction, maintenance and operation	1,500 00
1. Personal services	1,500 00
28a. For reserve for salary increases	90,000 00
28b. For reserve for salary increases for judges, clerks and assistant clerks of district courts	32,000 00

Item	Subtotal	Total
32. For forest development		\$2,017 00
37. For drug and alcoholic program		11,000 00
Total amount of appropriations		<u>\$180,247 46</u>

And the county commissioners of Berkshire county are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter three hundred and ninety-six of the acts of the current year, the sum of

\$180,247 46

BRISTOL COUNTY.

5. For clerk of courts, salaries and expenses		\$5,508 00
4. Current charges and obligations	\$423 00	
5. Equipment	5,085 00	
6. For county treasurer		3,959 08
1. Personal services	3,959 08	
8. For registry of deeds, salaries and expenses		
Northern District		1,799 30
1. Personal services	1,549 30	
2. Contractual services	250 00	
Fall River District		3,405 70
1. Personal services	3,405 70	
Southern District		998 70
1. Personal services	998 70	
10. For highways, including state highways, bridges and land damages		50,000 00
6. All other	50,000 00	
12. For superior court costs		30,000 00
1. Personal services	30,000 00	
14. For district courts, salaries and expenses		
Second District Court of Bristol		7,000 00
1. Personal services	7,000 00	
Third District Court of Bristol		29,000 00
1. Personal services	29,000 00	
Fourth District Court of Bristol		1,866 55
1. Personal services	1,866 55	
Juvenile Court of Bristol		56,295 20
1. Personal services	16,367 50	
5. Equipment	4,927 70	
6. All other	35,000 00	
18. For court houses and registry buildings, maintenance and operation		10,287 20
1. Personal services	5,787 20	
2. Contractual services	1,000 00	
5. Equipment	3,500 00	
20. For agricultural school or county cooperative extension service		540 00
5. Equipment	540 00	
28a. For reserve for salary increases		210,000 00
28b. For reserve for salary increases for judges, clerks and assistant clerks of district courts		70,000 00
28c. For reserve for upgrading of district court officers and transportation officers		4,300 00
Total amount of appropriations		<u>\$484,959 73</u>

And the county commissioners of Bristol county are hereby authorized to levy as the county tax of said

Item	Subtotal	Total
county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter five hundred and twenty-three of the acts of the current year, the sum of		\$484,959 73

DUKES COUNTY.

28a. For reserve for salary increases		\$20,000 00
28b. For reserve for salary increases for judges, clerks and assistant clerks of district courts		5,000 00
28c. For reserve for upgrading of district court officers and transportation officers		800 00
Total amount of appropriations		\$25,800 00

And the county commissioners of the county of Dukes County are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter two hundred and seventy-two of the acts of the current year, the sum of

\$25,800 00

ESSEX COUNTY.

1. For interest on county debt		\$9,600 00
3. For county commissioners, salaries and expenses		753 00
1. Personal services	\$753 00	
5. For clerk of courts, salaries and expenses		6,952 40
1. Personal services	6,952 40	
8. For registry of deeds		
Southern District		2,979 50
1. Personal services	2,979 50	
Northern District		15,086 50
1. Personal services	15,086 50	
12. For superior court costs		1,690 00
5. Equipment	1,690 00	
14. For district courts, salaries and expenses		
Central District Court of Northern Essex		44,149 80
1. Personal services	37,439 80	
2. Contractual services	2,500 00	
3. Supplies and materials	250 00	
5. Equipment	3,960 00	
District Court of Eastern Essex		1,906 98
1. Personal services	1,906 98	
District Court of Lawrence		22,711 40
1. Personal services	22,711 40	
District Court of Peabody		3,781 00
1. Personal services	3,300 00	
5. Equipment	481 00	
District Court — Juvenile Division		2,331 80
1. Personal services	731 80	
2. Contractual services	1,500 00	
3. Supplies and materials	100 00	
18. For court houses and registry buildings, maintenance and operation		102,924 80
1. Personal services	14,424 80	
2. Contractual services	23,000 00	
6. All other	65,500 00	
20. For agricultural school or county cooperative extension service		21,157 40
1. Personal services	14,857 40	

Item	Subtotal	Total
2. Contractual services	\$5,500 00	
5. Equipment	800 00	
28a. For reserve for salary increases		\$375,000 00
28b. For reserve for salary increases for judges, clerks and assistant clerks of district courts		120,000 00
28c. For reserve for upgrading of district court officers and transportation officers		6,500 00
29. For advertising recreational, industrial and agricultural advantages of the county		152,500 00
Total amount of appropriations		\$890,024 58

And the county commissioners of Essex county are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter five hundred and twenty-five of the acts of the current year, the sum of

\$890,024 58

The following item is hereby appropriated from revenue sharing funds for this fiscal period in accordance with section twenty-nine of chapter thirty-five of the General Laws.

14. For district courts, salaries and expenses District Court of Southern Essex	\$9,000 00
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FRANKLIN COUNTY.

1. For interest on county debt	\$2,500 00
6. For county treasurer, salaries and expenses	5,796 27
1. Personal services	\$5,796 27
12. For superior court costs	1,079 00
1. Personal services	1,079 00
14. For district courts, salaries and expenses District Court of Greenfield	6,940 30
1. Personal services	6,940 30
27. For unpaid bills of previous years	743 00
28a. For reserve for salary increases	45,000 00
28b. For reserve for salary increases for judges, clerks and assistant clerks of district courts	20,000 00
28c. For reserve for upgrading of district court officers and transportation officers	800 00
37. For human services	625 00
Total amount of appropriations	\$83,483 57

And the county commissioners of Franklin county are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter two hundred and seventy-seven of the acts of the current year, the sum of

\$83,483 57

HAMPDEN COUNTY.

8. For registry of deeds, salaries and expenses	\$7,436 80
1. Personal services	\$7,436 80
10. For highways, including state highways, bridges and land damages	9,323 60
1. Personal services	9,323 60

Item	Subtotal	Total
12. For superior court costs		\$9,924 20
1. Personal services	\$9,924 20	
14. For district courts, salaries and expenses		
District Court of Chicopee		38,523 08
1. Personal services	23,572 08	
2. Contractual services	2,060 00	
3. Supplies and materials	4,000 00	
4. Current charges and obligations	1,980 00	
5. Equipment	6,911 00	
District Court of Springfield		11,278 80
1. Personal services	11,278 80	
Springfield Juvenile Court		11,278 80
1. Personal services	11,278 80	
Hampden County Housing Court		86,726 16
1. Personal services	65,726 16	
2. Contractual services	5,000 00	
3. Supplies and materials	3,000 00	
4. Current charges and obligations	5,000 00	
5. Equipment	8,000 00	
16. For jail and house of correction, maintenance and operation		58,756 00
1. Personal services	4,914 00	
2. Contractual services	53,392 00	
5. Equipment	450 00	
27. For unpaid bills of previous years		727 65
28a. For reserve for salary increases		260,000 00
28b. For reserve for salary increases for judges, clerks and assistant clerks of district courts		90,000 00
28c. For reserve for upgrading of district court officers and transportation officers		8,000 00
28d. For reserve for counsel for indigent defendants		75,000 00
29. For advertising recreational, industrial and agricultural advantages of the county		5,000 00
Total amount of appropriations		\$671,975 09

And the county commissioners of Hampden county are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter four hundred and forty-four of the acts of the current year, the sum of \$671,975 09

HAMPSHIRE COUNTY.

5. For clerk of courts, salaries and expenses		\$221 00
1. Personal services	\$221 00	
8. For registry of deeds, salaries and expenses		1,632 30
1. Personal services	1,632 30	
12. For superior court costs		5,500 00
1. Personal services	1,500 00	
2. Contractual services	4,000 00	
16. For jail and house of correction, maintenance and operation		32,334 57
1. Personal services	7,334 57	
3. Supplies and materials	25,000 00	
20. For agricultural school or county cooperative extension service		496 00
1. Personal services	496 00	

Item	Subtotal	Total
26. For miscellaneous and contingent expenses		\$5,000 00
28a. For reserve for salary increases		60,000 00
28b. For reserve for salary increases for judges, clerks and assistant clerks of district courts		30,000 00
28c. For reserve for upgrading of district court officers and transportation officers		1,500 00
Total amount of appropriations		\$136,684 47

And the county commissioners of Hampshire county are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter three hundred and nine of the acts of the current year, the sum of \$136,684 47

MIDDLESEX COUNTY.

3. For county commissioners, salaries and expenses		\$18,000 00
1. Personal services	\$18,000 00	
5. For clerk of courts, salaries and expenses		5,395 00
1. Personal services	5,395 00	
6. For county treasurer, salaries and expenses		22,322 00
1. Personal services	2,322 00	
2. Contractual services	20,000 00	
8. For registry of deeds, salaries and expenses		23,594 60
Southern District		
1. Personal services	4,594 60	
2. Contractual services	16,000 00	
5. Equipment	3,000 00	
Northern District		1,541 80
1. Personal services	1,541 80	
8a. For registry of probate, salaries and expenses		30,520 00
5. Equipment	30,520 00	
9. For law library, salaries and expenses		17,500 00
Lowell		
4. Current charges and obligations	17,000 00	
5. Equipment	500 00	
12. For superior court costs		89,242 40
1. Personal services	47,742 40	
2. Contractual services	40,000 00	
4. Current charges and obligations	1,500 00	
14. For district courts, salaries and expenses		
District Court of Lowell		2,000 00
1. Personal services	2,000 00	
District Court of Somerville		26,000 00
6. All other	26,000 00	
District Court of Marlborough		23,852 60
1. Personal services	22,557 60	
5. Equipment	1,295 00	
District Court of Natick		1,504 10
1. Personal services	1,054 10	
5. Equipment	450 00	
First District Court of Eastern Middlesex		7,902 00
1. Personal services	6,000 00	
5. Equipment	1,902 00	
Second District Court of Eastern Middlesex		32,784 60
1. Personal services	32,784 60	
Third District Court of Eastern Middlesex		5,942 70

Item	Subtotal	Total
1. Personal services	\$5,942 70	
Fourth District Court of Eastern Middlesex		\$10,812 00
1. Personal services	10,812 00	
First District Court of Northern Middlesex		7,950 00
1. Personal services	6,000 00	
5. Equipment	1,950 00	
First District Court of Southern Middlesex		32,782 80
1. Personal services	31,732 80	
5. Equipment	1,050 00	
District Court of Central Middlesex		26,595 60
1. Personal services	26,595 60	
District Court — Juvenile Division		1,666 60
1. Personal services	626 60	
2. Contractual services	500 00	
5. Equipment	540 00	
16. For jail and house of correction, maintenance and operation		
Billerica		27,813 00
1. Personal services	11,853 00	
2. Contractual services	15,000 00	
5. Equipment	960 00	
Cambridge		11,840 40
1. Personal services	11,840 40	
18. For court houses and registry buildings, maintenance and operation		4,872 99
1. Personal services	4,872 99	
20. For agricultural school or county cooperative extension service		7,700 00
1. Personal services	7,700 00	
27. For unpaid bills of previous years		11,032 40
28. For reserve fund		55,000 00
28a. For reserve for salary increases		975,000 00
28b. For reserve for salary increases for judges, clerks and assistant clerks of district courts		250,000 00
28c. For reserve for upgrading of district court officers and transportation officers		30,000 00
Total amount of appropriations		\$1,761,167 59

And the county commissioners of Middlesex county are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter six hundred and twenty-three of the acts of the current year, the sum of..... \$1,761,167 59

NORFOLK COUNTY.

3. For county commissioner, salaries and expenses		\$23,790 00
1. Personal services	\$23,790 00	
8. For registry of deeds, salaries and expenses		1,507 00
1. Personal services	1,507 00	
8a. For registry of probate, salaries and expenses		5,000 00
2. Contractual services	5,000 00	
10. For highways, including state highways, bridges and land damages		60,000 00
2. Contractual services	60,000 00	
14. For district courts, salaries and expenses		
District Court of Northern Norfolk		10,227 00

Item	Subtotal	Total
1. Personal services	\$10,227 00	
District Court of East Norfolk		\$8,500 00
1. Personal services	8,500 00	
District Court of Southern Norfolk		7,711 60
1. Personal services	7,711 60	
District Court — Juvenile Division		33,836 40
1. Personal services	33,836 40	
18. For court houses and registry buildings, maintenance and operation		917 80
1. Personal services	917 80	
28a. For reserve for salary increases		300,000 00
28b. For reserve for salary increases for judges, clerks and assistant clerks of district courts		100,000 00
28c. For reserve for upgrading of district court officers and transportation officers		12,000 00
Total amount of appropriations		\$563,489 80

And the county commissioners of Norfolk county are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter four hundred and forty-three of the acts of the current year, the sum of \$563,489 80

PLYMOUTH COUNTY.

5. For clerk of courts, salaries and expenses		\$3,267 00
1. Personal services	\$3,267 00	
8. For registry of deeds, salaries and expenses		1,979 00
1. Personal services	1,979 00	
8a. For registry of probate, salaries and expenses		3,425 00
3. Supplies and materials	500 00	
4. Current charges and obligations	2,400 00	
5. Equipment	525 00	
10. For highways, including state highways, bridges and land damages		6,000 00
2. Contractual services	6,000 00	
14. For district courts, salaries and expenses		
District Court of Brockton		5,000 00
1. Personal services	5,000 00	
27. For unpaid bills of previous years		15,409 95
28a. For reserve for salary increases		200,000 00
28b. For reserve for salary increases for judges, clerks and assistant clerks of district courts		70,000 00
28c. For reserve for upgrading of district court officers and transportation officers		5,000 00
Total amount of appropriations		\$310,080 95

And the county commissioners of Plymouth county are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter five hundred and ninety-three of the acts of the current year, the sum of \$310,080 95

WORCESTER COUNTY.

3. For county commissioners, salaries and expenses		\$3,409 40
1. Personal services	\$3,259 40	

Item	Subtotal	Total
5. Equipment	\$150 00	
6. For county treasurer, salaries and expenses		\$642 20
1. Personal services	642 20	
8. For registry of deeds, salaries and expenses		
Worcester District		5,236 40
1. Personal services	5,236 40	
Northern District		1,332 00
1. Personal services	1,332 00	
9. For law library, salaries and expenses		
Worcester		688 36
1. Personal services	688 36	
10. For highways, including state highways, bridges and land damages		791 48
1. Personal services	791 48	
12. For superior court costs		505 00
5. Equipment	505 00	
13. For civil expenses in probate court		15,768 10
1. Personal services	9,323 60	
2. Contractual services	2,000 00	
5. Equipment	4,444 50	
14. For district courts, salaries and expenses		
District Court of Fitchburg		22,557 60
1. Personal services	22,557 60	
First District Court of Northern Worcester		1,100 00
2. Contractual services	1,100 00	
First District Court of Southern Worcester		23,288 80
1. Personal services	22,068 80	
5. Equipment	1,220 00	
Second District Court of Southern Worcester		436 00
1. Personal services	436 00	
District Court — Worcester Juvenile Court		700 00
2. Contractual services	700 00	
16. For jail and house of correction, maintenance and operation		82,976 80
1. Personal services	22,976 80	
2. Contractual services	20,000 00	
3. Supplies and materials	40,000 00	
18. For court houses and registry buildings, maintenance and operation		3,000 00
6. All other	3,000 00	
21. For state reservation, maintenance and operation (Purgatory Chasm)		600 00
1. Personal services	600 00	
26. For miscellaneous and contingent expenses		35,000 00
28a. For reserve for salary increases		400,000 00
28b. For reserve for salary increases for judges, clerks and assistant clerks of district courts		175,000 00
28c. For reserve for upgrading of district court officers and transportation officers		12,000 00
Total amount of appropriations		\$785,032 14

And the county commissioners of Worcester county are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter six hundred and twenty-two of the acts of the current year, the sum of

\$785,032 14

SECTION 2. This act shall take effect upon its passage.
Approved November 19, 1973.

Chap. 1052. AN ACT DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO GRANT CERTAIN EASEMENTS TO THE TOWN OF WELLESLEY.

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized and directed to grant to the town of Wellesley, upon such terms and conditions as said commission prescribes, and to which said town, acting by and through its board of selectmen assents to, permanent and temporary easements in certain parcels of land, being a portion of the metropolitan district commission park land known as the Charles River reservation, in the town of Wellesley, as shown and described on a plan of land entitled "Town of Wellesley, Department of Public Works", scale 1" = 40', dated August tenth, nineteen hundred and seventy-three, John E. Bezanson, Town Engineer. Said grants of easement shall authorize the installation, construction, maintenance, and operation of a sanitary sewer system.

Approved November 19, 1973.

Chap. 1053. AN ACT DIRECTING THE DEPARTMENT OF PUBLIC HEALTH TO MAKE A CERTAIN DETERMINATION OF NEED AND TO RENEW THE HOSPITAL LICENSE OF WINCHENDON HOSPITAL, INCORPORATED.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, to provide for the immediate renewal of the license of Winchendon Hospital, Incorporated, and the approval of certain projects relative to said hospital by the department of public health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section twenty-five C of chapter one hundred and eleven of the General Laws or any other general or special law, the department of public health is hereby authorized and directed to make a determination of need as set forth in said section twenty-five C of said chapter one hundred and eleven as to the project described in an application for such a determination by the Winchendon Hospital, Incorporated and numbered Project No. 2-2295 and to approve said project. Said department is hereby further directed to issue a renewal of the hospital license of the said Winchendon Hospital, Incorporated.

(This Bill, returned by the Governor, to the Senate, the branch in which it originated, with his objections thereto, was passed by the Senate, November 19, 1973, and, in concurrence, by the House of Representatives, November 19, 1973, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 1054. AN ACT AUTHORIZING THE SUBMISSION TO THE VOTERS OF THE TOWN OF HOLBROOK OF THE QUESTION OF ADOPTING THE STANDARD FORM OF REPRESENTATIVE TOWN MEETING GOVERNMENT AND PROVIDING FOR THE TOWN'S ACCEPTANCE OF SAID FORM OF GOVERNMENT.

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Holbrook, hereinafter referred to as "the town", shall direct the town clerk of said town to cause to be printed on the official ballot used for the election of town officers at the annual town election next held following the passage of this act the following question: — "Shall the town adopt the standard form of representative town meeting government provided by chapter forty-three A of the General Laws?"

If a majority of the votes cast thereon are in the affirmative, such standard form of representative town meeting government shall take effect beginning with the annual town election immediately following the annual election at which such votes were cast, and for all things relating to the former election at which town meeting members are first to be elected.

SECTION 2. The provisions of sections three and four of chapter forty-three A of the General Laws to the contrary notwithstanding, precincts for the election of members of the representative town meeting shall be formed in the manner prescribed in sections six to nine A, inclusive, of chapter fifty-four of the General Laws, and shall be so drawn as to include, as nearly as may be, equal numbers of inhabitants; provided, however, that in any year when the selectmen are required by law to establish or revise precincts for the election of town meeting members no precinct shall be so formed as to be partly in one congressional, senatorial or representative district and partly in another. In such case, the selectmen instead shall form not less than five nor more than ten precincts which may contain unequal numbers of inhabitants, otherwise consistent with the requirements of section nine A of chapter fifty-four of the General Laws, and shall allocate to each such precinct that number of town meeting members proportionate as nearly as may be to such precinct's share of the total number of inhabitants of the town, or, if five or more precincts containing unequal numbers of inhabitants already exist, the selectmen may retain those precincts and allocate to each such precinct that number of town meeting members proportionate as nearly as may be to such precinct's share of the total number of inhabitants of the town.

SECTION 3. This section and section one of this act shall take effect upon the passage of this act; and section two of this act shall take effect only when the standard form of representative town meeting government shall take effect in the town conformable to the requirements of section one hereof.

Approved November 20, 1973.

Chap. 1055. AN ACT PROVIDING FOR TWO ADDITIONAL ASSISTANT CLERKS OF COURT IN THE COUNTY OF WORCESTER.

Be it enacted, etc., as follows:

Section 5 of chapter 221 of the General Laws is hereby amended by striking out the paragraph inserted by section 1 of chapter 764 of the acts of 1967 and inserting in place thereof the following paragraph: —

Worcester, an eighth assistant, a ninth assistant, a tenth assistant and an eleventh assistant, subject to removal by the court or by the clerk.

Approved November 20, 1973.

Chap. 1056. AN ACT PROTECTING BUYERS OF INSURANCE FROM THE EFFECTS OF THE CANCELLATION, TERMINATION AND OTHER MODIFICATIONS OF THE AUTHORITY OF INSURANCE BROKERS.

Be it enacted, etc., as follows:

Section 163 of chapter 175 of the General Laws as most recently amended by section 3 of chapter 968 of the acts of 1971 is hereby further amended by adding the following seven paragraphs: —

No company shall cancel the authority of any independent broker for fire or casualty insurance, or both, if said broker is not an employee of said company and no company shall modify a contract with such broker unless the company gives written notice of its intent to cancel such broker or its intent to modify such contract at least ninety days before the proposed effective date of any such cancellation or modification.

Except as otherwise provided herein, any broker receiving notice of such cancellation or modification may, within fifteen days after receipt thereof, make a written demand for reference to three referees of the question as to whether or not such cancellation or modification will so affect the renewal, continuation or replacement of any policies placed with the company through the efforts of the broker, or the services needed by any policyholder doing business with the company as a result of the efforts of the brokers as to justify renewal or continuation of any policies expiring within six months of the issuance of any such notice at fair compensation for one additional policy period equal in length to the most recent policy period of any such expiring policy, but in no event for more than one additional year.

Any broker making a written demand for such reference shall accompany said written demand with the names and addresses of three persons, whereupon the company shall within fifteen days thereof notify the broker of its choice of one of the said persons to act as one of the referees and at the same time submit the names and addresses of three persons to the broker who shall within fifteen days after receiving such names, notify the company in writing of his choice of one of such persons to act as a second

referee. At the same time the broker shall notify the commissioner, such notice to be on a form prescribed by the commissioner, that both the company and broker have chosen referees. Within ten days of the receipt of such notice the commissioner shall appoint a person to serve as the third referee, and shall notify such person, the broker and the company in writing of such appointment. Each person nominated or appointed as a referee shall be a disinterested person, shall be a resident of the commonwealth and shall be willing to act as such referee. Within ten working days of the appointment of the third referee, who shall serve as chairman, the three referees shall meet, hear the evidence, reduce their decision to writing, and sign it, and shall deliver a copy thereof to the agent or broker, to the company and to the commissioner.

Any insurance company and any insurance broker may by written contract agree to modify the provisions of the preceding two paragraphs, other than the requirement of a ninety-day notice in the event of a cancellation or modification of a contract by provisions presented to and approved by the commissioner which he finds after due hearing and investigation will adequately protect both the right of a policyholder to a continuance of insurance and the services of any broker of his own choosing and the right of a broker to fair compensation for the insurance placed with a company as a result of his efforts. The commissioner may make reasonable rules and general application regarding such modified provisions.

The decision of the referees may provide for the renewal or continuance of any or all policies expiring within six months as aforesaid and for the continuance of such previous contractual provisions, if the referees, or a majority of them, find that such decision will best protect the right of a policyholder to a continuance of insurance and the services of a broker of his own choosing and the right of any broker to compensation for the insurance placed with a company as a result of his efforts giving due consideration to the possibility the affected broker has of obtaining similar coverage for policyholders affected from other companies at reasonable compensation. The decisions rendered in accordance with the provisions of this section providing for reference shall be binding on all companies and brokers affected thereby. If such a decision orders the renewal or continuance of any policies, policyholders and the affected broker shall be entitled in all respects to the same services and practices as were in effect prior to reference insofar as amounts and types of coverage, credit terms are also continued. The referees, or a majority of them, shall fix a fair compensation for the broker affected whenever they order such a renewal or continuance of policies.

All policies expiring within six months of the notice may be renewed as aforesaid but no broker or company relying on this section shall again refer the same issue to referees upon the expiration of such policies and no order for continuance shall remain effective for more than one additional policy period or for one year.

whichever is less for each policy affected thereby. Where, however, other provisions of the General Laws require notice to policyholders before non-renewal of any coverages, the company shall at the request of the broker who is unable to replace any such policy comply with those provisions of law.

A broker initiating reference under this section and the company receiving the written demand shall each be liable for the payment of the reasonable charges and expenses of his nominee for referee and one half of the compensation for the reasonable charges and expenses of the third referee. The third referee shall forthwith upon the execution of the decision furnish the broker and the company with a written statement specifying in detail his charges for compensation and expenses. The broker or company, if aggrieved by said charges, may petition the commissioner for review. The petition shall set forth with particularity the specific item or charges in dispute. The commissioner shall, within ten days of receipt of the petition, notify the interested parties of the date established for a hearing on said petition, and, after said hearing the commissioner shall approve or disapprove said charges in whole or in part. His findings and decision shall be final and conclusive.

Approved November 20, 1973.

Chap. 1057. AN ACT PROVIDING FOR TWO ADDITIONAL COURT OFFICERS IN THE SUPERIOR COURT FOR THE COUNTY OF NORFOLK.

Be it enacted, etc., as follows:

Section 70 of chapter 221 of the General Laws is hereby amended by striking out the sixth paragraph, as appearing in section 8 of chapter 740 of the acts of 1972, and inserting in place thereof the following paragraph: —

For Norfolk, nine for civil and criminal business, who shall, when required by the sheriff, attend the sessions of the supreme judicial, appeals or probate court when not in attendance on the superior court.

Approved November 20, 1973.

Chap. 1058. AN ACT PERMITTING CERTAIN RECIPIENTS OF RETIREMENT OR PENSION PAYMENTS TO DEPOSIT SAID PAYMENTS IN CERTAIN BANKS OR CREDIT UNIONS WITHIN THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 167 of the General Laws is hereby amended by inserting after section 63 the following section: —

Section 64. A city, state, county or municipal treasurer or other official or private employer who receives a written request from a pensioner or retiree, shall, at the direction of said pensioner or retiree, forward any payment made under a pension or retirement

fund or plan to a bank, as defined in section one, a credit union, as defined in section one of chapter one hundred and seventy-one, or national banking association located in the commonwealth, that shall be designated by said pensioner or retiree. Such payment shall be deposited, with the approval of said pensioner or retiree, in his savings or checking account. Such bank, credit union or national banking association shall notify promptly the pensioner or retiree of any deposit made pursuant to this section.

Approved November 20, 1973.

Chap. 1059. AN ACT RELATIVE TO THE LISTING OF THE OCCUPATION OF JURORS.

Be it enacted, etc., as follows:

The first paragraph of section 4 of chapter 234 of the General Laws is hereby amended by striking out the tenth sentence, added by section 1 of chapter 38 of the acts of 1955, and inserting in place thereof the following sentence: — In the event that the person listed is married, there shall be appended in addition an exact description of the business or occupation of his or her spouse, and the name and address of his or her employer or of his or her business; and in the event that the person listed is unemployed or retired, there shall be appended an exact description of his or her last business or occupation, and the name and address of his or her last employer or of his or her last business.

Approved November 20, 1973.

Chap. 1060. AN ACT REMOVING REGISTRATION WAIVERS FOR CERTAIN PHYSICIANS.

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 112 of the General Laws, as most recently amended by chapter 578 of the acts of 1962, is hereby further amended by inserting after the word "medicine", in line 7, the words: — , or if he is not enrolled in or a graduate of a legally chartered medical school in the United States or Canada, he shall be required to present a standard certificate granted after an examination by the Education Council for Foreign Medical Graduates.

SECTION 2. Chapter two hundred and thirty-four of the acts of nineteen hundred and sixty-eight is hereby repealed.

SECTION 3. This act shall take effect on December thirty-first, nineteen hundred and seventy-four.

Approved November 20, 1973.

Chap. 1061. AN ACT AUTHORIZING THE CITY OF FALL RIVER TO PAY A CERTAIN SUM OF MONEY TO THE JAMES T. HUGHES SHEET METAL INC.

Be it enacted, etc., as follows:

SECTION 1. The city of Fall River is hereby authorized to appropriate money for the payment of, and after such appropriation, the treasurer of said city is hereby authorized to pay to the James T. Hughes Sheet Metal Inc. the sum of three thousand seven hundred and fifty-three dollars for goods, materials and services supplied or rendered to said city during the year nineteen hundred and seventy-two and which are legally unenforceable against said city.

SECTION 2. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said city auditor, stating under the penalties of perjury that the goods, materials or services for which said bill has been submitted were ordered by an official or an employee of said city and that such goods and materials were delivered and actually received by said city or that such services were rendered to said city, or both.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby received payment for goods, materials or services which were not rendered to said city shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved November 20, 1973.

Chap. 1062. AN ACT PROVIDING FOR A PENALTY FOR PRISONERS WHO FAIL TO RETURN FROM FURLOUGHS, SO CALLED, FROM CORRECTIONAL FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 268 of the General Laws is hereby amended by striking out section 16, as most recently amended by section 82 of chapter 770 of the acts of 1955, and inserting in place thereof the following section: —

Section 16. A prisoner who escapes or attempts to escape from any penal institution or from land appurtenant thereto, or from the custody of any officer thereof or while being conveyed to or from any such institution, or fails to return from temporary release granted under the provisions of section ninety A of chapter one hundred and twenty-seven, may be pursued and recaptured and shall be punished by imprisonment in the state prison for not more than ten years or by imprisonment in a jail or house of correction for not more than two and one half years.

SECTION 2. Section sixteen A of said chapter two hundred and sixty-eight is hereby repealed. *Approved November 20, 1973.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, November 20, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 1062 of the Acts of 1973, entitled "AN ACT PROVIDING FOR A PENALTY FOR PRISONERS WHO FAIL TO RETURN FROM FURLOUGHS, SO CALLED, FROM CORRECTIONAL FACILITIES." and the enactment of which received my approval on November 20, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is essential that the penalties provided for in this Act become effective immediately.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, November 20, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at five o'clock and five minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter one thousand and sixty-two of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 1063. AN ACT PROVIDING THAT THE PERSON ELECTED CITY COUNCILLOR FROM WARD 6 IN THE CITY OF MALDEN HOLD SAID OFFICE IMMEDIATELY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the person elected city councillor from Ward 6 in the city of Malden on November sixth, nineteen hundred and seventy-three for a term of two years beginning the first Monday of January nineteen hundred and seventy-four, shall forthwith serve for the remainder of the unexpired term of his predecessor as the city councillor from the said Ward 6 immediately after the election of November sixth, nineteen hundred and seventy-three as soon as he is qualified.

SECTION 2. This act shall take effect upon its passage.

Approved November 20, 1973.

Chap. 1064. AN ACT REGULATING THE PAYMENT OF CERTAIN FIRE INSURANCE CLAIMS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to reduce from sixty days to thirty days the time within which insurance companies are required to submit to liability in claims of loss by fire or other damage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The eighteenth paragraph of clause Twelfth of section 99 of chapter 175 of the General Laws, as appearing in section 1 of chapter 478 of the acts of 1951, is hereby amended by striking out, in line 1, the word "sixty" and inserting in place thereof the word: — thirty.

SECTION 2. This act shall take effect on January first, nineteen hundred and seventy-four, and shall apply only to policies issued on or after said effective date.

Approved November 20, 1973.

Chap. 1065. AN ACT AUTHORIZING THE CITY OF GLOUCESTER TO BORROW MONEY TO REPAY CERTAIN FEDERAL AID ANTICIPATION NOTES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of section three of chapter seventy-four of the acts of nineteen hundred and forty-five to the contrary, the treasurer of the city of Gloucester, with the approval of the city manager of said city, is hereby authorized to issue two hundred and ninety-nine thousand dollars federal aid anticipation notes of the city, payable in not more than one year from their dates, in order to pay the two hundred and ninety-nine thousand dollars federal aid anticipation notes of the city, dated November twenty-fourth, nineteen hundred and seventy-one, which were most recently renewed on March twenty-sixth, nineteen hundred and seventy-three and which are payable November twenty-third, nineteen hundred and seventy-three. Notes issued under this act for a period of less than one year may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note issued under this act to the maturity of any note issued to renew or pay the same debt shall not exceed one year.

SECTION 2. This act shall take effect upon its passage.

Approved November 20, 1973.

Chap. 1066. AN ACT AUTHORIZING THE DEPARTMENT OF AGRICULTURE TO ALLOT FUNDS TO CERTAIN FAIRS.

Be it enacted, etc., as follows:

Section 2 of chapter 128 of the General Laws is hereby amended by striking out paragraph (h), inserted by section 2 of chapter 987 of the acts of 1971, and inserting in place thereof the following paragraph: —

(h) Allot to fairs monies for the purchase, rental or installation of facilities to further aid in the display of exhibits and the health and comfort of the general public; provided, however, monies shall not be expended on any portion of the fair used for horse or dog racing.

Approved November 20, 1973.

Chap. 1067. AN ACT PROVIDING THAT THE UNION BRIDGE OVER THE NORTH RIVER BETWEEN THE TOWNS OF MARSHFIELD AND NORWELL BE A FIXED BRIDGE.

Be it enacted, etc., as follows:

Notwithstanding any contrary provisions of chapter seven hundred and ninety-seven of the acts of nineteen hundred and sixty, the Union bridge, so called, over the North river between the towns of Marshfield and Norwell shall be a fixed bridge.

Approved November 20, 1973.

Chap. 1068. AN ACT REQUIRING EVALUATIONS OF STATE RESIDENTIAL FACILITIES FOR THE MENTALLY RETARDED AND PROVIDING FOR FEDERAL REIMBURSEMENT FOR SERVICES TO THE RETARDED IN INTERMEDIATE CARE FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 19 of the General Laws is hereby amended by inserting after section 2 the following section: —

Section 2A. The commissioner shall provide for an evaluation of each residential facility for the mentally retarded by the department, such initial evaluation to be held prior to January first, nineteen hundred and seventy-five, and subsequent evaluations every five years thereafter. Such evaluation shall be conducted by the Accreditation Council on Facilities for the Mentally Retarded of the Joint Commission on Accreditation of Hospitals.

The report of each evaluation shall be forwarded to the commissioner and to the administrator of each facility so evaluated. Within sixty days after the receipt of said evaluation the administrator of each facility so evaluated shall prepare a plan in cooperation with state, regional, area and local programmatic, licensing, certification and inspection authorities, which plan shall be delivered forthwith to the commissioner, to the secretaries of the executive offices of

administration and finance, human services, public safety, educational affairs, and manpower affairs, to the chairman of the advisory council on mental health and mental retardation, to the chairman of the advisory council for the planning, construction, operation or utilization of facilities for the mentally retarded, and to local boards of health responsible for the inspection of the facilities so evaluated.

The plan shall include recommendations and cost estimates to remedy or provide acceptable alternatives to deficient conditions, if any, noted in the evaluation, and shall include a priority schedule for the remediation of such conditions. Each such plan after the first shall also include specific reasons for all uncorrected deficiencies noted in prior evaluations, reports and plans.

All evaluations, reports and plans under this section shall be public records and shall be made available to interested persons at each residential facility for the mentally retarded operated by the department and at the central, regional and area offices of the department.

SECTION 2. Section 6 of chapter 118E of the General Laws is hereby amended by striking out clause (17), added by section 2 of chapter 1084 of the acts of 1971, and inserting in place thereof the following clause: —

(17) nursing home services and intermediate care facility services as permitted under the Social Security Act for individuals whose handicapping condition requires such services other than services in an institution for tuberculosis or mental diseases but including nursing and intermediate care facility services provided in a public or private facility or distinct part thereof for the care of the mentally retarded or persons with related conditions.

Approved November 20, 1973.

Chap. 1069. AN ACT PROVIDING FOR THE ORDERLY IMPLEMENTATION OF THE LAW PROVIDING CERTAIN RIGHTS OF SUBROGATION FOR THE INSURERS OF MOTOR VEHICLE PROPERTY PROTECTION INSURANCE COVERAGE, AND MAKING CERTAIN CORRECTIVE CHANGES THEREIN.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the orderly implementation of the law which provides certain rights of subrogation for insurers providing property protection insurance, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any other provision of law, the commissioner of insurance is authorized to postpone by rule or regulation until January the first, nineteen hundred and seventy-five so much of section thirty-four O of chapter ninety of the General Laws, inserted by section one of chapter nine hundred and

seventeen of the acts of nineteen hundred and seventy-three, as permits an insurer to make claims for all expenses it incurs in making payments in accordance with the provisions of said section thirty-four O of said chapter ninety against any other insurer providing a motor vehicle liability policy or bond on a motor vehicle registered in the commonwealth, whose owner or operator would, except for the exemption from tort liability provided in said section, be liable for such damages, if the commissioner finds either that he does not have information adequate for him to fix and establish premium charges for property protection insurance for the calendar year nineteen hundred and seventy-four, or, if he finds that allowing such claims to be made during said calendar year will not reduce premium charges for insureds who have selected option (1) and option (2) as described in said section thirty-four O in proportion to the increases in such premium charges to insureds who select option (3).

SECTION 2. Section 34 O of chapter 90 of the General Laws, as appearing in section 1 of chapter 978 of the acts of 1971, is hereby amended by adding the following sentence: — No insurer may make claim against or recover from any other insurer in accordance with the provisions of the second sentence of this paragraph for any amounts it pays pursuant to this section as a result of any voluntarily offered coverage or any optional coverage it may be required to offer insureds which eliminates in whole or in part the effect of any deductible of one hundred dollars or the application of the doctrine of comparative negligence applicable to any of the cases described in clauses (a) to (e), inclusive, of option (2) above.

Approved November 21, 1973.

Chap. 1070. AN ACT PROVIDING FOR THE APPOINTMENT OF AN ADDITIONAL DEPUTY COMMISSIONER OF PROBATION.

Be it enacted, etc., as follows:

The first sentence of the second paragraph of section 98 of chapter 276 of the General Laws, as amended by section 6 of chapter 771 of the acts of 1969, is hereby further amended by striking out, in line 2, the word "four" and inserting in place thereof the word: — five.

Approved November 21, 1973.

Chap. 1071. AN ACT REQUIRING PERSONS OWNING CERTAIN ANIMALS TO BE LICENSED BY THE DEPARTMENT OF NATURAL RESOURCES:

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 131 of the General Laws is hereby amended by striking out clause (2), as amended by section 3 of chapter 496 of the acts of 1973, and inserting in place thereof the following clause: —

(2) notwithstanding any other provisions of this chapter, but subject to federal law, rules and regulations, take or in writing authorize other persons to take and possess fish, fish spawn, birds, the nest or eggs thereof, mammals, reptiles or amphibians at any time or in any manner for purposes of observation, research, control or management for which a fee of one dollar shall be charged and, in his discretion, excuse certain persons so authorized from any licensing provision of this chapter and he may, subject to federal law, rules and regulations, regulate the trapping and taking of raptors for the purpose of falconry in accordance with rules and regulations established under the provisions of section five.

SECTION 2. The first paragraph of section 19A of said chapter 131, as appearing in section 1 of chapter 223 of the acts of 1972, is hereby amended by inserting after the word "director", in line 6, the words: — , provided in the case of a dealer licensed both under clause (4) of section twenty-three and section thirty-nine A of chapter one hundred and twenty-nine that said dealer show evidence that he has secured a licensed buyer to purchase said bird or mammal, other than those listed in section five, or other such vertebrate, which are not excluded from the licensing provisions of said section twenty-three, and which are not on the special exemption list provided for in section twenty-three.

SECTION 3. Section 22 of said chapter 131, as appearing in section 1 of chapter 802 of the acts of 1967, is hereby amended by inserting after the word "five", in line 10, the words: — , or the bodies of dead or living reptiles or amphibians.

SECTION 4. Section 23 of said chapter 131 is hereby amended by striking out the first two paragraphs, as so appearing, and inserting in place thereof the following five paragraphs: —

Except as otherwise provided by this section or any rule or regulation made under the authority thereof, a person shall not engage in the propagation, cultivation, or maintenance of, or the dealing in, fish, birds, mammals, reptiles, or amphibians, or parts thereof, as provided in section twenty-four, twenty-five or forty-seven, without first having obtained a propagator's license or dealer's license, as the case may be, authorizing him so to do. For the purpose of this section, birds, mammals, reptiles and amphibians shall refer to undomesticated birds, mammals, reptiles and amphibians that are wild by nature. Nothing in this section shall be construed to prohibit the propagation, disposition, sale, possession or maintenance of domesticated species.

The director, after a public hearing, shall make and may alter, amend, or repeal, rules and regulations governing the possession, propagation, maintenance, disposition, purchase, exchange, sale or offering for sale of fish, birds, mammals, reptiles or amphibians, or parts thereof, protected by this chapter, and may issue licenses in accordance with such rules and regulations.

The director shall draw up a special exemption list of fish, birds, mammals, reptiles and amphibians. Animals to be thus listed shall meet the following criteria: (1) accidental release of the fish, bird,

mammal, reptile or amphibian will not result in an adverse effect on the ecology of the commonwealth; (2) the animal in captivity, or escaped therefrom poses no substantial danger to man, by either injury or disease; (3) proper care of the animal is no more demanding in any major respect than proper care of common domestic animals; and (4) trade in the fish, bird, mammal, reptile or amphibian has no significant adverse effect on the wild population of such animal in any of its natural habitats. No animal listed in any category of the International Union for Conservation of Nature and Natural Resources' Red Data Books shall be listed; no animal protected by either federal endangered species law or by section twenty-six A shall be listed. The special exemption list may be altered by the director after a public hearing. Any individual may possess as a pet, without a license, any animal on the special exemption list, and may continue to do so in case of subsequent removal of such animal from the list, for the lifetime of his animal, contingent upon evidence of acquisition of the animal while so listed.

Each license issued by the director shall specify the degree to which fish, birds, mammals, reptiles or amphibians, or parts thereof, may be propagated, cultivated, maintained, disposed of, or dealt in, and the section of the law with respect to which such license is issued. For the granting of an individual license for an animal that is not on the special exemption list, the applicant shall satisfy the director that he can maintain in good health, properly confine and protect the animal; if, however, depletion of the wild population of the species is an issue, proposed acquisition of a captive-bred animal or acquisition by a person whose ownership is likely to benefit the species shall be given preference.

A license to possess as a pet a bird, mammal, fish, reptile or amphibian owned prior to January first, nineteen hundred and seventy-four shall, provided that any potentially injurious animal is properly confined in a suitable facility, be granted at any time to any individual upon presentation of evidence of ownership of the animal in question prior to January first, nineteen hundred and seventy-four.

SECTION 5. The fourth paragraph of said section 23 of said chapter 131 is hereby amended by striking out clause (4), as so appearing, and inserting in place thereof the following clause: —

(4) To any individual, a propagator's license to possess, maintain, buy, sell, offer for sale or have in possession for the purpose of sale, birds, mammals, reptiles or amphibians.

SECTION 6. Said fourth paragraph of said section 23 of said chapter 131 is hereby further amended by striking out clause (7), as so appearing, and inserting in place thereof the following clause: —

(7) To any individual, a license to possess but not to sell except under authority of a permit from the director, authority to issue such permits being hereby granted to the director, a bird or mammal as a pet, or for the purpose of training dogs, or a reptile or amphibian.

SECTION 7. Said section 23 of said chapter 131 is hereby further amended by adding the following paragraph: —

Any fish, bird, mammal, reptile or amphibian possessed, propagated, cultivated, maintained, sold, or offered for sale in violation of this section or of any rule or regulation made under authority thereof may be seized and shall be disposed of by the director of law enforcement for the best interests of the commonwealth.

SECTION 8. Said chapter 131 is hereby further amended by striking out section 25, as so appearing, and inserting in place thereof the following section: —

Section 25. Except as provided in sections four and twenty-three, a person shall not have in his possession at any time a live bird or mammal other than those named in section five, or a live reptile or amphibian. Birds and mammals had in possession under any license issued under clause (4) or (6) of section twenty-three may be sold at any time, except if sold for food they shall be killed, and tagged as follows: — To the carcass of each bird or mammal or part thereof shall be affixed a numbered tag, to be supplied by the director at a cost of five cents each and in accordance with rules and regulations which he is hereby authorized to make. Every package containing birds or mammals killed under authority of this section, or parts of such birds or mammals, shall be plainly labelled with the name of the holder of the license, by whom, or under whose authority such birds or mammals were killed, with the name of the consignee, and with a statement of the number of birds or mammals, or parts thereof, contained therein. All carcasses or parts thereof shall remain entire and unplucked until such time as they are prepared for consumption as food. Reptiles and amphibians had in possession under any license issued under clause (4) of section twenty-three may be sold at any time.

Nothing herein shall be construed to permit the possession of a live bird, mammal, reptile or amphibian, other than those named in section five and those on the special exemption list provided for in section twenty-three by a person purchasing or receiving such a bird, mammal, reptile or amphibian from a holder of a propagator's license or a dealer's license issued under section twenty-three, unless such purchaser or receiver shall also hold a license under this chapter authorizing him so to possess.

An accurate account of all dealings subject to this section shall be kept by each licensee, including the names of persons from whom any birds, mammals, reptiles or amphibians, alive or dead, or parts thereof, have been obtained or to whom any such birds, mammals, reptiles or amphibians, or parts thereof, have been sold or otherwise disposed of, and said records shall be open for inspection at all reasonable times by the director or his agents, the director of law enforcement, his assistants, and natural resource officers.

A person licensed under the authority of section twenty-three shall not transfer any live bird, or the eggs thereof, or any live mammal, reptile or amphibian, to any person by means of sale,

gift, donation or otherwise, unless such last mentioned person shall first be thereunto licensed under said section.

SECTION 9. Section 26 of said chapter 131, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

Any fish, birds, mammals, reptiles or amphibians lawfully taken or lawfully propagated without the commonwealth may be purchased by any dealer licensed under section twenty-three; provided, that the export and sale is lawful in the state, province or country in which said fish, birds, mammals, reptiles or amphibians are taken or from which they are exported, as the case may be, and the import of any fish, bird, mammal, reptile or amphibian lawfully taken or lawfully propagated without the commonwealth is not in violation of sections nineteen and nineteen A or any rule or regulation made under the authority thereof; and provided further, that all shipments shall bear the name of the consignee, the name of the consignor and, if enclosed, a statement of the contents contained therein, the tag, license or permit number as the case may be, or to the carton, package, box, or crate in which such are shipped, transported or delivered to any point within the commonwealth, is attached whatever mark of identification is required by the state, province or country from which such carcasses or parts thereof are so shipped, transported or delivered; and provided further, that such sale, transportation or export is not contrary to federal legislation or regulation. The burden of proof that skins of mammals and reptiles subject to this section were lawfully taken shall be upon the person possessing the same.

SECTION 10. Said section 26 of said chapter 131 is hereby further amended by striking out the third paragraph, as so appearing, and inserting in place thereof the following paragraph: —

Any fish, bird, mammal, reptile or amphibian possessed, shipped, transported or delivered in violation of this section or of any rule or regulation made under the authority thereof may be seized and shall be disposed of by the director of law enforcement for the best interest of the commonwealth.

SECTION 11. This act shall take effect on January first, nineteen hundred and seventy-four. *Approved November 21, 1973.*

Chap. 1072. AN ACT AUTHORIZING THE PAYMENT OF THE COSTS OF AUTOPSIES PERFORMED ON CHILDREN DYING UNDER TWO YEARS OF AGE AND PROVIDING FOR NOTICE OF THE RESULTS OF SUCH AUTOPSIES TO PARENTS OR GUARDIANS OF SUCH CHILDREN.

Be it enacted, etc., as follows:

Chapter 38 of the General Laws is hereby amended by inserting after section 6B the following section: —

Section 6C. The parent or legal guardian or any police officer or physician knowing of the death of any child under the age of two

years shall immediately notify the medical examiner of the district of the county wherein the body lies of such death. The medical examiner shall notify the parent or legal guardian of such child that, if the parent or legal guardian consents, an autopsy shall be performed on the child, the costs of which shall be borne by the commonwealth. Any parent or legal guardian consenting to such an autopsy shall be notified of the results of said autopsy as to the cause of death. Every medical examiner performing an autopsy under this section shall return an account of the expenses of same, including his fees, to the state treasurer, who, after certification of the account by the state auditor, shall reimburse said medical examiner.

Approved November 21, 1973.

Chap. 1073. AN ACT PROVIDING CARE AND SERVICES FOR CERTAIN CHILDREN.

Be it enacted, etc., as follows:

SECTION 1. Chapter 76 of the General Laws is hereby amended by inserting after section 18 the following two sections: —

Section 19. Every school committee shall appoint, make regulations governing and fix the compensation of one or more supervisors of attendance, who may be either male or female, and who shall meet such standards of qualifications for such work as shall be established by the department of education. The committees of two or more towns may employ the same supervisors of attendance.

Section 20. Supervisors of attendance shall inquire into all cases arising under sections two and eight of chapter seventy-two, sections one, two, four to eleven, inclusive, and fifteen of chapter seventy-six, and sections ninety, ninety-two, ninety-three, and ninety-five of chapter one hundred and forty-nine, and may apply for petitions under the provisions of section thirty-nine E of chapter one hundred and nineteen. They shall, if the court so orders, have oversight of children placed on probation; of minors licensed by the school committee under section nineteen of chapter one hundred and one; and of children admitted to or attending shows or entertainments in violation of section one hundred and ninety-seven of chapter one hundred and forty. They may apprehend and take to school without a warrant any truant or absentee found wandering in the streets or public places.

SECTION 1A. The first paragraph of section 8 of chapter 72 of the General Laws is hereby amended by striking out the fourth sentence, as appearing in the Tercentenary Edition, and inserting in place thereof the following sentence: — In computing the average daily membership a pupil's name shall be omitted only when it is known that he has withdrawn from the school without intention of returning.

SECTION 2. Chapter seventy-seven of the General Laws is hereby repealed.

SECTION 3. Section 21 of chapter 119 of the General Laws is hereby amended by inserting after the definition of "Parent", as

appearing in section 7 of chapter 785 of the acts of 1972, the following definition: —

“Child in need of services”, a child below the age of seventeen who persistently runs away from the home of his parents or legal guardian, or persistently refuses to obey the lawful and reasonable commands of his parents or legal guardian, thereby resulting in said parent’s or guardian’s inability to adequately care for and protect said child, or a child between the ages of six and sixteen who persistently and wilfully fails to attend school or persistently violates the lawful and reasonable regulations of his school.

SECTION 4. Subsection D of section 23 of said chapter 119, as most recently amended by section 7 of chapter 731 of the acts of 1972, is hereby further amended by inserting after the word “twenty-six”, in line 6, the words: — or to be a child in need of services under section thirty-nine G.

SECTION 5. Said chapter 119 is hereby further amended by inserting after section 39D the following six sections: —

Section 39E. The juvenile courts of Boston, Worcester, Springfield, and Bristol county or the juvenile session of any district court, except the municipal court of the Roxbury district, the municipal court of the city of Boston, the central district court of Worcester, the district court of Springfield and the district courts within Bristol county, may receive and hear petitions seeking a determination that a child is in need of services as defined in section twenty-one, in accordance with the provisions of this section and of sections thirty-nine F to thirty-nine I, inclusive. Proceedings pursuant to sections thirty-nine E to thirty-nine I, inclusive, shall not be deemed criminal proceedings.

A parent or legal guardian of a child having custody of such child, or a police officer may apply for a petition in one of said courts alleging that said child persistently runs away from the home of said parent or guardian or persistently refuses to obey the lawful and reasonable commands of said parent or guardian resulting in said parent’s or guardian’s inability to adequately care for and protect said child.

Any supervisor of attendance, duly appointed pursuant to section eighteen of chapter seventy-six may apply for a petition in said court alleging that said child persistently and wilfully fails to attend school or persistently violates the lawful and reasonable regulations of his school.

If the child is not brought into court on arrest, the clerk shall set a date for a hearing to determine whether a petition should issue, shall notify the child of such hearing and shall request the chief probation officer or his designee to conduct a preliminary inquiry to determine whether in his opinion the best interests of the child require that a petition be issued. The court shall hold a hearing in which it shall receive the recommendation of the probation officer and shall either (i) decline to issue the petition because there is no probable cause to believe that the child is in need of services; (ii) decline to issue the petition because it finds that the

interests of the child would best be served by informal assistance without a trial on the merits, in which case the court shall, with the consent of the child and his parents or guardian, refer the child to a probation officer for assistance; or (iii) issue the petition and schedule a trial on the merits. If the child is brought in on arrest, the petition shall issue if it has not already issued, and the court shall immediately request the probation officer promptly to make like inquiry and thereafter report to the court his recommendation as to whether the interests of the child can best be served by informal assistance without a trial on the merits. Upon receiving such recommendation, the court may hold a hearing and shall decide whether to proceed with a trial on the merits or to refer the child to the care of a probation officer for assistance.

Whenever a child is referred to a probation officer for assistance, such officer shall have the authority to refer the child to an appropriate public or private organization or person for psychiatric, psychological, educational, occupational, medical, dental or social services and shall have the authority to conduct conferences with the child and the child's family for the purpose of effecting adjustments or agreements which are calculated to resolve the situation which formed the basis of the application or petition and which will eliminate the need for a judicial trial on the merits. During the pendency of such referrals or conferences, neither the child nor his parents may be compelled to appear at any conferences, produce any papers, or visit any place. However, if the child or his parents fail to participate in good faith in the referrals or conferences arranged by the probation officer, the probation officer shall so certify in writing, and the clerk shall issue a petition, if one has not already been issued, and shall set a date for a trial on the merits. The judge who conducted the hearing on the issuance of a petition shall not preside at any subsequent hearing on the merits. If the child is being detained in any facility pending the determination as to whether a petition shall issue, or pending a trial on the merits, and a determination is made either not to issue the petition or to refer the child to the probation officer, the person in charge of the facility wherein the child is detained shall be notified immediately and the child shall be immediately released. Conferences and referrals arranged under this section may extend for a period not to exceed six months from the date that the application was initially made for the petition, unless the parent and child voluntarily agree in writing to a continuation of such conferences or referrals for an additional period not to exceed six months from the expiration of the original period. Upon the expiration of the initial six-month period, or of such additional six-month period, the petition, if any, shall be dismissed and the child and his parents discharged from any further obligation to participate in such conferences and referrals, or a petition shall, if not already issued, be issued and a date set for a trial on the merits. No statements made by a child or by any other person during the period of inquiries, conferences, or referrals may be used against the

child at any subsequent hearing for the purpose of adjudicating him a child in need of services, but such statements may be received by the court after adjudication for the purpose of disposition.

Upon the filing of a petition under this section, the court may issue a summons, to which a copy of the petition shall be attached, requiring the child named in such petition to appear before said court at the time named therein. If such child fails to obey the summons, said court may issue a warrant reciting the substance of the petition and requiring the officer to whom it is directed forthwith to take and bring such child before said court. Notice of the hearing shall also be given to the department of youth services.

Where the court summons such child, the court shall in addition issue a summons to both parents of the child, if both parents are known to reside in the commonwealth, or to one parent if only one is known to reside within the commonwealth, or, if there is no parent residing in the commonwealth, then to the parent having custody or to the lawful guardian of such child. Said summons shall require the person served to appear at a time and place stated therein at a hearing to determine whether or not such child is in need of services.

Unless service of the summons required by this section is waived in writing, such summons shall be served by the constable or police officer, either by delivering it personally to the person to whom addressed, or by leaving it with a person of proper age to receive the same, at the place of residence or business of such person, and said constable or police officer shall immediately make return to the court of the time and manner of service.

Section 39F. When a child alleged to be in need of services is brought before a juvenile court or a juvenile session of a district court pursuant to section thirty-nine E, said child shall be informed that he has a right to counsel at all hearings, and if said child is not able to retain counsel, the court shall appoint counsel for said child. The court may in its discretion assess against the parent or guardian the cost, or any part thereof, of counsel appointed to represent a child alleged to be in need of services.

Section 39G. At any hearing to determine whether a child is in need of services, said child and his attorney shall be present. If the court finds the allegations in the petition have been proved at the hearing beyond a reasonable doubt, it may adjudge the child named in such petition to be in need of services. Upon making such adjudication the court, taking into consideration the physical and emotional welfare of the child, may make any of the following orders of disposition:

(a) subject to any conditions and limitations the court may prescribe, including provision for medical, psychological, psychiatric, educational, occupational and social services, and for supervision by a court clinic or by any public or private organization providing counseling or guidance services, permit the child to remain with his parents;

(b) subject to such conditions and limitations as the court may

prescribe, including, but not limited to provisions for those services described in clause (a), place the child in the care of any of the following:

(1) a relative, probation officer, or other adult individual who, after inquiry by the probation officer or other person or agency designated by the court, is found to be qualified to receive and care for the child; (2) a private charitable or childcare agency or other private organization, licensed or otherwise authorized by law to receive and provide care for such children; or (3) a private organization which, after inquiry by the probation officer or other person or agency designated by the court, is found to be qualified to receive and care for the child; or

(c) subject to the provisions of sections thirty-two and thirty-three and subject further to such conditions and limitations as the court may prescribe, commit the child to the division of family and children's services of the department of public welfare.

A child found to be in need of services shall not be committed to any county training school. A child found to be in need of services shall not be committed to an institution designated or operated for juveniles adjudicated delinquent. However, such child may be committed to a facility which operates as a group home to provide therapeutic care for juveniles regardless of whether juveniles adjudicated delinquent are also provided care in such facility and may, in addition, be referred to the department of youth services for placement in individual foster care.

Any order of disposition pursuant to this section shall continue in force for six months. The court which entered the order may, after a hearing, extend its duration for additional successive six-month periods if the court finds that the purposes of the order have not been accomplished and that such extension would be reasonably likely to further those purposes.

No order shall continue in effect after the eighteenth birthday of a child named in a petition authorized to be filed by a parent or a legal guardian having custody, or a police officer, under the provisions of the second paragraph of section thirty-nine E, or after the sixteenth birthday of a child named in a petition authorized to be filed by a supervisor of attendance under the provisions of the third paragraph of said section thirty-nine E.

Section 39H. A child may be arrested for committing the behavior described in the definition of child in need of services in section twenty-one, only if such child has failed to obey a summons issued pursuant to section thirty-nine E, or if the arresting law enforcement officer has probable cause to believe that such child has run away from the home of his parents or guardian and will not respond to a summons.

If the court finds that a child alleged to be a child in need of services by reason of persistently refusing to obey the lawful and reasonable commands of his parents or legal guardian is likely not to appear at the preliminary inquiry or at the hearing on the merits, the court shall order the child to be admitted to such bail or to be

released upon such terms and conditions as it determines to be reasonable. A child who does not post bail and is not otherwise released may be detained under such terms and conditions as the court may impose in a facility operated for the care of juveniles, provided that no such child is so detained for more than fifteen days without being brought again before the court for a hearing on whether such detention should be continued for another fifteen-day period. If the court decides to so continue said detention, it shall note in writing the detailed reasons for its decision. Any child aggrieved by such decision shall have an immediate right to appeal to the superior court under the procedures set forth in section fifty-eight of chapter two hundred and seventy-six; provided further, however, that in no event shall any child be detained under this section for more than forty-five days. If a child fails without good cause to respond to a summons, the court may similarly admit the child to bail, or release the child upon conditions set by the court, or, if the child fails to post bail, and is not otherwise released, detain the child subject to the above limitations. Whenever bail is imposed under this section, the provisions of section fifty-eight of chapter two hundred and seventy-six shall be applicable.

Section 39I. Any child who is adjudicated a child in need of services may appeal for a trial *de novo* in a district court designated by the chief justice of the district courts to hear such appeals, with or without jury, except that in the county of Suffolk all such appeals from any district court within said county or from the Boston juvenile court shall be to the Boston juvenile court. Such appeal shall be made by filing a written notice of same by the end of the next business day after entry of the judgment or adjudication, or within such further time as the court may allow.

The child may waive his claim to jury trial and have the appeal heard by a judge without jury. If a child requests a jury, he may elect that such jury to be composed of six or twelve members. When a claim for a trial by jury is made, the clerk of the court in which said claim is filed shall forward forthwith all papers in the case to the clerk of the court designated to hear such appeals. The verdict of the jury shall be unanimous and the court shall enter and record its findings upon the verdict of the jury.

The appeal shall be heard by the district court or juvenile court as a trial *de novo*. All rights and procedures provided in sections thirty-nine E to thirty-nine H, inclusive, shall apply at such trial, except to the extent that they are inconsistent with the provisions of sections thirty-nine E to thirty-nine H, inclusive, in which event the provisions of said sections thirty-nine E to thirty-nine H, inclusive, shall be controlling. The justice presiding at the trial on appeal shall have all the powers and duties of a justice of the juvenile court or a justice of a district court sitting in a juvenile session under this chapter. No justice shall preside over a trial on appeal in a case in which he presided at the initial trial. The trial on appeal shall be heard in a session set apart from the other business of the district court or juvenile court and devoted exclusively to juvenile cases.

This shall be known as the juvenile appeals session of the district court or juvenile court and shall have a separate trial list and docket.

An appeal shall not stay the order, judgment or decree appealed from, but the district court or juvenile court may otherwise order, on application and hearing consistent with this chapter, if suitable provision is made for the care and custody of the child.

Section 39J. Expenses for services provided children alleged or adjudicated to be children in need of services shall be paid by the county in which the court sits upon written certification thereof by the court. The clerk of court shall collect and transmit to the county treasurer, or, in Suffolk county, to the auditor of Boston, hereinafter included in the term "county treasurer", together with an attested copy of the court's order, all bills and vouchers for the costs of any services authorized by the court under the provisions of sections thirty-nine E to thirty-nine I, inclusive. The county treasurer shall keep a record of all payments made for said services, including therein the name of the child, the name or names and addresses of any public or private organization or persons to whom payment is made, the services for which payment is made, and the date upon which payment was made. Periodically, according to a schedule established by the treasurer and receiver-general of the commonwealth, the several county treasurers shall requisition funds from the commonwealth to cover such payments made by the counties during the preceding period. The state treasurer shall pay said requisitions from such sums as may have been appropriated or are otherwise available therefor, and he may require any documentation that he deems appropriate before making payment. Any state agency, department or secretariat which provides, operates, maintains, supervises or funds a program under which any of the services authorized in sections thirty-nine E to thirty-nine I, inclusive, are available may, to the extent consistent with the purposes of such program, provide such services or release funds to the state treasurer for reimbursement by him to the counties for services provided by others which are within the scope of the services authorized in said sections thirty-nine E to thirty-nine I, inclusive.

The state treasurer shall on or before December first of each year render a written report to the general court containing statistics showing the purpose and amounts of expenditures for said services by the various counties for which the commonwealth has made reimbursement, and making such recommendations for change in the law as he shall see fit.

SECTION 6. Section 52 of said chapter 119 is hereby amended by striking out the definition of "Wayward child", as appearing in the Tercentenary Edition.

SECTION 7. The first paragraph of section 54 of said chapter 119, as so appearing, is hereby amended by striking out, in line 2, the words "wayward child or a".

SECTION 8. The first paragraph of section 55 of said chapter 119, as appearing in section 3 of chapter 605 of the acts of 1952,

is hereby amended by striking out, in lines 11 and 12, the words "wayward child or delinquent child, as the case may be" and inserting in place thereof the words: — delinquent child.

SECTION 9. The first sentence of the first paragraph of section 56 of said chapter 119, as appearing in section 1 of chapter 244 of the acts of 1943, is hereby amended by striking out, in line 4, the words "wayward child or".

SECTION 10. The seventh sentence of the said section 56 of said chapter 119, as appearing in section 1 of chapter 308 of the acts of 1964, is hereby amended by striking out, in lines 4 and 5, the words "wayward child or a".

SECTION 11. The second paragraph of said section 56 of said chapter 119, added by chapter 336 of the acts of 1971, is hereby amended by striking out, in line 3, the words "wayward child or a".

SECTION 12. The first sentence of section 57 of said chapter 119, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 1, the words "wayward child or a".

SECTION 13. The first paragraph of section 58 of said chapter 119, as appearing in section 15 of chapter 838 of the acts of 1969, is hereby amended by striking out, in line 5, the words "wayward child or a".

SECTION 14. The third paragraph of said section 58 of said chapter 119, as so appearing, is hereby amended by striking out, in line 1, the words "wayward child or".

SECTION 15. The fourth paragraph of said section 58 of said chapter 119, as most recently amended by section 10 of chapter 731 of the acts of 1972, is hereby further amended by striking out, in line 1, the words "wayward child or".

SECTION 16. Section 60 of said chapter 119, as amended by section 6 of chapter 310 of the acts of 1948, is hereby further amended by striking out, in line 2, the words "wayward child or"—, and by striking out, in lines 10 and 11, the words "waywardness or".

SECTION 17. Section 60A of said chapter 119, inserted by section 1 of chapter 174 of the acts of 1938, is hereby amended by striking out, in line 2, the words "waywardness or".

SECTION 18. Section 63 of said chapter 119 is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 348 of the acts of 1965, and inserting in place thereof the following sentence: — Any person who shall be found to have caused, induced, abetted, or encouraged or contributed toward the waywardness or delinquency of a child, or to have acted in any way tending to cause or induce such waywardness or delinquency, may be punished by a fine of not more than five hundred dollars or by imprisonment of not more than one year, or both.

SECTION 19. The second sentence of said section 63 of said chapter 119, as appearing in section 1 of chapter 65 of the acts of 1932, is hereby amended by striking out, in line 5, the words "waywardness or".

SECTION 20. Section 53 of chapter 272 of the General Laws, as most recently amended by section 1 of chapter 304 of the acts of

1959, is hereby further amended by striking out, in line 1, the words "Stubborn children, runaways, common" and inserting in place thereof the word: — Common.

SECTION 21. Commencing upon the effective date of this act the bureau of clinical services of the department of youth services shall conduct or cause to have conducted a comprehensive assessment of the rehabilitative progress of any child who, upon such date, is institutionalized pursuant to an order of commitment entered after a finding made prior to said effective date that such child violated section three, four or five of chapter seventy-seven of the General Laws, or so much of section fifty-two of chapter one hundred and nineteen of the General Laws as relates to wayward children, or so much of section fifty-three of chapter twenty-seven of the General Laws as relates to stubborn children and runaways, and shall make a report upon such assessment after which the committing court shall review the case, the report of such bureau and the recommendations of the institution in which such child resides and shall determine whether the needs of such child can be met best by continuing such child in such institution or by making a disposition under sections thirty-nine D to thirty nine J, inclusive, of chapter one hundred and nineteen of the General Laws, inserted by section five of this act, and after making such determination shall enter the appropriate order.

Approved November 21, 1973.

Chap. 1074. AN ACT AUTHORIZING THE DIVISION OF WATER POLLUTION TO REQUIRE THE FORMATION OF POLLUTION ABATEMENT DISTRICTS AND THE PREPARATION OF POLLUTION ABATEMENT REPORTS AND PLANS.

Be it enacted, etc., as follows:

SECTION 1. Section 28 of chapter 21 of the General Laws is hereby amended by striking out subsection (a), as amended by section 3 of chapter 873 of the acts of 1967, and inserting in place thereof the following subsection: —

(a) The division is hereby authorized, with the approval of the water resources commission, to propose water pollution abatement districts consisting of one or more cities or towns, or designated parts thereof, for the purposes set forth in section thirty. The district so proposed shall be deemed to be established after approval by the city or town, or designated parts thereof, proposed for inclusion in the district or upon the mandatory formation of the district in accordance with the provisions of subsection (b).

SECTION 2. Subsection (b) of said section 28 of said chapter 21, as appearing in section 1 of chapter 685 of the acts of 1966, is hereby amended by adding the following paragraph: —

In the event that the city or town or designated parts thereof proposed by the division for inclusion in a district fails to vote in the affirmative on said question within the ninety day period, the director shall order a hearing under the provisions of chapter thirty

A. Upon completion of said hearing, the director may, upon finding that the creation of said district is necessary for the prompt and efficient abatement of water pollution, and with the approval of the water resources commission, declare the mandatory formation of the district.

SECTION 3. Subsection (c) of said section 28 of said chapter 21, as so appearing, is hereby amended by adding the following paragraph: —

In the event that the enlargement or consolidation involves a district formed mandatorily as provided in subsection (b), the director shall order a hearing under the provisions of chapter thirty A. Upon completion of the hearing, the director may, upon finding that the formation of said district is necessary for the prompt and efficient abatement of water pollution, and with the approval of the water resources commission, declare the enlargement or consolidation on the part of such district.

SECTION 4. The second paragraph of section 29 of said chapter 21, as amended by section 1 of chapter 601 of the acts of 1972, is hereby further amended by striking out, in line 1, the word "The" and inserting in place thereof the words: — Except as provided in the following paragraph, the.

SECTION 5. Said section 29 of said chapter 21 is hereby further amended by inserting after the second paragraph the following paragraph: —

In the event of the formation of a mandatory district, the district commission shall consist of three members appointed by the director, with the approval of the water resources commission.

SECTION 6. Said chapter 21 is hereby further amended by inserting after section 33A, inserted by chapter 744 of the acts of 1973, the following three sections: —

Section 33B. If any city, town or special district, or other existing governmental unit authorized to construct, own, operate, extend or improve abatement facilities as defined in section thirty, fails to comply with an order of the director to submit a preliminary engineering report of final engineering plans to the division for approval, the director may, with the approval of the water resources commission, act in behalf of such city, town, special district, or other existing governmental unit to prepare or cause to be prepared a preliminary engineering report or final engineering plans. Where more than one city, town or portion thereof is included in a district, the costs shall be distributed between or among such cities and towns according to a formula established by the division of water pollution control.

Nothing in this section shall be construed to prevent any city, town, special district, the metropolitan district commission, or other existing governmental unit who fails to comply with an order of the director from being eligible for financial assistance from the commonwealth and from the United States government.

Section 33C. When it is necessary for the director of the division of water pollution to take the action referred to in section

thirty-three B, said director may, with the approval of the water resources commission, contract for engineering reports or final plans from existing bond issues.

Section 33D. In order to prevent or reduce discharges to the waters of the commonwealth or to implement comprehensive basin or regional plans approved by the division of water pollution control, the director of the division may order the appropriate municipalities, districts and other competent public entities to construct the necessary facilities for which construction grants are authorized under section thirty-three in accordance with timetables for compliance specified in the orders.

SECTION 7. Section 36 of said chapter 21 is hereby amended by adding the following paragraph: —

If a city or town fails to pay the district commission the apportioned amount, the commissioner of corporations and taxation is authorized and directed to pay to the district commission such amounts from the city's or town's share of monies distributed by the commonwealth on an annual basis.

Approved November 21, 1973.

Chap. 1075. AN ACT PROVIDING THAT A CERTAIN LICENSE GRANTED BY THE DEPARTMENT OF PUBLIC WORKS TO MAINTAIN OR REPLACE A STRUCTURE, A PORTION OF WHICH EN-CROACHES IN AND OVER THE CHARLES RIVER IN THE TOWN OF DEDHAM, SHALL BE IRREVOCABLE.

Be it enacted, etc., as follows:

License #6102 granted by the department of public works, pursuant to chapter ninety-one of the General Laws to Carmello J. Gagliard to place piles and to maintain existing structure on piles supported by concrete footing extending over the waters of the Charles river in the town of Dedham in conformity with license plan #6102 (3 Sheets); said plan entitled "Plan accompanying petition of Carmello J. Gagliard to maintain existing structures on pile in Charles river, Dedham, Mass., dated November 17, 1972 by Pilling Engineers Company Inc." shall, notwithstanding any provisions of general or special laws to the contrary, be irrevocable, subject to the conditions expressed in such license and subject to the attested copies of said license and plan herein referred to being recorded with the Norfolk Registry of Deeds within one year after the effective date of this act; provided, however, that if the commonwealth or any of its political subdivisions shall take within ten years after the effective date of this act, any land which has the benefit of any license, the damage recoverable by reason of such taking shall not exceed the cost of acquisition of such land by the owner from whom the taking is made together with the cost to such owner of any buildings or improvements thereon, with interest at six per cent annually from the date any such cost was incurred.

Approved November 21, 1973.

Chap. 1076. AN ACT PROVIDING PROTECTIVE SERVICES FOR CERTAIN CHILDREN WHO HAVE BEEN INJURED, ABUSED OR NEGLECTED.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 38 of the General Laws, as most recently amended by section 4 of chapter 632 of the acts of 1945, is hereby further amended by inserting after the word "disease", in line 6, the words: — , or from malnutrition, or from sexual abuse, or a child who is determined to be physically dependent upon an addictive drug at birth.

SECTION 1A. Section 21 of chapter 119 of the General Laws, as amended by section 7 of chapter 785 of the acts of 1972, is hereby further amended by striking out, in line 2, the word "thirty-nine" and inserting in place thereof the word: — fifty-one F.

SECTION 2. The third sentence of section 24 of said chapter 119, as appearing in section 1 of chapter 646 of the acts of 1954, is hereby amended by striking out, in line 3, the word "three" and inserting in place thereof the word: — twenty-one.

SECTION 3. Section 26 of said chapter 119, as so appearing, is hereby amended by striking out the second sentence, as amended by section 43 of chapter 925 of the acts of 1973, and inserting in place thereof the following three paragraphs: —

If the court finds the allegations in the petition proved within the meaning of this chapter, it may adjudge that said child is in need of care and protection and may commit the child to the custody of the department until he becomes eighteen years of age or until in the opinion of the department the object of his commitment has been accomplished, whichever occurs first; or make any other appropriate order with reference to the care and custody of the child as may conduce to his best interests, including but not limited to any one or more of the following: —

(1) It may permit the child to remain with his parents, guardian, or other custodian, subject to conditions and limitations which the court may prescribe including supervision as directed by the court for the care and protection of the child.

(2) It may, subject to such conditions and limitations as it may prescribe, transfer temporary legal custody to any of the following: —

(i) any individual who, after study by a probation officer or other person or agency designated by the court, is found by the court to be qualified to give care to the child;

(ii) any agency or other private organization licensed or otherwise authorized by law to receive and provide care for the child;

(iii) the department of public welfare.

(3) It may order appropriate physical care including medical or dental care.

In appropriate cases the court shall order the parents or parent of said child to reimburse the commonwealth or other agency for care.

On any petition filed in any court pursuant to this section, the department, parents, person having legal custody of, or counsel for a child may petition the court not more than once every six months for a review and redetermination of the current needs of such child whose case has come before the court.

SECTION 4. Said chapter 119 is hereby further amended by striking out section 29, as so appearing, and inserting in place thereof the following section: —

Section 29. Whenever a child is before any court under sections twenty-four to twenty-seven, inclusive, the parents, guardian or custodian of such child shall have, and shall be informed of, the right to be represented by counsel. The court shall appoint counsel for the child if it determines that the interest of justice so require. Counsel shall be appointed and paid by the court whenever the court, upon request of the parents, custodian or guardian, determines that such person, or child, is unable for financial reasons to retain counsel or whenever the court, in its discretion, determines that the appointment of counsel is required in the interest of justice.

The department, upon its request, shall be represented by the district attorney for the district in which the case is being heard.

SECTION 5. Said chapter 119 is hereby further amended by inserting after section 51 the following seven sections: —

Section 51A. Any physician, medical intern, medical examiner, dentist, nurse, public or private school teacher, educational administrator, guidance or family counselor, probation officer, social worker or policeman, who, in his professional capacity shall have reasonable cause to believe that a child under the age of sixteen years is suffering serious physical or emotional injury resulting from abuse inflicted upon him including sexual abuse, or from neglect, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth, shall immediately report such condition to the department by oral communication and by making a written report within forty-eight hours after such oral communication; provided, however, that whenever such person so required to report is a member of the staff of a medical or other public or private institution, school or facility, he shall immediately either notify the department or notify the person in charge of such institution, school or facility, or that person's designated agent, whereupon such person in charge or his said agent shall then become responsible to make the report in the manner required by this section.

Said reports shall contain the names and addresses of the child and his parents or other person responsible for his care, if known; the child's age; the child's sex; the nature and extent of the child's injuries, abuse, maltreatment, or neglect, including any evidence of prior injuries, abuse, maltreatment, or neglect; the circumstances under which the person required to report first became aware of the child's injuries, abuse, maltreatment or neglect; whatever action, if any, was taken to treat, shelter, or otherwise assist the child; the name of the person or persons making such report; and any other

information which the person reporting believes might be helpful in establishing the cause of the injuries; the identity of the person or persons responsible therefor; and such other information as shall be required by the department.

Any person required to report under this section who has reasonable cause to believe that a child has died as a result of any of the conditions listed in said paragraph shall report said death to the department and to the district attorney for the county in which such death occurred and to the medical examiners as required by section six of chapter thirty-eight.

In addition to those persons required to report pursuant to this section, any other person may make such a report if any such person has reasonable cause to believe that a child is suffering from or has died as a result of such abuse or neglect. No person so required to report shall be liable in any civil or criminal action by reason of such report. No other person making such a report shall be liable in any civil or criminal action by reason of such report if it was made in good faith.

Any privilege established by section twenty or twenty B of chapter two hundred and thirty-three, by court decision or by profession code relating to the exclusion of confidential communications and the competency of witnesses, may not be invoked in any civil action arising out of a report made pursuant to this section.

Section 51B. The department shall: —

(1) investigate and evaluate the information reported under section fifty-one A. The investigation shall include a determination of the nature, extent and cause or causes of the injuries, the identity of the person or persons responsible therefor, the name, age and condition of other children in the same household, an evaluation of the parents and the home environment, and all other pertinent facts or matters;

(2) evaluate the household of the child named in the report and determine the risk of physical or emotional injury to any other children in the same household;

(3) take a child into immediate temporary custody if the department has reasonable cause to believe that the removal of the child is necessary to protect him from further abuse or neglect; provided, however, that if any child is so taken into custody, the department must file a petition pursuant to section twenty-four on the next court day;

(4) offer to the family of any child which it has reasonable cause to believe is suffering from any of the conditions described in the report appropriate social services to prevent further injury to the child, to safeguard his welfare, and to preserve and stabilize family life whenever possible. If the family declines or is unable to accept or to participate in the offered services, the department, or any person may file a petition pursuant to section twenty-four requesting an appropriate order with reference to the care and protection of the child;

(5) file in the central registry established under section fifty-

one F a written report containing information sufficient to identify each child whose name is reported pursuant to section fifty-one A or fifty-one B. A notation shall be sent to such central registry whenever further reports on each such child are filed with the department;

(6) utilize or purchase and utilize such protective services of private and voluntary agencies as it determines necessary;

(7) promulgate regulations to implement the provisions of sections fifty-one A to fifty-one F, inclusive.

Section 51C. If a parent or other person requests the release from a hospital of a child reported pursuant to section fifty-one A, the presiding judge of the juvenile court or the district court of the judicial district in which such hospital is located may, if he believes such release would be detrimental to the child's health or safety, authorize the hospital and the attending physician, by any means of communication, to keep such a child in the hospital until custody is transferred to the department or until a hearing may be held relative to the care and custody of such child.

Any other physician treating a child reported pursuant to section fifty-one A may be so authorized by the court to keep such child in his custody until such time as the custody of the child has been transferred to the department or until a hearing may be held relative to the care and custody of such child.

Section 51D. The commissioner of public welfare may establish throughout the commonwealth child protection consultation and advisory boards. Each board shall be composed of three members who shall be appointed by the commissioner. Not more than one member of each board shall be an employee of the department.

The consultation and advisory boards shall receive, within a reasonable time after a case is initially reported pursuant to section fifty-one A, a summary of the findings and recommendations on each case in which no court action has been taken.

Upon receipt of the written report each board shall make a recommendation for departmental action and shall communicate such recommendation to the commissioner.

In forming such recommendation, each board may request further information on the case and may call before it any person who has been involved in the investigation and evaluation which is being reviewed.

Each board shall give precedence to cases of children suffering serious physical or emotional damage as defined in section fifty-one A in which no court action or change in custody is recommended. The boards shall next review cases in which a party to the proceedings, or any person required to report under section fifty-one A requests a consultation. Other cases in which protective services are offered shall be reviewed in the order of their receipt.

Members of the board shall serve without compensation but, if they are public employees, shall be relieved from their formal duties during times when they are performing the duties specified in this section. Members of the boards shall be reimbursed for any ex-

penses necessarily incurred in the performance of their duties.

Nothing in this section shall permit the board to review decisions of a court of competent jurisdiction.

Section 51E. The department shall maintain a file of the written reports prepared pursuant to this section and sections fifty-one A to fifty-one D, inclusive. Such written reports shall be confidential. The child's parent, guardian, or counsel, the reporting person or agency, the appropriate review board, or a social worker assigned to the case, may, upon request, and upon the approval of the commissioner, receive a copy of the written report of the initial investigation. No such report shall be made available to any persons other than those enumerated in this section without the written and informed consent of the child's parent or guardian, the written approval of the commissioner, or an order of a court of competent jurisdiction.

Any person who permits any information in the files to be released to persons or agencies other than those specified in this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than two and one half years, or both.

Section 51F. The department shall maintain a central registry of information sufficient to identify children whose names are reported pursuant to section fifty-one A or fifty-one B. Data and information relating to individual cases in the central registry shall be confidential and shall be made available only with the approval of the commissioner or upon court order. The commissioner shall establish rules and regulations governing the availability of such data and information.

Any person employed in the central registry who permits the data and information stored in the registry to be released without authorization to persons or agencies other than those specified in the rules and regulations shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than two and one half years, or both.

Section 51G. Sections fifty-one A to fifty-one F, inclusive, are severable and the invalidity of any of said sections shall not affect the continuing validity of any other of said sections.

SECTION 6. Sections thirty-nine A, thirty-nine B, and thirty-nine C of said chapter one hundred and nineteen are hereby repealed.

Approved November 21, 1973.

Chap. 1077. AN ACT RELATIVE TO THE METHOD OF COMPUTING THE RETIREMENT RIGHTS OF CERTAIN EMPLOYEES OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY WHO WERE FORMERLY EMPLOYED BY THE EASTERN MASSACHUSETTS STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provision of any law, Thomas

F. Bates, E. Russell Withrow, Harold P. Black, Thomas P. Delaney, Robert E. Faulkner, Ralph J. Fitzmaurice, Thomas L. Fitzmaurice, Stephen A. Jones, John N. Mulheren, Manuel F. Raposa, Hjalmar S. Sellstone, Harold R. Sinclair, F. Leonard Tracy, and Walter C. Watts, Jr., all former management employees of the Eastern Massachusetts Street Railway Company, who became employees of the Massachusetts Bay Transportation Authority on or after March thirtieth, nineteen hundred and sixty-two by reason of the takeover of said company by the Authority, shall be entitled to use their prior years of service with the Eastern Massachusetts Street Railway Company for qualifying for deferred compensation payments from the Authority as well as using these years of service as creditable service in computing the amount of such deferred compensation payment. Said persons shall be entitled to the same rights to use prior service with the Eastern Massachusetts Street Railway Company as the Authority affords to former members of the Boston Elevated Railway Company in computing deferred compensation rights of said members.

SECTION 2. In no instance shall the combined total of prior service pension allowance received for Eastern Massachusetts Street Railway Company service plus membership service pension allowance from the Massachusetts Bay Transportation Authority plus benefits received under the provisions of section one of this act entitle any person retiring from the Authority to receive more than sixty-five per cent of the average annual salary received from the Authority by such person for the five years next prior to the date of retirement, provided, however, in the event of a change in the method of salary averaging for other members of the Authority from a five year term then the salary averaging method for persons named in said section one shall also be changed to be the same as such new salary averaging term. *Approved November 21, 1973.*

Chap. 1078. AN ACT RELATIVE TO COLLECTIVE BARGAINING BY PUBLIC EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and seventy-eight D and sections one hundred and seventy-eight F to one hundred and seventy-eight N, inclusive, of chapter one hundred and forty-nine of the General Laws are hereby repealed.

SECTION 2. The General Laws are hereby amended by inserting after chapter 150D the following chapter: —

CHAPTER 150E.

LABOR RELATIONS: PUBLIC EMPLOYEES.

Section 1. The following words and phrases as used in this chapter shall have the following meaning unless the context clearly requires otherwise: —

“Board”, the board of conciliation and arbitration established under section seven of chapter twenty-three.

"Commission", the labor relations commission established under section nine 0 of chapter twenty-three.

"Cost items", the provisions of a collective bargaining agreement which require an appropriation by a legislative body.

"Employee" or "public employee", any person employed by a public employer except elected officials, appointed officials, members of any board or commission, representatives of any public employer, including the heads, directors and executive and administrative officers of departments and agencies of any public employer, and other managerial employees or confidential employees, and members of the militia or national guard and employees of the commission. Employees shall be designated as managerial employees only if they (a) participate in formulating or determining policy, or (b) are reasonably required, on behalf of a public employer, to assist directly in the preparation for or conduct of collective bargaining, or (c) have a substantial responsibility, involving the exercise of independent judgment of an appellate responsibility not initially in effect, in the administration of a collective bargaining agreement or in personnel administration. Employees shall be designated as confidential employees only if they directly assist and act in a confidential capacity to a person or persons otherwise excluded from coverage under this chapter.

"Employee organization", any lawful association, organization, federation, council, or labor union, the membership of which includes public employees, and assists its members to improve their wages, hours, and conditions of employment.

"Employer" or "public employer", the commonwealth acting through the commissioner of administration, or any county, city, town or district acting through its chief executive officer, and any individual who is designated to represent one of these employers and act in its interest in dealing with public employees. In the case of school employees, the municipal employer shall be represented by the school committee or its designated representative or representatives. In the case of employees of the community and state colleges and universities, the employer shall mean the respective board of trustees or any individual who is designated to represent it and act in its interest in dealing with its employees.

"Legislative body", the general court in the case of the commonwealth or a county, the city council or town meeting in the case of a city, town or district, or any body which has the power of appropriation with respect to an employer as defined in this chapter.

"Professional employee", any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work, (ii) involving the consistent exercise of discretion and judgment in its performance, (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an insti-

tution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes.

"Strike", a public employee's refusal, in concerted action with others, to report for duty, or his wilful absence from his position, or his stoppage of work, or his abstinence in whole or in part from the performance of the duties of employment as established by an existing collective bargaining agreement or in a collective bargaining agreement expiring immediately preceding the alleged strike, or in the absence of any such agreement, by written personnel policies in effect at least one year prior to the alleged strike; provided that nothing herein shall limit or impair the right of any public employee to express or communicate a complaint or opinion on any matter related to conditions of employment.

Section 2. Employees shall have the right of self-organization and the right to form, join, or assist any employee organization for the purpose of bargaining collectively through representatives of their own choosing on questions of wages, hours, and other terms and conditions of employment, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint, or coercion. An employee shall have the right to refrain from any or all of such activities, except to the extent of making such payment of service fees to an exclusive representative as provided in section twelve.

Section 3. The commission shall prescribe rules and regulations and establish procedures for the determination of appropriate bargaining units which shall be consistent with the purposes of providing for stable and continuing labor relations, giving due regard to such criteria as community of interest, efficiency of operations and effective dealings, and to safeguarding the rights of employees to effective representation. No unit shall include both professional and nonprofessional employees unless a majority of such professional employees votes for inclusion in such unit; provided, however, that in any fire department, or any department in whole or in part engaging in, or having the responsibility of, fire fighting, no person subordinate to a fire commission, fire commissioner, public safety director, board of engineers or chief of department, shall be deemed to be a professional employee and all other members of said department shall be classified for the purposes of this chapter as nonprofessional employees.

No elected or appointed official, member of any board of commission, representative of a public employer, including the administrative officer, director or chief of a department or agency of the commonwealth or any political subdivision thereof, or any other managerial or confidential employee shall be included in an appropriate bargaining unit or entitled to coverage under this chapter.

Section 4. Public employers may recognize an employee organization designated by the majority of the employees in an appropriate bargaining unit as the exclusive representative of all the

employees in such unit for the purpose of collective bargaining.

The commission, upon receipt of an employer's petition alleging that one or more employee organizations claims to represent a substantial number of the employees in a bargaining unit, or upon receipt of an employee organization's petition that a substantial number of the employees in a bargaining unit wish to be represented by the petitioner, or upon receipt of a petition filed by or on behalf of a substantial number of the employees in a unit alleging that the exclusive representative therefor no longer represents a majority of the employees therein, shall investigate, and if it has reasonable cause to believe that a substantial question of representation exists, shall provide for an appropriate hearing upon due notice. If, after hearing, the commission finds that there is a controversy concerning the representation of employees, it shall direct an election by secret ballot or shall use any other suitable method to determine whether, or by which employee organization the employees in an appropriate unit desire to be represented, and shall certify any employee organization which received a majority of the votes in such election as the exclusive representative of such employees.

Except for good cause no election shall be directed by the commission in an appropriate bargaining unit within which a valid election has been held in the preceding twelve months, or a valid collective bargaining agreement is in effect. The commission shall by its rules provide an appropriate period prior to the expiration of such agreements when certification or decertification petitions may be filed.

Nothing in this section shall be construed to prohibit a stipulation, in accordance with regulations of the commission, by an employer and an employee organization for waiving of hearing and the conducting of a consent election by the commission for the purpose of determining a controversy concerning the representation of employees.

Any hearing under this section may be, when so determined by the commission, conducted by a member or agent of the commission. The decisions and determinations of such member or agent shall be final and binding unless, within ten days after notice thereof, any party requests a review by the full commission. If a review is requested, the member or agent shall file with the commission and with the parties a written statement of the case. In addition any party may, within ten days from the receipt of such statement, file a supplementary statement with the commission. A review by the commission shall be made upon such statement of the case by the member or agent and upon such supplementary statements filed by the parties, if any, together with such other evidence as the commission may require.

Section 5. The exclusive representative shall have the right to act for and negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees without discrimination and without regard to employee

organization membership.

An employee may present a grievance to his employer and have such grievance heard without intervention by the exclusive representative of the employee organization representing said employee, provided that the exclusive representative is afforded the opportunity to be present at such conferences and that any adjustment made shall not be inconsistent with the terms of an agreement then in effect between the employer and the exclusive representative.

Section 6. The employer and the exclusive representative shall meet at reasonable times, including meetings in advance of the employer's budget-making process and shall negotiate in good faith with respect to wages, hours, standards of productivity and performance, and any other terms and conditions of employment, but such obligation shall not compel either party to agree to a proposal or make a concession.

Section 7. Any collective bargaining agreement reached between the employer and the exclusive representative shall not exceed a term of three years. The agreement shall be reduced to writing, executed by the parties, and a copy of such agreement shall be filed with the commission.

The employer shall submit to the appropriate legislative body within thirty days after the date on which the agreement is executed by the parties, a request for an appropriation necessary to fund the cost items contained therein; provided, that if the general court is not in session at that time, such request shall be submitted at the next session thereof. If the appropriate legislative body duly rejects the request for an appropriation necessary to fund the cost items, such cost items shall be returned to the parties for further bargaining. The provisions of the preceding two sentences shall not apply to agreements reached by school committees in cities and towns in which the provisions of section thirty-four of chapter seventy-one are operative.

If a collective bargaining agreement reached by the employer and the exclusive representative contains a conflict between matters which are within the scope of negotiations pursuant to section six of this chapter and any municipal personnel ordinance, by-law, rule or regulation; the regulations of a police chief pursuant to section ninety-seven A of chapter forty-one; the regulations of a fire chief or other head of a fire department pursuant to chapter forty-eight; any of the following statutory provisions or rules or regulations made thereunder:

(a) the second paragraph of section twenty-eight of chapter seven;

(a $\frac{1}{2}$) section six E of chapter twenty one;

(b) sections fifty to fifty-six, inclusive, of chapter thirty-five;

(c) section twenty-four A, paragraphs (4) and (5) of section forty-five, paragraphs (1), (4) and (10) of section forty-six, section forty-nine, as it applies to allocation appeals, and section fifty-three of chapter thirty;

(d) sections twenty-one A and twenty-one B of chapter forty;

(e) sections one hundred and eight D to one hundred and eight I, inclusive, and sections one hundred and eleven to one hundred and eleven L, inclusive, of chapter forty-one;

(f) section thirty-three A of chapter forty-four;

(g) sections fifty-seven to fifty-nine, inclusive, of chapter forty-eight;

(g^{1/2}) section sixty-two of chapter ninety-two;

(h) sections fourteen to seventeen E, inclusive, of chapter one hundred and forty-seven;

(i) sections thirty to forty-two, inclusive, of chapter one hundred and forty-nine;

(j) section fifty-three C of chapter two hundred and sixty-two, the terms of the collective bargaining agreement shall prevail.

Section 8. The parties may include in any written agreement a grievance procedure culminating in final and binding arbitration to be invoked in the event of any dispute concerning the interpretation or application of such written agreement. In the absence of such grievance procedure, binding arbitration may be ordered by the commission upon the request of either party; provided that any such grievance procedure shall, wherever applicable, be exclusive and shall supercede any otherwise applicable grievance procedure provided by law; and further provided that binding arbitration hereunder shall be enforceable under the provisions of chapter one hundred and fifty C and shall, where such arbitration is elected by the employee as the method of grievance resolution, be the exclusive procedure for resolving any such grievance involving suspension, dismissal, removal or termination notwithstanding any contrary provisions of sections forty-three and forty-six G of chapter thirty-one, section sixteen of chapter thirty-two, or sections forty-two through forty-three A, inclusive, of chapter seventy-one.

Section 9. After a reasonable period of negotiation over the terms of a collective bargaining agreement, either party or the parties acting jointly may petition the board for a determination of the existence of an impasse. Upon receipt of such petition, the board shall commence an investigation forthwith to determine if the parties have negotiated for a reasonable period of time and if an impasse exists, within ten days of the receipt of such petition, the board shall notify the parties of the results of its investigation. Failure to notify the parties within ten days shall be taken to mean that an impasse exists.

Within five days after such determination, the board shall appoint a mediator to assist the parties in the resolution of the impasse. In the alternative, the parties may agree upon a person to serve as a mediator and shall notify the board of such agreement and choice of mediator.

After a reasonable period of mediation, not to exceed twenty days from the date of appointment, said mediator shall issue to the board a report indicating the results of his services in resolving the impasse.

If the impasse continues after the conclusion of mediation, either party or the parties acting jointly may petition the board to initiate fact-finding proceedings. Upon receipt of such petition, the board shall appoint a fact-finder, representative of the public, from a list of qualified persons maintained by the board. In the alternative, the parties may agree upon a person to serve as fact-finder and shall notify the board of such agreement and choice of fact-finder. No person shall be named as a fact-finder who has represented an employer or employee organization within the preceding twelve months. The fact-finder shall be subject to the rules of the board and shall, in addition to powers delegated to him by the board, have the power to mediate and to make recommendations for the resolution of the impasse. The fact-finder shall transmit his findings and any recommendations for the resolution of the impasse to the board and to both parties within thirty days after the date of his appointment. If the impasse remains unresolved ten days after the transmittal of such findings and recommendations, the board shall make them public.

Any arbitration award in a proceeding voluntarily agreed to by the parties to resolve an impasse shall be binding on the parties and on the appropriate legislative body and made effective and enforceable pursuant to the provisions of chapter one hundred and fifty C, provided that said arbitration proceeding has been authorized by the appropriate legislative body or in the case of school employees, by the appropriate school committee.

If the impasse continues after the publication of the fact-finder's report, the issues in dispute shall be returned to the parties for further bargaining.

Any time limitations prescribed in this section may be extended by mutual agreement of the parties and the board.

Section 9A. (a) No public employee or employee organization shall engage in a strike, and no public employee or employee organization shall induce, encourage or condone any strike, work stoppage, slowdown or withholding of services by such public employees.

(b) Whenever a strike occurs or is about to occur, the employer shall petition the commission to make an investigation. If, after investigation, the commission determines that any provision of paragraph (a) of this section has been or is about to be violated, it shall immediately set requirements that must be complied with, including, but not limited to, instituting appropriate proceedings in the superior court for the county wherein such violation has occurred or is about to occur for enforcement of such requirements.

Section 10. (a) It shall be a prohibited practice for a public employer or its designated representative to:

- (1) Interfere, restrain, or coerce any employee in the exercise of any right guaranteed under this chapter;
- (2) Dominate, interfere, or assist in the formation, existence, or administration of any employee organization;
- (3) Discriminate in regard to hiring, tenure, or any term or condition of employment to encourage or discourage membership

in any employee organization;

(4) Discharge or otherwise discriminate against an employee because he has signed or filed an affidavit, petition, or complaint or given any information or testimony under this chapter, or because he has informed, joined, or chosen to be represented by an employee organization;

(5) Refuse to bargain collectively in good faith with the exclusive representative as required in section six;

(6) Refuse to participate in good faith in the mediation, fact-finding, and arbitration procedures set forth in sections eight and nine;

(b) It shall be a prohibited practice for a public employee or for an employee organization or its designated agent to:

(1) Interfere, restrain, or coerce any employer in the exercise of any right guaranteed under this chapter;

(2) Refuse to bargain collectively in good faith with the public employer, if it is an exclusive representative, as required in section seven;

(3) Refuse to participate in good faith in the mediation, fact-finding and arbitration procedures set forth in sections eight and nine.

Section 11. When a complaint is made to the commission that a practice prohibited by section ten has been committed, the commission may issue an order dismissing the complaint or may order a further investigation or a hearing thereon. If a hearing is ordered, the commission shall set the time and place for the hearing, which time and place may be changed by the commission at the request of one of the parties for cause shown. Any complaint may be amended with the permission of the commission. The employer, the employee organization or the person so complained of shall have the right to file an answer to the original or amended complaint within five days after the service of such complaint or within such other time as the commission may limit. Such employer, such employee organization or such person shall have the right to appear in person or otherwise to defend against such complaint. At the discretion of the commission any person may be allowed to intervene in such proceeding. In any hearing the commission shall not be bound by the technical rules of evidence prevailing in the courts.

Whenever it is alleged that a party has refused to bargain collectively in good faith with the exclusive representative as required in section ten and that such refusal is based upon a dispute involving the appropriateness of a bargaining unit, the commission shall, except for good cause shown, issue an interim order requiring the parties to bargain pending its determination of the dispute. Where such interim order is issued the commission shall hold a hearing on the charge in a summary manner and shall speedily determine the issues raised and shall make an appropriate decision.

Upon any complaint made under this section the commission in its discretion may order that the hearing be conducted by a mem-

ber or agent of the commission. At such hearing the employer, the employee organization or the person so complained of shall have the right to appear in person or otherwise to defend against such complaint. At the discretion of the commission, any person may be allowed to intervene in such proceeding. In any hearing the member or agent shall not be bound by the technical rules of evidence prevailing in the courts. At the conclusion of the hearing, the member or agent shall determine whether a practice prohibited under section ten has been committed and if so, he shall issue an order requiring it or him to cease and desist from such prohibited practice. If the member or agent determines that a practice prohibited under section ten has not been committed, he shall issue an order dismissing the complaint. Any order issued pursuant to this paragraph shall become final and binding unless, within ten days after notice thereof, any party requests a review by the full commission. A review may be made upon a written statement of the case by the member or agent agreed to by the parties, or upon written statements furnished by the parties, or, if any party or the commission requests, upon a transcript of the testimony taken at the preliminary hearing, together with such other testimony as the commission may require.

If, upon all the testimony, the commission determines that a prohibited practice has been committed, it shall state its findings of fact and shall issue and cause to be served on the party committing the prohibited practice an order requiring it or him to cease and desist from such prohibited practice, and shall take such further affirmative action as will comply with the provisions of this section, including but not limited to the withdrawal of certification of an employee organization established by or assisted in its establishment by any such prohibited practice. It shall order the reinstatement with or without back pay of an employee discharged or discriminated against in violation of the first paragraph of this section. If, upon all of the testimony, the commission determines that a prohibited practice has not been or is not being committed, it shall state its finding of fact and shall issue an order dismissing the complaint.

Section 12. The commonwealth or any other employer shall require as a condition of employment during the life of a collective bargaining agreement so providing, the payment on or after the thirtieth day following the beginning of such employment or the effective date of such agreement, whichever is later, of a service fee to the employee organization which in accordance with the provisions of this chapter, is duly recognized by the employer or designated by the commission as the exclusive bargaining agent for the unit in which such employee is employed; provided, however, that such service fee shall not be imposed unless the collective bargaining agreement requiring its payment as a condition of employment has been formally executed, pursuant to a vote of a majority of all employees in such bargaining unit present and voting. Such service fee shall be proportionately commensurate

with the cost of collective bargaining and contract administration.

Section 13. The commission shall maintain a list of employee organizations. To be recognized as such and to be included in the list an organization shall file with the commission a statement of its name, the name and address of its secretary or other officer to whom notices may be sent, the date of its organization, and its affiliations, if any, with other organizations. Every employee organization shall notify the commission promptly of any change of name or of the name and address of its secretary or other officer to whom notices may be sent, or of its affiliations.

The commission shall indicate on the list which employee organizations are exclusive representatives of appropriate bargaining units, the effective dates of their certification, and the effective date and expiration date of any agreement reached between the public employer and the exclusive representative. Copies of such list shall be made available to interested parties upon request.

In the event of failure of compliance with this section, the commission shall compel such compliance by appropriate order, said order to be enforceable in the same manner as other orders of the commission under this chapter.

Section 14. No person or association of persons shall operate or maintain an employee organization under this chapter unless and until there has been filed with the commission a written statement signed by the president and secretary of such employee organization setting forth the names and addresses of all of the officers of such organization, the aims and objectives of such organization, the scale of dues, initiation fees, fines and assessments to be charged to the members, and the annual salaries to be paid to the officers.

Every employee organization shall keep an adequate record of its financial transactions and shall make annually available to its members and to non-member employees who are required to pay a service fee under section twelve of this act, within sixty days after the end of its fiscal year, a detailed written financial report in the form of a balance sheet and operating statement. Such report shall indicate the total of its receipts of any kind and the sources of such receipts, and disbursements made by it during its last fiscal year. A copy of such report shall be filed with the commission.

In the event of failure of compliance with this section, the commission shall compel such compliance by appropriate order, said order to be enforceable in the same manner as other orders of the commission under this chapter.

Section 15. Whoever wilfully assaults, physically resists, prevents, impedes, or interferes with a mediator, fact-finder, or arbitrator, or any member of the commission or any of the agents or employees of the commission in the performance of duties pursuant to this chapter shall be fined not more than five thousand dollars, or imprisoned not more than one year, or both.

Whoever knowingly files a statement or report under section

fourteen of this chapter, which report is false in any material representation, shall be punished by a fine of not more than five thousand dollars.

No compensation shall be paid by an employer to an employee with respect to any day or part thereof when such employee is engaged in a strike against said employer, nor shall such employee be eligible to recover such compensation at a later date in the event that such employee is required to work additional days to fulfill the provisions of collective bargaining agreement.

Any employee who engages in a strike shall be subject to discipline and discharge proceedings by the employer.

SECTION 2A. Section 9R of chapter 23 of the General Laws, as most recently amended by chapter 763 of the acts of 1965, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — The commission shall have authority from time to time to make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of sections nine O to nine Q, inclusive, of this chapter, chapter one hundred and fifty A, and chapter one hundred and fifty E.

SECTION 2B. Section 28 of chapter 7 of the General Laws, as most recently amended by chapter 352 of the acts of 1963, is hereby further amended by inserting at the end of the second paragraph the following sentence: — In the event of a conflict between the terms of a collective bargaining agreement and any rule or regulation made pursuant to this paragraph, the terms of the collective bargaining agreement shall prevail.

SECTION 2C. Section 17A of chapter 180 of the General Laws, as most recently amended by chapter 472 of the acts of 1969, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

The state treasurer, the common paymaster as defined in section one hundred and thirty-three of chapter one hundred and seventy-five, or the treasurer of the county or municipality by which such employee is employed, shall deduct from the salary of such employee such amount of union dues, dues to the Massachusetts State Employees Association, dues to the Massachusetts Nurses Association, or dues payable to any relief association of any municipal department as may be certified to him on the payroll, and transmit the sum so deducted to the treasurer of said association; provided, that the state treasurer or the county or municipal treasurer, as the case may be, is satisfied by such evidence as he may require that the treasurer of such association has given to said association a bond, in a form approved by the commissioner of corporations and taxation, for the faithful performance of his duties, in a sum and with such surety or sureties as are satisfactory to the state treasurer or county or municipal treasurer; and provided, further, that whenever an association or union of state, county, or municipal employees is certified or obtains consent recognition under the provisions of chapter one

hundred and fifty E, such deductions shall be made for dues only to the certified or recognized association or union.

SECTION 3. Chapter 180 of the General Laws is hereby amended by striking out section 17G and inserting in place thereof the following section: —

Section 17G. Deductions on payroll schedules shall be made from the salary of any state, county or municipal employee of any amount which such employee may specify in writing to any state, county or municipal officer, or the head of the state, county or municipal department, board or commission, by whom or which he is employed for the payment of agency service fees to the employee organization, which, in accordance with the provisions of chapter one hundred and fifty E is duly recognized by the employer or designated by the labor relations commission as the exclusive bargaining agent for the appropriate unit in which such employee is employed. Such agency service fees shall be proportionately commensurate with the cost of collective bargaining and contract administration. Any such authorization may be withdrawn by the employee by giving at least sixty days' notice in writing of such withdrawal to the state, county or municipal officer, or the head of the state, county or municipal department, board or commission, by whom or which he is then employed, and by filing a copy thereof with the treasurer of the employee organization.

The state treasurer, the common paymaster as defined in section one hundred and thirty-three of chapter one hundred and seventy-five, or the treasurer of the county or municipality by which such employee is employed shall deduct from the salary of such employee such amount of agency service fees as may be certified to him on the payroll and transmit the sum so deducted to the treasurer of such employee organization; provided that the state treasurer or county or municipal treasurer, as the case may be, is satisfied by such evidence as he may require that the treasurer of such employee organization has given to said organization a bond, in a form approved by the commissioner of corporations and taxation for the faithful performance of his duties, in such sum and with such surety or sureties as are satisfactory to the state treasurer, or the county or municipal treasurer.

The provisions of this section shall not be applicable to the city of Boston.

SECTION 4. If an employee organization duly recognized as representing the firefighters or police officers of a city, town or district is engaged in an impasse which has continued for thirty days after the publication of the fact-finders report pursuant to section nine of chapter one hundred and fifty E, said employee organization shall petition the board to make an investigation. If, after investigation, the board determined that:

(1) the requirements of section nine of chapter one hundred and fifty E have been complied with in good faith by the employee organization;

(2) thirty days have passed since the date of publication of

the fact-finders report pursuant to said section nine;

(3) the proceedings for the prevention of any prohibited practices have been exhausted, provided that any such complaints have been filed with the commission, prior to the date of the fact-finders report; and

(4) an impasse exists, the board shall immediately notify the employer and the employee organization that the issues in dispute shall be resolved by a three-member arbitration panel.

Said panel shall be comprised of three arbitrators, one selected by the employer, one selected by the employee organization, and a third an impartial arbitrator, who shall act as chairman of the panel, who shall be selected by the two previously selected arbitrators. In the event that either party fails to select an arbitrator or for any reason there is a delay in the naming of an arbitrator, or if the arbitrators fail to select a third arbitrator within the time prescribed by the board, the board shall appoint the arbitrator or arbitrators necessary to complete the panel, which shall act with the same force and effect as if the panel had been selected without intervention by the board.

The arbitration panel shall, acting through its chairman, hold a hearing within ten days after the date of appointment of the chairman at a place within the locality of the municipality involved, where feasible. The chairman shall give at least seven days' notice in writing to each of the other arbitrators, and to the representatives of the municipal employer and employee organization of the time and place of such hearing. The chairman shall preside over the hearing and shall take testimony. Upon application and for good cause shown, a person, labor organization, or governmental unit having substantial interest therein may be granted leave to intervene by the arbitration panel. The proceedings shall be informal. Any oral or documentary evidence and other data deemed relevant by the arbitration panel may be received into evidence. The arbitrators shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of books, records, and other evidence relative to or pertinent to the issues presented to them for determination. If any person refuses to obey a subpoena, or refuses to be sworn or to testify, or if any witness, party, or attorney is guilty of any contempt while in attendance at any hearing, the arbitration panel may, or the district attorney if requested, shall, invoke the aid of the superior court within the jurisdiction in which the hearing is being held, which court shall issue an appropriate order.

A record of the proceedings shall be kept, and the chairman shall arrange for the necessary recording service. Transcripts may be ordered at the expense of the party ordering them, but the transcripts shall not be necessary for an award by the panel. The hearing may be continued at the discretion of the panel and shall be concluded within forty days from the time of commencement. At the conclusion of the hearing, each party shall submit a written

statement containing its last and best offer for each of the issues in dispute to the panel, which shall take said statements under advisement. Within ten days after the conclusion of the hearing, a majority of the panel shall select one of the two written statements and shall immediately give written notice of selection to the parties. The selection shall be final and binding upon the parties and upon the appropriate legislative body.

At any time before the rendering of an award, the chairman of the arbitration panel, if he is of the opinion that it would be useful or beneficial to do so, may remand the dispute to the parties for further collective bargaining for a period not to exceed three weeks and notify the board of the remand. If the dispute is remanded for further collective bargaining the time provisions of this act shall be extended for a time period equal to that of the remand.

In the event that the representatives of the parties mutually resolve each of the issues in dispute and agree to be bound accordingly, said representatives may, at any time prior to the final decision by the panel, request that the arbitration proceedings be terminated, the panel, acting through its chairman, shall terminate the proceedings.

The factors, among others, to be given weight by the arbitration panel in arriving at a decision shall include:

- (1) The financial ability of the municipality to meet costs.
- (2) The interests and welfare of the public.
- (3) The hazards of employment, physical, education, and mental qualifications, job training and skills involved.
- (4) A comparison of wages, hours and conditions of employment of the employees involved in the arbitration proceedings with the wages, hours and conditions of employment of other employees performing similar services and with other employees generally in public and private employment in comparable communities.
- (5) The decisions and recommendations of the fact finder.
- (6) The average consumer prices for goods and services, commonly known as the cost of living.
- (7) The overall compensation presently received by the employees, including direct wages and fringe benefits.
- (8) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.
- (9) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise between the parties, in the public service or in private employment.
- (10) The stipulation of the parties.

Any determination or decision of the arbitration panel if supported by material and substantive evidence on the whole record shall be binding upon the parties and may be enforced at the instance of either party or of the arbitration panel in the superior

court in equity; provided, that the scope of arbitration in police matters shall be limited to wages, hours and conditions of employment and shall not include the following matters of inherent managerial policy: the right to appoint, promote, assign and transfer employees.

The commencement of a new municipal finance year prior to the final award by the arbitration panel shall not be deemed to render a dispute moot, or to otherwise impair the jurisdiction or authority of the arbitration panel or its award. Any award of the arbitration panel may be retroactive to the beginning of said municipal finance year.

If a municipal employer or an employee organization wilfully disobeys a lawful order of enforcement pursuant to this section, or wilfully encourages or offers resistance to such order, whether by strike or otherwise, the punishment for each day that such contempt continues may be a fine for each day to be determined at the discretion of said court.

Each of the parties shall provide compensation for the arbitrator which he has selected pursuant to this section. The remaining costs of the arbitration proceedings under this section shall be divided equally between the parties. Compensation for the arbitrators shall be in accordance with a schedule of payment established by the American Arbitration Association.

SECTION 5. The terms of any collective bargaining agreement in effect prior to the effective date of this act shall remain in full force and effect until the expiration date of said agreement.

SECTION 6. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 7. The provisions of this act shall take effect on July first, nineteen hundred and seventy-four.

SECTION 8. The provisions of section four of this act shall terminate on June thirtieth, nineteen hundred and seventy-seven. Any arbitration proceedings pending on June thirtieth, nineteen hundred and seventy-seven shall be completed under the provisions of section four.

Approved November 26, 1973.

Chap. 1079. AN ACT EXTENDING THE TIME WITHIN WHICH AN APPLICATION FOR ABATEMENT MAY BE FILED UNDER THE LAW PROVIDING FOR THE ABATEMENT OF CERTAIN TAXES ON PROPERTY DAMAGED BY THE FLOODS OF JUNE TWENTY-NINTH THROUGH JULY SIXTH, NINETEEN HUNDRED AND SEVENTY-THREE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately extend the time within which an application for abatement may be filed under the law providing for the abatement of certain taxes on property damaged by the floods of June twenty-ninth through July sixth, nineteen hundred

and seventy-three, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 826 of the acts of 1973 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: — Notwithstanding any other provisions of law, application for abatement under this act shall be filed before December thirty-first, nineteen hundred and seventy-three.

SECTION 2. This act shall take effect as of September twenty-sixth, nineteen hundred and seventy-three.

Approved November 26, 1973.

Chap. 1080. AN ACT AUTHORIZING THE CITY OF LAWRENCE TO APPROPRIATE MONEY FOR THE PAYMENT OF AND TO PAY CERTAIN EMPLOYEES OF ITS BESSIE M. BURKE MEMORIAL HOSPITAL A CERTAIN UNIFORM ALLOWANCE.

Be it enacted, etc., as follows:

SECTION 1. The city of Lawrence is hereby authorized to appropriate, and, after such appropriation, to pay the sum of seventy-eight dollars to certain employees in the Bessie M. Burke Memorial Hospital for uniform allowances in accordance with the provisions of collective bargaining agreements for the years nineteen hundred and seventy-one and nineteen hundred and seventy-two.

SECTION 2. This act shall take effect upon its passage.

Approved November 26, 1973.

Chap. 1081. AN ACT FURTHER REGULATING THE CONTENTS OF ACCIDENT AND SICKNESS POLICIES AND REGULATING ADVERTISING OF SUCH POLICIES.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by inserting after section 110D the following section: —

Section 110E. The commissioner shall make rules and regulations, and may at any time alter, amend, or make interpretations thereof, to establish minimum standards of full and fair disclosure, for the form and content of policies of accident and sickness insurance which provide medical, surgical, or hospital expense benefits, whether on an indemnity, reimbursement, service or prepaid basis, as defined in section one hundred and eight and contracts to subscribers of hospital service corporations subject to section six of chapter one hundred and seventy-six A and contracts to

subscribers of medical service corporations subject to section four of chapter one hundred and seventy-six B and contracts to subscribing members of medical service corporations subject to section four of chapter one hundred and seventy-six C and contracts to subscribers of dental service corporations subject to section four of chapter one hundred and seventy-six E. Such rules and regulations may apply to all, any portion or reasonable classifications of such policies or contracts, and shall be made to bring about:

(a) reasonable standardization and simplification of coverages to facilitate understanding and comparisons;

(b) elimination of provisions which may be misleading or unreasonably confusing, in connection either with the purchase of such insurance or with the settlement of claims;

(c) elimination of deceptive practices in connection with the sale of such insurance;

(d) elimination of provisions which may be contrary to the health care needs of the public;

(e) elimination of coverages which are so limited in scope as to be of no substantial economic value to the holders thereof.

When a rule or regulation has been adopted pursuant to this section and an individual policy of accident and sickness insurance form regulated by section one hundred and eight is not in compliance with such rule or regulation, such noncompliance shall be grounds for a withdrawal of approval of such policy form and the commissioner may withdraw his approval of any such form upon written notice to the insurer specifying his reasons therefor.

The commissioner shall make, and may at any time alter or amend, reasonable rules and regulations, and interpretations thereof, concerning advertising of insurance policies described in sections one hundred and eight or one hundred and ten of this chapter so as to assure that such advertising is truthful and not misleading, in fact or in implication. Such regulations shall contain, but not be limited to, the following principles:

(1) Words, phrases or illustrations shall not be used in a manner which misleads or has the capacity and tendency to deceive as to the extent of any policy benefit payable, loss covered or premium payable. An advertisement relating to any policy benefit payable, loss covered or premium payable shall be sufficiently complete and clear as to avoid deception or the capacity and tendency to deceive.

(2) When an advertisement refers to any dollar amount, period of time for which any benefit is payable, cost of policy, or specific policy benefit or the loss for which such benefit is payable, it shall also disclose those exceptions, reductions and limitations affecting the basic provisions of the policy without which the advertisement would have the capacity and tendency to mislead or deceive.

(3) An advertisement which refers to the right to renew, cancel or terminate a policy, or which refers to a policy benefit, or which states or illustrates time or age in connection with eligibility of applicants or the right to continue a policy, shall

disclose the provisions relating to the right to renew, cancel and terminate and any modification of benefits, losses covered or premiums because of age or for other reasons, in such manner as not to minimize or render obscure the qualifying conditions.

(4) All information required to be disclosed shall be set out conspicuously and in close conjunction with the statements to which such information relates or under appropriate captions of such prominence that it shall not be minimized, rendered obscure or presented in an ambiguous fashion or intermingled with the context of the advertisements so as to be confusing or misleading.

(5) Testimonials used in advertisements must be genuine, represent the current opinion of the author, be applicable to the policy advertised and be accurately reproduced. The insurer, in using a testimonial, makes as its own all of the statements contained therein.

(6) An advertisement relating to the dollar amounts of claims paid, the number of persons insured, or similar statistical information relating to any insurer or policy shall not be used unless it accurately reflects all of the relevant facts. Such an advertisement shall not imply that such statistics are derived from the policy advertised unless such is the fact.

(7) When a choice of the amount of benefits is referred to, an advertisement shall disclose that the amount of benefits provided depends upon the plan selected and that the premium will vary with the amount of the benefits.

(8) When an advertisement refers to various benefits which may be contained in two or more policies, other than group master policies, the advertisement shall disclose that such benefits are provided only through a combination of such policies.

(9) An advertisement shall not directly or indirectly make unfair or incomplete comparisons of policies or benefits or otherwise falsely disparage competitors, their policies, services or business methods.

(10) The identity of the insurer shall be made clear in all of its advertisements. An advertisement shall not use a trade name, service mark, slogan, symbol or other device which has the capacity and tendency to mislead or deceive as to the true identity of the insurer.

(11) An advertisement of a particular policy shall not state or imply that prospective policyholders, become group or quasi-group members and, as such, enjoy special rates or underwriting privileges, unless such is the fact.

(12) An advertisement shall not state or imply that a particular policy or combination of policies is an introductory, initial or special offer and that the applicant will receive advantages by accepting the offer, unless such is the fact.

(13) An advertisement shall not state or imply that an insurer or a policy has been approved or an insurer's financial condition has been examined and found to be satisfactory by a governmental agency, whether or not such is the fact.

(14) An advertisement shall not state or imply that an insurer or a policy has been approved or endorsed by an individual, group of individuals, society, association or other organization, unless such is the fact.

(15) An advertisement shall not contain untrue statements with respect to the time within which claims are paid or statements which imply that claim settlements will be liberal or generous beyond the terms of the policy.

(16) An advertisement shall not contain statements which are untrue in fact or by implication misleading with respect to the insurer's assets, corporate structure, financial standing, age or relative position in the insurance business.

The commissioner may order any insurer or agent or broker violating such regulations as he makes pursuant to this section to cease and desist from such advertising and to put all policyholders or applicants on notice of the violation in such a manner as he deems appropriate and, in the case of repeated violations, he may suspend or revoke the license of any such persons and impose reasonable conditions for its reinstatement.

Rules and regulations made pursuant to the authority of this section shall be adopted in accordance with the procedures of section two of chapter thirty A and shall be subject to review as set forth therein.

An insurer not authorized to do business in the commonwealth shall be subject to the requirements of this section and be made a defendant in accordance with the provisions of chapter one hundred and seventy-five B in an action at law by any person damaged by its failure to abide by the current regulations. The measure of damages in such an action shall be the amount the person damaged could reasonably have anticipated he would have recovered had the advertising or the policy provisions not been contrary to the regulations plus reasonable costs and attorney fees. Any such action may be brought by the representative of a deceased person.

Approved November 26, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, November 27, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 1081 of the Acts of 1973, entitled "AN ACT FURTHER REGULATING THE CONTENTS OF ACCIDENT AND SICKNESS POLICIES AND REGULATING ADVERTISING OF SUCH POLICIES," and the enactment of which received my approval on November 26, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is essential that the provisions of this Act take effect forthwith in order that the Commissioner of Insurance may immediately make regulations concerning the advertising and content of accident and sickness insurance policies.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, November 27, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at ten o'clock and fifty-five minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter one thousand and eighty-one of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 1082. AN ACT FURTHER REGULATING THE MEMBERSHIP OF REGIONAL PLANNING COMMITTEES AND THE APPORTIONMENT OF THE COST OF REGIONAL PLANNING DISTRICTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 40B of the General Laws is hereby amended by inserting after section 4B, inserted by chapter 140 of the acts of 1973, the following section: —

Section 4C. Whenever there is located, wholly or partially, within a planning district established hereunder, a federal military installation having a resident population of a least five hundred persons according to the most recent available federal decennial census, the district planning commission may vote to offer to the commanding officer of said federal military installation the privilege of membership for himself or his designee. Upon acceptance by the commanding officer of this offer, he shall be deemed a member ex officio of the district planning commission, and shall assume the same rights and duties as other commission members, except that this ex officio membership shall not continue except by an annual affirmative vote of the majority of the commission.

SECTION 2. Section 7 of said chapter 40B is hereby amended by striking out the third sentence, as appearing in section 2 of chapter 839 of the acts of 1967, and inserting in place thereof the following sentence: — Such apportioned cost shall be on a per capita basis in direct proportion to the population of the city or town and the planning district as they appear in the most recent

national census, exclusive of the inmates of county, state or federal institutions, and exclusive of the resident population of federal military installations to which the privilege of ex officio membership has been extended as provided in section four C.

Approved November 26, 1973.

Chap. 1083. AN ACT PLACING CERTAIN COUNTY CORRECTIONAL PERSONNEL IN GROUP 4 OF THE CONTRIBUTORY RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The definition of *Group 2* of paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws is hereby amended by inserting after the word "classification", in line 14, as appearing in section 1 of chapter 809 of the acts of 1972, the words: — , except the sheriff, master, deputy master, assistant deputy master, and correction officers of county correctional facilities.

SECTION 2. The definition of *Group 4* of said paragraph (g) of said subdivision (2) of said section 3 of said chapter 32 is hereby amended by inserting after the word "correction", inserted by chapter 609 of the acts of 1973, the words: — , and the sheriff, master, deputy master, assistant deputy master, and correction officers of county correctional facilities.

Approved November 26, 1973.

Chap. 1084. AN ACT AUTHORIZING THE TOWN OF LEICESTER TO PAY A CERTAIN SUM OF MONEY TO RUSSELL W. ANDERSON, JR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary, the town of Leicester is hereby authorized to pay the sum of two hundred and fifty dollars to Russell W. Anderson, Jr. for legal services rendered to the Leicester conservation commission in the year nineteen hundred and seventy-two.

SECTION 2. No bill shall be approved by the town accountant of said town for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said town accountant, stating under the penalties of perjury that the services for which said bill has been submitted were ordered by an official or an employee of said town, and that such services were rendered to said town.

SECTION 3. Any person who knowingly files a certificate required by section two which is false and who thereby receives payment for services rendered to said town shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars.

SECTION 4. The action taken by the town of Leicester under

Article 7 of the warrant for the special town meeting of said town, held on December eighteenth, nineteen hundred and seventy-two, is hereby validated and confirmed to the same extent as though section one of this act had been in full force and effect at the time of the posting of the warrant for said meeting.

Approved November 26, 1973.

Chap. 1085. AN ACT PROVIDING THAT FAILURE TO GIVE NOTICE IN CASES INVOLVING INJURIES SUSTAINED ON SNOW OR ICE SHALL NOT BE A DEFENSE IN ACTIONS FOR SUCH INJURIES.

Be it enacted, etc., as follows:

Section 18 of chapter 84 of the General Laws, as most recently amended by section 1 of chapter 378 of the acts of 1965, is hereby further amended by adding the following sentence: — Failure to give such notice for such injury or damage sustained by reason of snow or ice shall not be a defense under this section unless the defendant proves that he was prejudiced thereby.

Approved November 27, 1973.

Chap. 1086. AN ACT AUTHORIZING THE GROUP INSURANCE COMMISSION TO CONTRACT FOR CATASTROPHIC ILLNESS COVERAGE.

Be it enacted, etc., as follows:

Chapter 32A of the General Laws is hereby amended by adding the following section: —

Section 15. The commission may negotiate with and purchase on such terms as it deems to be in the best interest of the commonwealth and its active and retired employees and their dependents eligible under this chapter, from one or more insurance carriers authorized to sell health insurance in the commonwealth, a policy or policies providing basic and extended coverage for catastrophic illness such as cancer and other dread diseases as may be included from time to time by the commission. Such insurance shall provide basic and extended coverage including, but not limited to, ambulance services, in-patient and out-patient hospital services, blood and plasma, medicines and drugs, x-ray and other related treatments, nursing care, surgical, medical and other licensed practitioners' services, services of institutions providing rehabilitative care, or nursing or convalescent home care, and, for custodial care necessitated as a result of an illness covered under such policy or policies of insurance.

The commission shall negotiate a contract that assures sound financial stability consistent with insurance risks for long-term catastrophic illnesses, and shall be for a period of time and from time to time continuously without interruption of coverage; but any such

contract with a carrier may be terminated by the commission provided that reasonable advance notice is given by the commission as provided in said policy or policies of insurance. The scope of insurance coverage under this section may relate to other health insurance coverages and experience accounting as provided in appropriate sections of this chapter, in order to attain the broadest possible basis of risk and protection.

Payment of premiums for catastrophic illness insurance provided in this section shall be made by the active and retired employee or surviving spouse thereof with no contribution by the commonwealth, and the method for such payments shall be as provided in sections eight, ten, ten B, ten C, eleven, twelve and fourteen, as may be applicable. Any dividend, refund or its equivalent accepted by the commission from the carrier or carriers shall be applied as provided in section nine.

Any policy or policies issued pursuant to this section shall provide that on termination of employment of an employee, or of coverage if a retiree, an employee or retiree shall be entitled, subject to the requirements of the commission, to convert his catastrophic illness coverage to a nongroup type of policy.

The commission may promulgate rules and regulations implementing and maintaining the provisions of this section, and such rules and regulations shall not be subject to the provisions of chapter thirty A.

Approved November 27, 1973.

Chap. 1087. AN ACT RELATIVE TO THE DATES FOR THE FILING OF NOMINATION PAPERS BY CANDIDATES FOR CERTAIN TOWN OFFICES IN THE TOWN OF AMHERST.

Be it enacted, etc., as follows:

Section 2 of chapter 149 of the acts of 1955 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Nomination papers of candidates, except candidates for town meeting member, at any such election shall be signed by not less than ten registered voters of the town and filed with the town clerk at least forty-five days before the election, notwithstanding the provisions of section ten of chapter fifty-three of the General Laws.

Approved November 27, 1973.

Chap. 1088. AN ACT RELATIVE TO THE FILING OF NOMINATION PAPERS FOR THE OFFICE OF TOWN MEETING MEMBER IN THE TOWN OF AMHERST.

Be it enacted, etc., as follows:

Section 4 of chapter 10 of the acts of 1936 is hereby amended by striking out, in line 8, the word "ten" and inserting in place thereof the word: — twenty-eight.

Approved November 27, 1973.

Chap. 1089. AN ACT ALLOWING THE LOCATION OF BANKS AT STATE, COMMUNITY COLLEGES AND UNIVERSITIES IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 15 of the General Laws is hereby amended by inserting after section 28 the following section: —

Section 28A. Notwithstanding any contrary provisions of law, the board of bank incorporation or the commissioner of banks is hereby authorized to allow a bank, as defined in section one of chapter one hundred and sixty-seven, to establish and maintain a branch on the grounds of any state community college in the commonwealth, provided that the board of regional community colleges shall determine the method and terms of the lease if applicable or rental thereof.

SECTION 2. Chapter 73 of the General Laws is hereby amended by inserting after section 1D the following section: —

Section 1E. Notwithstanding any contrary provisions of law, the board of bank incorporation or the commissioner of banks is hereby authorized to allow a bank, as defined in section one of chapter one hundred and sixty-seven, to establish and maintain a branch on the grounds of any state college in the commonwealth, provided that the board of trustees of said state colleges shall determine the method and terms of the lease if applicable or rental thereof.

SECTION 3. Chapter 75 of the General Laws is hereby amended by inserting after section 2 the following section: —

Section 2A. Notwithstanding any contrary provisions of law, the board of bank incorporation or the commissioner of banks is hereby authorized to allow a bank, as defined in section one of chapter one hundred and sixty-seven, to establish and maintain a branch on the grounds of the university, all branches individually, provided that the board of trustees of said university shall determine the method and terms of the lease if applicable or rental thereof.

SECTION 4. Chapter 75A of the General Laws is hereby amended by inserting after section 1A the following section: —

Section 1B. Notwithstanding any contrary provisions of law, the board of bank incorporation or the commissioner of banks is hereby authorized to allow a bank, as defined in section one of chapter one hundred and sixty-seven, to establish and maintain a branch on the grounds of the institute, provided that the board of trustees of said institute shall determine the method and terms of the lease if applicable or rental thereof.

SECTION 5. Chapter 75B of the General Laws is hereby amended by inserting after section 1 the following section: —

Section 1A. Notwithstanding any contrary provisions of law, the board of bank incorporation or the commissioner of banks is hereby authorized to allow a bank, as defined in section one of chapter one hundred and sixty-seven, to establish and maintain a branch on the grounds of the university, provided that the board of trustees of said university shall determine the method and terms of the lease if applicable or rental thereof.

Approved November 27, 1973.

Chap. 1090. AN ACT AUTHORIZING PAYMENT FOR OVERTIME SERVICES PERFORMED BY CERTAIN EMPLOYEES IN THE DEPARTMENT OF PUBLIC WELFARE.

Be it enacted, etc., as follows:

For the purpose of discharging a moral obligation of the commonwealth, the state treasurer is authorized to pay out of the state treasury, subject to appropriation, to the following persons the following sums for services performed as employees of the department of public welfare: — Stephen Marshall, one thousand four hundred dollars; Jacqueline Gervais, five hundred and seventy-four dollars and thirty cents; and Shalome Haase, four hundred and eleven dollars and forty-six cents; provided that each has received a final judicial determination in his favor in the cases pending (Quirk, et al v. Steven A. Minter, Suffolk Superior Equity 94060; Steven A. Minter, Commissioner, et al v. Quirk, Suffolk Superior Equity 95112; and, Steven A. Minter, Commissioner, et al v. Quirk, Suffolk Superior Equity 96382). *Approved November 27, 1973.*

Chap. 1091. AN ACT AUTHORIZING THE TOWN OF DRACUT TO PAY A CERTAIN SUM OF MONEY TO WOODHUT, INC.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the town of Dracut is hereby authorized to appropriate and pay to Woodhut, Inc., the sum of six hundred and sixty-two dollars and seventeen cents, said amount being legally unenforceable against said town.

SECTION 2. No bill shall be approved by the town accountant of said town or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said town accountant stating under the penalties of perjury that the goods, materials or services for which said bill has been submitted were ordered by an official or employee of said town and that such goods and materials were delivered and actually received by said town or that such services were rendered to said town, or both.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for materials which were not actually delivered to said building shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its passage.

Approved November 28, 1973.

Chap. 1092. AN ACT PROVIDING THAT A CERTAIN LICENSE GRANTED BY THE DEPARTMENT OF PUBLIC WORKS TO MAINTAIN EXISTING SOLID FILL IN SOUTH BAY, BOSTON HARBOR, IN THE CITY OF BOSTON, SHALL BE IRREVOCABLE.

Be it enacted, etc., as follows:

The license numbered 5914, dated October thirteenth, nineteen hundred and seventy-one, granted by the department of public works to maintain existing solid fill in South Bay, Boston Harbor, in the city of Boston, recorded in Suffolk County Registry of Deeds, Book 8490, Page 675, shall, notwithstanding any provision of general or special law to the contrary, be irrevocable; provided, however, that if the commonwealth or any of its political subdivisions shall take, within ten years after the effective date of this act, any land which has the benefit of said license, the damages recoverable by reason of such taking shall not exceed the fair value of such land on the effective date of this act together with the cost of any buildings or improvements thereon, with interest at four per cent annually from such effective date or date such cost was incurred as the case may be.

Approved November 28, 1973.

Chap. 1093. AN ACT EXTENDING THE TIME FOR THE CERTIFICATION OF OPERATORS OF WASTE WATER TREATMENT FACILITIES.

Be it enacted, etc., as follows:

Section 4 of chapter 781 of the acts of 1970 is hereby amended by striking out, in line 5, the word "seventy-two" and inserting in place thereof the word: — seventy-four.

Approved November 28, 1973.

Chap. 1094. AN ACT PROVIDING FOR TWO ADDITIONAL ASSISTANT CLERKS OF THE COURTS FOR THE COUNTY OF MIDDLESEX.

Be it enacted, etc., as follows:

Section 5 of chapter 221 of the General Laws is hereby amended by striking out the fourth paragraph, as amended by chapter 78 of the acts of 1971, and inserting in place thereof the following paragraph: —

Middlesex, not more than twelve assistant clerks, subject to approval of a justice of the supreme judicial or superior court.

Approved November 28, 1973.

Chap. 1095. AN ACT RELATIVE TO THE NOTICE REQUIREMENTS FOR ADJOURNED REPRESENTATIVE TOWN MEETINGS IN THE TOWN OF DARTMOUTH.

Be it enacted, etc., as follows:

The second paragraph of section 3 of chapter 26 of the acts of 1927 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — Notice of every

adjourned representative town meeting shall be posted by the town clerk in at least one public place in each precinct.

Approved November 28, 1973.

Chap. 1096. AN ACT PROVIDING FOR NOTICE TO THE LOCAL UNITED STATES POSTMASTERS OF THE ISSUANCE OF BUILDING PERMITS FOR TEN OR MORE RESIDENTIAL UNITS.

Be it enacted, etc., as follows:

Chapter 143 of the General Laws is hereby amended by inserting after section 3W, inserted by chapter 418 of the acts of 1973, the following section: —

Section 3X. The inspector of buildings in cities and towns shall notify the local United States postmaster upon the issuance of any building permit containing ten or more residential units.

Approved November 28, 1973.

Chap. 1097. AN ACT RELATIVE TO THE LAW ESTABLISHING THE GERIATRIC AUTHORITY OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 554 of the acts of 1971, as amended by chapter 199 of the acts of 1972, is hereby further amended by striking out sections 2, 4, 7, 8, 9 and 10 and inserting in place thereof the following sections: —

Section 2. There is hereby created a public body corporate and politic to be known as the Geriatric Authority of Holyoke, hereinafter referred to as the Authority, which shall own, maintain and operate the Municipal Nursing Home of Holyoke and any other facilities which may be established by the Authority in accordance with the powers conferred by this act. The exercise by the Authority of the powers conferred by this act shall be deemed and held to be the performance of essential governmental functions.

Section 4. The Authority shall have the general management and control of the Municipal Nursing Home of Holyoke and any branches thereof which have been or which may hereafter be established, and of the expenditure of the money appropriated for the operation thereof. Said Authority may appoint an administrator with such assistant and subordinate officers and other employees as it may deem necessary or expedient. Said Authority shall have jurisdiction of its affairs and the property under its control. It shall establish and enforce all necessary rules and regulations for the administration, admission, government and removal of residents in the Municipal Nursing Home of Holyoke and any other such facility which it may control. It shall have charge and control of all its financial receipts and expenditures. The Authority shall reimburse the city annually the amount of principal and interest paid by the city on bonds and notes issued by the city pursuant to section ten A

unless in the opinion of both the majority of the board of aldermen of the city and the mayor of the city, the financial condition of the Authority does not warrant such reimbursement and such reimbursement would endanger its ability to meet its then current operating expenses.

Section 7. The chairman shall preside at all meetings of the Authority. He shall appoint the chairman of all standing and special committees and shall maintain general supervision over all the affairs of the Authority. He shall, together with the treasurer, execute and deliver for, on behalf and in the name of the Authority all instruments which may be required for the proper prosecution of its business. In the absence or inability of the chairman to perform his duties, his duties shall be performed by the vice-chairman. The secretary shall attend all meetings of the Authority and shall record the proceedings thereof in a book provided for such purpose. The treasurer shall attend all meetings of the Authority. He shall have custody of the funds of the Authority and shall keep and maintain complete records of all financial transactions and shall carry a complete record of all accounts. The treasurer shall cause books to be kept containing a detailed account of all funds received and expended, and shall make quarterly reports to the city auditor of funds received and expended.

Section 8. The Authority shall have the following powers and duties:

(a) To adopt a seal, and the engraved or printed facsimile of such seal appearing on any bond, note or other instrument of the Authority shall have the same effect as though such seal were impressed thereon.

(b) To sue and be sued, but only to the same extent and upon the same conditions that a city or town may be sued.

(c) With its own funds, or with the appropriation of necessary funds by the board of aldermen, to acquire within the city of Holyoke, by purchase, gift or eminent domain under chapter seventy-nine, chapter seventy-nine A or chapter eighty A of the General Laws, or by lease or otherwise, any land or buildings or interests in land, air or water for the purposes of the Authority, and to plan, design, acquire, construct, reconstruct, improve, extend, equip, repair, maintain, and operate geriatric facilities, which may include, but not be limited to, hospital, nursing home and sheltered living facilities, housing for elderly, persons of low income and handicapped persons of low income, as such terms are defined in section one of chapter one hundred and twenty-one B of the General Laws, and community facilities designed to meet the needs of the elderly, to acquire personal property necessary in connection with the foregoing, and to lease geriatric facilities, either as lessee or lessor, provided; (1) that any lease agreements shall be subject to approval by two thirds vote of the board of aldermen of the city, (2) that any major construction, reconstruction or extension, totaling one hundred thousand dollars or more, not requiring the issuance of bonds or notes shall be subject

to approval by two thirds vote of the board of aldermen of the city, and (3) that any acquisition of real property shall be subject to approval of two thirds vote of the board of aldermen.

(d) To dispose of any real or personal property of the Authority which is no longer needed for its purposes by sale or otherwise provided that no real property shall be disposed of by the Authority without approval of two thirds vote of the board of aldermen of the city.

(e) To maintain an office at such place or places within the city as it may determine.

(f) To receive and disburse funds for any of its purposes and to maintain financial reserves.

(g) To receive and apply any grants or gifts for its purposes.

(h) To make and enforce such rules and regulations as may, in the judgement of the Authority, be necessary or desirable for the efficient operation of any geriatric facility or geriatric system within its jurisdiction, control and supervision, and for accomplishing the purposes of this act.

(i) To issue temporary notes, from time to time in the name and upon the full faith and credit of the Authority in anticipation of revenue to be received from any source in an amount not to exceed two hundred thousand dollars outstanding at any time and in such greater amount as may be approved from time to time by a two thirds vote of the board of aldermen of the city and by the mayor of the city, provided that the aggregate amount of notes outstanding at any time under this section shall not exceed one half of the Authority's ordinary operating revenues of the previous fiscal year. The proceeds of such notes shall be used to pay current operating expenses only but no purchaser of such notes shall be in any way responsible for the proper application of such proceeds. Each such loan shall be payable no later than one year from its date. Temporary notes issued under this clause for shorter periods than permitted hereby may be refunded from time to time by the issue of other temporary notes maturing within the required period. Temporary notes may be issued pursuant to this clause by the chairman and the treasurer whenever they are so authorized by the Authority, and said chairman and treasurer shall determine the form, interest rate and other details of such notes and shall sign such notes.

(j) To employ and fix the compensation of such consulting and other engineers, attorneys, accountants, construction and financial experts, superintendents, managers and such other employees and agents as it may deem necessary or incidental to the performance of its duties and the execution of its powers under this act.

(k) When authorized by a two thirds vote of the board of aldermen, and with the approval of the mayor, in its own name or in the name of the city, to enter into agreements with the federal government relative to the acceptance of grants or borrowing of funds for any project which the Authority is authorized to undertake, and containing such covenants, terms and conditions as the Authority, with like approval, may deem desirable, and, pursuant to

any such agreement, to borrow funds from the federal government or from any qualified lender under a federally funded, guaranteed or insured lending program, upon the security of its bonds, notes or other evidences of indebtedness, and to secure the same by mortgages upon property held or to be held by it, or by pledge of its revenues.

(l) In its own name or in the name of the city, to enter into agreements with any other city or town, district, authority, public or private corporation, nonprofit agency, partnership, association or individual providing for or relating to any geriatric facility or geriatric system under its jurisdiction, control or supervision, and to accept from the commonwealth or any agency or instrumentality thereof or from nonprofit agencies loans or grants for the planning, construction or acquisition of any geriatric facility or part thereof and to enter into agreements with such agency respecting any such loans or grants, and to receive and accept aid and contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such loans, grants and contributions may be made.

(m) To call upon the various departments, authorities, boards and commissions of the city for the purposes of assisting in making investigations and in effecting the design, construction and operation of geriatric facilities, and the Authority shall arrange for payment for such services and expenses of said agencies in connection therewith.

(n) To join or cooperate with the Holyoke Housing Authority in the exercise, either jointly or otherwise, of any of their powers relating to the provision of housing for elderly persons of low income and handicapped persons of low income for the purposes of financing, including the issuance of bonds, notes or other obligations and the giving of security therefor, planning, undertaking, owning, constructing, operating or contracting with respect to any project for the provision of such housing authorized by chapter one hundred and twenty-one B of the General Laws or by this act.

(o) To organize and control the activities of such nonprofit corporations as may be necessary and appropriate to receive loans and grants from the federal or state government or from any nonprofit agency for the purposes of this act, provided that the trustees of any such nonprofit corporation shall be the same persons who hold office as members of the Authority. The organization of any such nonprofit corporation shall require approval by two thirds vote of the board of aldermen of the city and any action of such nonprofit corporation which if taken by the Authority would require approval under this act shall require like approval.

(p) To do all acts and things necessary or convenient to carry out the provisions of this act.

Section 9. Any bonds, notes or certificates of indebtedness of the Authority, in the absence of an express recital to the contrary of the face thereof, shall constitute negotiable instruments for all purposes. They may be payable from the income of the Authority or

constitute a general obligation thereof, may be sold at not less than par, at public or private sale, may mature at such time or times, may be secured in such manner, may provide for such rights and remedies upon their default, may contain such other covenants, terms and conditions not inconsistent with law, may be executed by such officers, and may be issued with or without the corporate seal, all as may be authorized either by vote of the Authority or by the officers to whom the power to determine any or all the matters set forth in this sentence may be expressly delegated by vote of the Authority. The engraved or printed facsimile of the seal of the Authority on its bonds, notes or certificates of indebtedness shall have the same validity and effect as if such seal were impressed thereon. Whenever a bond, note or certificate of indebtedness is required to bear the signatures of two or more officers, it shall be sufficient if the signature of any one of such officers upon such instrument is a written signature and the remaining signature or signatures are engraved, printed or stamped facsimile signatures; provided, that each officer whose facsimile signature appears on such instrument has, by a writing bearing his written signature and filed in the office of the secretary of the Authority, authorized the officer whose written signature appears on such instrument to cause such facsimile to be placed thereon. The facsimile signature of any officer so engraved, printed or stamped thereon shall have the same validity and effect as his written signature. In case any officer whose signature or a facsimile thereof appears on any notes, bonds or coupons shall cease to be such officer before the delivery of such notes or bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery.

The bonds, notes and certificates of indebtedness of the Authority issued under this act including temporary notes issued under section eight (i) hereof, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the commonwealth. The bonds of the Authority issued under this act shall be legal investments for the deposits and the income derived therefrom of savings banks, for the trust funds of trust companies, for the capital and other funds of insurance companies, and for funds over which the commonwealth has exclusive control.

Section 10. The employment of any employees of the Authority shall be included in the term "employment" as used in sections one to eleven, inclusive, of chapter one hundred and fifty-one A of the General Laws, and the Authority is authorized to become liable for payments instead of contributions and otherwise to comply with the provisions of subsection (c) of section fourteen of said chapter. Employees of the Authority are hereby made eligible to participate in the contributory retirement system under chapter thirty-two of the General Laws, and the group insurance plan under chapter thirty-two B of the General Laws, if authorized by the Authority, to the same extent as if they were employees of the city of Holyoke.

SECTION 2. Said chapter 554 is hereby further amended by in-

serting after section 10 the following three sections: —

Section 10A. For the purposes of this act, the city may from time to time issue bonds or notes to an amount not exceeding, in the aggregate, ten million dollars. Such bonds or notes shall bear on their face the words, Geriatric Authority of Holyoke Loan, Act of 1971. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred from time to time under this act shall be outside the statutory limit of indebtedness prescribed in section ten of chapter forty-four of the General Laws, but shall, except as herein provided, be subject to said chapter forty-four, exclusive of the limitation contained in the first paragraph of section seven thereof. The proceeds of such bonds or notes shall be paid over to the treasurer of the Authority, to be used for the purposes of this act, upon such terms and conditions as the city and the Authority shall mutually agree.

Section 10B. The city shall not assess any tax upon any geriatric facility or geriatric system or part thereof, or upon the income therefrom, but payment shall be made to the city of Holyoke by the Authority in lieu of taxes, said payment to be an amount arrived at by applying the tax rate of the city to the assessed valuation of the facility or system. Nothing contained in this act shall exempt any lessee or person in possession of a geriatric facility or part thereof, or the property leased or possessed from taxes or assessments payable under the General Laws.

Section 10C. This act shall be construed in all respects to meet constitutional requirements. If any provision is held invalid in any circumstances, such invalidity shall not affect any other provision or circumstance. In carrying out this act, all things shall be done which are necessary to meet constitutional requirements, whether or not such things are otherwise required by statute.

SECTION 3. This act shall take effect upon its acceptance by the city of Holyoke.

Approved November 28, 1973.

Chap. 1098. AN ACT AUTHORIZING THE GROUP MARKETING OF AUTOMOBILE AND HOMEOWNER INSURANCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to permit the writing of automobile and homeowner type insurance in the commonwealth on a group marketing basis and to set forth the terms and conditions under which insurance on a group marketing basis may be written, thus bringing about lower insurance rates, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by striking out section 193P, inserted by chapter 553 of the acts of 1973, and inserting in place thereof the following two sections: —

Section 193Q. As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings: — (a) "Parent corporation", a corporation organized for any purpose under the law of this commonwealth or any other jurisdiction, owning directly or indirectly at least ninety per cent of the aggregate issued and outstanding shares of all classes of capital stock of an incorporated domestic stock company; and (b) "Subsidiary insurer", an incorporated domestic stock company so owned by a parent corporation.

Any parent corporation may, in the manner hereinafter prescribed, acquire all of the issued and outstanding shares of any class or classes of capital stock of its subsidiary insurer not owned by the parent corporation. The method authorized by this act for acquiring shares of a subsidiary insurer is not exclusive, but is in addition to any other lawful method for the acquisition of such shares.

The board of directors of the parent corporation which seeks to acquire minority interests in its subsidiary insurer shall adopt a plan for such acquisition, which plan shall set forth: (1) The name of the subsidiary insurer; (2) The total number of issued and outstanding shares of each class of stock of the subsidiary insurer, the number of its shares owned by the parent corporation and, if either of the foregoing is subject to change prior to the effective date of acquisition, the manner in which any change may occur; (3) The terms and conditions of the plan, including the manner and basis of exchanging the shares to be acquired for shares or other securities of the parent corporation, for cash, other consideration, or any combination of the foregoing, and the proposed effective date of acquisition; (4) If the parent corporation is not authorized to do business in this commonwealth, its consent to the enforcement against it in this commonwealth of the rights of shareholders pursuant to the plan or the rights of shareholders objecting to the plan, and a designation of the commissioner as the agent upon whom process may be served against the parent corporation in any action or proceeding to enforce any such rights; and (5) Such other provisions with respect to the plan as the board of directors of the parent corporation deems necessary or desirable, or as the commissioner may prescribe.

Upon adoption of the plan of acquisition, it shall be executed by the parent corporation under its corporate seal and submitted to the commissioner who shall, within sixty days from the date of such submission, endorse thereon his approval or disapproval and notify the parent corporation thereof. The commissioner in reviewing such plan of acquisition may employ such experts or consultants as he shall deem necessary. The reasonable costs of such experts and consultants are to be paid for by the parent corporation. The commissioner shall approve the plan if he is satisfied that it complies with this section and is not inconsistent with law. If the commissioner disapproves the plan he shall advise the parent corporation in writing of the reasons for such disapproval. No plan shall take effect unless the approval of the commissioner has been obtained. Any refusal by the commissioner to give any approval required by this section shall

be subject to judicial review.

If the commissioner approves the plan, the parent corporation shall deliver a copy of the plan or a summary thereof approved by the commissioner, together with a statement of the rights of objecting shareholders in accordance with this section, to each person who, as of the date of delivery, who is a holder of record of stock to be acquired pursuant to the plan. Such delivery shall be made either in person or by depositing a copy of the plan or the approved summary and statement of rights of objecting shareholders in the United States mail, postage prepaid, addressed to the shareholder at his address of record. On or before the date of acquisition proposed in the plan, the parent corporation shall file with the commissioner a certificate executed by its president or vice president and attested by its secretary or assistant secretary under the seal of the parent corporation, attesting to compliance by the parent corporation with this section. Upon compliance with the foregoing requirements, ownership of the shares to be acquired pursuant to the plan shall vest in the parent corporation on the date of acquisition proposed in the plan, whether or not the certificates for such shares have been surrendered for exchange, and the parent corporation shall be entitled to have new certificates therefor registered in its name. The holders of all such shares shall surrender the certificates for such shares to the parent corporation for exchange pursuant to the plan. Whether or not a shareholder so surrenders his certificate or certificates, all of his rights, powers and privileges as such shareholder shall nevertheless terminate and be extinguished as of such date, excepting only his right to receive payment for his stock as provided in the plan, or to object to the plan and receive payment for his stock in accordance with the provisions hereinafter set forth.

The statement of the rights of objecting shareholders may be in such form as the directors of the parent corporation deem advisable, but the following form of notice shall be sufficient to comply with this section: —

"Any shareholder who objects to the plan has the right to demand in writing from the parent corporation, within thirty days after the date of mailing of this statement, payment for his shares and an appraisal of the value thereof. Such corporation and any such shareholder shall in such cases have the rights and duties and shall follow the procedure set forth in section one hundred and ninety-three Q of chapter one hundred and seventy-five of the Massachusetts General Laws." If any shareholder whose stock is to be acquired pursuant to the plan shall in writing within thirty days after the date of mailing of such statement object to the plan and demand payment for his stock from the parent corporation, such corporation shall pay to him the fair value of his stock within thirty days after the expiration of the period during which such demand may be made.

If during the thirty day period for payment the parent corporation and any such objecting shareholder fail to agree as to the value of such stock, such corporation or any such shareholder may within four months after the expiration of such thirty day period for pay-

ment demand a determination of the value of the stock of all such objecting shareholders by filing a bill in equity in the superior court in the county where the corporation in which such objecting shareholders held stock has its principal office within the commonwealth. In such event sections ninety-one through ninety-five of chapter one hundred and fifty-six B shall be applicable; provided, however, that a shareholder who makes demand as provided in this section shall be deemed to have consented to the provisions of section ninety-one of chapter one hundred and fifty-six B relating to notice, and provided further, that the phrase "proposed corporate action" wherever it appears in sections ninety-two and ninety-five of chapter one hundred and fifty-six B shall in each instance be deemed to mean "adoption of the plan of acquisition by the parent corporation".

The enforcement by a shareholder of his right to receive payment for his shares in the manner provided in this section shall be an exclusive remedy except that this section shall not exclude the right of such shareholder to bring or maintain an appropriate proceeding to obtain relief on the grounds that the adoption of the plan will be or is illegal or fraudulent as to him.

The superior court for Suffolk county and the superior court for the county in which the subsidiary insurer has its principal place of business are hereby vested with jurisdiction over any parent corporation which files a plan of acquisition with the commissioner under this section, and over all actions involving such parent corporation arising out of this section, including such review as provided herein, and each such parent corporation shall be deemed to have performed acts equivalent to and constituting an appointment by such parent corporation of the commissioner to be its true and lawful attorney upon whom may be served all lawful process in any action, suit or proceeding arising out of violations of this section. Copies of all such lawful process shall be served on the commissioner and transmitted by registered or certified mail by the commissioner to such parent corporation at its last known address.

Section 193R. The following words, as used in this section, shall, unless the context otherwise requires, have the following meanings: —

"Association member", a member of a trade union, association or organization.

"Group marketing", "Group marketing plan", "Mass merchandising" or "Mass merchandising plan", any system, design or plan whereby motor vehicle or homeowner insurance is afforded to employees of an employer, or to members of a trade union, association, or organization and to which the employer, trade union, association or organization has agreed to or in any way affiliated itself with, assisted, encouraged or participated in the sale of such insurance to its employees or members through a payroll deduction plan or otherwise.

"Homeowner insurance", any policy insuring individuals against any, some or all of the risks of loss to personal dwellings or the contents thereof or the personal liability pertaining thereto.

"Motor vehicle insurance", any policy of insurance or bond as defined in section thirty-four A of chapter ninety or described in this chapter insuring private passenger vehicles for individuals.

No insurer or any person, firm, or corporation on behalf of any insurer, shall issue or make, or offer to issue or make, any certificate or policy of motor vehicle or homeowner insurance to any person in the commonwealth pursuant to a group marketing plan except in accordance with the terms and conditions of this section.

The commissioner shall make and at any time may alter or amend reasonable rules and regulations regarding insurance issued pursuant to a group marketing plan.

The rules and regulations made by the commissioner shall require (1) that every individual employee or association member having a proper insurable interest shall be entitled to participate in the group plan; (2) that every individual employee or association member participating in the group plan be given an option to continue coverage by a standard policy of the same type offered by the insurer to persons not eligible for a group plan for at least one additional year upon termination of employment or membership; (3) that there shall be no compulsion for an employee or association member to participate in the plan; (4) that no member of the group shall be subject to any rating differential or other classification technique or policy form designed to make it less desirable for him as an individual to purchase insurance through the group than it would be to purchase it from the regular individual market and each member of the group must be issued an individual policy of the same form varying only as to the amounts of insurance and limits of liability requested by the member; (5) that an insurer may not cancel any insurance of an individual member of the group except for nonpayment of premium, fraud or unless the insurance for the entire group is cancelled, but an insurer may cancel the motor vehicle insurance of an individual member for loss of registration or operators license by the individual member where such loss is for a period of one year or more; (6) that to qualify to write the group marketing plan herein defined the insurer must also be actively engaged in the business of writing the types of coverage offered for insureds other than such groups and may not be organized solely or principally for the purpose of furnishing coverage to such groups; (7) that such employer, trade union, association or organization shall consist of no less than twenty-five members, at least fifteen of whom are residents of the commonwealth, and that at least thirty-five per cent are insured within one year of the effective date of the plan, such percentage to continue so insured at all times thereafter; and (8) that such trade union, association, or organization shall have a constitution and by-laws and be formed in good faith for purposes other than that of obtaining insurance.

Rates for such policies shall be fixed and established in accordance with the provisions of this chapter, chapter one hundred and seventy-four A or chapter one hundred and seventy-five A applicable to the type of insurance provided, except that in addition to

the applicable provisions of said chapter every insurer providing insurance in accordance with this section shall keep and maintain separate data on the losses and expenses of each employer, trade union, association or organization so insured and shall not be allowed to offer any such insured a modification of the rates so fixed and established for all such insured until and unless data on such losses and expenses for at least three policy years shows, to the satisfaction of the commissioner, that such modification is in fact justified. For the purposes of this section deviations approved during the first three years of a group marketing plan by the commissioner based on direct reductions in expenses resulting from the group marketing technique shall be permitted. Every mutual company providing insurance in accordance with this section shall constitute each group marketing plan which has been in effect three policy years as a separate class of business for the purpose of paying dividends and any dividends on such plan shall be declared on the profits of the company from said class of business.

Employers, including the commonwealth or any agency or political subdivision thereof, may make payroll deductions to pay in whole or in part for premiums on any coverages purchased by employees pursuant to a plan authorized by this section.

(This Bill, returned by the Governor, to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, November 28, 1973, and, in concurrence, by the Senate, November 28, 1973, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 1099. AN ACT FURTHER REGULATING THE SUBMISSION OF BUDGET REQUESTS IN TOWNS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate the preparation of budgets in towns, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 59 of chapter 41 of the General Laws, as most recently amended by section 41 of chapter 849 of the acts of 1969, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — The selectmen and all boards, committees, heads of departments, or other officers of a town authorized by law to expend money shall furnish to the town accountant, or, if there is no town accountant, to the appropriation, advisory or finance committee, if any, otherwise to the selectmen, not less than ten days before the end of the calendar year, or not less than ninety days prior to the date of the start of the annual town meeting, whichever is later, detailed estimates of the amount necessary for the proper maintenance of the departments under their jurisdiction for the ensuing fiscal year, with explanatory statements as to any

changes from the amounts appropriated for the same purposes in the then current fiscal year, and an estimate of amounts necessary for outlays or permanent improvements.

Approved November 28, 1973.

Chap. 1100. AN ACT AUTHORIZING THE TOWN OF TOPSFIELD TO HOLD TOWN MEETINGS AT THE MASCONOMET REGIONAL SCHOOL IN THE TOWN OF BOXFORD.

Be it enacted, etc., as follows:

SECTION 1. The town of Topsfield may hold its regular and special town meetings or any adjournments thereof at the Masconomet regional school in the town of Boxford; provided, that any meeting for the election by official ballot of federal, state, county or other officials shall be held within the town of Topsfield.

SECTION 2. This act shall take effect upon its passage.

Approved November 28, 1973.

Chap. 1101. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-FOUR TO SUPPLEMENT CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN NEW ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and for certain new activities and projects, the sums set forth in section two of this act are hereby appropriated from the General Fund unless specifically designated otherwise in the item, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three, for the fiscal year ending June thirtieth, nineteen hundred and seventy-four, or for such period as may be specified, the sums so appropriated to be in addition to any amounts at present available for the purposes.

SECTION 2.

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Department of Public Welfare.

4402-5013 For expenses of prior fiscal years for a medical assistance program, provided, that all federal funds received for the purpose of this item shall be credited to the General Fund; and provided further, that there shall be expended from this item not more than eight million four hundred fifty-seven thousand one hundred and ninety-five dollars for physicians, three million four hundred seven thousand eight hundred and twenty-five dollars for dentists, two million one hundred twenty-one thousand three hundred seventy-eight dollars for other licensed medical providers, four million five hundred eighty-seven thousand two hundred and fifty-two dollars for pharmacies, nine thousand three hundred and thirty-six dollars for psycholo-

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gists, one million seventy-three thousand seven hundred and twenty-nine dollars for home health services, ninety-three thousand three hundred and sixty-seven dollars for hearing services, thirty-two thousand six hundred and seventy-eight dollars for laboratory services, seventeen million seven hundred fifty-nine thousand six hundred and seventy-two dollars for nursing homes, seventeen million four hundred fifty-nine thousand nine hundred and sixty-six dollars for acute hospitals, four million three hundred forty-two thousand eight dollars for chronic hospitals, one million two hundred sixty thousand and sixty dollars for public medical institutions, two million seven thousand four hundred and seven dollars for clinics, and six hundred fifty-three thousand five hundred and seventy-four dollars for medical supplies; provided, that all payments from this item shall be post-audited by the comptroller and a detailed report of said audit filed with the house and senate committees on ways and means; and further provided, that the department shall on or before the tenth day of each month file a report of expenditures made from the allocations specified in this item for the preceding month with the house and senate committees on ways and means. \$63,265,447

4403-2003 For expenses of prior fiscal years for a program of aid to families with dependent children, provided that all federal funds received for the purpose of this item shall be credited to the General Fund; provided further that all payments from this item shall be post-audited by the comptroller and a detailed report of said audit be filed with the house and senate committees on ways and means; and further provided that the department shall on or before the tenth day of each month file a report of expenditures from this item for the preceding month with the house and senate committees on ways and means. 640,754

4405-2002 For expenses of prior fiscal years for a program of old age assistance, provided that all federal funds received for the purpose of this item shall be credited to the General Fund; and provided further that all payments from this item shall be post-audited by the comptroller and a detailed report of said audit filed with the house and senate committees on ways and means; and further provided that the department shall on or before the tenth day of each month file a report of expenditures from this item for the preceding month with the house and senate committees on ways and means. 1,232,902

4406-2003 For expenses of prior fiscal years for a program of general relief, provided that there shall be expended from this item not more than one million seventy-three thousand nine hundred and seventy-nine dollars for physicians, three hundred fifty thousand and two dollars for dentists, twenty-eight thousand seven hundred and sixty-seven dollars for other medical providers, one hundred sixty-three thousand fourteen dollars for pharmacies, one hundred ten thousand two hundred seventy-four dollars for home health services, nine thousand five hundred and eighty-nine dollars for hearing services, three thousand five hundred and sixty-one dollars for laboratory services, eighty-two thousand five hundred and thirty-six dollars for nursing homes, one million eight hundred twenty-one thousand one hundred and seventy-eight dollars for acute hospitals, five hundred and seventy-five thousand three hundred and forty-six dollars for chronic hospitals, five thousand one hundred and six dollars for public medical institutions, thirty-five thousand two hundred and forty dollars for clinics, five hundred and thirty-five thousand dollars for medical supplies, sixteen thou-

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	sand dollars for rest homes, nine hundred and fifty-eight dollars for psychologists and two hundred thousand dollars for miscellaneous nonmedical services; and provided further that all payments from this item shall be post-audited by the comptroller and a detailed report of said audit filed with the house and senate committees on ways and means; and further provided that the department shall on or before the tenth day of each month file a report of expenditures made from the allocations specified in this item for the preceding month with the house and senate committees on ways and means	\$5,010,550
4407-2003	For expenses of prior fiscal years for a totally and permanently disabled persons program, provided that all federal funds received for the purpose of this item shall be credited to the General Fund; and provided further that all payments from this item shall be post-audited by the comptroller and a detailed report of said audit filed with the house and senate committees on ways and means; and further provided that the department shall on or before the tenth day of each month file a report of expenditures from this item for the preceding month with the house and senate committees on ways and means	127,706

SECTION 3. This act shall take effect upon its passage.

Approved November 28, 1973.

Chap. 1102. AN ACT PROVIDING FOR THE SEALING OF CERTAIN RECORDS OF CONVICTION FOR THE POSSESSION OF MARIHUANA.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, any person convicted prior to July first, nineteen hundred and seventy-two, for a first offense for the possession of marihuana who had no previous or subsequent conviction for the violation of any section of chapter ninety-four C of the General Laws or of any other provision of law relating to narcotic drugs or harmful drugs, shall, upon petition to the court in which he was so convicted, have his record sealed.

SECTION 2. Any person making application for an examination or appointment to public employment, who has no previous criminal record, except one the records of which are sealed under the authority of the provisions of section one, is hereby authorized to answer "no" or "none" to any question concerning a prior criminal record.

SECTION 3. The commissioner of probation, in response to inquiries by authorized persons other than a law enforcement agency or a court, shall, in the case of a sealed record, report that no record exists, provided, however, that after a finding or verdict of guilty of a subsequent violation of any section of chapter ninety-four C of the General Laws, such sealed record shall be made available to the probation officer and the court which found such person guilty of the subsequent violation.

SECTION 4. The fourth paragraph of section 100A of chapter 276 of the General Laws, as appearing in section 1 of chapter 686 of the acts of 1971, is hereby amended by striking out, in lines 3 to 7, inclusive, the words "An applicant for employment with a sealed record of entries ten years old or over on file with the commissioner of probation may answer 'no record' with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions", and inserting in place thereof the words: — "An applicant for employment with a sealed record of entries ten years old or over on file with the commissioner of probation may answer 'no record' with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions. An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' to an inquiry herein relative to prior arrests or criminal court appearances".

Approved November 28, 1973.

Chap. 1103. AN ACT RELATIVE TO RELEASING OF PERFORMANCE BOND SURETY ON CERTAIN CONTRACTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 30 of the General Laws is hereby amended by striking out section 40 and inserting in place thereof the following section: —

Section 40. Bonds given to the commonwealth, any county, city, town or political subdivision to secure the performance of contracts for the construction or repair of public buildings or other public works may be discharged or released by the awarding authority, upon such terms as it deems expedient, after the expiration of one year from the time of completion, subject to section thirty-nine K, of the work contracted to be done; provided that no claim filed under said bond is pending, and provided further, that no such bonds shall be discharged or released prior to the expiration of all special guarantees provided for in the contract unless new bonds in substitution therefor specifically relating to the unexpired guarantees shall be taken.

SECTION 2. Section 7 of chapter 645 of the acts of 1948, as most recently amended by section 1 of chapter 1010 of the acts of 1971, is hereby further amended by inserting after the second sentence the following sentence: — Such costs shall also include all costs and legal fees to enforce rights on any contracts for the construction of an approved school project.

Approved November 28, 1973.

Chap. 1104. AN ACT FURTHER REGULATING COMPENSATION FOR TREASURERS AND ASSISTANT TREASURERS OF REGIONAL VOCATIONAL SCHOOL COMMITTEES.

Be it enacted, etc., as follows:

SECTION 1. Section 16A of chapter 71 of the General Laws is hereby amended by striking out the sixth sentence, as appearing in chapter 129 of the acts of 1958, and inserting in place thereof the following sentence: — The treasurer and assistant treasurer may, by vote of said committee, be compensated for their services; provided, however, that if said treasurer or assistant treasurer is a member of said committee he shall not be compensated for his services.

SECTION 2. Notwithstanding any contrary provision of law, the treasurer or assistant treasurer of any regional vocational school committee established by a special law shall not be compensated for his services if said treasurer or assistant treasurer is a member of a regional school committee. *Approved November 29, 1973.*

Chap. 1105. AN ACT FURTHER REGULATING THE FEE FOR RECORDING DOCUMENTS CONCERNING SEWER ASSESSMENTS AT THE LAND COURT.

Be it enacted, etc., as follows:

Section 39 of chapter 262 of the General Laws, as most recently amended by section 134 of chapter 684 of the acts of 1972, is hereby further amended by inserting after the fourteenth paragraph the following paragraph: —

For filing a sewer assessment, eight dollars for each document and two dollars for each additional certificate affected.

Approved November 29, 1973.

Chap. 1106. AN ACT AUTHORIZING THE CITY OF REVERE TO GRANT AN ANNUITY OF TWO THOUSAND DOLLARS TO ANN REINSTEIN, WIDOW OF FREDERICK H. REINSTEIN.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of promoting the public good, and notwithstanding the provisions of any general or special law to the contrary, the city of Revere is hereby authorized to appropriate money for the payment of, and after such appropriation, the treasurer of said city is authorized to pay, an annuity of two thousand dollars to Ann Reinstein, widow of Frederick H. Reinstein, a former city councillor of said city, so long as she remains unmarried.

SECTION 2. This act shall take effect as of January first, nineteen hundred and seventy-three. *Approved November 29, 1973.*

Chap. 1107. AN ACT FURTHER PROVIDING FOR THE DISPOSITION OF VIOLATIONS OF THE ANTI-LITTER LAWS, SO-CALLED.

Be it enacted, etc., as follows:

Section 16A of chapter 270 of the General Laws, inserted by chapter 358 of the acts of 1971, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph: —

The notice to appear, provided herein, shall be printed in such form as the chief justice of the municipal court of the city of Boston may prescribe for said court, and as the chief justice of the district courts may prescribe for district courts other than the municipal court of the city of Boston; provided, however, that a notice prepared pursuant to section twenty A or section twenty C of chapter ninety may be so revised or adapted that said notice may also be used for the notice provided for in this section.

Approved November 29, 1973.

Chap. 1108. AN ACT FURTHER REGULATING THE RESPONSIBILITY OF CERTAIN LESSORS OF MOTOR VEHICLES FOR CERTAIN PARKING VIOLATIONS.

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by inserting after section 20D the following section: —

Section 20E. Notwithstanding the provisions of sections twenty A and twenty C, if the registered owner of a motor vehicle involved in a parking violation covered by this chapter is a person or entity engaged in the taxicab business or the business of leasing motor vehicles under the so-called "drive-it-yourself" system; or any similar system, wherein the amount of the rental or fare is determinable in whole or in part by the distances such motor vehicle travels, and such motor vehicle is under lease or being operated for hire at the time of such violation, the registered owner shall not be liable under this chapter for any such parking violation if within seven days of the receipt by him of notice of such violation, by summons or otherwise, he shall furnish to the clerk of the district court in writing the name, address and license number and state of issue of the license of the lessee or operator of such motor vehicle at the time of such violation, and the clerk of such court shall notify the registrar in writing the name, address and license number and state of issue of the license of the lessee or operator of such motor vehicle at the time of such violation and the time, date, and place of such violation; provided, further, the registrar may, after due hearing, suspend any license issued under this chapter or suspend the right to operate of a person not licensed in this commonwealth, when he has reason to believe the holder thereof or person is an incompetent person to operate motor vehicles, or is operating a motor vehicle improperly, subject, however, to the provisions of subsection (b) of section twenty-two; and provided, further, that if payment in full is not received by the clerk of such district court within one hundred and eighty days the registered

owner shall be liable for such violation. The registrar shall remove any suspension of license or right to operate made under the provisions of this section upon the payment in full of the penalty for such violation by the lessee or operator or upon the reimbursement to the registered owner of any payment made by him.

Approved November 29, 1973.

Chap. 1109. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF WORCESTER COUNTY TO SELL AND CONVEY TO WORCESTER BUSINESS DEVELOPMENT CORPORATION CERTAIN LAND IN THE CITY OF WORCESTER AND THE TOWN OF WEST BOYLSTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of any general or special law to the contrary, the commissioners of Worcester county, in consideration of two hundred and twenty thousand dollars are hereby authorized to sell and convey to Worcester Business Development Corporation, certain tracts of land located in the city of Worcester and the town of West Boylston bounded and described as follows:

BEGINNING at the northeasterly corner of the herein described land, said point of beginning being at the intersection of the westerly line of Shrewsbury Street with the southeasterly line of Hartwell Street;

THENCE running northwesterly and southwesterly by a curve to the left, the radius of which is 25.0 feet, 49.41 feet to the end of said curve;

THENCE turning and running S 43° 29' 35" W 339.21 feet to a point;

THENCE turning and running southwesterly by a curve to the left, the radius of which is 1180.00 feet, 187.72 feet to a point at land now or formerly of Larson;

said last three courses being by the southerly line of Hartwell Street;

THENCE turning and running S 14° 47' 00" E, 518.58 feet to a point;

THENCE turning and running S 87° 59' 10" W, 164.07 feet to a bound in a stone wall;

said last two courses being by land of said Larson;

THENCE turning and running S 2° 13' 55" E, by said stone wall, 1447.06 feet to a bound in said wall;

THENCE turning and running S 70° 25' 20" W, by said stone wall, 893.39 feet to a bound at the end of said wall;

THENCE turning and running S 64° 28' 25" W, 720.07 feet to a bound;

THENCE turning and running N 7° 33' 05" W, 716.32 feet to a bound;

THENCE turning and running N 83° 44' 15" W, 499.74 feet to a bound;

THENCE turning and running S 28° 57' 50" E, 250.16 feet to a bound;

THENCE turning and running S 85° 26' 25" W, and crossing the West Boylston-Worcester line, 307.89 feet to a bound;

THENCE turning and running S 28° 49' 45" E, 691.24 feet to a bound;

THENCE turning and running S 83° 24' 55" E, and crossing the Worcester-West Boylston line, 315.48 feet to a bound;

THENCE turning and running S 28° 49' 50" E, 672.66 feet to a bound;

THENCE turning and running N 72° 38' 30" E, 148.50 feet to a bound;

THENCE turning and running N 68° 16' 25" E, 819.88 feet to a bound;

THENCE turning and running S 19° 07' 00" E, 885.96 feet to a bound;

THENCE turning and running S 84° 44' 00" E, 181.57 feet to a point at land of the Boston and Maine Railroad;

THENCE turning and running N 14° 59' 20" E, 183.50 feet to a point;

THENCE turning and running S 74° 58' 15" E, 8.70 feet to a point;

THENCE turning and running N 14° 56' 25" E, 391.62 feet to a point;

THENCE turning and running N 75° 18' 45" W, 18.63 feet to a point;

THENCE turning and running N 14° 58' 00" E, 344.51 feet to a point;

THENCE turning and running northeasterly by a curve to the right, the radius of which is 6935.37 feet, 156.73 feet to the end of said curve;

THENCE turning and running S 73° 44' 25" E, 18.57 feet to a point;

THENCE turning and running northeasterly by a curve to the right, the radius of which is 6916.80 feet, 277.32 feet to a point;

THENCE turning and running S 86° 35' 10" E, 8.51 feet to a point;

THENCE turning and running northeasterly by a curve to the left, the radius of which is 6908.55 feet, 530.67 feet to a point in the westerly line of Shrewsbury Street;

said last ten courses being by land of the Boston and Maine Railroad;

THENCE turning and running N 2° 07' 25" E, 287.27 feet to a point;

THENCE turning and running northerly by a curve to the left, the radius of which is 3970.00 feet, 273.79 feet to the end of said curve;

THENCE turning and running N 1° 49' 40" E, 1268.83 feet to a point;

THENCE turning and running northwesterly by a curve to the

left, the radius of which is 970.0 feet, 344.80 feet to the end of said curve;

THENCE turning and running N 22° 11' 40" W, 136.30 feet to a point;

THENCE turning and running northwesterly by a curve to the right, the radius of which is 1000.00 feet, 18.29 feet to the point of beginning;

said last six courses being by the westerly line of Shrewsbury Street.

Subject to an easement to the New England Telephone and Telegraph Company.

Together with the land between the westerly line of Shrewsbury Street and the easterly line of the Boston and Maine Railroad.

All of the above described land and easement are shown on a plan entitled "Plan of land in West Boylston and Worcester, Massachusetts drawn for the Worcester Business Development Corporation", dated April 13, 1971 by Thompson-Liston Associates, Inc., C.E.

SECTION 2. This act shall take effect upon its passage.

Approved November 30, 1973.

Chap. 1110. AN ACT AUTHORIZING THE COUNTY OF BARNSTABLE TO INDEMNIFY THE CHIEF PROBATION OFFICER IN THE FIRST DISTRICT COURT OF BARNSTABLE FOR A CERTAIN LOSS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of promoting the public good, the county of Barnstable may pay, from available funds, a sum not exceeding seventy-five dollars to the chief probation officer of the first district court of Barnstable to indemnify him for a loss sustained by burglary on April seventh, nineteen hundred and seventy-one. If after such payment such officer receives any sum in reduction of such loss, he shall pay over the same to said county.

SECTION 2. This act shall take effect upon its passage.

Approved November 30, 1973.

Chap. 1111. AN ACT AUTHORIZING THE TOWN OF PRINCETON TO TAKE A PORTION OF CERTAIN PARK LAND BY EMINENT DOMAIN FOR THE PURPOSE OF PROVIDING A SITE FOR MUNICIPAL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Princeton may take by eminent domain under chapter seventy-nine or eighty A of the General Laws a portion of the Edward A. Goodnow park in the town including any or all public and private rights and interests therein bounded and described as follows:

Beginning at the most easterly corner of the parcel to be described at an angle in a stone wall at land now of Claghorn, and at other land of the Town of Princeton,

Thence Southwesterly by other land of the Town of Princeton, two hundred fifteen feet (215') to a point;

Thence Northwesterly at right angles to the first course, one hundred feet (100') to a point;

Thence Northeasterly by a course parallel to and one hundred feet (100') distant from the first course, about two hundred forty feet (240') to a stone wall at said Claghorn land;

Thence Southeasterly by said Claghorn land, about one hundred twelve (112') to the place of beginning.

Being a portion of the premises described in deed from Edward A. Goodnow to the Town of Princeton dated January 12, 1893, and recorded in Worcester District Registry of Deeds, Book 1407, Page 221.

The taking shall be for the purpose of providing a site for municipal purposes.

SECTION 2. Notice of the taking shall be given to the attorney general under section seven C of chapter seventy-nine of the General Laws or under section three of chapter eighty A of the General Laws. The attorney general shall represent the interests of the public in any taking under this act and in such capacity he may petition for the assessment of damages pursuant to said chapter seventy-nine if the taking is made under said chapter seventy-nine or shall be made a party respondent to the petition for the taking of real estate under said chapter eighty A if the taking is made under said chapter eighty A.

SECTION 3. The damages determined to be payable on account of the interests of the public in the property taken or the damages agreed upon in settlement of the right of the public to be compensated, including any interest thereon, shall be set aside and held by the town in trust to be used solely for the acquisition of real property for park purposes or, if such use is determined to be lawful by a court of competent jurisdiction, may be used by the town for the improvement of real property held by the town for park purposes. Either the superior court or the probate court in and for the county of Worcester shall have jurisdiction for the foregoing purpose.

SECTION 4. The damages set aside or to be set aside pursuant to this act, including any interest payable thereon pursuant to chapter seventy-nine or eighty A of the General Laws, shall be deemed to be a part of the cost of constructing a site for municipal purposes for the purpose of appropriating or borrowing money therefor.

SECTION 5. Any proceedings heretofore taken by any town meeting in the town of Princeton authorizing the planning or construction of a site for municipal purposes or appropriating any money therefor and any such proceedings which are hereafter

taken but which may have been initiated heretofore by the issue of a town meeting warrant or otherwise shall be deemed valid to the same extent as if this act had been in effect at the time such proceedings were taken or initiated.

SECTION 6. This act shall take effect upon its passage.

Approved November 30, 1973.

Chap. 1112. AN ACT AUTHORIZING THE CITY OF LYNN TO PROVIDE FOR CERTAIN PAY INCREASES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-three A of chapter forty-four of the General Laws, the city of Lynn may adopt an ordinance in the month of November of the current year providing for an increase in the salaries and wages of its municipal officers and employees to take effect during said current year.

SECTION 2. Said city is hereby further authorized to appropriate from the surplus revenue account such sums as may be needed for the salary and wage increases authorized in section one.

SECTION 3. This act shall take effect upon its passage.

Approved November 30, 1973.

Chap. 1113. AN ACT DIRECTING THE COMMISSIONER OF INSURANCE TO FIX AND ESTABLISH PROVISIONAL MOTOR VEHICLE INSURANCE CHARGES FOR THE YEAR NINETEEN HUNDRED AND SEVENTY-FOUR AND TO CONDUCT A PUBLIC HEARING RELATIVE TO EARNINGS ON SUCH INSURANCE AND PROVIDING FOR A REBATE OR RATE REDUCTION TO POLICYHOLDERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediate relief to motor vehicle insurance policyholders from unanticipated or excessive earnings by insurance companies, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The commissioner of insurance, hereinafter called the commissioner, shall fix and establish provisional motor vehicle premium charges for the calendar year nineteen hundred and seventy-four under the provisions of section one hundred and thirteen B or section one hundred and thirteen C, or both, of chapter one hundred and seventy-five of the General Laws. The commissioner shall thereafter hold a public hearing at a time in the year nineteen hundred and seventy-four or the year nineteen hundred and seventy-five selected by him when adequate information relating to the earnings realized by insurance companies from motor vehicle

insurance policies during the year nineteen hundred and seventy-four becomes available. He shall determine whether or not insurance companies providing such policies have realized or may realize any unanticipated or excessive profits from a reduction in accidents or their severity brought about by reduced speeds, gas rationing or any other occurrence which reduces or restricts the amount of driving in the commonwealth or affects the losses or claims sustained during said year.

If the commissioner determines from such hearings that said earnings either have or may result in unanticipated or excessive profit to said insurance companies, he shall direct such insurance companies to set sufficient funds aside as a special reserve in an amount determined by him to be adequate to assure the availability of funds to provide for a fair and reasonable sharing of such profits by the policyholders.

If the commissioner is able finally to determine the extent of any such unanticipated or excessive profit, he shall direct the aforesaid insurance companies, under a schedule determined by him, to return to its policyholders for the year nineteen hundred and seventy-four such share of such profits as he determines is fair and reasonable, said returns to be made by payment to such policyholders and shall finally determine whether the premium charges established by him provisionally for the calendar year nineteen hundred and seventy-four meet the standards set forth in said sections one hundred and thirteen B and one hundred and thirteen C.

The commissioner shall give credit to any insurance company that has paid a dividend to policyholders or otherwise voluntarily returned unanticipated or excessive profits on motor vehicle insurance policies or bonds issued or executed by it within the commonwealth for the year nineteen hundred and seventy-four.

The commissioner may also, if necessary, establish separate rates of return for each company providing motor vehicle insurance in the commonwealth.

The commissioner may direct that insurance companies use all or part of the special reserve fund to make payment of said returns. The commissioner may also make such orders with respect to the disposition of the special reserve fund as may be necessary to carry out the purposes of this act. Failure of an insurance company to return the amounts as so determined by the commissioner shall be sufficient cause for revocation of the right of the company to do business in the commonwealth after December thirty-first, nineteen hundred and seventy-four.

Any person or company aggrieved by any action, order or finding or decision of the commissioner under this act may appeal to the supreme judicial court under the provisions of and for the relief set forth for appeals in said section one hundred and thirteen B of chapter one hundred and seventy-five. Said court shall determine whether the filing of the appeal shall operate as a stay of any such order or decision of the commissioner. Said court may, in disposing

of the issue before it, modify, affirm or reserve the order or decision of the commissioner in whole or in part.

Approved November 30, 1973.

Chap. 1114. AN ACT IMPROVING THE PROCEDURE IN CIVIL TRIALS AND APPEALS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 30A of the General Laws is hereby amended by striking out section 7, added by section 1 of chapter 681 of the acts of 1954, and inserting in place thereof the following section: —

Section 7. Unless an exclusive mode of review is provided by law, judicial review of any regulation may be had through an action for declaratory relief in the manner and to the extent provided under chapter two hundred and thirty-one A.

SECTION 2. Section 10A of said chapter 30A, inserted by section 2 of chapter 732 of the acts of 1971, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Notwithstanding the provisions of section ten, not less than ten persons may intervene in any adjudicatory proceeding as defined in section one, in which damage to the environment as defined in section seven A of chapter two hundred and fourteen, is or might be at issue; provided, however, that such intervention shall be limited to the issue of damage to the environment and the elimination or reduction thereof in order that any decision in such proceeding shall include the disposition of such issue.

SECTION 3. Said chapter 30A is hereby further amended by striking out sections 14 and 15 and inserting in place thereof the following two sections: —

Section 14. Except so far as any provision of law expressly precludes judicial review, any person or appointing authority aggrieved by a final decision of any agency in an adjudicatory proceeding, whether such decision is affirmative or negative in form, shall be entitled to a judicial review thereof, as follows: —

Where a statutory form of judicial review or appeal is provided such statutory form shall govern in all respects, except as to standards for review. The standards for review shall be those set forth in paragraph (7) of this section, except so far as statutes provide for review by trial de novo. Insofar as the statutory form of judicial review or appeal is silent as to procedures provided in this section, the provisions of this section shall govern such procedures.

Where no statutory form of judicial review or appeal is provided, judicial review shall be obtained by means of a civil action, as follows:

(1) Proceedings for judicial review of an agency decision shall be instituted in the superior court for the county (a) where the plaintiffs or any of them reside or have their principal place of business within the commonwealth, or (b) where the agency has

its principal office, or (c) of Suffolk. The court may grant a change of venue upon good cause shown. The action shall, except as provided in section thirty-two of chapter six, be filed in the court within thirty days after receipt of notice of the final decision of the agency, or, if a petition for rehearing has been timely filed with the agency, within thirty days after receipt of notice of agency denial of such petition for rehearing. Upon application made within the thirty-day period or any extension thereof, the court may for good cause shown extend the time.

(2) Service shall be made upon the agency or one of its members or upon its secretary or clerk and upon all parties to the agency proceeding in which the decision sought to be reviewed was made. For the purpose of such service the agency upon request shall certify to the plaintiff the names and addresses of all such parties as disclosed by its records, and service upon parties so certified shall be sufficient. All parties to the proceeding before the agency shall have the right to intervene in the proceeding for review. The court may in its discretion permit other interested persons to intervene.

(3) The commencement of an action shall not operate as a stay of enforcement of the agency decision, but the agency may stay enforcement, and the reviewing court may order a stay upon such terms as it considers proper.

(4) The agency shall, by way of answer, file in the court the original or a certified copy of the record of the proceeding under review. The record shall consist of (a) the entire proceedings, or (b) such portions thereof as the agency and the parties may stipulate, or (c) a statement of the case agreed to by the agency and the parties. The expense of preparing the record may be assessed as part of the costs in the case, and the court may, regardless of the outcome of the case, assess any one unreasonably refusing to stipulate to limit the record, for the additional expense of preparation caused by such refusal. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(5) The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the agency, not shown in the record, testimony thereon may be taken in the court.

(6) If application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material to the issues in the case, and that there was good reason for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon such conditions as the court deems proper. The agency may modify its findings and decision by reason of such additional evidence and shall file with the reviewing court, to become part of the record, the additional evidence, together with any modified or new findings or decision.

(7) The court may affirm the decision of the agency, or remand the matter for further proceedings before the agency; or the court may set aside or modify the decision, or compel any action unlawfully withheld or unreasonably delayed, if it determines that the substantial rights of any party may have been prejudiced because the agency decision is —

- (a) In violation of constitutional provisions; or
- (b) In excess of the statutory authority or jurisdiction of the agency; or
- (c) Based upon an error of law; or
- (d) Made upon unlawful procedure; or
- (e) Unsupported by substantial evidence; or
- (f) Unwarranted by facts found by the court on the record as submitted or as amplified under paragraph (6) of this section, in those instances where the court is constitutionally required to make independent findings of fact; or
- (g) Arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law.

The court shall make the foregoing determinations upon consideration of the entire record, or such portions of the record as may be cited by the parties. The court shall give due weight to the experience, technical competence, and specialized knowledge of the agency, as well as to the discretionary authority conferred upon it.

If the court finds that the action of the appointing authority in discharging, removing, suspending, laying off, lowering in rank or compensation or abolishing his position, or the action of the commission confirming the action taken by the appointing authority, was not justified, the employee shall be reinstated in his office or position without loss of compensation and the court shall assess reasonable costs against the employer.

Section 15. The supreme judicial court and the appeals court shall have concurrent jurisdiction to review any proceedings had, determinations made, and orders or judgments entered in the superior court pursuant to section fourteen. The supreme judicial court or the appeals court, subject to the provisions of section thirteen of chapter two hundred and eleven A, may by rule vary the procedure authorized or required for such review upon a finding that the review by the court will thereby be made more simple, speedy and effective.

SECTION 4. Chapter 40A of the General Laws is hereby amended by striking out section 21, as most recently amended by chapter 334 of the acts of 1972, and inserting in place thereof the following section: —

Section 21. Any person aggrieved by a decision of the board of appeals may within twenty-one days after the decision is filed in the office of the city or town clerk bring a petition in the district court within the judicial district of which the land area to be affected is situated, addressed to the justice of the court praying that the action of the board of appeals may be reviewed by the court and after such notice as the court may deem necessary, it

shall hear witnesses, review such action and determine whether or not upon all the evidence the decision exceeds the authority of the board. If the court finds that said decision was proper the action of the board shall be affirmed; otherwise it shall be annulled and the board shall be notified to change its records accordingly and to act in accordance with such decision.

Notwithstanding the provisions of the first paragraph of this section any person aggrieved by the decision of the board of appeals or of the district court, whether or not previously a party to the proceeding, and including any municipal officer, planning board or city council, may appeal to the superior court for the county in which the land is situated, by commencing a civil action within twenty days after the decision has been filed in the office of the city or town clerk or with the clerk of the district court hearing such matter. Written notice of such appeal together with a copy of the complaint shall be given to such city or town clerk within said twenty day appeal period. There shall be attached to the complaint a copy of the decision appealed from, bearing the date of the filing thereof, certified by the city or town clerk with whom the decision was filed.

Where the action is commenced by someone other than the original applicant, appellant or petitioner, such original applicant, appellant or petitioner and all the members of the board of appeals shall be named as parties defendant. To avoid delay in the proceedings the plaintiff shall cause each of the defendants to be served with process within fourteen days after the filing of the complaint, and shall, within twenty-one days after the commencement of the action, file with the clerk of the court an affidavit that such service has been made. If no such affidavit is filed within such time the action shall be dismissed. No answer shall be required but an answer may be filed. Other interested persons may be permitted to intervene, upon motion. The court shall hear all evidence pertinent to the authority of the board and determine the facts, and, upon the facts as so determined, annul such decision if found to exceed the authority of such board, or make such other judgment as justice and equity may require. The foregoing remedy shall be exclusive, but the parties shall have all rights of appeal as in other cases.

A city or town may provide any municipal officer or board with legal counsel for appealing, as provided in this section, a decision of a board of appeals and for taking such other subsequent action as parties in other cases are permitted to take.

Costs shall not be allowed against the board unless it shall appear to the court that the board in making the decision appealed from acted with gross negligence, in bad faith or with malice.

Costs shall not be allowed against the party appealing from the decision of the board unless it shall appear to the court that said appellant or appellants acted in bad faith or with malice in making the appeal to the court.

All issues in any proceeding under this section shall have prece-

dence over all other civil actions and proceedings.

SECTION 5. Chapter 58A of the General Laws is hereby amended by striking out section 13, as most recently amended by chapter 692 of the acts of 1969, and inserting in place thereof the following section: —

Section 13. The board shall make a decision in each case heard by it and may make findings of fact and report thereon in writing; provided, that every decision granting an abatement without findings of fact and report which relates to a tax on land with one or more buildings thereon shall, if so requested by the appellee in writing at the commencement of the hearing, state separately the value of the land and of each building. Except in cases heard under the informal procedure authorized by section seven A, the board shall make such findings and report thereon if so requested by either party within ten days of a decision without findings of fact. Such report may, in the discretion of the board, contain an opinion in writing, in addition to the findings of fact and decision. If no party requests such findings and report, all parties shall be deemed, to have waived all rights of appeal to the supreme judicial court upon questions as to the admission or exclusion of evidence, or as to whether a finding was warranted by the evidence. All reports, findings and opinions of the board and all evidence received by the board, including a transcript of any official report of the proceedings, shall be open to the inspection of the public; except that the originals of books, documents, records, models, diagrams and other exhibits introduced in evidence before the board may be withdrawn from the custody of the board in such manner and upon such terms as the board may in its discretion prescribe. The decision of the board shall be final as to findings of fact. From any decision of the board upon an appeal from a decision or determination of the commission, or of a board of assessors, except decisions of the board under sections twenty-five and twenty-six of chapter sixty-five, an appeal as to matters of law may be taken to the supreme judicial court by either party to the proceedings before the board who has not waived such right of appeal. A claim of appeal shall be filed with the clerk of the board in accordance with the Massachusetts Rules of Appellate Procedure which rules shall govern such appeal. The court shall not consider any issue of law which does not appear to have been raised in the proceedings before the board. If the judgment grants an abatement of a tax assessed by the commissioner or by the board of assessors of a town and the tax has been paid, the amount abated with interest at the rate of six per cent per annum from the time when the tax was paid but, in case of a tax assessed under chapter sixty-two, not from a time earlier than October first of the year in which the return of income subject to said tax was required to be filed, and, if costs are ordered against the commission or against a board of assessors, the amount thereof, shall be paid to the taxpayer by the state treasurer or by the town treasurer, as the case may be, and, if unpaid in the latter case, execution therefor may issue against the town as in actions at law.

If costs are ordered against a taxpayer execution shall issue therefor. The appeal to the supreme judicial court under this section shall be the exclusive method of reviewing any action of the board, except action under sections twenty-five and twenty-six of chapter sixty-five. For want of prosecution of an appeal in accordance with the provisions of this section the board, or, if the appeal has been entered in the supreme judicial court, a justice of that court, may dismiss the appeal. Upon dismissal of an appeal the decision of the board shall thereupon have full force and effect.

SECTION 6. Section 3G of chapter 90 of the General Laws is hereby amended by striking out the first paragraph, as appearing in section 1 of chapter 590 of the acts of 1945, and inserting in place thereof the following paragraph: —

In a civil action against a non-resident for damage to property or for death of or bodily injury to any person resulting from an accident in this commonwealth alleged to have been caused by a motor vehicle owned or operated by such non-resident, the plaintiff may apply by motion in writing filed in court for an order to show cause why the defendant should not be required to furnish forthwith such security in such amount as the court shall find reasonable under the circumstances, after summary hearing, to satisfy any final judgment that may be recovered in such action, not later than sixty days after the entry of such judgment, to the amount or limit of not more than five thousand dollars on account of injury to or death of any one person, and, subject to such limits as respects injury to or death of one person, of not more than ten thousand dollars on account of any one accident resulting in injury to or death of more than one person, or of not more than one thousand dollars for damage to property. If said motion is filed in an action pending in the district court before the return day of the writ, the writ shall be entered with the motion, and the court shall issue an order of notice to the defendant, to be served in like manner as any process against such non-residents, which shall be returnable within a reasonable time, and, if service of the writ has not been made upon the defendant or upon the registrar under section three A, the court shall issue a further order of notice for such service. If said motion is filed in an action pending in the superior court, it shall be served in accordance with the Massachusetts Rules of Civil Procedure. The court shall accept as sufficient security, except for damages to property, a certificate as defined in section thirty-four A, or other satisfactory proof that the liability, if any, for damages resulting from such accident is insured or secured, to the amounts or limits herein set forth, by an insurance company authorized to do business in this commonwealth.

SECTION 7. Section 187 of chapter 111 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 3, the words "thirty-four and thirty-five" and inserting in place thereof the words: — eleven and twelve.

SECTION 8. Chapter 139 of the General Laws is hereby amended by striking out section 2, as most recently amended by

section 3 of chapter 649 of the acts of 1970, and inserting in place thereof the following section: —

Section 2. A person aggrieved by such order may appeal to the superior court for the county where such building or other structure is situated, if, within three days after the service of such attested copy upon him, he commences a civil action in such court. Trial by jury shall be had as in other civil causes. The jury may affirm, annul or alter such order, and the court shall render judgment in conformity with said verdict, which shall take effect as an original order. If the order is affirmed, the plaintiff shall pay the costs; if it is annulled, he shall recover from the town his damages, if any, and costs; and if it is altered, the court may render such judgment as to costs as justice shall require. All proceedings hereunder authorized by section ten of chapter one hundred and forty-three, after issue is joined therein, shall be in order for trial and shall have precedence over any case of a different nature pending in said court and then in order for trial.

Section 9. Section 6 of said chapter 139, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 4, the words "maintain a bill in equity" and inserting in place thereof the words: — bring a civil action.

Section 10. Said chapter 139 is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section: —

Section 7. The complaint shall join the owner of record of the premises as a party defendant and shall be filed in the superior court for the county where the nuisance is believed to exist, and shall be verified by oath of the plaintiff unless filed by the attorney general or a district attorney. Such proceeding shall have precedence over all other matters upon the docket except criminal proceedings, election contests and hearings upon actions for other injunctions.

Section 11. Said chapter 139 is hereby further amended by striking out section 12, as appearing, and inserting in place thereof the following section: —

Section 12. No action commenced under section six shall be dismissed, except upon a sworn statement made and filed by the plaintiff and by his attorney setting forth the reasons for dismissal thereof and upon approval of such dismissal by the court in open court. If the court is of opinion that the action ought not to be dismissed he may direct the district attorney to prosecute the case to judgment. If the action was brought by a citizen and the court finds that there was no reasonable ground therefor, costs may be awarded against the plaintiff.

Section 12. Said chapter 139 is hereby further amended by striking out section 16A, as amended by section 12 of chapter 328 of the acts of 1934, and inserting in place thereof the following section: —

Section 16A. Upon a civil action brought in the name of the commonwealth by the attorney general, or district attorney for the

district, or the chief of police, or the board or officer having control of the police of the state, or of a town or city, or by not less than ten legal voters of a town or city, in their own names, stating that a building, place or tenement situated therein is being used for the illegal keeping, sale or manufacture of alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, the superior court may abate the same as a common nuisance and may enjoin the person conducting or maintaining the same, and the owner, lessee or agent of the building, place or tenement in or upon which said nuisance exists, and their grantees or assignees, from directly or indirectly maintaining or permitting such nuisance, and, subject to the provisions hereinafter contained, may order the effectual closing of such building, place or tenement, and the prohibition of its use for any purpose for one year thereafter. Proceedings under this section shall be in the manner provided in sections seven to twelve, inclusive, except that the provisions of section nine regulating the closing of a building, place or tenement and the prohibition of its use for any purpose for one year because of the maintenance of such a nuisance shall not apply, and in lieu thereof the court may include in its judgment an order for such closing and prohibition, if it appears that prior thereto and within the preceding three years there shall have been three convictions for the illegal sale, or keeping, or manufacture of alcoholic beverages, as so defined, in or upon the premises on which such building, place or tenement is situated, or three judgments for a permanent injunction enjoining the maintenance of such a nuisance. A judgment for a permanent injunction or abatement shall include an order that a copy thereof shall be posted in a conspicuous place on the building, place or tenement affected thereby, on or near one or more of its principal entrances and that the removal, defacement, erasure or mutilation of a copy so posted shall be contempt of court. In addition to such posting, a copy of the judgment shall be delivered in hand to the person in charge of such building, place or tenement if he may be found upon the premises or to anyone residing therein, and if the judgment includes an order for the effectual closing of said building, place or tenement and the prohibition of its use for any purpose for one year, a copy shall be filed forthwith for record in the registry of deeds for the county and registry district within which such building, place or tenement is situated. The provisions of section thirteen shall apply to all persons found in or upon premises used for the illegal sale, or keeping, or manufacture of alcoholic beverages, as so defined.

SECTION 13. The first sentence of section 20C of chapter 149 of the General Laws is hereby amended by striking out the first five lines, as appearing in section 1 of chapter 452 of the acts of 1950, and inserting in place thereof the following lines: — For the purposes of this and the preceding section, section twenty-four of chapter one hundred and forty-nine, sections one and six of chapter two hundred and fourteen, and sections thirteen A and thirteen B of chapter two hundred and twenty, —.

SECTION 14. Subsection (e) of said section 20C of said chapter 149, as appearing in section 2 of said chapter 452, is hereby amended by striking out clause (5) and inserting in place thereof the following clause: —

(5) Made by any party to a jurisdictional dispute as defined in section six A of chapter two hundred and fourteen who has failed to abide by any voluntary arbitration procedure applicable to such dispute or to comply with the terms of the arbitration award.

SECTION 15. Section 6 of chapter 150A of the General Laws is hereby amended by striking out subsections (e) and (f), as amended by sections 10 and 11 of chapter 681 of the acts of 1954, and inserting in place thereof the following two subsections: —

(e) The commission shall have power to bring a civil action in the superior court in any county wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order. The commission shall file with the complaint a certified transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and order of the commission. In the trial of such action no objection that has not been urged before the commission, its member, agent or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The order or decision of the commission shall be reviewed in accordance with the standards for review provided in paragraph (7) of section fourteen of chapter thirty A. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the commission, its member, agent or agency, the court may order such additional evidence to be taken before the commission, its member, agent or agency, and to be made a part of the transcript. The commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the supreme judicial court for the commonwealth.

(f) Any person aggrieved by a final order of the commission granting or denying in whole or in part the relief sought may obtain a review of such order in the superior court for the county wherein the unfair labor practice in question was alleged to have been engaged in, or wherein such person resides or transacts business, by bringing a civil action in such court to have the order of the commission modified or set aside. Such action shall be filed in said court within thirty days after receipt of notice of said final order or, if a petition for rehearing has been timely filed with the com-

mission, within thirty days after receipt of notice of a denial by the commission of such petition for rehearing. The court may for good cause shown extend the time for filing the action upon application made within the thirty day period or any extension thereof. The plaintiff shall file in the court a transcript of the entire record in the proceeding, certified by the commission, including the pleading and testimony upon which the order complained of was entered and the findings and order of the commission. Upon such filing, the court shall proceed in the same manner as in the case of an application by the commission under subsection (e) of this section, and shall have the same exclusive jurisdiction to grant to the commission such temporary relief or restraining order as the court deems just and proper, and in like manner to make and enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the commission.

SECTION 16. Said section 6 of said chapter 150A is hereby further amended by striking out subsections (h) and (i) and inserting in place thereof the following two subsections: —

(h) When granting appropriate temporary relief or a restraining order, or making and enforcing as so modified, or setting aside in whole or in part an order of the commission, as provided in this section, the jurisdiction of courts shall not be limited by section twenty C of chapter one hundred and forty-nine; sections one and six of chapter two hundred and fourteen; and sections thirteen A and thirteen B of chapter two hundred and twenty. When making and entering a judgment or order enforcing, modifying and enforcing as so modified, or setting aside in whole or in part an order of the commission or remanding the cause for further proceedings before the commission, the court shall state, in the usual form of an opinion issued by an appellate court, its reasons for making and entering such judgment or order.

(i) Actions filed under this chapter shall be heard expeditiously, and if possible within ten days after they have been docketed.

SECTION 17. Section 5 of chapter 150B of the General Laws, as appearing in chapter 596 of the acts of 1947, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection: —

(b) The superior court in an action by the commonwealth shall have jurisdiction to restrain and enjoin violations of this chapter and such jurisdiction shall not be limited by the provisions concerning labor disputes contained in section twenty C of chapter one hundred and forty-nine, sections one and six of chapter two hundred and fourteen, and sections thirteen A and thirteen B of chapter two hundred and twenty; provided that such actions shall be brought by direction of the governor and not otherwise.

SECTION 18. Chapter 151A of the General Laws is hereby amended by striking out section 42, as most recently amended by section 3 of chapter 957 of the acts of 1971, and inserting in place thereof the following section: —

Section 42. The director or any interested person aggrieved by any decision in any proceeding before the board of review may obtain judicial review of such decision by filing, within twenty days of the date of mailing of such decision, a petition for review thereof in the district court within the judicial district in which he lives, or is or was last employed, or has his usual place of business, and in such proceeding every other party to the proceeding before the board shall be made a party respondent. The petition for review need not be verified but shall state the grounds upon which such review is sought. The director shall be deemed to be a party to any such proceeding. It shall not be necessary as a condition precedent to the judicial review of any decision of the board of review to enter exceptions to the rulings of such board. Upon the filing of a petition for review by an aggrieved party other than the director, the clerk of the district court within seven days thereafter shall issue an order of notice. Said order of notice and a copy of the petition shall be served by the petitioner upon the director by registered mail within seven days of the date of the order, fourteen days at least before the return day, and shall be returnable at the election of the petitioner at any return day which occurs after the expiration of twenty-eight days from and within sixty days after the date of the filing of the petition. At the time of service on the director there shall be delivered to him as many copies of the order of notice and the petition as there are parties respondent. With his answer or petition the director shall file with the court a certified copy of the decision of the board of review, including all documents and papers and a transcript of all testimony taken at the hearing before said board. Upon the filing of a petition for review by the director or upon the service of a petition on him, the director shall forthwith send by registered mail to each other party to the proceeding a copy of such notice and petition, and such mailing shall be deemed to be completed service upon all such parties. The findings and decisions of the board shall be reviewed in accordance with the standards for review provided in paragraph (7) of section fourteen of chapter thirty A. Any proceeding under this section shall be heard in a summary manner and shall be given precedence over all other civil cases. An appeal may be taken from the decision of the single justice of the district court directly to the supreme judicial court. Claim of appeal shall be filed in the office of the clerk of the district court within thirty days after notice of such decision. If an appeal is claimed the appellant shall within five days of the filing of the claim of appeal file a draft report in conformity to the pertinent provisions of the rules hereinafter referred to. The chief justice of the municipal court of the city of Boston and the appellate divisions of the district courts, acting jointly, shall by rule provide for the form of such reports and shall make provision for the establishment of reports where the claim of report has been disallowed by the single justice or he has failed to make a report. The appeal shall not remove the proceeding, but only the question or questions to be determined. The completion of such appeal shall be in accor-

dance with the Massachusetts Rules of Appellate Procedure. Benefits shall be paid or denied in accordance with the decision of such single justice during the pendency of such appeal. Upon the final determination of such judicial proceeding the director shall enter an order in accordance with the terms of the decision terminating such proceeding.

SECTION 19. Section 113 of chapter 175 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 6, the word "tenth" and inserting in place thereof the word: — ninth.

SECTION 20. Provision (5) of section 113A of said chapter 175, as so appearing, is hereby amended by striking out, in line 66, the figures "10" and inserting in place thereof the figure: — 9.

SECTION 21. Section 8 of chapter 181 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — The service of the writ shall be made in the manner provided in chapters two hundred and twenty-three, two hundred and twenty-seven and the Massachusetts Rules of Civil Procedure, with such further service as the court to which the writ is returnable orders.

SECTION 22. Section 1 of chapter 185 of the General Laws is hereby amended by striking out clause (c), as amended by section 4 of chapter 318 of the acts of 1935, and inserting in place thereof the following clause: —

(c) Actions to recover freehold estates under chapter two hundred and thirty-seven. In such an action brought in accordance with section forty-seven of chapter two hundred and thirty-six, where the tenant is entitled under clause (2) of section nine of chapter one hundred and nine A to retain the real estate as security for repayment of the consideration paid therefor by him, said court may determine the amount of such consideration and may order a judgment for possession upon being satisfied that such amount, with lawful interest, has been paid or tendered by the plaintiff to the defendant.

SECTION 23. Said section 1 of said chapter 185 is hereby further amended by striking out clause (k), as amended by section 1 of chapter 67 of the acts of 1934, and inserting in place thereof the following clause: —

(k) All cases and matters cognizable under the general principles of equity jurisprudence where any right, title or interest in land is involved, except actions for specific performance of contracts.

SECTION 24. Said section 1 of said chapter 185 is hereby further amended by striking out clauses (l) and (m), added by section 5 of chapter 318 of the acts of 1935, and inserting in place thereof the following two clauses: —

(l) Actions under clauses (4) and (10) of section three of chapter two hundred and fourteen, where any right, title or interest in real estate is involved.

(m) Actions under clause (8) of section three of chapter two hundred and fourteen or under section nine of chapter one hundred and nine A, where the property claimed to have been fraudulently conveyed or encumbered consists of rights, titles or interest in real estate only.

SECTION 25. Said chapter 185 is hereby further amended by striking out section 15, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 15. Except as provided in section sixteen, all cases in the land court shall be tried and all questions of fact finally determined by the court, unless a timely demand for jury trial is made. In actions which are governed by the Massachusetts Rules of Civil Procedure such demand shall be made in accordance with said Rules. In all other actions the respondent or tenant with his answer, or a petitioner or demandant within ten days after the time limited by law for filing an appearance and answer, or within ten days after the time allowed by the court for filing an answer, may claim a trial by jury. If trial by jury is claimed, issues therefor upon any material question of fact shall be framed in the land court, and within thirty days after the expiration of the time for claiming a trial by jury, except as otherwise provided in section sixteen and in chapter two hundred and thirty-seven, copies thereof and of all other material papers in the case, certified by the recorder, shall be entered by the moving party in the superior court for the county where the land lies for a jury trial thereon. Failure to enter the copies and papers required by this section or section sixteen or by section twenty-three of chapter two hundred and thirty-seven within the times limited by said sections, respectively, shall constitute a waiver of the claim to a trial by jury, and thereafter the superior court shall have no further jurisdiction of the case. Upon the motion of either party in the superior court the cause shall be advanced for speedy hearing, but no matters shall be tried in the superior court except those specified in the issues. Questions of law arising in the superior court may be appealed by any party aggrieved by any opinion, direction, or judgment of the court to the appeals court or, subject to the provisions of section ten of chapter two hundred and eleven A, to the supreme judicial court. Questions of law arising in the land court on any decision, judgment, or decree may be appealed by any party aggrieved thereby to the appeals court or, subject to the provisions of section ten of chapter two hundred and eleven A, to the supreme judicial court. The land court, after any decision or decree dependent upon questions of law, may report such decision or decree, with so much of the case as is necessary for understanding such questions of law, for the determination of the appeals court.

SECTION 26. Section fifteen A of said chapter one hundred and eighty-five is hereby repealed.

SECTION 27. Sections eighteen and nineteen of said chapter one hundred and eighty-five are hereby repealed.

SECTION 28. Said chapter 185 is hereby further amended by

striking out section 21, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 21. Costs shall be taxed and the collection enforced as in the superior court unless a different provision is made.

SECTION 29. Said chapter 185 is hereby further amended by striking out section 23, as so appearing, and inserting in place thereof the following section: —

Section 23. The recorder shall transmit copies of all final judgments or decrees and executions in proceedings mentioned in section twenty-two to the register of deeds for the district where the land or any part thereof lies, who shall file and index the same in the manner provided in said section.

SECTION 30. Said chapter 185 is hereby further amended by striking out section 25, as so appearing, and inserting in place thereof the following section: —

Section 25. In all matters within its jurisdiction, the court shall have all the powers which the superior court has including power to grant injunctions and restraining orders in accordance with the Massachusetts Rules of Civil Procedure as justice and equity may require, except that it shall hold no trials by jury.

SECTION 31. Section 25A of said chapter 185 is hereby amended by striking out the first sentence, as appearing in chapter 55 of the acts of 1933, and inserting in place thereof the following sentence: — The court shall have like power and authority for enforcing orders, sentences, judgments and decrees made or pronounced in the exercise of any jurisdiction vested in it, and for punishing contempts of such orders, sentences, judgments or decrees and other contempts of its authority, as are vested for such or similar purposes in the supreme judicial court in relation to any civil action pending therein.

SECTION 32. Section 86 of said chapter 185, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — No civil action to recover a freehold estate, petition for partition, or other proceeding affecting the title to land or the use and occupation thereof or the buildings thereon, and no judgment or decree or any proceeding to vacate or reverse any judgment or decree shall have any effect upon registered land as against persons other than the parties thereto, unless a memorandum like that described in section fifteen of chapter one hundred and eighty-four, containing also a reference to the number of the certificate of title of the land affected and the volume and page of the registration book in which it is entered, is filed and registered.

SECTION 33. Said chapter 185 is hereby further amended by striking out section 89, as so appearing, and inserting in place thereof the following section: —

Section 89. If an execution or writ of seisin has been issued in an action under chapter two hundred and thirty-seven affecting registered land and served by the officer, he shall cause an attested copy of the execution, with a return of his doings thereon, to be

filed and registered within three months after the service and before the return of the execution into the clerk's office, and the plaintiff, if the judgment was that he was entitled to an estate in fee simple in the demanded premises, or in any part thereof, and for which execution issued, shall thereupon be entitled to the entry of a new certificate of title; but in actions under chapter two hundred and forty-five the commonwealth shall be entitled to have the certificate of the registered owner cancelled by the land court as soon as judgment is rendered in its favor.

SECTION 34. Said chapter 185 is hereby further amended by striking out section 97, as so appearing, and inserting in place thereof the following section: —

Section 97. Upon the death of a registered owner, his heirs at law or devisees, after thirty days from the granting of letters testamentary or of administration, or in case of an appeal, at any time after the entry of judgment pursuant to the rescript of the supreme judicial court or appeals court, may file a certified copy of the final decree of the probate court and of the will, if any, with the assistant recorder, and make application for the entry of a new certificate. The court shall issue notice to the executor or administrator and to all other persons in interest, and may also give notice by publication in such newspaper or newspapers as it may consider proper, to all whom it may concern, and, after a hearing, may direct the entry of a new certificate or certificates to the persons entitled as heirs or devisees. Any new certificate so entered before the final settlement of the estate of the deceased owner in the probate court shall state expressly that it is entered by transfer from the last certificate by descent or devise, and that the estate is in process of settlement. After the final settlement of the estate, or after the time allowed for bringing an action against an executor or administrator by creditors of the deceased, the heirs at law or devisees may petition the court for an order to cancel the memorandum upon their certificate, stating that the estate is in course of settlement, and the court, after such notice, if any, as it may order and a hearing, may grant the motion, but the liability of heirs or devisees of registered land for claims against the estate of the deceased shall not in any way be diminished or changed.

SECTION 35. Section 3 of chapter 185A of the General Laws, as appearing in section 1 of chapter 843 of the acts of 1971, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

In all matters within its jurisdiction, the housing court shall have all the powers of the superior court, including the power to grant temporary restraining orders and preliminary injunctions as justice and equity may require. The housing court shall have like power and authority for enforcing orders, sentences and judgments made or pronounced in the exercise of any jurisdiction vested in it, and for punishing contempts of such orders, sentences and judgments and other contempts of its authority, as are vested for such or similar purposes in the supreme judicial or superior court.

SECTION 36. Said chapter 185A is hereby further amended by striking out section 20, as so appearing, and inserting in place thereof the following section: —

Section 20. Proceedings shall be commenced in the housing court as follows: — a criminal case, by complaint in like manner as in the district court; a civil action, including an action for summary process, in accordance with the Massachusetts Rules of Civil Procedure. The clerk of the housing court shall charge a fee of two dollars for the entry of an action, which shall be paid by the party entering the same; and no other fee shall be charged for taxing costs, for issuing any subpoena or execution or for issuing any order of notice or other mesne, interlocutory or final order, rule, decree or process authorized by law, except a temporary restraining order or preliminary injunction for the issuance of which the clerk shall charge five dollars; provided, however, that no fee for the entry of an action or for the issuance of a temporary restraining order or preliminary injunction shall be charged the commonwealth or the city or any board or officer of either. If the housing court finds that the party entering the action or obtaining the restraining order or preliminary injunction is destitute and unable to pay, it may order the payment of the fee or fees prescribed by this paragraph to be waived.

Notwithstanding that a proceeding under this chapter is commenced by complaint, if the housing court finds that the offense charged was not wilful, intentional, reckless or repeated, the proceeding shall not be deemed criminal and no record of the case shall be entered in the probation records.

Actions in which equitable relief is sought shall be entered upon a separate docket.

SECTION 37. Section twenty-one of said chapter one hundred and eighty-five A is hereby repealed.

SECTION 38. The first paragraph of section 22 of said chapter 185A, as appearing in section 1 of chapter 843 of the acts of 1971, is hereby amended by striking out, in lines 1 and 4, the words "action at law or suit in equity" and inserting in place thereof, in each instance, the words: — civil action.

SECTION 39. Said chapter 185A is hereby further amended by striking out sections 23 and 24, as so appearing, and inserting in place thereof the following two sections: —

Section 23. All cases in the housing court, including motions and the like, whether interlocutory or final, shall be heard and determined by the housing court sitting without a jury, except that in all cases where a jury trial is required by the constitution of the commonwealth or of the United States and the defendant has not waived his rights to a trial by jury, the cause shall be forthwith tried in the housing court before a jury selected in accordance with chapter two hundred and thirty-four. In the trial of any complaint or action in the housing court, the report of any inspector serving in the housing inspection department of the city shall be prima facie evidence of the facts stated therein.

Section 24. Every judgment or order entered by the housing court shall bear as its date the day when actually entered by the clerk, and at the time of the entry he shall note such date upon the judgment or order and upon the docket.

SECTION 40. Section twenty-five of said chapter one hundred and eighty-five A is hereby repealed.

SECTION 41. Said chapter 185A is hereby further amended by striking out section 26, as so appearing, and inserting in place thereof the following section: —

Section 26. A party aggrieved by a judgment of the housing court may, within thirty days from the entry thereof, appeal therefrom to the appeals court or, subject to the provisions of section ten of chapter two hundred and eleven A, to the full court of the supreme judicial court; provided that simultaneously with filing such appeal or within such further time as the judge or clerk for cause shown allows, he shall file a bond executed by him or by his attorney of record on his behalf payable to the appellee in such reasonable sum and with such surety or sureties as may be approved by the appellee or by the judge or clerk, conditioned to enter and prosecute his appeal with effect, and to satisfy any judgment for costs which may be entered against him upon said appeal within thirty days after the entry thereof, except that no such bond shall be required if the appellant is the commonwealth or the city or any board or officer of either or if the judge is satisfied that the appeal is not frivolous and that the appellant is destitute and unable to pay for such bond. Instead of filing a bond as aforesaid, the appellant or any person in his behalf may deposit with the clerk, within the time required for filing a bond, a reasonable amount, to be fixed by the judge or clerk, as security for the prosecution of the appeal and the payment of costs. A certificate of such deposit shall be issued to the depositor by the clerk, who shall hold such deposit until the final disposition of the case, when he shall pay it or any part thereof, to the appellee for his costs, or the depositor thereof, as the housing court may order. The housing court may give directions as to the manner of keeping such deposit.

The completion of an appeal hereunder shall be governed by the Massachusetts Rules of Appellate Procedure. When the appeal has been entered in accordance with said Rules, all proceedings under such judgment shall be stayed, and the cause shall thereupon be pending before the appellate court, which shall hear and determine the same, and affirm, reverse or modify the judgment appealed from. Upon the reversal of a judgment, the appellate court may remand the cause to the housing court with necessary and proper directions for further proceeding therein.

When an appeal has been taken, the housing court before the entry of the appeal in the appeals court or, subject to the provisions of section ten of chapter two hundred and eleven A, the supreme judicial court may in its discretion stay, pending the appeal, all temporary orders, judgments, injunctions or other orders of the housing court, and may make such orders for the appointment of a

receiver, and of injunction or prohibition, or for continuing the same in force, as are needful for the protection of the rights of the parties pending the determination of the appeal.

SECTION 42. Section twenty-seven of said chapter one hundred and eighty-five A is hereby repealed.

SECTION 43. Said chapter 185A is hereby further amended by striking out sections 28 and 29, as so appearing, and inserting in place thereof the following two sections: —

Section 28. The housing court may issue execution in common form; provided, however, that no process for the execution of a final judgment of the housing court shall issue until the expiration of the time to appeal therefrom, unless all parties against whom such judgment is made waive an appeal by a writing filed with the clerk or by causing an entry thereof to be made on the docket, except that if the judge by whom the judgment was rendered is of opinion that the appeal from such judgment is groundless and intended merely for delay; process for the execution of the judgment may be awarded notwithstanding the appeal.

Section 29. If upon making an interlocutory order the judge is of the opinion that it so affects the merits of the controversy that the matter ought, before further proceedings, to be determined by the appeals court, he may report the question for that purpose, and stay all further proceedings except those necessary to preserve the rights of the parties.

SECTION 44. Section 3 of chapter 211 of the General Laws is hereby amended by striking out the first paragraph, as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph: —

The supreme judicial court shall have general superintendence of all courts of inferior jurisdiction to correct and prevent errors and abuses therein if no other remedy is expressly provided; and it may issue all writs and processes to such courts and to corporations and individuals which may be necessary to the furtherance of justice and to the regular execution of the laws.

SECTION 45. Section 4 of said chapter 211, as amended by chapter 465 of the acts of 1945, is hereby further amended by striking out, in line 5, the words "bill, petition, or other process" and inserting in place thereof the word: — complaint.

SECTION 46. Section 4A of said chapter 211 is hereby further amended by striking out the first paragraph, as appearing in section 2 of chapter 740 of the acts of 1972, and inserting in place thereof the following paragraph: —

The supreme judicial court or a justice thereof may transfer for partial or final disposition in any appropriate lower court any cause or matter which might otherwise be disposed of by a single justice, and said lower court shall thereupon have jurisdiction thereof, subject to appeal, and shall have such assistance from other departments or from the use of writs and process as the law provides shall be available to it or any other court with respect to like causes or matters; provided, however, that no transfer shall be made of

the following: —

(1) Motions for relief from judgment rendered by the supreme judicial court.

(2) Civil actions under section five of chapter two hundred and forty-nine against the supreme judicial court or the appeals court or a judicial officer thereof, or the superintendence of insolvency cases under chapter two hundred and sixteen.

(3) Dismissal under section thirteen of chapter fifty-eight A of appeals from the appellate tax board or stays of execution of sentence after exceptions or appeal under section forty-nine A of chapter two hundred and seventy-nine.

(4) Any matter incidental to the exclusive appellate jurisdiction of the full court for which provision may hereafter be made; and further provided, that no transfer shall be made to any court other than the court of appeals of the following: —

(1) Civil actions under section five of chapter two hundred and forty-nine against any court other than the supreme judicial court or the appeals court or a judicial officer thereof;

(2) Stays of execution of sentence after the filing or allowance of exceptions or the entry of an appeal under section four of chapter two hundred and seventy-nine; reductions of bail under section fifty-eight of chapter two hundred and seventy-six; summary review of questions of law pertaining to issuance or denial of preliminary injunctions in labor dispute cases under subsection (6) of section six of chapter two hundred and fourteen; summary review of workmen's compensation orders pending appeal under section sixty A of chapter one hundred and fifty-two; suspension, modification or annulment of orders or judgments under section one hundred and seventeen of chapter two hundred and thirty-one pending an appeal; and stays of orders or decrees in equity and other certain matters in the probate court under sections twenty-three and twenty-four of chapter two hundred and fifteen.

SECTION 47. Said chapter 211 is hereby further amended by striking out section 5, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 5. Questions of law arising upon exceptions, report, or appeal shall be heard and determined by the full court.

SECTION 48. Said chapter 211 is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section: —

Section 8. The full court shall, as soon as may be after the decision of the questions submitted to it, make and enter a proper order, direction or judgment for the further disposition of the case, or cause a rescript, containing a brief statement of the grounds and reasons of the decision, to be filed therein; it may remand the record to the trial court to carry such judgment into effect, or instead thereof, the full court may order a new trial or further proceedings at the bar of the supreme judicial court, or order sentence to be awarded or execution issued in said court.

SECTION 49. Said chapter 211 is hereby further amended by

striking out section 10, as so appearing, and inserting in place thereof the following section: —

Section 10. If, upon the hearing of an appeal in any proceeding, it appears that the appeal is frivolous, immaterial or intended for delay, the court may, either upon motion of a party or of its own motion, award against the appellant double costs from the time when the appeal was taken and also interest from the same time at the rate of twelve per cent a year on any amount which has been found due for debt and damages, or which he has been ordered to pay, or for which judgment has been recovered against him, or may award any part of such additional costs and interest.

SECTION 50. Section eleven of said chapter two hundred and eleven is hereby repealed.

SECTION 51. Section 3 of chapter 212 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 2, the words "writs of entry" and inserting in place thereof the words: — civil actions.

SECTION 52. Said chapter 212 is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section: —

Section 8. If an appeal or a bill of exceptions in a case, civil or criminal, has been duly entered in the appeals court or supreme judicial court, any security taken in the case, by bond, attachment or otherwise, shall stand as if no judgment had been entered or exception taken in the superior court until entry of judgment pursuant to the rescript of the appellate court.

SECTION 53. Section ten of chapter two hundred and twelve of the General Laws is hereby repealed.

SECTION 54. The first sentence of section 14A of said chapter 212, as appearing in section 2 of chapter 144 of the acts of 1932, is hereby amended by striking out, in line 2, the word "thirty-seven" and inserting in place thereof the word: — fourteen.

SECTION 55. Section 14B of said chapter 212 is hereby amended by striking out the third paragraph, as appearing in section 1 of chapter 695 of the acts of 1966, and inserting in place thereof the following paragraph: —

In the event that by reason of his physical or mental disability, death, resignation, retirement or removal any justice presiding at a trial pursuant to this section shall fail to sign or return exceptions taken at the trial of a criminal case, to make a report after he has reserved the case for report to the appeals court, or to set aside the verdict in a civil action and order a new trial, for a cause for which a new trial may by law be granted, or otherwise to exercise any of the powers and duties granted to him by this section in the disposition of such case, the chief justice of the superior court may assign any other justice authorized to sit in the superior court pursuant to this section, or any justice of the superior court, to have and exercise such powers and duties.

SECTION 56. Section fourteen C of said chapter two hundred and twelve is hereby repealed.

SECTION 57. Said chapter 212 is hereby further amended by striking out section 26A, inserted by section 1 of chapter 229 of the acts of 1935, and inserting in place thereof the following section: —

Section 26A. The superior court may, upon the application of either party, order a jury waived civil action where any right, title or interest in land is involved, except actions for specific performance of contracts, removed to the land court for trial and disposition. Upon the entry of such an order, the clerk of the court shall forthwith transmit all the papers in the case to the recorder of the land court who shall forthwith enter them on the land court docket, which court thereafter shall have jurisdiction of the action so removed.

SECTION 58. Said chapter 212 is hereby further amended by striking out section 30, added by chapter 600 of the acts of 1959, and inserting in place thereof the following section: —

Section 30. In any action or proceeding involving or arising under section twenty B, twenty C or twenty-four of chapter one hundred and forty-nine, or section six or six A of chapter two hundred and fourteen or chapter one hundred and fifty A, the chief justice shall designate three associate justices to hear and determine the action or proceeding. The decision of said court shall be subject to review in accordance with the provision of subsection (6) of section six of chapter two hundred and fourteen.

SECTION 59. Chapter 213 of the General Laws is hereby amended by striking out section 1B, as amended by section 4 of chapter 722 of the acts of 1962, and inserting in place thereof the following section: —

Section 1B. Questions of law arising in any proceeding of which jurisdiction is vested in the superior court by section one A may be reserved and reported to the appeals court for the consideration of that court in the manner provided in section one hundred and eleven of chapter two hundred and thirty-one.

SECTION 60. Sections one C and one D of said chapter two hundred and thirteen are hereby repealed.

SECTION 61. Section 3 of said chapter 213 is hereby amended by striking out clause Tenth B, added by section 3 of chapter 374 of the acts of 1943.

SECTION 62. The General Laws are hereby amended by striking out chapter 214 and inserting in place thereof the following chapter: —

CHAPTER 214.

EQUITY JURISDICTION.

Section 1. The supreme judicial and superior courts shall have original and concurrent jurisdiction of all cases and matters of equity cognizable under the general principles of equity jurisprudence and, with reference thereto, shall be courts of general equity jurisdiction, except that the superior court shall have exclusive original jurisdiction of all actions in which injunctive relief

is sought in any matter involving or growing out of a labor dispute as defined in section twenty C of chapter one hundred and forty-nine.

Section 1A. The fact that the plaintiff has a remedy in damages shall not bar an action for specific performance of a contract, other than one for purely personal services, if the court finds that no other existing remedy, or the damages recoverable thereby is in fact the equivalent of the performance promised by the contract relied on by the plaintiff, and the court may order specific performance if it finds such remedy to be practicable. If performance is not ordered, damages may be determined in the proceeding, and if the defendant claims a jury on that issue, the issue shall be framed and referred for jury trial.

Section 2. The supreme judicial court shall have original and exclusive jurisdiction of all civil actions in which equitable relief is sought cognizable under any statute and not within the jurisdiction conferred by section one, unless a different provision is made; and the superior court shall have like original and exclusive, or like original and concurrent, jurisdiction only if the statute so provides.

Section 3. The supreme judicial and superior courts shall have original and concurrent jurisdiction of the following cases:

(1) Actions to compel the redelivery of goods or chattels taken or detained from the owner.

(2) Actions for contribution by or between devisees, legatees or heirs liable for the debts of a deceased testator or intestate, and by or between other persons respectively liable for the same debt or demand, if there are two or more such persons liable at the same time to make such contribution.

(3) Actions between joint owners of personal property, and their legal representatives, relative to such property, with authority to determine their respective rights and interests therein, to order a division or sale thereof and make and order a proper distribution of the proceeds of a sale, and to do all other things relative to a determination of the ownership, division and distribution of such property or the proceeds thereof.

(4) Actions between joint trustees, co-executors and co-administrators, and their legal representatives.

(5) Actions upon accounts of such a nature that they cannot be conveniently and properly adjusted and settled in an action in the district court.

(6) Actions by creditors to reach and apply, in payment of a debt, any property, right, title or interest, legal or equitable, of a debtor, within or without the commonwealth, which cannot be reached to be attached or taken on execution although the property sought to be reached and applied is in the possession or control of the debtor independently of any other person or cannot be reached and applied until a future time or is of uncertain value, if the value can be ascertained by sale, appraisal or by any means within the ordinary procedure of the court. In such action, the interest

of the defendant in partnership property may be reached and applied in payment of the plaintiff's debt; but unless it is a judgment debt, the business of the partnership shall not be enjoined or otherwise interrupted further than to restrain the withdrawal of any portion of the debtor's share or interest therein until the plaintiff's debt is established, and if either partner gives to the plaintiff a sufficient bond with sureties approved by the clerk, conditioned to pay to the plaintiff the amount of his debt and costs within thirty days after it is established, the court shall proceed no further therein than to establish the debt; and upon the filing of such bond, any injunction previously issued in such action shall be dissolved.

(7) Actions to reach and apply shares or interests in corporations organized under the laws of the commonwealth or of the United States, and located or having a general office in the commonwealth, whether the plaintiff is a creditor or not, and whether the action is founded upon a debt or not.

(8) Actions to reach and apply in payment of a debt any property, right, title or interest, real or personal, of a debtor, liable to be attached or taken on execution in a civil action against him and fraudulently conveyed by him with intent to defeat, delay or defraud his creditors, or purchased, or directly or indirectly paid for, by him, the record or other title to which is retained in the vendor or is conveyed to a third person with intent to defeat, delay or defraud the creditors of the debtor.

(9) Actions to reach and apply the obligation of an insurance company to a judgment debtor under a motor vehicle liability policy, as defined in section thirty-four A of chapter ninety, or under any other policy insuring a judgment debtor against liability for loss or damage on account of bodily injury or death or for loss or damage resulting therefrom, or on account of damage to property, in satisfaction of a judgment covered by such policy, which has not been satisfied within thirty days after the date when it was rendered.

(10) Actions to enforce the purpose or purposes of any gift or conveyance which has been or shall have been made to and accepted by any county, city, town or other subdivision of the commonwealth for a specific purpose or purposes in trust or otherwise, or the terms of such trust, or, if it shall have become impracticable to observe or carry out such purpose or purposes, or such terms, or, if the occasion therefor shall have terminated, to determine the purposes or uses to which the property involved shall be devoted and enforce the same. Such action shall be commenced only by the attorney general or, with leave of court, by ten taxpayers of such county, city, town or other subdivision. The defendant in any such action may set up such impracticability or termination and request the judgment of the court as to such other use of said property in its answer. In the case of an action by ten taxpayers as aforesaid, the attorney general shall be served with notice of the preliminary petition for leave, and may in-

tervene as a party at any stage of the proceedings; and the plaintiffs shall be liable for costs, including reasonable counsel fees in the discretion of the court, which may, also in its discretion, award to the plaintiffs costs, including reasonable counsel fees, to be paid by the defendant or out of the fund involved, if any.

(11) Actions to determine the purposes or uses to which the property, whether held in trust or otherwise, of any church or religious society which shall have failed for two consecutive years next prior to the commencement of the action to hold religious services or shall have failed for such period to hold a meeting for the election of officers or shall otherwise have become inactive, or of any auxiliary organization affiliated with such a church or religious society, shall be applied, and to enforce the application thereof in accordance with such determination. Such action may be commenced by the governing body of the religious denomination having jurisdiction over such church or religious society according to the usages of the denomination to which such church or religious society belongs, or by the state organization of such denomination, if there is any, otherwise the national organization thereof; and in any action so commenced the attorney general shall be joined as a defendant.

Section 3A. Any person whose name, portrait or picture is used within the commonwealth for advertising purposes or for the purposes of trade without his written consent may bring a civil action in the superior court against the person so using his name, portrait or picture, to prevent and restrain the use thereof; and may recover damages for any injuries sustained by reason of such use. If the defendant shall have knowingly used such person's name, portrait or picture in such manner as is prohibited or unlawful, the court, in its discretion, may award the plaintiff treble the amount of the damages sustained by him. Nothing in this section shall be so construed as to prevent any person practicing the profession of photography from exhibiting in or about his or its establishment specimens of the work of such person or establishment, unless the exhibiting of any such specimen is continued after written notice objecting thereto has been given by the person portrayed; and nothing in this section shall be so construed as to prevent any person from using the name, portrait or picture of any manufacturer or dealer in connection with the goods, wares and merchandise manufactured, produced or dealt in by such manufacturer or dealer which such person has sold or disposed of with such name, portrait or picture used in connection therewith; or from using the name, portrait or picture of any author, composer or artist in connection with any literary, musical or artistic production of such author, composer or artist which such person has sold or disposed of with such name, portrait or picture used in connection therewith.

Section 4. Each court may, if necessary to secure justice and equity, issue to courts of inferior jurisdiction, corporations and persons all general and special writs and processes required in a

civil action.

Section 5. Civil actions in which equitable relief is sought may be brought in any county in which a transitory action between the same parties might be brought, as well as in counties in which it is elsewhere provided that such actions may be brought.

Section 6. (1) No court shall have jurisdiction to issue a preliminary or permanent injunction in any case involving or growing out of a labor dispute, as defined in section twenty C of chapter one hundred and forty-nine, except after hearing the testimony of witnesses in open court, with opportunity for cross-examination, in support of the allegations of a complaint made under oath, and testimony in opposition thereto, if offered, and except after findings of fact by the court, to the effect: —

(a) That unlawful acts have been threatened and will be committed unless restrained or have been committed and will be continued unless restrained, but no injunction or temporary restraining order shall be issued on account of any threat or unlawful act excepting against the person or persons, association or organization making the threat or committing the unlawful act or actually authorizing or ratifying the same after actual knowledge thereof;

(b) That substantial and irreparable injury to the plaintiff's property will follow;

(c) That as to each item of relief granted greater injury will be inflicted upon the plaintiff by the denial of relief than will be inflicted upon the defendants by the granting of relief;

(d) That the plaintiff has no adequate remedy at law; and

(e) That the public officers charged with the duty to protect the plaintiff's property are unable or unwilling to furnish adequate protection.

(2) Such hearing shall be held after due and personal notice thereof has been given, in such manner as the court shall direct, to all known persons against whom relief is sought, and also to the chief of those public officials of the city or town within which the unlawful acts have been threatened or committed charged with the duty to protect the plaintiff's property; provided, however, that if a complaint shall also allege that, unless a temporary restraining order shall be issued without notice, a substantial and irreparable injury to the plaintiff's property will be unavoidable, such a temporary restraining order may be issued upon testimony under oath, sufficient, if sustained, to justify the court in issuing a preliminary injunction upon a hearing after notice, and a statement of the grounds justifying the issuance of such order shall be made a matter of record by the court; provided, further, that no such temporary restraining order shall be issued except upon its also being made to appear to the satisfaction of the court, either from the testimony of witnesses or from written assurance filed by counsel in regard to his personal conduct: —

(A) That a principal representative or attorney of the employees or labor organizations participating in such dispute was informed of the time and place at which the application for a

temporary restraining order would be presented sufficiently in advance to appear in opposition thereto; or

(B) That the plaintiff made every reasonable effort to comply with clause (A) but was unable so to do; provided, however, that notification by mail alone shall not be deemed compliance with this section without proof of receipt.

Such testimony or written assurances shall set forth in detail the manner in which the plaintiff complied with clause (A) or (B) and shall be made part of the record in the case. If the defendants appear in opposition to the application for a temporary restraining order they shall be afforded an opportunity to cross-examine the plaintiff's witnesses at such length as is reasonable under the circumstances and a like opportunity to introduce evidence in opposition thereto. Such a temporary restraining order shall be effective for no longer than five days and shall become void at the expiration of said five days and shall not be subject to renewal. No temporary restraining order or preliminary injunction shall be issued except on condition that the plaintiff shall first file an undertaking with adequate security in an amount to be fixed by the court sufficient in its opinion to recompense those enjoined for any loss, expense or damage caused by the improvident or erroneous issuance of such order of injunction, including all reasonable costs, together with a reasonable attorney's fee, and expense of defense against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court.

(3) The undertaking herein mentioned shall be understood to signify an agreement entered into by the plaintiff and the surety upon which a judgment may be rendered in the same action or proceeding against said plaintiff and surety, upon a hearing to assess damages of which hearing the plaintiff and surety shall have reasonable notice, the said plaintiff and surety submitting themselves to the jurisdiction of the court for that purpose. But nothing herein contained shall deprive any party having a claim or cause of action under or upon such undertaking from electing to pursue his ordinary remedy by a separate civil action.

(4) No restraining order or injunctive relief shall be granted to any plaintiff who has failed to comply with any obligation imposed by law which is involved in the labor dispute in question, or who has failed to make every reasonable effort to settle such dispute either by negotiation or with the aid of any available governmental machinery of mediation or voluntary arbitration.

(5) No restraining order, other than a temporary restraining order issued without notice as provided in subdivision (2) of this section, and no preliminary or permanent injunction shall be granted in a case involving or growing out of a labor dispute, except on the basis of findings of fact made and filed by the court in the record of the case prior to the issuance of such restraining order or injunction; and every restraining order or injunction granted in a case involving or growing out of a labor dispute shall include

only a prohibition of such specific act or acts as may be expressly complained of in the complaint filed in such case and as shall be expressly included in said statement of grounds or findings of fact made and filed by the court as provided herein.

(6) Whenever the court shall issue or deny a preliminary injunction in a case involving or growing out of a labor dispute, the court, upon the request of any party to the proceeding, shall forthwith report any questions of law involved in such issue or denial to the supreme judicial court and stay further proceedings except those necessary to preserve the rights of the parties. Upon the filing of such report, the questions reported shall be heard in a summary manner by a justice of the supreme judicial court, who shall with the greatest possible expedition affirm, reverse or modify the order of the superior court. The decision of such justice of the supreme judicial court upon the questions so raised shall be final, but without prejudice to the raising of the same questions before the full court upon appeal from the final judgment.

(7) No permanent injunction which may be issued under this section shall be effective for a period exceeding one year from the date of its issuance; provided, however, that after a new hearing and findings of fact as provided in clauses (a) to (e), inclusive, of subsection (1) and subject to the provisions of subsections (2) to (5), inclusive, it may be renewed.

Section 6A. Notwithstanding any of the provisions of section six so far as they may be applicable, a temporary restraining order or preliminary injunction may be granted in any case in which the parties to a jurisdictional dispute, as hereinafter defined, have voluntarily submitted such dispute to arbitration, and one of such parties fails to abide by the arbitration procedure or to comply with the terms of the arbitration award and engages in or continues to engage in a strike, picketing, boycott or other concerted interference against an employer. The restraining order or preliminary injunction may be granted in favor of the party which abides by the procedure and complies with the award as well as in favor of the employer who is ready and willing to abide by the terms of such award.

The term "jurisdictional dispute" means a dispute between two or more labor organizations or groups or employees the object of which is to require that particular work be assigned to employees in a particular labor organization or in a particular trade, craft or class rather than to employees in another labor organization or in another trade, craft or class.

Section 7. In actions for the construction of wills, or for instructions relative to wills the court may order notice of the action and of the time and place for hearing to be served on such number of the parties in interest representing all possible interests as the court shall direct, and to be published for three weeks successively in such newspaper as it directs. If it appears that any possible interest is not represented, further service may be ordered until all possible interests are represented before the court or until a

guardian ad litem has been appointed. If all possible interests are represented by persons before the court, it shall be unnecessary to make other persons having similar interests parties defendant.

Section 7A. As used in this section, "damage to the environment" shall mean any destruction, damage or impairment, actual or probable, to any of the natural resources of the commonwealth, whether caused by the defendant alone or by the defendant and others acting jointly or severally. Damage to the environment shall include, but not be limited to, air pollution, water pollution, improper sewage disposal, pesticide pollution, excessive noise, improper operation of dumping grounds, impairment and eutrophication of rivers, streams, flood plains, lakes, ponds or other water resources, destruction of seashores, dunes, wetlands, open spaces, natural areas, parks or historic districts or sites. Damage to the environment shall not include any insignificant destruction, damage or impairment to such natural resources.

As used in this section "person" shall mean any individual, association, partnership, corporation, company, business organization, trust, estate, the commonwealth or any political subdivision thereof, any administrative agency, public or quasi-public corporation or body, or any other legal entity or its legal representatives, agents or assigns.

The superior court for the county in which damage to the environment is occurring or is about to occur may, upon a civil action in which equitable or declaratory relief is sought in which not less than ten persons domiciled within the commonwealth are joined as plaintiffs, or upon such an action by any political subdivision of the commonwealth, determine whether such damage is occurring or is about to occur and may, before the final determination of the action, restrain the person causing or about to cause such damage; provided, however, that the damage caused or about to be caused by such person constitutes a violation of a statute, ordinance, by-law or regulation the major purpose of which is to prevent or minimize damage to the environment.

No such action shall be taken unless the plaintiffs at least twenty-one days prior to the commencement of such action direct a written notice of such violation or imminent violation by certified mail, to the agency responsible for enforcing said statute, ordinance, by-law or regulation, to the attorney general, and to the person violating or about to violate the same; provided, however, that if the plaintiffs can show that irreparable damage will result unless immediate action is taken the court may waive the foregoing requirement of notice and issue a temporary restraining order forthwith.

It shall be a defense to any action taken pursuant to this section that the defendant is subject to, and in compliance in good faith with, a judicially enforceable administrative pollution abatement schedule or implementation plan the purpose of which is alleviation of damage to the environment complained of, unless the plaintiffs demonstrate that a danger to the public health and safety justifies

the court in retaining jurisdiction.

Any action brought pursuant to the authorization contained in this section shall be advanced for speedy trial and shall not be compromised without prior approval of the court.

If there is a finding by the court in favor of the plaintiffs it may assess their costs, including reasonable fees of expert witnesses but not attorney's fees; provided, however, that no such finding shall include damages.

The court may require the plaintiffs to post a surety or cash bond in a sum not to exceed five hundred dollars to secure the payment of any costs which may be assessed against the plaintiffs in the event they do not prevail.

Nothing contained in this section shall be construed so as to impair, derogate or diminish any common law or statutory right or remedy which may be available to any person, but the cause of action herein authorized shall be in addition to any such right or remedy.

Section 8. Civil actions in which equitable relief is sought and motions and other applications therein, whether interlocutory or final, shall in the first instance be heard and determined by one justice of the court.

Section 9. All acts and proceedings in civil actions other than trials upon the merits, wherever they may be conducted, shall be considered as taking place in court and not in chambers.

Section 10. A justice of either court or the full court may, if necessary, hear and determine cases pending in a county other than that in which such justice or court is sitting, or any motion therein; but a motion shall not be so heard nor an order so made until reasonable notice thereof has been given to the adverse party or his counsel; and either party may transmit his reasons in writing for or against the application to the court or justice, who shall examine the same and proceed thereon as if the parties were present. All orders made on such hearings shall be transmitted to the clerk in the proper county, and be entered by him.

Section 11. The supreme judicial court, upon request of a party to a civil action in which equitable relief is sought, may frame issues of fact to be tried by a jury and order the same to be tried in that court or in the superior court in the county in which such cause is pending, or upon the request of all parties in any other county.

Section 12. If there is no regular sitting of the supreme judicial court within three months after the framing of such issues, a justice thereof may order the clerk of the courts for the county in which the cause is pending to summon a jury to try such issues, and the proceedings at such trial shall be in all respects the same as in a trial at a regular sitting.

Section 13. The superior court, upon request of a party to a civil action in which equitable relief is sought pending therein, may frame issues of fact to be tried by a jury and order them to be tried in the county in which such cause is pending.

Section 14. A justice of the supreme judicial court and a

justice of the superior court shall, at all convenient times, sit in Boston to hear and determine civil actions in which equitable relief is sought and motions therein arising in any county.

Section 15. A justice of either court shall not dissolve an injunction issued by the other court, or by a justice thereof, or interpose in any action in which equitable relief is sought pending before the other court, except as provided in sections one hundred and fifteen, one hundred and seventeen, and one hundred and eighteen of chapter two hundred and thirty-one.

Section 16. The courts may issue writs of seisin and execution in common form if such process is appropriate for the enforcement of a judgment granting or denying equitable relief.

Section 17. Where a bond is required of a receiver appointed by either court the provisions of section seven of chapter two hundred and three shall apply.

Section 18. The original papers in a civil action pending in either court may be taken from the files in any county by counsel of record of either party, for use before the court, upon leaving a memorandum and receipt on such files, containing a short description of the papers so taken.

SECTION 63. Chapter 215 of the General Laws is hereby amended by striking out section 6, as most recently amended by section 24 of chapter 888 of the acts of 1970, and inserting in place thereof the following section: —

Section 6. Probate courts shall have original and concurrent jurisdiction with the supreme judicial and superior courts of all cases and matters of equity cognizable under the general principles of equity jurisprudence and, with reference thereto, shall be courts of general equity jurisdiction, except that the superior court shall have exclusive original jurisdiction of all actions in which injunctive relief is sought in any matter growing out of a labor dispute as defined in section twenty C of chapter one hundred and forty-nine; provided, however, that in proceedings of which probate courts have jurisdiction by reason of the provisions of this paragraph a plaintiff, defendant, or intervener may, within seven days after proper service has been made upon all parties, remove the case to the superior court. The removing party shall first pay the register of probate an entry fee equal to that for an original entry in the superior court and shall file with the register a notice of removal and an affidavit setting forth the names and addresses of all other parties to the action and of their attorneys. The register shall forthwith transmit all papers in the case and said entry fee to the clerk of the superior court for the county in which the action was originally commenced, and shall notify in writing all parties and their attorneys of the transfer. Thereafter the case shall proceed as if originally commenced in the superior court except that any temporary orders or preliminary injunctions issued by the probate court shall remain in full force and effect until further order of the superior court.

Probate courts shall also have jurisdiction concurrent with the

supreme judicial and superior courts, of all cases and matters in which equitable relief is sought relative to the administration of the estates of deceased persons, to wills, including questions arising under section twenty of chapter one hundred and ninety-one, to trusts created by will or other written instrument and, in cases involving in any way the estate of a deceased person or the property of an absentee whereof a receiver has been appointed under chapter two hundred or the property of a person under guardianship or conservatorship, to trusts created by parole or constructive or resulting trusts, of all matters relative to guardianship or conservatorship, of actions such as one described in clause (11) of section three of chapter two hundred and fourteen and of all other matters of which they now have or may hereafter be given jurisdiction. They shall also have jurisdiction to grant equitable relief to enforce foreign judgments for support of a wife or of a wife and minor children against a husband who is a resident or inhabitant of this commonwealth, upon an action by the wife commenced in the county of which the husband is a resident or inhabitant. They shall, after the divorce decree has become absolute, also have concurrent jurisdiction to grant equitable relief in controversies over property between persons who have been divorced. They shall also have jurisdiction of an action by an administrator, executor, guardian, conservator, receiver appointed as aforesaid or trustee under a will to enjoin for a reasonable period of time the foreclosure, otherwise than by open and peaceable entry, of a mortgage on real estate, or the foreclosure of a mortgage on personal property, which real estate or personal property is included in the estate or trust being administered by such fiduciary, if in the opinion of the court the proper administration of the estate or trust would be hindered by such foreclosure. They shall also have jurisdiction, concurrent with the superior court, of proceedings in which equitable relief is sought under sections seven to twelve, inclusive, of chapter one hundred and seventeen and section twenty-six of chapter one hundred and twenty-three.

Notwithstanding any contrary or inconsistent provisions of the General Laws, procedure in cases in the probate court within the jurisdiction granted by this section shall be governed by the Massachusetts Rules of Civil Procedure.

SECTION 64. Said chapter 215 is hereby further amended by striking out section 6A, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 6A. In any proceeding before a probate court, an attachment may be made by injunction to reach shares of stock or other property which cannot be reached to be attached in a civil action in which money damages are sought, and the property so attached shall thereafter be subject to such order as justice and equity may require; and in relation to such probate proceedings said court shall have all the powers which the supreme judicial and superior courts have in relation to actions to reach and apply.

SECTION 65. Said chapter 215 is hereby further amended by

striking out section 9, as most recently amended by chapter 360 of the acts of 1947, and inserting in place thereof the following section: —

Section 9. A person aggrieved by an order, decree or denial of a probate court made after this chapter takes effect, may, within thirty days after the entry thereof, appeal therefrom to the appeals court or, subject to the provisions of section ten of chapter two hundred and eleven A, to the full court of the supreme judicial court. Said courts shall have like powers and authority with respect thereto as upon an appeal in any civil action.

SECTION 66. Said chapter 215 is hereby further amended by striking out section 10, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 10. The procedure upon an appeal from an order, decree or denial of a probate court shall be in accordance with the Massachusetts Rules of Appellate Procedure.

SECTION 67. Section twelve of said chapter two hundred and fifteen is hereby repealed.

SECTION 68. Section 13 of said chapter 215, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 3 and 7, the word “full” and inserting in place thereof, in each instance, the word: — appeals.

SECTION 69. Section 16 of said chapter 215, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: — Questions of law arising upon the trial of any such issues may be considered and determined by the appeals court or the supreme judicial court in the same manner and with like effect as in any civil action tried in the superior court.

SECTION 70. Section twenty-one of said chapter two hundred and fifteen is hereby repealed.

SECTION 71. Section 34 of said chapter 215 is hereby amended by striking out, in lines 6 and 7, as so appearing, the words “in equity in relation to any suit in equity” and inserting in place thereof the words: — in relation to an action in which equitable relief is sought.

SECTION 72. Section 20 of chapter 218 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — District courts may issue writs of scire facias against executors and administrators upon a suggestion of waste after a judgment against them and also against bail taken in a civil action before them, and may proceed to judgment and execution.

SECTION 73. Chapter 220 of the General Laws is hereby amended by striking out section 13A, added by section 5 of chapter 407 of the acts of 1935, and inserting in place thereof the following section: —

Section 13A. Any person who shall wilfully disobey any lawful process, order, judgment or command of the court in any action in which injunctive relief is sought in any matter involving or grow-

ing out of a labor dispute, as defined in section twenty C of chapter one hundred and forty-nine, by doing any act or thing in or by such process, order, judgment or command forbidden to be done by him, if the act or thing so done by him is of such character as to constitute also a criminal offense under the laws of the commonwealth shall enjoy the right to a speedy and public trial for his said contempt by an impartial jury of the county wherein it shall have been committed; provided, that this right shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice or apply to the misbehavior, misconduct or disobedience of any officer of the court in respect to the orders or process of the court.

SECTION 74. Chapter 221 of the General Laws is hereby amended by striking out section 6, as most recently amended by section 1 of chapter 710 of the acts of 1964, and inserting in place thereof the following section: —

Section 6. The justices of the superior court may appoint, for a term of three years from the date of their appointment, nineteen assistant clerks of said court for civil business in the county of Suffolk, one of whom shall perform the duties of clerk pertaining to actions in which equitable relief is sought in said court.

SECTION 75. Said chapter 221 is hereby further amended by striking out section 6A, as amended by section 3 of chapter 774 of the acts of 1949, and inserting in place thereof the following section: —

Section 6A. The justices of the superior court may designate, for a term of three years from the date of such designation, one of the assistant clerks for the county of Middlesex, appointed under section four or section five, to perform, under the direction of the clerk of the courts for the county of Middlesex, the duties of clerk pertaining to actions in which equitable relief is sought in said court, who shall receive from said county, in addition to the salary paid to him as an assistant clerk under section four or section five, as the case may be, a sum equivalent to five per cent of the salary of the clerk.

SECTION 76. Said chapter 221 is hereby further amended by striking out section 6B, added by chapter 300 of the acts of 1953, and inserting in place thereof the following section: —

Section 6B. The justices of the superior court may designate, for a term of three years from the date of such designation, one of the assistant clerks for the county of Essex, appointed under section four, to perform, under the direction of the clerk of the courts for the county of Essex, the duties of clerk pertaining to actions in which equitable relief is sought in said court, who shall receive from said county, in addition to the salary paid to him as an assistant clerk under section four, a sum equivalent to five per cent of the salary of the clerk.

SECTION 77. Said chapter 221 is hereby further amended by striking out section 19, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 19. The clerks shall cause one or more copies of all notices of appeal, orders for the report of cases, and bills of exceptions in criminal matters which may be filed or allowed in cases in which the attorney general appears for the commonwealth to be printed and forwarded to him at Boston as soon as may be after they have been filed or allowed.

SECTION 78. Section twenty-one of said chapter two hundred and twenty-one is hereby repealed.

SECTION 79. Said chapter 221 is hereby further amended by striking out section 22, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 22. A clerk of the courts may issue any order of notice upon any complaint or other proceeding in a civil action which might be issued by the court; but the court or a justice thereof may cause additional notice to be given.

SECTION 80. Section 56 of said chapter 221, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — When a civil action is at issue, the district court, if both parties assent thereto in writing, may appoint one or more auditors to hear the parties, examine their vouchers and evidence, state accounts and report upon such matters therein as may be ordered by the court.

SECTION 81. The first sentence of section 58 of said chapter 221, as appearing in section 1 of chapter 40 of the acts of 1932, is hereby amended by inserting after the word "Auditors", in line 1, the words: — appointed by the district or probate courts.

SECTION 82. Said chapter 221 is hereby further amended by striking out sections 61, 62 and 62A, as appearing in the Tercentenary Edition, and inserting in place thereof the following three sections: —

Section 61. The court shall award reasonable compensation and allow actual expenses of travel in attending hearings, if said expenses be approved by the court as reasonable, to auditors, but no allowance for the expenses of travel shall be allowed by the court unless the auditor shall file a true and correct account of such expenses, signed and sworn to by him. Said compensation and expenses shall be paid by the county if the auditors are appointed by the probate court. If they are appointed by the district court, the compensation awarded and expenses of travel allowed may be paid by either party and taxed in his bill of costs if he prevails; but the plaintiff shall be liable for such payment, and the court may make orders and issue process to enforce the same.

Section 62. Auditors shall file their final report in the office of the clerk or register of the court by which they are appointed within ninety days after the hearing before them has been closed or within such time as the court may allow, and, in default thereof, shall not be entitled to any fees, except as provided in section sixty-two A.

Section 62A. If an auditor appointed by the probate court becomes incapacitated or dies without having filed his final report,

the court may award him or his estate reasonable compensation, payable by the county, upon a finding that he actually performed services which would entitle him to the compensation awarded had he filed a report as provided in section sixty-two; provided, that all his records and memoranda, or copies thereof, in the case in which compensation is sought, are filed with the register of the court.

SECTION 83. Chapter 223 of the General Laws is hereby amended by striking out section 1, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 1. A transitory action shall, except as otherwise provided, if any one of the parties thereto lives in the commonwealth, be brought in the county where one of them lives or has his usual place of business; provided, that except in actions upon negotiable instruments if the plaintiff is an assignee of the cause of action, it shall be brought only in a county where it might have been brought by the assignor thereof. If neither party lives in the commonwealth, the action may be brought in any county. If an action is dismissed because the defendant has raised timely objection to venue, the defendant shall be allowed double costs.

SECTION 84. Said chapter 223 is hereby further amended by striking out section 4, as so appearing, and inserting in place thereof the following section: —

Section 4. An action of replevin in the district court shall be brought in the county where the goods or beasts are detained.

SECTION 85. Said chapter 223 is hereby amended by striking out section 15, as so appearing, and inserting in place thereof the following section: —

Section 15. If an error in venue is discovered at any stage of the proceedings of a civil action in the supreme judicial or superior court, the court may, upon motion of either party, order the action, with all papers relating thereto, to be removed to the proper county upon terms to the defendant; and it shall thereupon be entered and prosecuted in the same court for that county as if it had been originally commenced therein, and all prior proceedings otherwise regularly taken shall be valid.

SECTION 86. Said chapter 223 is hereby further amended by striking out sections 16 to 20, inclusive, and inserting in place thereof the following six sections: —

Section 16. In the district court actions at law, unless founded on scire facias or other special writs, or unless otherwise authorized by statute or by established practice, shall be commenced by original writs. Such writs shall be signed, sealed and bear teste as required by the constitution, and shall be framed either to summon the defendant, with or without an order to attach his goods or estate, or to attach his goods or estate and, for want thereof, to take his body; or, in an action commenced by trustee process, to attach his goods or estate in his own hands and also in the hands of the trustee. Original writs shall be in the form heretofore established by law and by the usage and practice of the courts. If changes in their form are necessary in order to adopt them to

changes in the law, or for any other sufficient reason, the courts may make such changes, subject to the final control of the supreme judicial court, which may by general rule regulate such changes in all the courts.

Section 16A. There shall appear on the summons of each original or trustee writ issued by a district court and on each summons or trustee summons issued by a court where procedure is governed by the Massachusetts Rules of Civil Procedure a notice informing the party served that he need not personally appear in court on the day designated as the return day or the day an answer is required, but that either he or his attorney should, in order to avoid judgment being entered against him, file a written answer by a specified date.

Section 17. In an action in the district court a separate summons shall be served on the defendant after an attachment of property on the writ, and the service thereof shall be a sufficient service of the original summons.

Section 18. In the district court in actions against corporations, and in other actions in which property may be attached, but in which the defendant is not liable to arrest, the writ of attachment and original summons may be combined in one, requiring the officer to attach the goods and estate and to summon the defendant.

Section 19. In an action in the district court, if the name of a defendant is not known to the plaintiff, the writ may be issued against him by a fictitious name, and if duly served, shall not be abated for that cause, but may be amended, and terms may be imposed.

In an action in the superior court, supreme judicial court or land court or the housing court of the city of Boston if the name of the defendant is not known to the plaintiff, the defendant may be designated in the summons and complaint by a fictitious name. The use of a fictitious name shall not be grounds for dismissal of the complaint if sufficient service has been made, and amendments shall be allowed and terms may be imposed.

Section 20. Process in the supreme judicial and superior court shall be signed, and may be issued, by the clerk, shall bear teste of the first justice of the court who is not a party to the action, may be returnable to the same court in any other county, may run, and shall be executed and obeyed, throughout the commonwealth.

SECTION 87. Sections twenty-one, twenty-two and twenty-four of said chapter two hundred and twenty-three are hereby repealed.

SECTION 88. Said chapter 223 is hereby further amended by striking out sections 26 and 27, as appearing in the Tercentenary Edition, and inserting in place thereof the following two sections: —

Section 26. In an action in the district court, if the writ requires the officer to attach the goods or estate of the defendant and for want thereof to take his body, the plaintiff or his attorney may by written or verbal directions require the officer to serve the writ by an attachment of goods or estate or by the arrest of the

defendant, if such arrest is authorized, and the officer shall serve the writ according to such directions.

Section 27. An original writ issued by a district court may be directed to and served by any officer qualified to serve civil process in actions involving the amount of damages claimed in the writ, and shall be served not less than seven nor more than sixty days before the return day; but if such writ is to be served in a county other than that in which the court issuing it is held, it shall, except in trustee process, be served at least fourteen days before the return day.

Section 89. Section 28 of said chapter 223, as so appearing, is hereby amended by inserting after the word "writ", in line 1, the words: — issued by a district court.

Section 90. Said chapter 223 is hereby amended by striking out sections 29 to 32, inclusive, and inserting in place thereof the following five sections: —

Section 29. In an action in the district court, a separate summons which is served after an attachment of property shall be served by delivering it to the defendant or by leaving it for him as hereinafter provided; and an original summons without an attachment shall be served by reading it to the defendant, by delivering to him a copy thereof attested by the officer who serves it or by leaving such copy for him as hereinafter provided.

Section 30. In an action brought in the district court the separate summons may be served at any time after the attachment has been made, if it is served the number of days before the return day required for the service of the original writ; and a certificate of the service of the summons shall be endorsed on the original writ.

Section 31. In an action brought in the district court, if the summons is not served personally on the defendant, the original or a copy, as the case may be, shall be left at his last and usual place of abode, if he has any within the commonwealth known to the officer. If he has none, it shall be left with his tenant, agent or attorney, if he has any within the commonwealth known to the officer. If he has no such last and usual place of abode and no tenant, agent or attorney, no service on him shall be required except as provided in the three following sections.

Section 31A. Personal service of a writ or summons upon a defendant while he is exercising his right to vote shall be null and void.

Section 32. In an action in the district court, if an absent defendant whose property has been attached is sued with one or more others on a joint contract, and he has no such last and usual place of abode and no tenant, agent or attorney, within the commonwealth, the summons for him shall be left with one of the co-defendants, if there is any within the commonwealth.

Section 91. Section thirty-three of said chapter two hundred and twenty-three is hereby repealed.

Section 92. Said chapter 223 is hereby further amended by striking out sections 35 and 36, as appearing in the Tercentenary

Edition, and inserting in place thereof the following two sections: —

Section 35. When process is served by an officer by leaving copies of the summons, subpoena, or summons and complaint at the last and usual place of abode of any person, the officer serving the same shall state in his return the place as definitely as is practicable, giving, if possible, the street and number, where service was made.

Section 36. Process issued by a district court against a county, city, town, corporation, body corporate, joint stock association, voluntary association described in chapter one hundred and eighty-two, parish or religious society, proprietors of wharves, general fields or real estate lying in common, who are incorporated, executor, administrator, guardian, conservator, receiver, trustee or assignee shall be served by copy or by copy and summons.

SECTION 93. Section forty-one of said chapter two hundred and twenty-three is hereby repealed.

SECTION 94. Section 42 of said chapter 223, as amended by section 1 of chapter 295 of the acts of 1937, is hereby further amended by inserting after the word "writ", in line 8, the words: — of attachment.

SECTION 95. Section 43 of said chapter 223, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "writ", in line 6, the words: — or complaint.

SECTION 96. Said chapter 223 is hereby further amended by striking out section 44, as so appearing, and inserting in place thereof the following section: —

Section 44. No ship or vessel shall be attached in a civil action on an original writ unless a declaration is inserted in the writ before service thereof, nor shall such attachment be made upon an original writ or a writ of attachment unless the plaintiff or a person in his behalf makes affidavit and proves to the satisfaction of a justice of a court that he has a good claim and reasonable expectation of recovering an amount, exclusive of all costs, equal at least to one third of the damages demanded in the original writ or complaint, which affidavit and the certificate of the justice that he is satisfied that the same is true shall be annexed to the writ.

SECTION 97. Said chapter 223 is hereby further amended by striking out section 44A, as amended by section 2 of chapter 295 of the acts of 1937, and inserting in place thereof the following section: —

Section 44A. Motor vehicles registered under the law of this commonwealth shall not be attached by writ of attachment in a civil action based upon a contract unless written consent to such attachment is endorsed on the writ and signed by a justice, associate justice or special justice of the court wherein such action is commenced. Costs in any action in which such a motor vehicle has been attached shall be in the discretion of the court.

SECTION 98. The first sentence of section 45 of said chapter 223, as appearing in the Tercentenary Edition, is hereby amended

by inserting after the word "writ", in line 7, the words: — or complaint.

SECTION 99. Said chapter 223 is hereby further amended by striking out section 46, as so appearing, and inserting in place thereof the following section: —

Section 46. In an action brought in the district court successive attachments may be made upon the same writ by one or more officers and in one or more counties, before, but not after, service of the summons.

In an action in the superior court or supreme judicial court or the housing court of the city of Boston or the housing court of the county of Hampden successive attachments may be made upon the same writ of attachment by one or more officers in one or more counties before, but not after the expiration of thirty days from the date of the complaint.

SECTION 100. Said chapter 223 is hereby further amended by striking out section 50, as amended by section 8 of chapter 765 of the acts of 1957, and inserting in place thereof the following section: —

Section 50. If an attachment is made of articles of personal property which, by reason of their bulk or for other cause, cannot be immediately removed, a certified copy of the writ of attachment together with a certified copy of the officer's endorsement on the original writ of attachment of the date or dates of the executing of the writ, may, within three days after the attachment, be deposited in the office of the town clerk or the state secretary or in the registry of deeds, as the case may be, where filing is required to perfect a security interest in such goods under section nine-four hundred and one of chapter one hundred and six; and such attachment shall be as valid and effectual as if the articles had been retained in the possession and custody of the officer.

SECTION 101. Said chapter 223 is hereby further amended by striking out section 56, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 56. The officer who makes such later attachment shall not take the property itself, but he shall make proof of service of the writ of attachment to the court in writing, stating by whom the property was previously attached and shall leave a certified copy of the writ of attachment and of the proof of service of that writ of attachment with the former officer, if living, or, if he is dead, with his executor or administrator or whoever then has possession of the property. The attachment shall be considered as made when such copy is delivered in any of the modes provided in this section.

SECTION 102. Said chapter 223 is hereby further amended by striking out section 59, as so appearing, and inserting in place thereof the following section: —

Section 59. Property which has been attached in conjunction with an action in the district court shall be held for thirty days after final judgment for the plaintiff or claimant so that it may be taken on execution, unless the attachment is sooner dissolved; but

if attached in Nantucket county and judgment is rendered in another county, or if judgment is rendered in Nantucket county and it was attached in another county, it shall be held in like manner, subject to the same condition, for sixty days after final judgment. Upon a final judgment for the plaintiff in an action in the superior court or before a single justice of the supreme court or in the housing court of the city of Boston, property which has been attached shall remain subject to the attachment for thirty days after the expiration of the time to appeal from the judgment so that it may be taken on execution unless the attachment is sooner dissolved; but if an appeal is claimed the attachment shall remain in force during the pendency of the appeal and if the judgment is affirmed, for thirty days from the entry of the order of the appellate court; but if attached in Nantucket county and judgment rendered in another county, or if judgment is rendered in Nantucket county and it was attached in another county, it shall be held in like manner, subject to the same condition for a period of sixty days.

SECTION 103. Sections sixty and sixty-one of said chapter two hundred and twenty-three are hereby repealed.

SECTION 104. Said chapter 223 is hereby further amended by striking out section 63, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 63. No attachment of land or of any leasehold estate shall be valid against a subsequent attaching creditor, or against a subsequent purchaser in good faith and for value, unless the officer deposits a certified copy of the writ of attachment and so much of his return thereon as relates to the attachment of the estate, in the registry of deeds for the county or district where the land lies.

SECTION 105. Said chapter 223 is hereby further amended by striking out section 68, as so appearing, and inserting in place thereof the following section: —

Section 68. The register in such case, in addition to the names of the parties to the action which he is required to enter as provided in section sixty-five, shall also enter in his docket of attachments the names of the persons in whom the record or legal title stands, as returned by the officer, in the same manner as if the estate of such persons were attached as defendants in the action.

SECTION 106. Said chapter 223 is hereby further amended by striking out section 71, as so appearing, and inserting in place thereof the following section: —

Section 71. Shares of stock shall not be attached in a civil action in which only money damages are sought.

SECTION 107. Said chapter 223 is hereby further amended by striking out section 76, as amended by section 3 of chapter 298 of the acts of 1943, and inserting in place thereof the following section: —

Section 76. If the mortgagee, pledgee, lienor or conditional vendor, or his assigns, demands and receives more than the amount due to him, he shall be liable to the attaching creditor for the

excess, with interest thereon at the rate of twelve per cent a year.

SECTION 108. Said chapter 223 is hereby further amended by striking out sections 84 and 85, as appearing in the Tercentenary Edition, and inserting in place thereof the following two sections: —

Section 84. In an action in the district court, if the service of a writ, process or order is defective or insufficient, the court or tribunal to which it is returnable may, upon motion of the plaintiff or petitioner issue further writs, processes and orders, which shall be served in such manner as may be therein directed; and upon proper service thereof, the court or tribunal shall thereby acquire the same jurisdiction of the subject and of the parties as it would have obtained if such service had been made in pursuance of the original writ, process or order. The action, suit or proceeding shall be continued from time to time until such service is made.

In an action in the supreme judicial court, superior court, the housing court of the city of Boston, or housing court of the county of Hampden if the defendant makes a motion to dismiss the action for insufficient service of process, the court may dismiss the action without prejudice or may quash the process and allow the issuance and service of new process in accordance with the Massachusetts Rules of Civil Procedure.

Section 85. At any time during the pendency of an action in the district court, upon the commencement of which an arrest or attachment is authorized by law, the court for cause may, on motion ex parte, order such arrest of the defendant or such attachment of his property by trustee process or otherwise to secure the judgment or decree which the plaintiff may obtain in said cause; but no arrest of the defendant shall be authorized unless the same facts as are required to be proved to authorize an arrest on mesne process are proved to the satisfaction of the court by affidavit as provided in section two of chapter two hundred and twenty-four. Except in Suffolk county, a clerk of such court may, under the same conditions, order such attachment of the property of the defendant. Such arrest or attachment shall be subject to all the provisions of law relative to arrest and attachment upon mesne process, so far as applicable.

SECTION 109. Said chapter 223 is hereby further amended by striking out section 86A, as most recently amended by section 4 of chapter 591 of the acts of 1973, and inserting in place thereof the following section: —

Section 86A. Upon motion of the plaintiff at any time after entry of a judgment in his favor in the supreme judicial court, superior court, housing court of the city of Boston or housing court of the county of Hampden but before the expiration of the time to appeal therefrom or, if an appeal is claimed, during the pendency thereof, such court shall have jurisdiction by appropriate procedure and process to cause to be reached, held and thereafter applied in payment of any such judgment or decree in his favor in such action or suit the same kind of property, right, title or interest, legal or equitable, of a defendant, within or without the commonwealth,

which may be reached and applied under clauses (6) and (7) of section three of chapter two hundred and fourteen, and any property, right, title or interest, legal or equitable, real or personal, including any shares or interests in corporations organized under the laws of the commonwealth or of the United States, and located or having a general office in the commonwealth, fraudulently conveyed by the defendant with intent to defeat, delay or defraud his creditors or to defeat or delay the plaintiff in the satisfaction of his claim, or purchased, or directly or indirectly paid for, by him, the record or other title to which is retained in the vendor or is conveyed to a third person with intent to defeat, delay or defraud the creditors of the defendant or to defeat or delay the plaintiff in the satisfaction of his claim; provided, that, in reaching and applying hereunder the interest of a partner in partnership property, the business of the partnership shall not be enjoined or otherwise interrupted further than to restrain the withdrawal of any portion of the defendant's share or interest therein until final judgment or decree in such action or suit. If such equitable relief is granted, the defendant may give to the plaintiff a sufficient bond payable to him with sureties approved by the court conditioned to pay him the amount of his judgment within thirty days of the date when execution may issue upon such judgment, and, upon the filing of such bond with the clerk, the court shall proceed no further in the proceedings to reach and apply and any injunction previously issued in the course of such proceedings shall be dissolved.

SECTION 110. Said chapter 223 is hereby further amended by striking out sections 94 and 95, as appearing in the Tercentenary Edition, and inserting in place thereof the following two sections: —

Section 94. The officer who takes such bond shall return it with the writ on which the first attachment is made in like manner as bail bonds are returned, with a certificate of his doings therein; and if the bond is forfeited, any of the attaching creditors may bring an action thereon.

Section 95. If judgment is rendered for the defendants in an action on such bond, executions for the costs shall be issued against the attaching creditors by whom the action was brought.

SECTION 111. Section ninety-six of said chapter two hundred and twenty-three is hereby repealed.

SECTION 112. Section 97 of said chapter 223, as so appearing, is hereby amended by striking out, in line 1, the words "in equity".

SECTION 113. Said chapter 223 is hereby further amended by striking out sections 99 and 100, as so appearing, and inserting in place thereof the following two sections: —

Section 99. A creditor who is entitled to the benefit of the bond, and who has not joined in bringing the action thereon may, upon motion at any time before final judgment, intervene in the action upon terms.

Section 100. No creditor whose cause of action on such bond accrued more than one year before the commencement of the action shall have judgment or execution.

SECTION 114. Section 109 of said chapter 223, as so appearing, is hereby amended by striking out, in line 2, the words "answer, plea" and inserting in place thereof the word: — pleading.

SECTION 115. Section 114 of said chapter 223, as most recently amended by section 2 of chapter 234 of the acts of 1943, is hereby further amended by striking out the first sentence and inserting in place thereof the following three sentences: — If an excessive or unreasonable attachment, by trustee process or otherwise, is made, the defendant or person whose property has been attached may submit a written motion, in any county, to a justice of the court to which such process is returnable, for a reduction of the amount of the attachment or for its discharge. If such motion is made to a justice of the superior court or of the supreme judicial court or to a judge of the housing court of the city of Boston or of the housing court of the county of Hampden, notice thereof shall be served upon each of the parties in accordance with the Massachusetts Rules of Civil Procedure. If such motion is made to a justice of the district court, such justice shall order a notice to the plaintiff, or, if the plaintiff is a non-resident, to his attorney, which shall be returnable before himself or any other justice of the same court as speedily as circumstances permit.

SECTION 116. Said chapter 223 is hereby further amended by striking out sections 115 and 115A and inserting in place thereof the following two sections: —

Section 115. If the final judgment in an action in the district court is for the defendant, the attachment shall be forthwith dissolved. If the final judgment in the superior or the supreme judicial court or the housing court of the city of Boston or the housing court of the county of Hampden is for the defendant the attachment shall be dissolved when the time for appeal from the judgment has expired, but if an appeal has been claimed, the attachment shall remain in force during the pendency of the appeal. Affirmance of the judgment by the supreme judicial court or appeals court shall dissolve the attachment forthwith.

Section 115A. If real property of the defendant is attached in any action and no service is made upon him, the attachment shall be dissolved unless it appears of record that notice of such action has been given to him, in such manner as the court orders, within sixty days after the commencement of the action, or within such further time as the court may allow.

SECTION 116A. Section 115B of said chapter 223, inserted by section 2 of chapter 179 of the acts of 1972, is hereby amended by inserting after the word "action", in line 2, the words: --- to be brought in the district court.

SECTION 117. Section 117 of said chapter 223, as appearing in the Tercentenary Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — Such proceeds may be recovered by the executor or administrator in a civil action.

SECTION 118. Section 118 of said chapter 223, as so appearing,

is hereby amended by striking out, in line 4, the word "contact" and inserting in place thereof the words: — a civil action.

SECTION 119. Said chapter 223 is hereby further amended by striking out sections 119 to 121, inclusive, as so appearing, and inserting in place thereof the following three sections: —

Section 119. The defendant, in an action founded on either of the three preceding sections, shall not be allowed to set-off or counter-claim for a demand against the executor or administrator, or against the estate of the deceased.

Section 120. A defendant whose property has been attached in a civil action may at any time before final judgment, dissolve the attachment by giving a bond with sufficient sureties, who shall be approved by the plaintiff or by his attorney in writing, by a master in chancery, or by a justice of a court if the attachment is made within the jurisdiction of such justice, conditioned to pay the plaintiff, within thirty days after the final judgment of a district court or within thirty days from the expiration of the time to appeal a final judgment of the superior or supreme judicial court or the housing court of the city of Boston or the housing court of the county of Hampden, or within thirty days of the entry of an order in the supreme judicial court or appeals court affirming such final judgment of the superior or supreme judicial court or the housing court of the city of Boston or the housing court of the county of Hampden, such amount, if any, as he may recover; and also to pay to the plaintiff, within thirty days from the expiration of the time to appeal a special judgment entered in accordance with the provisions of chapter two hundred and thirty-five, the amount, if any, for which such special judgment shall be entered. Sureties shall not be sufficient unless they are satisfactory to the plaintiff or unless the magistrate finds that each, if there are only two, is worth, in excess of his indebtedness, an amount equal to that for which the attachment is laid; or, if there are more than two, that they are together worth twice such amount.

Section 121. Before such bond is approved, the defendant, or a person in his behalf, shall make application in writing to the magistrate, specifying therein the names and residences of the proposed sureties and, except in case the proposed surety is a surety company qualified to do business in the commonwealth, therein setting forth the property with which each of said sureties proposes to qualify, and in case said property, as so set forth, be realty, then giving the name of the town where the same is located. Notice of the time and place of the hearing, containing a copy of the application to the magistrate, shall be given the plaintiff or his attorney as provided in sections twenty-six to twenty-nine, inclusive, of chapter two hundred and thirty-three or served upon the plaintiff in accordance with the Massachusetts Rules of Civil Procedure; but the plaintiff or his attorney may in writing waive such notice or may approve the bond at any time.

SECTION 120. Said chapter 223 is hereby further amended by striking out section 125, as so appearing, and inserting in place

thereof the following section: —

Section 125. A defendant may, at any time before execution may issue on a final judgment, release from attachment the property attached, or such part thereof as he may elect, by giving bond to the plaintiff with sufficient sureties, who shall be approved by the plaintiff or by his attorney in writing, by a master in chancery, or by a justice of a court of record if the attachment is made within the jurisdiction of his court, conditioned to pay the plaintiff within thirty days after the entry of a final judgment in the district court or within thirty days after the expiration of the time of appeal from a final judgment of the superior or supreme judicial court or the housing court of the city of Boston or the housing court of the county of Hampden or from a special judgment entered under chapter two hundred and thirty-five, or, if an appeal is claimed from said judgments, within thirty days of the entry of the order of the full court or appeals court, the amount fixed as the value of the property so released, or so much of said amount as may be necessary to satisfy the amount, if any, which the plaintiff may recover, and the property so released shall be described in such bond. The defendant, or a person in his behalf, may make written application to any magistrate who is authorized to approve the sureties upon said bond in the county where the property is situated, stating the names of the parties to the action, the name of the officer who made the attachment, the names and residences of the proposed sureties, and, except in case the proposed surety is a surety company qualified to do business in the commonwealth, setting forth the property with which each of said sureties proposes to qualify, and in case said property, as so set forth, be realty, then giving the name of the city or town where the same is located. The magistrate shall forthwith cause a copy of the application, with notice of the time and place for the hearing, to be served upon the plaintiff, if he resides in the county, otherwise upon the officer who made the attachment; but the plaintiff or his attorney may in writing waive such notice or may approve the bond or sureties at any time, or may agree that the amount of the bond is sufficient without approving the sureties, in which case the appraisal hereinafter provided for need not be made. The notice shall be served twenty-four hours, at least, before the time appointed therein for a hearing and as much earlier as the magistrate may order. At the time and place appointed, after hearing the parties, the magistrate shall appoint three disinterested persons to examine and appraise the attached property described in the application, who shall be sworn, shall appraise the property at its fair market value and shall make return of their doings in writing to the magistrate at a time and place fixed by him to which the hearing shall be adjourned. At such adjourned hearing the defendant may give bond to the plaintiff, with sureties, who shall be approved by the magistrate as herein provided. Upon the filing of such bond, as is required by the provisions of section one hundred and twenty-three, the attachment upon the property

described therein shall be dissolved. When successive attachments in favor of different plaintiffs are made upon personal property the defendant may release from the attachments the property attached, or such portion thereof as he may elect, by giving bond with sufficient sureties to be approved as hereinbefore provided. The sheriff of the county in which the first attachment was made shall be the obligee on the bond, which shall be deposited immediately after it is given with the clerk of the courts for the same county, except that in Suffolk county it shall be deposited with the clerk of the superior court for civil business. The bond shall be conditioned on the defendant's paying to such sheriff within the time fixed by this section for giving bond to release attached property from attachment, the amount fixed as the value of the property so released and the amount so paid shall be held by the sheriff, after deducting the necessary charges, subject to the attachments in the order in which they were made, and shall be disposed of in the same manner as the proceeds of attached personal property sold under section eighty-seven.

SECTION 121. Said chapter 223 is hereby further amended by striking out sections 127 and 128, as so appearing, and inserting in place thereof the following two sections: —

Section 127. If an attachment of real property is made under sections sixty-seven and sixty-eight, the person in whose name the record title of the property attached stands, or a person in his behalf, may, before final judgment, dissolve the attachment by giving bond to the plaintiff, with sufficient sureties, conditioned to pay him, if he establishes his title to the land in a civil action against the person having the record title thereto at the time of the attachment, the ascertained value of the land, or so much thereof as shall satisfy the amount, if any, which the plaintiff shall recover upon final judgment, or upon a special judgment under chapter two hundred and thirty-five, in the action in which such attachment was made. All proceedings required in the two preceding sections shall apply to the dissolution of an attachment under this section. In the trial of such action to establish title, the record of the attachment and of final or special judgment, as the case may be, in the action in which the attachment was made shall be conclusive evidence of a momentary seisin of the land in the plaintiff to enable him to maintain an action therefor upon his own seisin; but no such action to establish title shall be brought after the expiration of one year from the date of such final or special judgment. If the plaintiff recovers judgment on such action he shall not have an execution for possession, but may have an execution for costs.

Section 128. A defendant may dissolve an attachment by depositing with the attaching officer an amount of money equal at least to the amount of the ad damnum in the writ or complaint, which the officer shall hold in place of the property attached and which shall be subject to be disposed of in the same manner.

SECTION 122. Said chapter 223 is hereby further amended by

striking out section 130, as so appearing, and inserting in place thereof the following section: —

Section 130. An attachment of property shall be dissolved by the appointment by any court of competent jurisdiction in the commonwealth of a receiver to take possession of such property if the complaint seeking the appointment of such receiver is filed in said court within four months after such attachment was made, unless the court at any time, in its discretion, continues such attachment. In such case the court may authorize the receiver to prosecute or defend the action upon which the attachment was made.

SECTION 123. Section eighteen of chapter two hundred and twenty-six of the General Laws is hereby repealed.

SECTION 124. Chapter 227 of the General Laws is hereby amended by striking out section 1, as amended by section 1 of chapter 612 of the acts of 1949, and inserting in place thereof the following section: —

Section 1. A personal action shall not be maintained against a person not an inhabitant of the commonwealth unless he or his agent appointed under section five or five A has been served with process in the commonwealth, or unless service has been made upon him outside the commonwealth, as authorized by chapter two hundred and twenty-three A, or unless an effectual attachment of his property within the commonwealth has been made upon the original writ, and in case of such attachment without such service, the judgment shall be valid only to secure the application of the property so attached to the satisfaction of the judgment.

SECTION 125. Said chapter 227 is hereby further amended by striking out section 3, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 3. If such cross action is brought in the district court, the writ may be served on the attorney of record for the plaintiff in the original action, and such service shall be as valid and effectual as if made on the party himself. If such action is asserted as a counterclaim to an original action asserted in the supreme judicial or superior court or in the housing court of the city of Boston or in the housing court of the county of Hampden, the pleading asserting such counterclaim shall be served upon the attorney of record for the plaintiff.

SECTION 126. Section 5A of said chapter 227, as amended by chapter 413 of the acts of 1964, is hereby further amended by striking out the last two sentences and inserting in place thereof the following sentence: — The plaintiff's affidavit of compliance herewith, and the defendant's return receipt, if received by the plaintiff, or other proof of actual notice shall be filed in the case on or before the return day if such process is returnable in the district court, or on or before the date on which the defendant's answer must be filed if such process is returnable to the supreme judicial or superior court or the housing court of the city of Boston

or the housing court of the county of Hampden or within such further time as the court may allow.

SECTION 127. Section 6 of said chapter 227, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 4, the word "entry" and inserting in place thereof the word: — commencement.

SECTION 128. Section 7 of said chapter 227 is hereby amended by striking out the first sentence, as amended by section 6 of chapter 591 of the acts of 1973, and inserting in place thereof the following sentence: — If a defendant in an action in the supreme judicial or superior court or the housing court of the city of Boston or the housing court of the county of Hampden is absent from the commonwealth or his residence is unknown to the officer serving the summons and complaint, and no personal service has been made on him or his agent appointed under section five, or if the service of process is defective or insufficient by reason of a mistake of the plaintiff or officer as to where or with whom the summons or copy ought to have been left, the court, upon suggestion thereof by the plaintiff, shall order the action to be continued until notice of the action is given in such manner as it may order.

SECTION 129. Said chapter 227 is hereby further amended by striking out section 8, as amended by section 7 of said chapter 591, and inserting in place thereof the following section: —

Section 8. If, after such notice, the defendant does not appear within twenty-one days after the day specified therefor, a default shall be entered and judgment rendered against him as provided in section one.

SECTION 130. Section 9 of said chapter 227, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 10, the word "review" and inserting in place thereof the words: — writ of review or proceeding for relief from judgment.

SECTION 131. Said chapter 227 is hereby further amended by striking out sections 11, 12 and 13, as so appearing, and inserting in place thereof the following three sections: —

Section 11. If the execution in an action under this chapter, except as otherwise provided, is levied on land, no alienation thereof by the original plaintiff shall prevent the defendant from retaking the same or as much thereof as may be necessary to satisfy the judgment which he recovers on a writ of review or other proceeding for relief from judgment, if such writ or proceeding is sued out or commenced within one year after the original judgment.

Section 12. If the original judgment was for seisin of the land demanded in a real action, the writ of seisin may be issued in favor of the plaintiff without his giving bond; and if the judgment is reversed in whole or in part upon a review or other proceeding, whether sued out or commenced within the year or afterward, the original defendant may have restitution of the land.

Section 13. An action of tort against several defendants, any one of whom is absent from the commonwealth at the time of the service of process, shall be conducted with regard to him relative

to the service of process, judgment, review thereof and execution as if he were the sole defendant.

SECTION 132. Said chapter 227 is hereby amended by striking out sections 16 and 17, as so appearing, and inserting in place thereof the following two sections: —

Section 16. Real actions against several defendants, any one of whom is absent from the commonwealth, shall be conducted relative to him as if he were the sole defendant.

Section 17. The provisions of this chapter relative to judgment, bond and review in actions of tort shall apply to a mixed action if the defendant or one of several defendants is absent from the commonwealth, but, as to the service of process and notice to the defendant, it shall be conducted as a real action.

SECTION 133. Section 4 of chapter 228 of the General Laws, as so appearing, is hereby amended by striking out the last two sentences.

SECTION 134. Said chapter 228 is hereby further amended by inserting after section 4 the following section: —

Section 4A. In the supreme judicial, superior or land court or the housing court of the city of Boston or the housing court of the county of Hampden such substitution of the executor or administrator shall be in accordance with the Massachusetts Rules of Civil Procedure.

SECTION 135. Said chapter 228 is hereby further amended by striking out section 5, as most recently amended by chapter 391 of the acts of 1950, and inserting in place thereof the following section: —

Section 5. In the district or probate court the death shall be suggested on the record, and the executor or administrator may, within such time as the court shall allow, appear and prosecute or defend the action, which shall thenceforth be conducted in the same manner as if it had been originally commenced by or against the same executor or administrator. If the executor or administrator does not voluntarily appear, the surviving party may take out a citation from the court requiring the executor or administrator to appear and take upon himself the prosecution or defense of the action.

Such citation shall be returnable at such time as the court may order and shall be served fourteen days at least before the return day; but it shall not issue after the expiration of one year from the time such executor or administrator has given bond unless in accordance with section five A.

SECTION 136. Said chapter 228 is hereby further amended by inserting after section 5 the following three sections: —

Section 5A. The plaintiff in a personal action in the district court or in a proceeding in the probate court the cause of which survives and who had a right to take out a citation against the executor or administrator of a sole defendant but who did not do so within the time limited in the preceding section may commence a civil action in the supreme judicial or superior court for an order

to such executor or administrator to appear in that action and defend the same. The court shall grant such relief if it finds that justice and equity so require and that the plaintiff is not chargeable with excusable neglect.

To effectuate such order the supreme judicial or superior court may further order that any finding, order, judgment or other act therein entered or done, which otherwise would prevent the prosecution of the cause to determination on its merits, be vacated, and upon the filing therein of a copy of the judgment ordering the vacation thereof such finding, order, judgment or other act shall stand vacated, and it may make further orders, all so that said action may proceed to final determination on its merits as though such executor or administrator had been cited in within the time limited by the preceding section.

Section 5B. Whenever, upon the trial of a civil action in the supreme judicial or superior court seeking the relief authorized by section five A, it shall be made to appear to the court that the legal representative of the deceased person within nine months of his appointment failed to notify in writing the plaintiff of such death and failed within said nine months duly to suggest such death in such action, such facts may be sufficient ground for granting the relief authorized by said section five A.

Section 5C. Neither the relief authorized by section five A nor any comparable relief authorized by the Massachusetts Rules of Civil Procedure nor the final determination of the action in which the representative is substituted shall affect any payment or distribution not concerned with said action which was made before application was made for such relief pursuant to said section five A or pursuant to any applicable rule of the Massachusetts Rules of Civil Procedure.

SECTION 137. Section 8 of said chapter 228, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 1, the word "demandant" and inserting in place thereof the word: — plaintiff.

SECTION 138. Section 9 of said chapter 228, as so appearing, is hereby amended by striking out, in line 1, the word "demandants" and inserting in place thereof the words: — plaintiffs in a real or mixed action.

SECTION 139. Section 10 of said chapter 228, as so appearing, is hereby amended by striking out, in lines 2 and 5, the word "demandants" and inserting in place thereof, in each instance, the word: — plaintiffs.

SECTION 140. Said chapter 228 is hereby further amended by striking out sections 11 and 12 and inserting in place thereof the following two sections: —

Section 11. If the defendant in a real or mixed action dies before final judgment, his heir or devisee of the land demanded may, within such time as the court allows, appear and defend the action, which shall be conducted as if commenced against him. If the heir or devisee does not voluntarily appear, the court before

whom the action is pending shall, upon the application of the plaintiff, summon such heir or devisee to appear and defend the action. If any of several defendants in such action dies before final judgment, the action may be prosecuted against the surviving defendants for so much of the land as they hold or claim.

Section 12. If a party to a suit in equity in the probate court dies and the cause by the rules of equity may be revived against or in favor of an executor, administrator, heir, devisee or other person, such representative may, in lieu of proceedings to revive the same, appear or be summoned to prosecute or defend in like manner as in a civil action.

SECTION 141. Chapter 229 of the General Laws is hereby amended by striking out section 6, as most recently amended by section 5 of chapter 238 of the acts of 1958, and inserting in place thereof the following section: —

Section 6. In any civil action brought under section two or five A, damages may be recovered for conscious suffering resulting from the same injury, but any sum so recovered shall be held and disposed of by the executors or administrators as assets of the estate of the deceased.

SECTION 142. Said chapter 229 is hereby further amended by striking out section 11, as amended by section 2 of chapter 298 of the acts of 1960, and inserting in place thereof the following section: —

Section 11. In any civil action in which a verdict is given or a finding made for pecuniary damages for the death, with or without conscious suffering, of any person, whether or not such person was in the employment of the defendant against whom the verdict is rendered or finding made, there shall be added by the clerk of the court to the amount of the damages interest thereon from the date of the writ in the district court or from the date of the commencement of the action in the superior court, even though such interest brings the amount of the verdict or finding beyond the maximum liability imposed by law.

SECTION 143. Section 3 of chapter 230 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 4, the words “, in replevin or tort”.

SECTION 144. Section 4 of said chapter 230, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words “in an action of replevin is rendered” and inserting in place thereof the words: — of property is rendered in a civil action.

SECTION 145. Said chapter 230 is hereby further amended by striking out section 5, as amended by chapter 116 of the acts of 1934, and inserting in place thereof the following section: —

Section 5. It shall be unnecessary to remove an executor or administrator in order that an action to enforce a claim in favor of the estate may be brought by an administrator to be appointed in his place, when he refuses to bring such action at the request of an heir, legatee or creditor, or is unable to do so by reason of his interest or otherwise, but an heir, legatee or creditor having

an interest in the enforcement of any such claim may bring a civil action to enforce it for the benefit of the estate in like circumstances and in like manner as a person beneficially interested in a trust fund may bring an action to enforce a claim in favor of such fund, and in case of such action in respect to real estate, it shall not be an obstacle to the action that a license to sell it has not been obtained by the executor or administrator.

SECTION 146. Said chapter 230 is hereby further amended by striking out sections 10 to 13, inclusive, and inserting in place thereof the following four sections: —

Section 10. Upon the return unsatisfied of an execution upon a judgment of a district or probate court against an executor or administrator for a debt due from the estate of the deceased, the court may, upon a suggestion by the creditor of waste, issue a writ of scire facias against the executor or administrator. If the defendant does not appear and show sufficient cause to the contrary, he shall be found guilty of waste and shall be personally liable for the amount thereof, if it can be ascertained, otherwise for the amount due on the original judgment, with interest from the time when it was rendered, and judgment and execution shall be awarded as for his own debt.

Upon the return unsatisfied of an execution upon a judgment of the supreme judicial, superior or land court against an executor or administrator for a debt from the estate of the deceased, the creditor may, by motion or by action in the court which rendered the original judgment, charge the executor or administrator with waste and seek to hold the executor or administrator personally liable for the amount thereof if it can be ascertained, otherwise for the amount due on the original judgment, with interest from the time when it was rendered, and judgment and execution shall be awarded as for his own debt.

Section 11. If an executor or administrator dies or is removed from office during the pendency of an action to which he is a party, it may be prosecuted by or against the administrator de bonis non in like manner as if commenced by or against him; and the provisions of the Massachusetts Rules of Civil Procedure and of chapter two hundred and twenty-eight relative to the appearance, substitution or citation of an administrator and relative to dismissal, nonsuit or default shall apply to such administrator de bonis non.

Section 12. If an executor or administrator dies or is removed after judgment has been rendered for or against him by the district or probate court, such court may issue a writ of scire facias in favor of or against the administrator de bonis non; and if an executor or administrator dies or is removed after judgment has been rendered for or against him by the supreme judicial, superior or land court, such court may upon motion amend such judgment in favor of or against the administrator de bonis non; and a new execution may be issued upon the scire facias or amended judgment in like manner as may be done in favor of or against an

original executor or administrator in case of death of his testator or intestate after a judgment rendered for or against him; except that a judgment against the first executor or administrator for costs for which he was personally liable shall be enforced only against his executor or administrator and not against the administrator de bonis non.

Section 13. If judgment is rendered for or against an executor or administrator, an appeal may be claimed therefrom by or against an administrator de bonis non in like manner as it might have been claimed by or against the executor or administrator who was party to the judgment.

SECTION 146A. Chapter 231 of the General Laws is hereby amended by striking out after the title PLEADING AND PRACTICE, as appearing in the Tercentenary Edition, the following notice: —

[All sections of this chapter, except as otherwise provided, apply to actions at law in the supreme judicial court and superior courts. The following signs against a section number indicate that a section also applies as follows:

* to civil actions before any district court. See § 141.

† to real and mixed actions, and to the land court or proceedings therein. See § 142.

‡ to the municipal court of the city of Boston. See § 143.

§ to suits in equity and probate proceedings. See § 144.

|| to petitions for damages for taking by eminent domain and for abatement of betterment assessments. See § 145.

¶ to suits in equity. See § 146.]

SECTION 147. Said chapter 231 is hereby further amended by striking out section 1, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 1. In the district courts, there shall be three divisions of personal actions: —

First, Contract, which shall include actions formerly known as assumpsit, covenant, and debt, except actions for penalties.

Second, Tort, which shall include actions formerly known as trespass, trespass on the case, trover and actions for penalties.

Third, Replevin.

SECTION 148. Said chapter 231 is hereby further amended by striking out section 1A, inserted by chapter 403 of the acts of 1951, and inserting in place thereof the following section: —

Section 1A. In the district courts, causes of action may be commenced and joined in a single writ when they arise out of the same matter.

SECTION 149. Said chapter 231 is hereby further amended by striking out sections 2 to 4, inclusive, as appearing in the Tercentenary Edition, and inserting in place thereof the following three sections: —

Section 2. In the district courts, in actions of contract for the recovery of money due for manual labor, two or more persons may join in one action against the same defendant, although the claims

are not joint, if the claim of no one of such plaintiffs exceeds twenty dollars; and each plaintiff so joining may recover the amount found to be due him solely. The claim of each plaintiff shall be stated in a separate count, and the court may make such order for trial of the issues as may be most convenient, may enter separate judgments, issue one or more executions and make such order relative to costs as the case requires.

Section 3. In the district courts, joint tenants or tenants in common may join in any action to recover damages for injury to real or personal property, or any one or more of them may sue for his or their damages.

Section 4. In the district courts, all or any of the persons severally liable upon written contracts, including bills of exchange and promissory notes, may be joined in one action. The declaration shall describe the several contracts, and may contain one count against all the defendants, or several counts against the several defendants. The court shall make such order for the separate trial of the issues as may be convenient, and shall enter several judgments according to the several contracts and issue one or more executions.

SECTION 150. Section 4A of said chapter 231 is hereby amended by striking out the first sentence, as appearing in section 1 of chapter 350 of the acts of 1943, and inserting in place thereof the following sentence: — In the district courts, two or more persons may join in one action as plaintiffs if they assert any right to recover jointly, severally, or in the alternative, in respect of or arising out of the same matter, transaction, occurrence, or series of matters, transactions or occurrences.

SECTION 151. Section 4B of said chapter 231, as most recently amended by chapter 494 of the acts of 1973, is hereby further amended by striking out, in line 1, the word "Before" and inserting in place thereof the words: — In the district courts, before.

SECTION 152. Said chapter 231 is hereby further amended by striking out section 5, as amended by section 2 of chapter 141 of the acts of 1945, and inserting in place thereof the following section: —

Section 5. In the district courts, the assignee of a non-negotiable legal chose in action which has been assigned in writing may maintain an action thereon in his own name, but subject to all defenses and rights of counter-claim, recoupment or set-off to which the defendant would have been entitled had the action been brought in the name of the assignor except as otherwise provided in section 9-318 of chapter one hundred and six.

SECTION 153. Said chapter 231 is hereby further amended by striking out section 6, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 6. In an action for the recovery of an outstanding debt or claim sold or assigned by an executor or administrator under a license of the probate court costs shall be recovered by or against the plaintiff but not against the executor or administrator. In the district court or probate court such action or proceeding shall

be brought in the name of the purchaser or assignee, and the fact of the sale shall be set forth in the writ, declaration, bill or petition, and the defendant may avail himself of any defense which would have been open to him upon an action or proceeding brought by the executor or administrator.

SECTION 154. Said chapter 231 is hereby further amended by striking out section 6A, as appearing in section 1 of chapter 372 of the acts of 1939, and inserting in place thereof the following section: —

Section 6A. In the district courts, at any time before or during the trial of an action by a married woman or minor for damages for personal injuries, the husband of such woman or the parent or guardian of such minor, if he has paid or incurred medical expenses, on account of such injuries, may upon motion be admitted as party plaintiff, and, if liability is established, may recover a separate judgment for such medical expenses, in which case the amount thereof shall not be included in the judgment recovered by the original plaintiff. The claim for such expenses shall be stated in a separate count. The court may issue one or more executions and make such order relative to costs as the case requires.

SECTION 155. Said chapter 231 is hereby further amended by striking out section 6B, as most recently amended by section 3 of chapter 298 of the acts of 1960, and inserting in place thereof the following section: —

Section 6B. In any action in which a verdict is rendered or a finding made or an order for judgment made for pecuniary damages for personal injuries to the plaintiff or for consequential damages, or for damage to property, there shall be added by the clerk of the court to the amount of damages interest thereon from the date of commencement of the action even though such interest brings the amount of the verdict or finding beyond the maximum liability imposed by law.

SECTION 156. Said chapter 231 is hereby further amended by striking out section 6C, as appearing in chapter 763 of the acts of 1968, and inserting in place thereof the following section: —

Section 6C. In all actions based on contractual obligation, upon a verdict, finding or order for judgment for pecuniary damages, interest shall be added by the clerk of the court to the amount of damages, at the contract rate, if established, or at the rate of six per cent per annum, from the date of the breach or demand. If the date of the breach or demand is not established, interest shall be added by the clerk of court, at such contractual rate, or at the rate of six per cent per annum from the date of the commencement of the action.

SECTION 157. Section 7 of said chapter 231 is hereby amended by inserting after the word "In", in line 1, as appearing in the Tercentenary Edition, the words: — the district courts, in.

SECTION 158. Section eight of said chapter two hundred and thirty-one is hereby repealed.

SECTION 159. Said chapter 231 is hereby further amended by

striking out sections 9 to 17, inclusive, and inserting in place thereof the following ten sections: —

Section 9. In an action to recover possession of real property for a term of years or other interest, if the defendant is wrongfully in possession it shall not be material how he obtained such possession.

Section 10. In the district courts, in actions of tort for breaking and entering the plaintiff's close, the place of the alleged trespass shall be designated in the declaration by name, boundaries or other sufficient description.

Section 11. In the district courts, in actions of contract or of tort, unless an arrest of the person is made or except as provided in section forty-four of chapter two hundred and twenty-three, the writ need not contain a declaration or any description of the cause of action in which it is intended to declare, except the name of the division thereof; but if the declaration is not inserted before the service of the writ, the defendant shall, upon motion, be entitled as of right to a postponement for at least seven days after the return day.

Section 12. In the district courts, the declaration, unless inserted in the writ, may be filed in the clerk's office on or before the return day of the writ. In an action or suit in the district or probate courts in which there has been an attachment of property or an injunction restraining the transfer or encumbering thereof a copy of the declaration and bill of particulars, when such bill is necessary, or of the bill or petition shall be furnished to the defendant or his attorney within three days after a written demand therefor upon the plaintiff or his attorney, and in case of failure so to do, the cause may, upon motion, be dismissed with costs.

Section 13. In the district courts, if the plaintiff fails to enter his writ, or if he fails either to insert a declaration in the writ or to file it in the clerk's office on or before the return day of the writ, the action may at any time, upon motion of the defendant, be dismissed with costs; but the court may upon terms allow the plaintiff, at any time before the next regular return day, to enter his writ and file his declaration.

Section 13A. Any judgment entered in an action upon a contract, promissory note or other instrument in which or in a memorandum or writing relating to which is contained a stipulation, whereby the defendant in such action waived or agreed to waive or authorized another person to waive or agree to waive the issue or service of process in such an action shall be set aside or vacated on motion of the defendant, unless it appears that service in the usual manner was had upon him or that the plaintiff sent to him by registered mail at least seven days before the entry of such action a notice of his intention to enter the same on said day and at the time of entry filed an affidavit of giving notice as aforesaid, which affidavit shall be prima facie evidence of the giving thereof. Any stipulation in a contract, promissory note or other instrument, or in any memorandum or writing relating thereto, whereby a party

thereto agrees to confess judgment in any action which may be brought thereon or authorizes or agrees to authorize another person to confess judgment as aforesaid shall be void and any judgment by confession taken in pursuance of such a stipulation shall be set aside or vacated on motion of the defendant. When a judgment is set aside or vacated under the authority of this section, all outstanding executions issued thereon shall be stayed or superseded without security.

Section 14. In the district courts, if one of the common counts is used, the plaintiff shall file a bill of particulars with his writ when it is entered. The items in such bill shall be numbered consecutively, and the bill shall be part of the declaration and be answered as such.

Section 15. In the district courts, either party may demur to the pleadings of the adverse party, but no mere defects of form in the declaration or in the subsequent pleadings shall be assigned as causes for demurrer. If the adverse party does not amend the pleadings demurred to, he shall be held to have joined in demurrer.

Section 16. In the district courts, the defendant may demur to the declaration or to one or more counts therein, and shall assign specifically the causes of demurrer.

Section 17. In the district courts, the plaintiff may demur to the answer or to so much thereof as applies to one or more counts in the declaration, and shall assign specifically the causes of demurrer.

SECTION 160. Section 18 of said chapter 231, as so appearing, is hereby amended by striking out, in line 1, the word "Demurrers" and inserting in place thereof the words: — In the district courts, demurrers.

SECTION 161. Said chapter 231 is hereby further amended by striking out sections 19 to 28, inclusive, as so appearing, and inserting in place thereof the following ten sections: —

Section 19. In the district courts, if a demurrer has been sustained, overruled or withdrawn, the court shall make an order relative to the filing of an answer or replication or a trial of the facts.

Section 20. In the district courts, a defense to any action, which formerly might have been made by plea in abatement, may be made by answer in abatement.

Section 21. If an answer in abatement is overruled on demurrer, or if, in consequence of such answer in abatement, the plaintiff amends, the defendant, within such time as the court orders, shall in the district courts answer to the merits, and in the land court in a real or mixed action plead to the merits.

Section 22. In a personal action in the district courts, the defendant shall file an answer to the declaration. In real and mixed actions in the land court which are not governed by the Massachusetts Rules of Civil Procedure he may plead the general issue, and may give in evidence thereunder all matters which he might formerly have pleaded in bar.

Section 23. In the district courts, two or more defendants making the same defense may answer or plead jointly. Different consistent defenses may be separately stated in the same answer or plea.

Section 24. When a case is taken to the superior court upon appeal from the judgment of the district court the superior court may order the parties to replead in accordance with the Massachusetts Rules of Civil Procedure and only those issues as are raised by such pleadings shall be tried in the superior court.

Section 25. In the district courts, an answer shall deny in clear and precise terms every substantive fact intended to be denied in each count of the declaration separately, or it shall declare the defendant's ignorance of the fact, so that he can neither admit nor deny but leaves the plaintiff to prove it.

Section 26. In the district courts, in answering the common counts and the count on an account annexed, the defendant shall answer specifically every item contained in the bill of particulars or account annexed, but he may make one and the same allegation or denial relative to any number of items to which such allegation or denial is applicable, specifying the number of the items thus answered together, if less than the whole. If the defendant denies that an item is due or payable, or that he owes the plaintiff as alleged, he shall state all the substantive grounds on which he intends to rest such denial, and shall specify whether the whole or part of such item or demand is denied, and if a party only is denied, he shall specify such part.

Section 27. In the district courts, a denial by answer, affidavit or otherwise of a time, amount, quantity or place alleged shall declare whether it is applicable to every time, amount, quantity or place or not; and if not, what time, amount, quantity or place it admits.

Section 28. In the district courts, an answer shall state clearly and precisely each substantive fact intended to be relied upon in avoidance of the action, and if it sets up the statute of limitations, the statute of frauds or any other legal bar, the defendant shall have the benefit of such defense although the answer does not deny the facts set forth in the declaration.

SECTION 162. Said chapter 231 is hereby further amended by striking out section 29, as amended by chapter 263 of the acts of 1960, and inserting in place thereof the following section: —

Section 29. In the district courts, a signature to an instrument declared on or set forth as a cause of action or as a ground of defense or set-off shall be taken as admitted unless the party sought to be charged thereby files in court, within the same length of time after such instrument is pleaded as is allowed for an answer or within such further time as the court may allow on motion and notice, a specific denial of the genuineness thereof and a demand that it shall be proved at the trial.

SECTION 163. Said chapter 231 is hereby further amended by striking out section 30, as amended by chapter 179 of the acts of

1949, and inserting in place thereof the following section: —

Section 30. In the district courts, if it is alleged in any civil action or proceeding that a party is an executor, administrator, guardian, trustee, assignee, conservator or receiver or is a corporation, or that a place is a public way, such allegation shall be taken as admitted unless the party controverting it files in court, within the time allowed for the answer thereto, or within ten days after the filing of the paper containing such allegation, or within such further time as the court may allow on motion and notice, a special demand for its proof.

SECTION 164. Said chapter 231 is hereby further amended by striking out sections 31 to 39, inclusive, as appearing in the Tercentenary Edition, and inserting in place thereof the following nine sections: —

Section 31. In the district courts, the defendant may allege in defense any facts which would entitle him in equity to be absolutely and unconditionally relieved against the plaintiff's claim or cause of action or against a judgment recovered by the plaintiff in such action.

Section 32. In actions in the district courts, instruments relied on in an answer or in a subsequent pleading shall be set out, or copies of the originals filed, in the manner provided for declaring thereon in the eleventh clause of section seven.

Section 33. In the district courts, if a conditional obligation, contract or grant is relied on in an answer or subsequent pleading, the condition shall be considered a part of the instrument, and similar averments shall be required in pleading on the same as are required by the twelfth clause of section seven.

Section 34. In the district courts, the plaintiff may, at any time before trial, file a replication to the answer, clearly and specifically stating any facts in reply to new matter therein; but, except as herein provided, no further pleading shall be required after the answer. Any new matter in avoidance of the action which the answer contains shall be considered to be denied by the plaintiff without a replication, unless the court, upon motion of the defendant, requires him to reply thereto, and to state what part, if any, he admits or denies.

Section 35. In the district courts, the probate courts, and in proceedings in the land court which are not governed by the Massachusetts Rules of Civil Procedure, the plaintiff may, in reply to a defense alleged by the defendant, allege any facts which would in equity avoid such defense or which would entitle the plaintiff to be absolutely and unconditionally relieved in equity against such defense.

Section 36. In the district court, an answer or replication may allege facts occurring after the commencement of the action, and the court may allow a supplemental declaration, answer or replication to be filed, alleging material facts which occurred or came to the knowledge of the party after the former declaration, answer or replication was filed.

Section 37. In the district courts, a party may allege a fact or title alternatively.

Section 38. In the district courts, the allegations and denials of each party shall be so construed by the court as to secure as far as possible substantial precision and certainty and to discourage vagueness and loose generalities. A substantive fact alleged with substantial precision and certainty and not denied in clear and precise terms shall be held to be admitted. No party shall be required to state evidence, or to disclose the means by which he intends to prove his case.

Section 39. In the district courts, a personal action shall be considered at issue when the pleadings are closed. Real and mixed actions in the land court which are not governed by the Massachusetts Rules of Civil Procedure shall be considered at issue when the plea is filed.

SECTION 165. Section 40 of said chapter 231, as so appearing, is hereby amended by striking out, in line 1, the words "in an action at law" and inserting in place thereof the words: — in an action in the district court.

SECTION 166. Section 41 of said chapter 231, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — In the district courts, whenever two or more persons claim any interest in property, or the proceeds or value of, or damages for the taking, detention or conversion of, any property deposited with any public warehouseman, or other depositary for hire, or with any pledgee as security for a loan, such bailee or pledgee may, either in any action against him for the recovery of such property, or for such proceeds, value or damages, or as an original suit brought in the judicial district where such property is situated or was last held by such bailee or pledgee, file a petition stating the names and residences of all known claimants.

SECTION 167. Said chapter 231 is hereby further amended by striking out sections 42 and 43, as appearing in the Tercentenary Edition, and inserting in place thereof the following two sections: —

Section 42. Original writs in the district courts, complaints in the supreme judicial, superior, probate and land courts, the housing court of the city of Boston and the housing court of the county of Hampden, and writs of scire facias by private persons on judgment or recognizance in the district or probate courts, in which the plaintiff is not an inhabitant of the commonwealth, shall before the filing or entry thereof, be endorsed by a responsible person who is such an inhabitant; but if one of the plaintiffs is such an inhabitant, the writ or complaint need not be so endorsed. Every endorser, in the case of avoidance or inability of the plaintiff, shall be liable to pay all costs awarded against the plaintiff if an action therefor is commenced within one year after the original judgment.

Section 43. If a plaintiff, not an inhabitant of the commonwealth, fails, by accident, mistake or inadvertence, to have his writ or complaint endorsed as required by the preceding section,

the court may at any stage of the case, upon terms, allow him to procure an endorser with the same effect as if the writ or complaint had been endorsed before the filing or entry thereof.

SECTION 168. Section forty-six of said chapter two hundred and thirty-one is hereby repealed.

SECTION 169. Said chapter 231 is hereby further amended by striking out sections 49 to 54, inclusive, as appearing in the Tercentenary Edition, and inserting in place thereof the following six sections: —

Section 49. In the district courts, no writ, process, action, declaration or other proceeding shall be abated, arrested, quashed or reversed for any circumstantial errors or mistakes if by it the person and case may be rightly understood by the court; or for defect or want of form only.

Section 50. In the district courts, if an issue of fact is found against the defendant upon a plea or answer in abatement, final judgment, subject to section fifty-three, shall be rendered against him.

Section 51. In the district courts, the probate courts, and in proceedings in the land court which are not governed by the Massachusetts Rules of Civil Procedure, the court may, at any time before final judgment except as otherwise provided, allow amendments introducing a necessary party, discontinuing as to a party or changing the form of the action, and may allow any other amendment in matter of form or substance in any process, pleading or proceeding, which may enable the plaintiff to sustain the action for the cause for which it was intended to be brought, or enable the defendant to make a legal defense.

Section 52. In an action in the district courts, the probate courts, and in proceedings in the land court which are not governed by the Massachusetts Rules of Civil Procedure, the court may allow a party to whose pleadings a demurrer has been filed to amend, upon terms, within such time as it orders.

Section 53. In the district courts, if the defect upon which a plea or answer in abatement is founded is capable of amendment, the court may allow the plaintiff to amend, upon terms. The court may allow the defendant to amend an answer in abatement or to answer over by special order of the court for good cause shown, and not otherwise.

Section 54. In the district courts, if a new defendant is introduced by amendment, the plaintiff may take out against him a new writ of capias and attachment or of summons in such form, and returnable at such time, as the court orders. Upon service and return of such new writ, like proceedings may be had as if the person named therein had been originally made a party.

SECTION 170. Section fifty-five of said chapter two hundred and thirty-one is hereby repealed.

SECTION 171. Said chapter 231 is hereby further amended by striking out sections 56 to 58, inclusive, as appearing in the Tercentenary Edition, and inserting in place thereof the following three sections: —

Section 56. The district courts may allow formal defects or imperfections in the record or proceedings to be corrected or amended after judgment has been rendered, if justice so requires and the amendment is consistent with the judgment.

Section 57. In the district courts, if the defendant, having been duly served with process, fails to appear or answer thereto, his default shall be recorded and judgment shall be rendered for the plaintiff with costs. The court may, for good cause shown, extend the time for entering an appearance, and may, in its discretion and upon terms, take off a default at any time before judgment.

Section 58. In the district courts, upon entry of a default or nonsuit, the clerk shall forthwith give written notice thereof, in such manner as the court by rule shall direct, to the attorney of record, if any, of each party against whom such default or nonsuit is entered. If a party has no attorney of record, and if, in the case of the entry of a default, the officer's return does not show that personal service of the writ has been made upon him, the notice shall be given to the party.

SECTION 172. Section 58A of said chapter 231, as so appearing, is hereby amended by striking out, in line 2, the words "of tort, the payment of the judgment wherein" and inserting in place thereof the words: — in which payment of the judgment.

SECTION 173. Said chapter 231 is hereby further amended by striking out section 59, as most recently amended by section 1 of chapter 491 of the acts of 1965, and inserting in place thereof the following section: —

Section 59. In the district courts, in any action of contract, except an action against an executor or administrator for liability of the deceased, at any time after the completion of the pleadings counsel for either party may file an affidavit that in his belief there is no genuine issue of material fact but only questions of law in connection with all or some part of the action or of some issue determinative thereof, and may move for an immediate entry of judgment thereon. Said motion may be accompanied by affidavits on personal knowledge of admissible facts as to which it appears affirmatively that the affiants would be competent to testify. The facts stated in the accompanying affidavits shall be taken to be admitted for the purpose of the motion unless within twenty-one days, or such further time as the court may order, contradictory affidavits are filed, or the opposing party shall file an affidavit showing specifically and clearly reasonable grounds for believing that contradiction can be presented at the trial but cannot be furnished by affidavits. Copies of all motions and affidavits hereunder shall be furnished upon filing to opposing counsel. If admissions in the pleadings, interrogatories, or admissions under section sixty-nine, stipulations or affidavits hereunder show affirmatively, that except as to the amount of damages no genuine issue of material fact exists and that there is nothing to be decided except questions of law, an order for default, or judgment for the moving party, shall forthwith be entered if he shall be entitled thereto as a matter of

law, subject to an assessment of damages, if required.

SECTION 174. Said chapter 231 is hereby further amended by striking out section 59A, as appearing in section 2 of chapter 674 of the acts of 1955, and inserting in place thereof the following section: —

Section 59A. In any action before the supreme judicial court or superior court, the court may, on motion for cause shown, advance the action for a speedy trial. If an action has been removed by the defendant from a district court and the court finds either that the ad damnum is not more than two thousand dollars, or that the plaintiff seeks to recover solely for his personal labor, with or without interest, the court shall, upon motion, advance such action for speedy trial.

SECTION 175. Section 59B of said chapter 231, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — In the district courts, in an action of contract where the plaintiff seeks to recover a debt or liquidated demand, he may, at any time after the defendant has appeared on affidavit by himself or by any other person who can swear to the facts of his own knowledge, verifying the cause of action and stating that in his belief there is no defense thereto, move for the immediate entry of judgment for the amount of the debt or demand, together with interest if any is claimed.

SECTION 176. Said chapter 231 is hereby further amended by striking out section 59C, as amended by chapter 69 of the acts of 1960, and inserting in place thereof the following section: —

Section 59C. An action pending before the superior court which alleges malpractice, error or mistake against a physician, surgeon, dentist, optometrist, hospital or sanitarium shall, at the request of either party, be advanced by the court so that it may be heard and determined with as little delay as possible.

SECTION 177. Section 59D of said chapter 231, as appearing in chapter 139 of the acts of 1952, is hereby amended by striking out, in line 2, the words "in law or in equity or otherwise".

SECTION 178. Sections sixty and sixty A of said chapter two hundred and thirty-one are hereby repealed.

SECTION 179. Section 61 of said chapter 231, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Any party, in the district courts, after the entry of a writ, or in the probate courts, after the filing of any bill or petition, may interrogate an adverse party for the discovery of facts and documents admissible in evidence at the trial of the case.

SECTION 180. Section 68 of said chapter 231, as so appearing, is hereby amended by striking out, in line 1, the word "Every" and inserting in place thereof the words: — In the district and probate courts, every.

SECTION 181. Section 69 of said chapter 231 is hereby amended by striking out the first sentence, as appearing in chapter 450 of

the acts of 1946, and inserting in place thereof the following sentence: — In the district courts, a party by written demand filed in the clerk's office and notice given by copy thereof by registered mail, return receipt requested, to the other party or his attorney, not less than ten days before the trial of the action or suit, may call upon the other party to admit, for the purposes of the case only, any material fact or facts or the execution of any material paper or document which the party filing the demand intends to use at the trial.

SECTION 182. Said chapter 231 is hereby further amended by striking out sections 70 and 71, as appearing in the Tercentenary Edition, and inserting in place thereof the following two sections: —

Section 70. In the district and probate courts, the court may in all cases order either party to file a statement of all particulars necessary to give to the adverse party and to the court reasonable knowledge of the nature and grounds of the action or defense.

Section 71. In the district courts, probate courts, and in proceedings in the land court which are not governed by the Massachusetts Rules of Civil Procedure, the court may make orders allowing amendments before trial, or a supplemental declaration, answer or replication, or any other interlocutory order necessary to prepare the case for trial but the court shall make such rules relative to notice, the times and places for motions at chambers, and other matters, as shall from time to time be necessary.

SECTION 183. Said chapter 231 is hereby further amended by striking out section 72, as amended by section 50 of the acts of 1958, and inserting in place thereof the following section: —

Section 72. In the district courts, and in proceedings in the land court which are not governed by the Massachusetts Rules of Civil Procedure the parties may make agreements relative to amendments and the time for filing papers, which shall be equivalent to an order of the court to the same effect. Any order mentioned in the preceding section may be entered by consent signed by the parties or their attorneys; but no agreement of attorneys, relative to an action or proceeding shall be valid unless in writing.

SECTION 184. Said chapter 231 is hereby further amended by striking out sections 74 to 76, inclusive, as appearing in the Tercentenary Edition, and inserting in place thereof the following three sections: —

Section 74. If the defendant in an action in the district court wherein damages only are sought to be recovered, offers in court and by a writing consents to be defaulted, and to have judgment rendered against him as damages for an amount therein specified, the writing and the time of its filing shall be entered of record; and if the plaintiff within ten days, or such further time as the court allows, after receipt of notice thereof, accepts such offer, the court shall render judgment accordingly, with costs to the date of the notice.

Section 75. In an action in the district court if the plaintiff does not elect to accept such offer, and does not recover as damages

an amount, excluding interest from the date of the offer, larger than the amount so offered by the defendant, the plaintiff shall have judgment for his costs after said date.

Section 76. In an action in the district court if a demurrer is overruled because it appears to the justice hearing it to be frivolous, immaterial or intended for delay, the case shall proceed to judgment as if no demurrer had been filed, and execution may be awarded or stayed upon terms. If execution is not awarded, any security taken shall stand as if no judgment had been entered until an order is made for final judgment.

SECTION 185. Section seventy-seven of said chapter two hundred and thirty-one is hereby repealed.

SECTION 186. Section 79 of said chapter 231, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "trial", in line 1, the words: — in the district court.

SECTION 187. Section eighty of said chapter two hundred and thirty-one is hereby repealed.

SECTION 188. Said chapter 231 is hereby further amended by striking out section 82, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 82. In counties containing two or more shire towns, the supreme judicial or the superior court at the sitting held on or next after the filing of the defendant's answer may designate the shire town where the action shall be tried, and it shall not then be put on the trial list for sittings held in any other town of that county except by agreement of the parties.

SECTION 189. Section eighty-four of said chapter two hundred and thirty-one is hereby repealed.

SECTION 190. Said chapter 231 is hereby further amended by striking out sections 86 to 88, inclusive, and inserting in place thereof the following three sections: —

Section 86. In an action in the district court if the plaintiff fails to introduce evidence at the trial in support of a count in the declaration, it shall, if not wholly or partly admitted by the answer, be stricken out; and the court may, either of its own motion or upon motion of a party, require unnecessary counts and statements to be stricken out of the pleadings, and may impose terms.

Section 87. In any civil action pleadings shall not be evidence on the trial, but the allegations therein shall bind the party making them.

Section 88. An offer of judgment made under the provisions of the Massachusetts Rules of Civil Procedure or pursuant to section seventy-four of this chapter which is not accepted shall not be evidence against the party making it, either in a subsequent proceeding in the action in which it is made or in another action or suit.

SECTION 191. Section 90 of said chapter 231, as so appearing, is hereby amended by striking out, in line 1, the word "If" and inserting in place thereof the following words: — In an action in the district court, if.

SECTION 192. Said chapter 231 is hereby further amended by striking out section 91, as amended by section 1 of chapter 365 of the acts of 1943, and inserting in place thereof the following section: —

Section 91. In an action of slander or libel, if the defendant alleges that the words spoken or published were true, such allegation, although not supported by the evidence, shall not of itself be proof of the malice alleged in the complaint, nor shall statements of the defendant differing in import from those alleged be admissible to establish his malice unless such statements were published in pursuance of a general scheme to defame or otherwise injure the plaintiff. If the plaintiff proposes to introduce evidence of statements of the defendant other than those contained in his pleadings, he shall give the defendant written notice of such intention, specifying the date and content of each such statement, at least fourteen days before trial begins, or earlier if the court so orders; and, if any such statement is introduced in evidence, the defendant shall be permitted to prove that it was true, or was privileged, or any other facts relating thereto which tend to negate malice.

SECTION 193. Said chapter 231 is hereby further amended by striking out sections 95 to 97, inclusive, and inserting in place thereof the following three sections: —

Section 95. In an action upon a judgment obtained by default and without the knowledge of the defendant, brought within six years after the rendition thereof, the court may, in its discretion and upon terms, allow the defendant to show in defense any payment, satisfaction or extinguishment of the claim, prior to the obtaining of such judgment, or any matter of fraud, which in either case he might have shown in the original suit upon a motion for relief from judgment or, in the district court, upon a writ of review.

Section 96. On motion made pursuant to the Massachusetts Rules of Civil Procedure, and upon such terms as are just, a court may relieve a party or his legal representative from a final judgment. If no attachment was made in the action, such relief may be granted and execution stayed without security; but if there was attachment, the amount of the bond shall be fixed at the actual value of the property attached, as agreed by the parties or determined by the court. Liability upon an attachment made or bond given in the original action shall not continue after the judgment has been vacated, except that if the prevailing party has been relieved from judgment under this section within thirty days of the entry thereof, such liability shall, if a subsequent judgment is rendered, continue during such time thereafter as it would have continued upon the original judgment had it not been vacated.

Section 97. Unless a written waiver of the right of appeal has been filed by all the parties, a party aggrieved by the judgment of a district court in a civil action which could not have been removed to the superior court may appeal therefrom to said court within six days after the entry thereof. In such case no execution shall be

issued on the judgment appealed from. The case shall be entered in the superior court pursuant to the provisions of section one hundred and one and shall there be tried and determined as if originally entered therein.

SECTION 194. The first paragraph of section 102C of said chapter 231, as appearing in section 3 of chapter 369 of the acts of 1958, is hereby amended by striking out, in line 5, the words "action of tort or contract" and inserting in place thereof the words: — civil action.

SECTION 195. The third paragraph of said section 102C of said chapter 231, as appearing in chapter 303 of the acts of 1960, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: — Judgment shall be entered accordingly after the expiration of ten days from the filing of such finding or decision or order of dismissal, unless said justice for cause shown otherwise orders.

SECTION 196. The first sentence of the third paragraph of section 108 of said chapter 231, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 51, the words "after August thirty-first, nineteen hundred and twelve", and in lines 52 and 53, the words "after September thirtieth, nineteen hundred and twenty-two".

SECTION 197. Section 109 of said chapter 231, as so appearing, is hereby amended by striking out the last four sentences and inserting in place thereof the following three sentences: — The completion of such appeal shall be in accordance with the Massachusetts Rules of Appellate Procedure. The expense of the preparation of the necessary papers and copies of papers and their transmission, and the entry fee in the supreme judicial court, shall be taxed in the bill of costs of the prevailing party, if he has paid it. Section twenty-five of chapter two hundred and sixty-one shall apply to such appealed cases.

SECTION 198. Said chapter 231 is hereby further amended by striking out section 110, as so appearing, and inserting in place thereof the following section: —

Section 110. The appellate division of each district court shall have the powers of amendment of the trial court; shall have discretionary power to take further testimony and to render a decision based on such testimony; to decide issues of fact dependent upon issues of law or to direct a trial of such fact issues by a justice of the district court; to draw inferences from cases stated by agreement of the parties; and to render decision according to the justice of the case.

No new trial shall be granted in any civil action or proceeding in any district court on the ground of improper admission or rejection of evidence, or for any error as to any matter of pleading or procedure if the appellate division deems that the error complained of has not injuriously affected the substantial rights of the parties; and, if it appears to the appellate division that said error affects part only of the matter in controversy or some or only one of the

parties, the court may direct final judgment as to part thereof, or some or one only of the parties, and may direct a new trial as to the other part only or as to the other parties.

SECTION 199. Said chapter 231 is hereby further amended by striking out section 111, as amended by section 11 of chapter 591 of the acts of 1973, and inserting in place thereof the following section: —

Section 111. A justice of the superior or land court or the judge of the housing court of the city of Boston or the housing court of the county of Hampden, after verdict or after a finding of the facts by the court, may report the case for determination by the appeals court.

If a justice of the superior court is of the opinion that an interlocutory finding or order made by him so affects the merits of the controversy that the matter ought to be determined by the appeals court before any further proceedings in the trial court, he may report such matter to the appeals court, and may stay all further proceedings except such as are necessary to preserve the rights of the parties.

A justice of the superior court may, upon request of the parties, in any case where there is agreement as to all the material facts, report the case to the appeals court for determination without making any decision thereon.

SECTION 200. Said chapter 231 is hereby further amended by striking out section 112, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 112. A justice of the supreme judicial court, after a finding of facts by the court may report a case for determination by the court or the appeals court.

If a justice of the supreme judicial court is of the opinion that an interlocutory finding or order made by him so affects the merits of the controversy that the matter ought to be determined by the full court or the appeals court before any further proceedings in the trial court, he may report such matter to either court, and may stay all further proceedings except such as are necessary to preserve the rights of the parties.

A justice of the supreme judicial court may, upon request of the parties, in any case where there is agreement as to all material facts, report the case to the full court or the appeals court without making any decision thereon.

SECTION 201. Said chapter 231 is hereby further amended by inserting after said section 112 the following two sections: —

Section 112A. Proceedings before the appeals court or the full court of the supreme judicial court upon a report pursuant to the two preceding sections shall be governed by the Massachusetts Rules of Appellate Procedure. The report shall constitute a notice of appeal within the meaning of said rules, and the entry of such report shall constitute the filing of a notice of appeal for purposes of computing time thereunder. The party aggrieved by an interlocutory finding or order shall be treated as the appellant; the

plaintiff shall be treated as the appellant whenever the whole case is reported.

Section 112B. In civil actions, formal exceptions to rulings or orders of any court are unnecessary; but all purposes for which an exception has heretofore been necessary it is sufficient that a party, at the time the ruling or order of the court is made or sought, makes known to the court the action which he desires the court to take or his objection to the action of the court and his grounds therefor; and, if a party has no opportunity to object to a ruling or order at the time it is made, the absence of an objection shall not thereafter prejudice him.

SECTION 202. Said chapter 231 is hereby further amended by striking out sections 113 to 119, inclusive, and inserting in place thereof the following seven sections: —

Section 113. A party aggrieved by a final judgment of the superior court, the land court, the housing court of the city of Boston or the housing court of the county of Hampden, may appeal therefrom to the appeals court or, subject to the provisions of section ten of chapter two hundred and eleven A, to the full court of the supreme judicial court.

Section 114. A party aggrieved by a final judgment of a single justice of the supreme judicial court may appeal therefrom to the full court of the supreme judicial court.

Section 115. Upon an appeal the appeals court or the supreme judicial court shall affirm, reverse, or modify the judgment appealed from. Upon reversal of a final judgment either court may remand a cause to the trial court which entered the judgment appealed from with necessary and proper directions for further proceedings, or may render such judgment as the court below should have rendered.

No execution shall issue during the pendency of an appeal. In the event that execution has issued before the filing of a notice of appeal, upon the filing of such notice the clerk shall notify the officer holding the execution, and all further proceedings thereon shall be stayed. Nothing in this section shall be construed to impair the authority of a justice of either court to order a stay of execution upon such terms as are just.

Section 116. Upon an appeal from a final judgment, the justice of the court by whom it was made may make such orders staying the enforcement of the judgment in an action for an injunction or appointment of a receiver as are needful for the protection of the rights of the parties, until the appeal shall be heard by the appellate court. Such order may be modified or vacated by the order of the appellate court, upon motion, after the appeal is taken.

Section 117. After an appeal has been taken from a final judgment of the superior court, the housing court of the city of Boston or the housing court of the county of Hampden, the appellate court may, by an order, on terms or otherwise, suspend the execution or operation of the final judgment appealed from, pending the appeal, and may modify or annul any order made for the protection of the rights of the parties, pending the appeal; but,

until such order has been modified or annulled, the justice of the superior court by whom the final judgment appealed from was made, or any other justice of said court, or the judge of the housing court of the city of Boston or of the housing court of the county of Hampden, by whom the judgment appealed from was made, may make any proper interlocutory orders, pending such appeal, including orders for the appointment of receivers, of injunction, of prohibition, and orders for continuing in force such orders previously made, or for modifying or dissolving them. The justice or judge who makes any such interlocutory orders may enforce them by appropriate proceedings, pending the appeal.

Section 118. A party aggrieved by an interlocutory order of a justice of the superior court or the judge of the housing court of the city of Boston or the judge of the housing court of the county of Hampden, may file a petition in the appropriate appellate court seeking relief from such order. The appellate court may, in its discretion, grant the same relief as an appellate court is authorized to grant pending an appeal under section one hundred and seventeen. The filing of a petition hereunder shall not suspend the execution of the order which is the subject of the petition, except as otherwise ordered by the appellate court.

Section 119. No error in either the admission or the exclusion of evidence and no error or defect in any ruling or order or anything done or omitted by the trial court or by any of the parties is ground for modifying or otherwise disturbing a judgment or order unless the appeals court or the supreme judicial court deems that the error complained of has injuriously affected the substantial rights of the parties. If either court finds that the error complained of affects only one or some of the issues or parties involved it may affirm the judgment as to those issues or parties unaffected and may modify or reverse the judgment as to those affected.

SECTION 203. Sections one hundred and twenty, one hundred and twenty-one, one hundred and twenty-two and one hundred and twenty-three of said chapter two hundred and thirty-one are hereby repealed.

SECTION 204. Said chapter 231 is hereby further amended by striking out sections 124 and 125, as appearing in the Tercentenary Edition, and inserting in place thereof the following two sections: —

Section 124. Whenever a question in dispute at the trial of an issue of fact in any civil action depends upon the decision of a question of law, the appeals court or the full bench of the supreme judicial court, upon appeal may, if satisfied that it has before it all the facts necessary for determining the question in dispute, direct that judgment be entered or that such other action be taken as shall accord with the determination of such court; or if either court shall be of the opinion that it has not before it sufficient facts to determine said question, it may direct such issues or questions as it shall think proper to be tried before a jury if the case be a jury case, or otherwise before a judge, and may direct in the alternative

the action to be taken upon the verdict or finding. When any such question of law shall arise in a trial, the judge shall, by leaving appropriate questions to the jury, or by his own findings where the trial is without a jury ascertain so far as is practicable all the facts both as to liability and damages necessary on any theory of the law to enable an appellate court to make the proper final disposition of the case, unless in the opinion of the court such a course is inexpedient under the circumstances of the case.

Section 125. Upon appeal in a civil action the appeals court and supreme judicial court shall have all the powers of amendment of the court below; and whenever objections have been taken to the exclusion of evidence, or where the alleged error arises from the omission at the trial of some fact which, under the circumstances of the case, may subsequently be proved without involving any question for a jury, and without substantial injustice to either party the appellate courts shall have full discretionary authority to cause such further testimony to be taken as it deems necessary, either by oral examination in court, by reference, by affidavit or by deposition, and both courts shall have power to render any judgment and to make any order that ought to have been made upon the whole case.

SECTION 205. Sections one hundred and twenty-six, one hundred and twenty-eight, one hundred and twenty-nine, one hundred and thirty-one, one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six and one hundred and thirty-seven of said chapter two hundred and thirty-one are hereby repealed.

SECTION 206. Section 132 of said chapter 231, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "or", in line 5, the words: — the appeals court or, and by striking out, in line 6, the word "exceptions" and inserting in place thereof the word: — appeal.

SECTION 207. Said chapter 231 is hereby further amended by striking out sections 138 to 140, inclusive, as appearing in the Tercentenary Edition, and inserting in place thereof the following three sections: —

Section 138. No subsequent attaching creditor or purchaser of property attached, other than parties to the record, shall be bound by an amendment of the pleadings which substantially affects his rights unless he has had due notice of the motion for leave to amend and unless he has had an opportunity to be heard thereon. Such persons shall also have the right of appeal.

Section 139. If a corporation is a party to an action or proceeding referred to in this chapter, all motions, pleadings, or other papers requiring the signature or oath of the party may be signed or sworn to in behalf of the corporation by an officer or agent thereunto specially authorized.

Section 140. No action at law in the district court or Boston municipal court shall be discontinued, nor shall the plaintiff in any such action become nonsuit after the action shall have been re-

ferred to an auditor and hearings before such auditor have been begun, except with the written consent of the defendant or in the discretion of the court.

SECTION 208. Said chapter 231 is hereby further amended by striking out sections 141 to 146A, inclusive, and inserting a place thereof the following seven sections: —

Section 141. Sections one, one A, two, three, four, four A, four B, five, six, six A, six B, six C, six D, seven, ten, eleven, twelve, thirteen, thirteen A, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-six, fifty-seven, fifty-eight, fifty-eight A, fifty-nine, fifty-nine B, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-four, seventy-five, seventy-six, seventy-nine, eighty-five, eighty-five A, eighty-five B, eighty-five D, eighty-five E, eighty-five F, eighty-five G, eighty-five H, eighty-five I, eighty-five J, eighty-five K, eighty-five L, eighty-five M, eighty-five N, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one, ninety-one A, ninety-two, ninety-three, ninety-four, ninety-four A, ninety-five, ninety-seven, ninety-eight, ninety-nine, one hundred and two C, one hundred and three, one hundred and four, one hundred and four A, one hundred and six, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, one hundred and nineteen, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty, one hundred and forty A, one hundred and forty B, one hundred and forty C, one hundred and forty-seven shall apply to actions in a district court.

Section 142. Sections six, six B, six C, six D, nine, thirteen A, twenty-four, forty-one, forty-two, forty-three, forty-four, forty-five, forty-seven, forty-eight, fifty-eight A, fifty-nine A, fifty-nine C, fifty-nine D, eighty-one, eighty-two, eighty-three, eighty-four A, eighty-five, eighty-five A, eighty-five B, eighty-five C, eighty-five D, eighty-five E, eighty-five F, eighty-five G, eighty-five H, eighty-five I, eighty-five J, eighty-five K, eighty-five L, eighty-five M, eighty-five N, eighty-seven, eighty-eight, eighty-nine, ninety-one, ninety-one A, ninety-two, ninety-three, ninety-four, ninety-four A, ninety-five, ninety-six, ninety-seven, ninety-nine, one hundred and two, one hundred and two C, one hundred and three, one hundred and four, one hundred and four A, one hundred and six, one hundred and seven, one hundred and eleven, one hundred and twelve A, one hundred and thirteen, one hundred and fifteen, one hundred and sixteen, one hundred and seventeen, one hundred and eighteen, one hundred and nineteen, one hundred and twenty-seven, one hundred and thirty, one hundred and thirty-eight, one hundred and thirty-

nine, one hundred and forty A, one hundred and forty B, one hundred and forty C shall apply to actions in the superior court.

Section 143. Sections nine, twenty-one, twenty-two, thirty-five, thirty-nine, forty-two, forty-three, forty-four, forty-five, forty-seven, forty-eight, fifty-one, fifty-two, seventy-one, seventy-two, eighty-three, eighty-seven, eighty-eight, eighty-nine, ninety-five, ninety-six, one hundred and eleven, one hundred and twelve A, one hundred and thirteen, one hundred and fifteen, one hundred and sixteen, one hundred and eighteen, one hundred and nineteen, one hundred and twenty-seven, one hundred and thirty, one hundred and thirty-eight, one hundred and thirty-nine shall apply in the land court.

Section 144. Sections nine, forty-two, forty-three, forty-four, forty-five, forty-seven, forty-eight, eighty-one, eighty-three, eighty-five, eighty-five D, eighty-seven, eighty-eight, eighty-nine, ninety-five, ninety-six, one hundred and eleven, one hundred and twelve A, one hundred and thirteen, one hundred and fifteen, one hundred and sixteen, one hundred and seventeen, one hundred and eighteen, one hundred and nineteen, one hundred and twenty-seven, one hundred and thirty, one hundred and thirty-eight, one hundred and thirty-nine shall apply in the housing court of the city of Boston and in the housing court of the county of Hampden.

Section 145. Sections six, twelve, thirteen A, thirty-five, fifty-one, fifty-two, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, seventy, seventy-one, eighty-three, eighty-seven, eighty-eight, eighty-nine, one hundred and twenty-seven, one hundred and thirty, one hundred and thirty-eight, one hundred and thirty-nine shall apply in the probate court.

Section 146. Sections one hundred and nine, one hundred and twelve, one hundred and twelve A, one hundred and thirteen, one hundred and fourteen, one hundred and fifteen, one hundred and sixteen, one hundred and seventeen, one hundred and eighteen, one hundred and nineteen, one hundred and twenty-four, one hundred and twenty-five shall apply to appeals to the supreme judicial court.

Section 146A. Sections one hundred and eleven, one hundred and twelve, one hundred and twelve A, one hundred and thirteen, one hundred and fifteen, one hundred and sixteen, one hundred and seventeen, one hundred and eighteen, one hundred and nineteen, one hundred and twenty-four, one hundred and twenty-five shall apply to appeals to the appeals court.

SECTION 209. Chapter 231A of the General Laws, added by section 1 of chapter 582 of the acts of 1945, is hereby amended by striking out sections 6 and 7, and inserting in place thereof the following two sections: —

Section 6. In any action heretofore or hereafter brought to obtain a judgment or other consequential relief, whether such judgment or relief is granted or not, the court may make a binding determination as provided in this chapter upon application of any party made in his pleadings.

Section 7. In an action wherein a judgment or other consequential relief is sought, the costs shall not be affected by the making or refusal of any determination; but in an action for a determination only, under this chapter, costs shall be wholly in the discretion of the court.

SECTION 210. Chapter 232 of the General Laws is hereby amended by striking out section 1, as appearing in the Tercenary Edition, and inserting in place thereof the following section: —

Section 1. If at the commencement of an action in the district court or in the municipal court of the city of Boston upon a judgment or upon a contract, express or implied, for property sold, for money paid, for money had and received, for service performed and for an amount which is liquidated or may be ascertained by calculation, the defendant has in his own right a claim against the plaintiff such as is hereinbefore mentioned or such a claim which has been assigned to him with notice thereof to the plaintiff, it may be set off against the plaintiff's claim as hereinafter provided.

The provision of this section and sections two to eleven, inclusive, of this chapter shall apply only to actions in the district courts.

SECTION 211. Said chapter 232 is hereby further amended by striking out section 9, as amended by section 17 of chapter 591 of the acts of 1973, and inserting in place thereof the following section: —

Section 9. In the municipal court of the city of Boston, a declaration in set-off may be filed at any time during the sitting at which the writ is returnable, or within such further time as the court may allow. In other district courts and in the housing court of the city of Boston and the housing court of the county of Hampden, it shall be filed when the action is entered, or within such further time as the court allows.

SECTION 212. Sections twelve, thirteen and fourteen of chapter two hundred and thirty-two of the General Laws are hereby repealed.

SECTION 213. The General Laws are hereby amended by inserting after chapter 232 the following chapter: —

CHAPTER 232A.

TENDER.

Section 1. The payment or tender of payment of the whole amount due on a contract for the payment of money after it is due and payable and before action is commenced shall, if pleaded, have the same effect as if made at the time provided in the contract. Such payment or tender may also be made after action has been commenced if made at least four days before the return day of the writ in an action in the district court or if made at least four days prior to the date by which the answer must be filed in the superior court, with costs to the time of payment or tender.

The tender last mentioned may be made to the plaintiff or to his attorney in the action, and, if not accepted, the defendant may avail himself of the tender in defense in like manner as if made before the commencement of the action, bringing into court the amount so tendered.

Section 2. If such tender is accepted in an action commenced in the district court, the plaintiff or his attorney shall, at the request of the defendant, sign a certificate or notice thereof to the officer who has the writ, and deliver it to the defendant; and if any further costs are incurred for a service made by the officer after the tender and before he receives notice thereof, the defendant shall pay the same to the officer, or the tender shall be invalid.

If such tender is accepted in an action commenced in the superior court, the parties shall file a stipulation of dismissal in the court in which the action is pending.

Section 3. A person upon whose property a lien is claimed may make in any proceeding a tender or an offer of judgment relating thereto in like manner and with like effect as in matters of contract.

SECTION 214. Chapter 233 of the General Laws is hereby amended by striking out section 24, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 24. Depositions may be taken as provided in this chapter to be used before the district and probate courts. When an action is tried in the superior court upon removal or appeal from the district court, depositions taken in preparation for the trial in the district court may be used in the superior court.

SECTION 215. Said chapter 233 is hereby further amended by striking out section 65A, as so appearing, and inserting in place thereof the following section: —

Section 65A. If a party to an action or suit who has filed answers to interrogatories under any applicable statute or any rule of the Massachusetts Rules of Civil Procedure dies, so much of such answers as the court finds have been made upon the personal knowledge of the deceased shall not be inadmissible as hearsay or self-serving if offered in evidence in said action or suit by a representative of the deceased party.

SECTION 216. Said chapter 233 is hereby further amended by striking out section 67, as so appearing, and inserting in place thereof the following section: —

Section 67. Evidence in any proceeding seeking equitable relief shall be taken in the same manner as in actions at law, unless the court otherwise orders; but this section shall not prevent such use of affidavits as had been heretofore allowed.

SECTION 217. Section one of chapter two hundred and thirty-five of the General Laws is hereby repealed.

SECTION 218. Said chapter 235 is hereby further amended by striking out sections 4 and 5, as appearing in the Tercentenary Edition, and inserting in place thereof the following two sections: —

Section 4. Every judgment or order of the supreme judicial, superior or land court shall bear date of the year, month and day when entered; but the court may order it to be entered as of an earlier day than that of entry.

Section 5. In an action in the district court upon a promissory note or other contract where the amount due appears to be undisputed, the debt or damages may be ascertained and assessed by the clerk under a general order of the court or by special reference to him. The judgment in either case shall be entered in the same form as if awarded on an assessment or computation made by the court.

SECTION 219. Said chapter 235 is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section: —

Section 8. When judgment is rendered upon an award of county commissioners, a committee or referees, or upon the report of an auditor or master, or upon the verdict of a jury or the finding of a justice, interest shall be computed upon the amount of the award, report, verdict or finding, from the time when made to the time the judgment is entered. Every judgment for the payment of money shall bear interest from the day of its entry. The warrant or execution issued on a judgment for the payment of money shall specify the day upon which judgment is entered, and shall require the collection or satisfaction thereof with interest from the day of its entry.

SECTION 220. Said chapter 235 is hereby further amended by striking out section 11, as so appearing, and inserting in place thereof the following section: —

Section 11. If a further amount afterwards becomes due on such bond or other contract, the plaintiff, his executor or administrator may cause the original defendant, his executor, administrators, heirs, devisees or assigns to be summoned before the court in which the judgment was rendered to show cause why execution should not be awarded upon the judgment for the damages caused by such further breach. If the judgment upon the bond was rendered by the superior court the plaintiff, his executor or administrator shall cause the adverse party to be summoned by a motion stating the nature of such further breach; if such judgment was rendered by a district court, the plaintiff, his executor or administrator shall cause the adverse party to be summoned by a writ of scire facias from said court stating the nature of such further breach.

SECTION 221. Said chapter 235 is hereby further amended by striking out section 16, as so appearing, and inserting in place thereof the following section: —

Section 16. No execution shall issue within twenty-four hours after the entry of judgment in the district court. No execution shall issue upon a judgment of the supreme judicial, superior or land court or the housing court of the city of Boston or the housing court of the county of Hampden, until the expiration of the time to appeal therefrom.

SECTION 222. Said chapter 235 is hereby further amended by striking out sections 19 to 21, inclusive, and inserting in place thereof the following three sections: —

Section 19. If a judgment remains unsatisfied after the expiration of the time for taking out execution thereon the creditor may obtain a new execution by a writ of scire facias if such unsatisfied judgment was rendered by a district court, or, if such judgment was rendered by the supreme judicial, superior or land court or the housing court of the city of Boston, by a motion to such court; or he may at any time after the judgment, subject to section twenty of chapter two hundred and sixty, have an action of contract thereon.

Section 20. If an execution is returned satisfied in whole or in part by the sale of property not liable to such execution, and if damages are recovered against the judgment creditor or the officer who served the execution on account of the seizure and sale of such property, the creditor shall be entitled to a new execution for the amount then remaining due him upon a writ of scire facias or a motion pursuant to the preceding section.

Section 21. If an execution against a corporation is satisfied in whole or in part by service or levy on the person or property of a member thereof, and the property levied on or damages for the service or levy are subsequently recovered by such member from the officer or judgment creditor, the creditor, upon a writ of scire facias on a judgment rendered by a district court or upon a motion to the court which rendered the judgment if other than a district court, shall be entitled to a new execution for the amount then remaining due him.

SECTION 223. Said chapter 235 is hereby further amended by striking out section 24, as so appearing, and inserting in place thereof the following section: —

Section 24. If a plaintiff would be entitled to a judgment or a decree, except for the bankruptcy or insolvency of the debtor or his discharge therein, and if, more than four months prior to the commencement of proceedings in bankruptcy, or, in voluntary proceedings in insolvency, more than four months prior to the time of the first publication of the notice of the issuing of the warrant, or, in involuntary proceedings more than four months prior to the first publication of the notice of the petition, or, in proceedings in composition in insolvency in which no assignment has been made, more than four months prior to the notice by the register to the creditors of the debtor's proposal of composition, any property, estate, interest or money of a debtor has been attached, or brought within the control of a court of equity by proceedings under clause (6) of section three of chapter two hundred and fourteen, by other proceedings, or by payment into court, the court may at any time upon motion enter a special judgment or decree for the plaintiff, for the amount of his debt or damages and costs, or for such other relief as he may be entitled to, to be enforced in the first instance only against the property, estate, interest or money, so attached

or brought within the control of a court of equity. If such property, estate, interest or money shall be insufficient to satisfy the judgment or decree in full, the court may thereafter, if the debtor's discharge is refused, or if he shall unreasonably delay to prosecute said proceedings to a discharge, order an alias or other successive execution or other process to be issued upon such judgment or decree for such portion thereof as remains unsatisfied. The creditor may also in case of such refusal or delay have a writ of scire facias, motion or action as provided in section nineteen. This section shall not impair the powers which courts of equity may otherwise exercise.

SECTION 224. Chapter 236 of the General Laws is hereby amended by striking out section 38 to 40, inclusive, as appearing in the Tercentenary Edition, and inserting in place thereof the following three sections: —

Section 38. If the debtor tenders the amount justly due for redemption, and the creditor or, in case of a sale, the purchaser does not within seven days after the tender release the land as before provided, the debtor may recover it, with costs, in an action to recover a freehold estate against the creditor or purchaser as a disseisor; but before judgment therein is entered for him, he shall bring into court for the use of the creditor or purchaser the amount so tendered.

Section 39. The debtor may, within the year before limited for redemption and irrespective of any tender, bring in the supreme judicial or the superior court in the county where the land lies, a civil action for redemption, under the two following sections.

Section 40. The debtor shall in his complaint offer to pay the amount found due for redemption and may set forth any tender he has made. The court shall determine the amount due, unless it has been already ascertained under section thirty-four, and shall require the debtor, within such time as it may order, to deposit with the clerk for the use of the creditor or purchaser the amount due for redemption. Upon the debtor's complying with the order, he shall be entitled to judgment and execution for seisin of the land.

SECTION 225. Section 41 of said chapter 236, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — If the creditor or purchaser has, before the commencement of the action, tendered such a deed of release and alleges such tender and brings the deed into court to be delivered to the debtor, he shall recover costs.

SECTION 226. Said chapter 236 is hereby further amended by striking out section 51, as so appearing, and inserting in place thereof the following section: —

Section 51. If, after the return of such execution issued by a district court, it appears to the creditor that the land levied on, or any part thereof, cannot be held thereby, he may take out from the court from which the execution issued a writ of scire facias

requiring the debtor to appear and show cause why another execution should not be issued on the same judgment, and the writ may issue although there is a subsequent judgment for a part thereof not satisfied by the levy.

If, after the return of such execution issued by the supreme judicial, superior or land court or the housing court of the city of Boston or the housing court of the county of Hampden, it appears to the creditor that the land levied on, or any part thereof, cannot be held thereby, he may move the court which issued the execution to order the debtor to appear and show cause why another execution should not be issued on the same judgment, and the court may so order although there is a subsequent judgment for a part thereof not satisfied by the levy.

If the debtor, after being duly summoned, does not show sufficient cause to the contrary, the levy of the former execution may be set aside and another execution issued for the amount then due on the original judgment and not included in a subsequent judgment, but without interest or further costs.

SECTION 227. Chapter 237 of the General Laws is hereby amended by striking out sections 1 to 18, inclusive, and inserting in place thereof the following eighteen sections: —

Section 1. All estates of freehold in fee simple, fee tail or for life may be recovered in a civil action.

Section 2. A civil action to recover freehold estates in fee simple, fee tail or for life may be prosecuted against the commonwealth under this chapter.

Section 3. The plaintiff shall declare on his own seisin within twenty years then last past, without specifying any particular day, and shall allege a disseisin by the defendant, but need not aver a taking of the profits. He shall set forth the estate which he claims in the land whether in fee simple, fee tail or for life, and if the latter, whether for his own life or for the life of another, but he need not set forth the original gift, devise or other conveyance or title by which he claims the estate.

Section 4. The plaintiff need not prove an actual entry under his title, but proof that he is entitled to such an estate as he claims in the land and that he has a right of entry therein shall be sufficient to prove his seisin. No such action shall be maintained unless the plaintiff has at the time of commencing his action a right of entry into the land demanded.

Section 5. Such action shall be prosecuted in the same manner as if the plaintiff, at the time of commencing the action, had made an actual entry on the land demanded and had been immediately ousted by the defendant. In a trial upon the general issue, if the plaintiff proves that he is entitled to the estate set forth in the complaint and that he had a right of entry on the day when the action was commenced, he shall recover the land unless the defendant proves a better title in himself.

Section 6. A person in possession of land demanded in a civil action, claiming an estate of freehold therein, may be considered

as a disseisor for the purpose of trying the right, irrespective of the manner of his original entry therein.

Section 7. If the person in possession has actually ousted the plaintiff or withheld from him the possession of the land, he may, at the election of the plaintiff, be considered as a disseisor for the purpose of trying the right, although he claims an estate less

Section 8. Joint tenants or tenants in common may join in a civil action for the recovery of land, or any one of them may sue alone for his share.

Section 9. The law and practice relative to pleadings and evidence in a writ of entry upon disseisin, as heretofore recognized and established, shall continue in force, except as altered by this chapter and chapters one hundred and eighty-five and two hundred and thirty-one and by the Massachusetts Rules of Civil Procedure.

Section 10. Non-tenure, disclaimer, several tenancy and sole tenancy may be pleaded in answer.

Section 11. The plaintiff may recover any specific part or undivided portion of the land to which he proves a sufficient title, although less than demanded in the complaint.

Section 12. If the plaintiff recovers judgment, he shall recover in the same action, subject to the limitations provided in this chapter, damages for rents and profits of the land from the time when his title accrued and for any destruction or waste of the buildings or other property for which the defendant is liable.

Section 13. Rents and profits for which the defendant is liable shall be the clear annual value of the land while he was in possession thereof, after deducting all lawful taxes and assessments on the land paid by him and all necessary and ordinary expenses of cultivating the land or collecting rents, profits or income thereof.

Section 14. In determining rents and profits, the value of the use by the defendant of any improvements made by him or by those under whom he claims shall be excluded.

Section 15. The defendant shall not be liable for rents and profits for any time more than six years prior to the commencement of the action or for waste or damages committed before said six years, unless rents and profits are allowed to diminish the defendant's recovery upon his counterclaim for improvements under section twenty-seven.

Section 16. If the land demanded has been actually held and possessed by the defendant and by those under whom he claims for six years next before the commencement of the action, he shall, if judgment is against him, be entitled to compensation as herein-after provided for the value of any buildings or improvements made or erected on the land by him or by any person under whom he claims.

Section 17. The defendant shall also be entitled to like compensation although the land has not been so held for six years, if he holds it under a title which he had reason to believe good.

Section 18. The defendant may interpose a counterclaim for the value of such improvements.

SECTION 228. Section nineteen of said chapter two hundred and thirty-seven is hereby repealed.

SECTION 229. Said chapter 237 is hereby further amended by striking out sections 20, 21 and 22, as appearing in the Tercenary Edition, and inserting in place thereof the following three sections: —

Section 20. The amount recovered by the defendant upon such counterclaim shall not exceed the amount actually expended by the defendant and those under whom he claims, nor shall it exceed the amount by which the value of the land is actually increased thereby as assessed at the time of the action.

Section 21. Except as provided in sections twenty-two to twenty-four, inclusive, and in section twenty-six, if there is a trial in the land court, it shall at the same time assess the amounts due the plaintiff for rents and profits or other damages, if any, and shall determine the amount to be allowed to the defendant for improvements, if any, and also, if duly required, the value of the plaintiff's estate, unless, on its own motion or that of either party, made before its finding or decision on the title is recorded, it postpones such assessment or determination until after its trial of the title and its findings or decision thereon.

Section 22. If trial by jury shall be demanded and if issues therefor are to be framed to obtain an assessment of the amounts due to the plaintiff for rents and profits or other damages, or a determination of the amount to be allowed to the defendant for improvements, or of the value of the plaintiff's estate, the land court, on its own motion, or on that of either party, made at any time before the papers required by section fifteen of chapter one hundred and eighty-five have been entered in the superior court, may postpone such issues until after its trial of the title and its findings or decision thereon. In such case said court shall order that the procedure provided by section fifteen of chapter one hundred and eighty-five be suspended pending its further order under section twenty-three.

SECTION 230. Section 23 of said chapter 237, as so appearing, is hereby amended by striking out, in line 3, the word "demandant" and inserting in place thereof the word: — plaintiff.

SECTION 231. Section 24 of chapter 237, as so appearing, is hereby amended by striking out, in line 2, the word "demandant" and inserting in place thereof the word: — plaintiff.

SECTION 232. Said chapter 237 is hereby further amended by striking out sections 25 to 31, inclusive, as so appearing, and inserting in place thereof the following seven sections: —

Section 25. In cases where an assessment of the amounts due to the plaintiff for rents and profits and other damages, or a determination of the amount to be allowed to the defendant for improvements, or of the value of the plaintiff's estate is to be made by the land court, such assessment or determination may, if the

parties consent, be made by assessors appointed by that court.

Section 26. The defendant shall have judgment upon his counterclaim for the value of the improvements. The plaintiff shall have judgment and execution for the amount found due him for rents and profits and other damages due from the defendant as well as for seisin of the land.

Section 27. If the amount found due to the defendant for improvements exceeds the amount found due from him for rents and profits accruing within six years, he shall be chargeable with rents and profits accruing before that time, so far as necessary to balance his judgment for improvements; but in such case he shall not be liable to repay rents and profits in excess of the value of the improvements.

Section 28. The plaintiff shall, except as provided in the following section, before taking out execution for seisin of the land, pay to the defendant, or for his use to the recorder of the land court, the amount, if any, by which the defendant's judgment upon his counterclaim for improvements exceeds the amount recovered against the defendant by the plaintiff upon his claim for rents and profits and other damages; but the defendant or person claiming under him shall not be liable for rents and profits accruing between the date of the judgment and payment by the plaintiff of said amount.

Section 29. If the plaintiff has had judgment for seisin of the land, he may take out a writ of seisin before judgment has been rendered upon his claim for rents and profits or other damages or upon the defendant's counterclaim for improvements, but if there is pending such a counterclaim, the plaintiff, before taking out his writ of seisin, shall furnish such security or pay into court such amount of money as the land court may order, to secure to the defendant the payment of any amount found due him for such improvements.

Section 30. If the defendant has judgment for such improvements, he may have an execution therefor or he may collect the same, with all reasonable costs and expenses for such collection, out of the security furnished, or may receive it out of the money paid into court and the residue thereof, if any, shall be returned to the plaintiff.

Section 31. If the defendant counterclaims for improvements as before provided the plaintiff may, by motion, require the value of his estate in the land demanded, without the improvements, to be determined as provided for the assessment of rents, profits and improvements. Such value shall be the value which, at the time of assessment, the land would have had if the improvements had not been made by the defendant or a person under whom he claims.

SECTION 233. Section 32 of said chapter 237, as so appearing, is hereby amended by striking out, in line 1, the word "demandant" and inserting in place thereof the word: — plaintiff, — and by striking out, in line 3, the word "tenant" and inserting in place

thereof the word: — defendant.

SECTION 234. Said chapter 237 is hereby further amended by striking out sections 33 to 38, inclusive, as so appearing, and inserting in place thereof the following six sections: —

Section 33. If the plaintiff elects to relinquish the land as before provided, the defendant shall thenceforth hold all the estate which the plaintiff had therein at the commencement of the action, if he pays said value thereof in three equal instalments on or before the expiration of one, two and three years, respectively, from the time when said election was entered on the record, with interest therefrom on the amount unpaid.

Section 34. Said payments shall be made to the plaintiff or for his use to the recorder of the land court; and if the defendant fails to make any such payment within the time limited therefor, the plaintiff may, within three months after default of payment, take out his writ of seisin on the judgment recovered, and shall take and hold the land without allowance for any improvements made thereon.

Section 35. If the defendant or his heirs or assigns, after the land is so relinquished to him, are evicted therefrom by force of a better title than that of the original plaintiff, the person so evicted may recover in a civil action from such plaintiff, or from his executors, administrators, heirs or devisees under chapter one hundred and ninety-seven, the amount so paid for the land, with lawful interest thereon; but in order to be so entitled to recover, the defendant or those holding under him shall give notice to the person so liable to refund the purchase money of the pendency of the action for the recovery of the land, so that he may offer evidence tending to prove that the original plaintiff had the better title.

Section 36. If, after judgment for the plaintiff, either party dies before the writ of seisin is executed, or before the case is otherwise settled under this chapter, any money payable by the plaintiff or defendant, respectively, may be paid by him or his executor or administrator, or by a person entitled to the estate under him, to the defendant or plaintiff, respectively, or his executor or administrator.

Section 37. The writ of seisin issued in such case shall be in the name of the original plaintiff against the original defendant, although either or both of them are dead, and when executed it shall enure to the benefit of the plaintiff or of the person entitled to the land under him, as if it had been executed on the day when the judgment was rendered.

Section 38. If a plaintiff claiming an estate for life only satisfies a judgment upon the defendants counterclaim for improvements, he or his executor or administrator shall, at the determination of his estate, be paid by the remainderman or reversioner the value of the improvements as they then exist, shall have a lien on the land for said value as if it had been mortgaged for the payments of such value, and may keep possession of the land until such

payment is made.

SECTION 235. Section 39 of said chapter 237, as so appearing, is hereby amended by striking out, in line 2, the words "suit in equity" and inserting in place thereof the words: — civil action.

SECTION 236. Said chapter 237 is hereby further amended by striking out section 41, as so appearing, and inserting in place thereof the following section: —

Section 41. The remainderman or reversioner, or those claiming under him, shall be deemed disseized at the determination of the life estate, and the civil action under section thirty-nine and all other remedies by action or entry for the recovery of the land shall be barred as in other cases of disseisin, and the limitation of three years provided for the redemption of a mortgage shall not apply.

SECTION 237. Said chapter 237 is hereby amended by striking out sections 43 and 44 and inserting in place thereof the following two sections: —

Section 43. This chapter shall not prevent the plaintiff from maintaining an action for mesne profits, or for damage done to the land, against any person, except the defendant in the action to regain seisin.

Section 44. The provisions of this chapter relative to rents and profits to be recovered, an allowance for improvements made on the land demanded and the value of the land without the improvements shall not apply to an action brought by a mortgagee, his heirs or assigns, against a mortgagor, his heirs or assigns, for the recovery of the land mortgaged.

SECTION 238. Section 1 of chapter 238 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 4, the words "by a writ of dower" and inserting in place thereof the words: — in a civil action.

SECTION 239. Said chapter 238 is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section: —

Section 8. A party aggrieved by a judgment rendered under section five, or upon a report of the commissioners under the preceding section, may appeal therefrom to the appeals court or, subject to the provisions of section ten of chapter two hundred and eleven A, to the supreme judicial court; but an appeal from the judgment rendered under the preceding section shall not draw in question the interlocutory judgment.

SECTION 240. Said chapter 238 is hereby further amended by striking out section 10, as so appearing, and inserting in place thereof the following section: —

Section 10. The action shall be brought against the person who is tenant of the freehold at the time when it is commenced. If the demand was not made on him, he shall be liable for damages only for the time during which he held the land; but if the demandant recovers her dower and damages in the action, she may thereafter recover against the prior tenant of the freehold, on whom her demand was made, rents and profits for the time during which he

held the land after the demand.

SECTION 241. Chapter 240 of the General Laws is hereby amended by striking out section 6, as appearing in the Tercenary Edition, and inserting in place thereof the following section: —

Section 6. If, in a civil action in the supreme judicial or the superior court, or in the land court, to quiet or establish the title to land situated in the commonwealth or to remove a cloud from the title thereto, it is sought to determine the claims or rights of persons unascertained, not in being, unknown or out of the commonwealth, or who cannot be actually served with process and made personally amenable to the judgment of the court, such persons may be made defendants and, if they are unascertained, not in being or unknown, may be described generally, as the heirs or legal representatives of AB, or such persons as shall become heirs, devisees or appointees of CD, a living person, or persons claiming under AB. It shall be unnecessary for the maintenance of such action that the defendants shall have a claim or the possibility of a claim resting upon an instrument the cancellation or surrender of which would afford the relief desired; but it shall be sufficient that they claim or may claim by purchase, descent or otherwise, some right, title, interest or estate in the land which is the subject of the action and that their claim depends upon the construction of a written instrument or cannot be met by the plaintiffs without the production of evidence. Two or more persons claiming to own separate and distinct parcels of land in the same county by titles derived from a common source, or two or more persons having separate and distinct interests in the same parcel, may join as plaintiffs in any action brought under this section.

SECTION 242. Section 7 of said chapter 240, as so appearing, is hereby amended by striking out, in lines 1 and 3, the word "suit" and inserting in place thereof, in each instance, the word: — action.

SECTION 243. Section 8 of said chapter 240, as so appearing, is hereby amended by striking out, in line 5, the word "suit" and inserting in place thereof the word: — action.

SECTION 244. Said chapter 240 is hereby further amended by striking out section 10, as so appearing, and inserting in place thereof the following section: —

Section 10. After all the defendants have been served with process or notified as provided in section seven and after the appointment of a guardian ad litem or next friend, if such appointment has been made, the court may proceed as though all defendants had been actually served with process. Such action shall be a proceeding in rem against the land, and a judgment establishing or declaring the validity, nature or extent of the plaintiff's title may be entered, and shall operate directly on the land and have the force of a release made by or on behalf of all defendants of all claims inconsistent with the title established or declared thereby. This and four preceding sections shall not prevent the court from also exercising jurisdiction in personam against defendants actually

served with process who are personally amenable to its judgments.

SECTION 245. Said chapter 240 is hereby further amended by striking out sections 10A and 10B, as appearing in section 3 of chapter 448 of the acts of 1961, and inserting in place thereof the following two sections: —

Section 10A. The superior court and the land court shall have concurrent jurisdiction of a civil action by any person or persons claiming an estate of freehold, or an unexpired term of not less than ten years, in land subject to a restriction described in section twenty-six of chapter one hundred and eighty-four, to determine and declare whether and in what manner and to what extent and for the benefit of what land the restriction is then enforceable, whether or not a violation has occurred or is threatened. The complaint shall state the names and addresses, so far as known to the plaintiff or plaintiffs, of the owners of the subject parcels as to which the determination is sought, of the owners of any benefited land and of any persons benefited other than persons interested in benefited land. There shall be filed therewith (1) a certified copy of the instrument or instruments imposing the restriction, or of a representative instrument if there are many and the complaint includes a summary of the remainder, and (2) a plan or sketch showing the approximate locations of the parcels as to which the determination is sought, and the other parcel or parcels, if any, which may have the benefit of the restriction, and the ways, public or open to public use, upon which the respective parcels abut or nearest thereto, and the street numbers, if any, of such parcels.

Section 10B. The court shall, after consideration of the complaint, instrument or instruments and plan or sketch, and such further documents or evidence as it may require, prescribe the form of notice to be given, the persons to be named or described therein, the manner of service of the notice, and the proof to be required of such service. The court may (1) permit service by registered mail on any person, (2) permit names and addresses of owners to be given from the last assessments for local taxation and record search for subsequent changes, (3) require notice to be published in a newspaper or posted on the subject land or both, (4) name as representative of all persons entitled to enforce the restriction, if it benefits more than four parcels, the owners of the benefited land abutting the subject parcel or parcels and of such additional benefited land in or facing the same block or blocks or in the same vicinity as it deems appropriate, describing the remaining persons generally as the owners of certain identified land and permitting service upon them by publication only, (5) order other or additional notice at any time as it deems most effectual, and (6) if it finds that there are persons benefited but not actually served and for whom others served are not sufficiently representative, appoint a disinterested person to represent them and order costs thereof paid by the plaintiff or plaintiffs. Any person entitled to enforce the restriction, whether or not named or described in the notice, may become a party to the proceeding by filing answer

within the time specified by the notice or by the court.

SECTION 246. Said chapter 240 is hereby amended by striking out section 29, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 29. Except as otherwise provided, procedure in the land court under this chapter shall be that provided by sections fifteen to twenty-five, inclusive, of chapter one hundred and eighty-five and by the Massachusetts Rules of Civil Procedure.

SECTION 247. Chapter 243 of the General Laws is hereby amended by striking out section 5, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 5. The superior court may in an action for a nuisance enjoin such nuisance.

SECTION 248. Section 4 of chapter 244 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words "a writ of entry" and inserting in place thereof the words: — an action for possession.

SECTION 249. Section 8 of said chapter 244, as so appearing, is hereby amended by striking out, in line 3, the words "like a writ of entry against the tenant of the freehold".

SECTION 250. Said chapter 244 is hereby further amended by striking out sections 26 to 29, inclusive, as so appearing, and inserting in place thereof the following four sections: —

Section 26. Except as provided in section forty, a suit for redemption shall be brought in the county where the land or any part thereof lies.

Section 27. If the court finds the plaintiff entitled to redeem, it shall determine the amount due on the mortgage or what condition the plaintiff is bound to perform for the redemption of the land, and shall enter judgment that, upon payment of such amount or performance of such condition within such time as it shall order, the plaintiff shall have execution for possession of the land and shall hold it discharged of the mortgage.

Section 28. If the court finds that the mortgagee has not unreasonably neglected or refused to render a true account of rents and profits of the land mortgaged, it may award him the balance found due on the mortgage, with interest thereon at a rate of not more than twelve per cent a year from the expiration of three years after the entry to the date of the judgment.

Section 29. The court may at the same time order that, if the defendant neglects or refuses to accept the money or other act required by the judgment to be paid or performed, the money shall be left for his use with the clerk of the court, or such other act done as the case requires; and the plaintiff, having performed all acts required by the judgment, may have execution for possession of the land.

SECTION 251. Said chapter 244 is hereby further amended by striking out section 32, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 32. If a person, other than the parties to a suit for

redemption, is interested therein, the court may, upon terms, allow him to intervene.

SECTION 252. Section 36 of said chapter 244, as so appearing, is hereby amended by striking out, in line 5, the words "an action of contract" and inserting in place thereof the words: — a civil action.

SECTION 253. Section 40 of said chapter 244, as so appearing, is hereby amended by striking out, in line 4, the words "a suit in equity" and inserting in place thereof the words: — civil action.

SECTION 254. Chapter 245 of the General Laws is hereby amended by striking out section 1, as appearing in the Tercenary Edition, and inserting in place the following section: —

Section 1. If a person unlawfully enters upon or holds land belonging to the commonwealth, it may be recovered in a civil action brought by the attorney general or by a district attorney in the superior court in any county.

SECTION 255. Section three of said chapter two hundred and forty-five is hereby repealed.

SECTION 256. Section 4 of said chapter 245, as so appearing, is hereby amended by striking out, in line 6, the word "information" and inserting in place thereof the word: — complaint.

SECTION 257. Section 5 of said chapter 245, as so appearing, is hereby amended by striking out, in line 2, the word "information" and inserting in place thereof the word: — complaint.

SECTION 258. Said chapter is hereby further amended by striking out sections 8 to 11, inclusive, and inserting in place thereof the following four sections: —

Section 8. The judgment shall be conclusive between the commonwealth and the defendants who appear and answer, and against every person named as a defendant and duly served and against all persons claiming under such defendants.

Section 9. A person not concluded by a judgment for the commonwealth under the preceding section may, until his claim is barred by law for the limitation of real actions or otherwise, bring an action to recover the land from the commonwealth or from any person then holding under it. He may deny and disprove any facts alleged and proved in the first action and allege and prove other facts in support of his claim and shall, if it appears that he is entitled to the land, have judgment and execution therefor.

Section 10. If the commonwealth continues seized of the land when such new action is commenced, such action shall be brought against the tenant or occupant thereof, and, in addition to the service on him service shall be made upon the attorney general or district attorney. If the commonwealth has granted away the land, the action shall be brought against the tenant of the freehold. In either case it shall be conducted and disposed of as if no such action by the commonwealth had been brought.

Section 11. If the plaintiff recovers judgment, he shall be entitled to rents and profits and chargeable for improvements as provided in chapter two hundred and thirty-seven, although the land

has not been held and possessed for six years under the adverse title.

SECTION 259. Section 1 of chapter 246 of the General Laws is hereby amended by striking out the first sentence, as amended by section 1 of chapter 17 of the acts of 1943, and inserting in place thereof the following sentence: — All personal actions in the district court, except tort for malicious prosecution, for slander or libel, or for assault and battery, and except replevin, may be commenced by trustee process; and in connection with the commencement of any action in the supreme judicial or superior courts except actions only for specific recovery of goods and chattels, for malicious prosecution, for slander and libel, or for assault and battery, trustee process may be used; and any person may be summoned as trustee of the defendant therein; but except in the case of a writ or complaint which contains a statement that the action is upon a judgment, a contract for personal services, for goods sold and delivered, or for money due under a contract in writing, or to recover damages on account of the operation of a motor vehicle not registered in the commonwealth, no writ the ad damnum of which is in excess of one thousand dollars, and no summons and complaint seeking damages in excess of one thousand dollars, shall be served upon any alleged trustee unless there shall have been filed by the plaintiff, if other than a city or town of the commonwealth named therein, in the court wherein such action is commenced, a bond with a surety company authorized to do business in the commonwealth as surety, or with sureties approved by a justice, associate justice or special justice of such court, said bond to be in a penal sum not less than ten per cent of the ad damnum in the writ or complaint and not less than two hundred and fifty dollars and to be conditioned upon payment to the defendant, if the plaintiff fails to recover or if such action is discontinued, of all costs which may be awarded to the defendant and all damages which he may sustain by reason of such attachment, but not exceeding the penal sum of the bond, nor unless there shall have been endorsed on the writ or complaint by the justice, associate justice or special justice who approved said bond, or by the clerk of such court, the fact that the bond required by this section has been filed in such court.

SECTION 260. Said chapter 246 is hereby amended by striking out sections 2 and 3, as appearing in the Tercentenary Edition, and inserting in place thereof the following two sections: —

Section 2. If, in an action in the supreme judicial or superior court on which trustee process is used, all the persons named in the summons as trustees dwell or have usual places of business in one county, the action shall be brought in that county; otherwise it may be brought in any county where any one of the trustees dwells or has a usual place of business.

Section 3. If, in an action in the supreme judicial or superior court in which trustee process is used in connection with the commencement thereof, the court finds that the trustee was made a party in order to give the court jurisdiction of the action in the county where the trustee dwells or has a usual place of business,

and that neither the plaintiff nor the principal defendant dwells or has a usual place of business therein, it may, upon motion of the defendant at any time before trial, order the action and all papers relating thereto transferred to a county where some one of the principal parties dwells or has a usual place of business, upon terms. The action shall thereupon be entered and prosecuted in the same court for that county as if originally brought therein, and all prior proceedings otherwise regularly taken shall thereafter be valid.

SECTION 261. Section 4A of said chapter 246, as so appearing, is hereby amended by striking out, in line 2, the words "in the writ".

SECTION 262. Said chapter 246 is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section: —

Section 5. Trustee writs returnable to a district court shall be served by copy on each trustee and on the defendant. In other respects service upon trustees and defendants in actions in the district courts shall be in the manner provided by chapter two hundred and twenty-three. Goods and estate of the defendant in his own hands may be attached upon a trustee writ in the manner provided in said chapter, and the writ shall be further served upon each of the trustees and upon the defendant.

The trustee summons shall be served in accordance with the Massachusetts Rules of Civil Procedure.

SECTION 263. Section 6 of said chapter 246, as so appearing, is hereby amended by inserting after the word "writ", in line 3, the words: — or summons.

SECTION 264. Said chapter 246 is hereby further amended by striking out sections 8 to 10, inclusive, as so appearing, and inserting in place thereof the following three sections: —

Section 8. The plaintiff may at any time insert the names of other trustees in the writ or summons, and cause the writ or summons to be served upon them; and after service upon a trustee, a plaintiff may cause the writ or summons to be again served upon the same trustee in the same manner and with the same effect as if he had not been previously served. A writ or summons served upon a trustee after service upon the defendant shall be again served upon the defendant.

Section 9. The plaintiff may proceed in the action against the defendant if the defendant has been served with process although all the trustees have been discharged.

Section 10. A person summoned as trustee in the supreme judicial or superior court shall file his answer within twenty days after service of the trustee summons upon him, unless the court otherwise directs. A person summoned as trustee in the municipal court of the city of Boston shall appear and file his answer within two days, or in any other district court within three days, after the return day of the writ unless further time is allowed by the court. The answer shall disclose plainly, fully and particularly what goods, effects or credits, if any, of the defendant were in the hands

or possession of the trustee when he was served with process.

SECTION 265. Section 14 of said chapter 246, as so appearing, is hereby amended by inserting after the word "writ", in line 3, the word: — or summons.

SECTION 266. Section 19 of said chapter 246, as so appearing, is hereby amended by striking out, in line 4, the words "in tort".

SECTION 267. Section 20A of said chapter 246, inserted by chapter 356 of the acts of 1965, is hereby amended by striking out the second paragraph.

SECTION 268. Said chapter 246 is hereby further amended by striking out section 26, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 26. A trustee may retain or deduct from the goods, effects or credits in his hands all liquidated demands or judgments against the defendant of which, had he not been summoned as trustee, he might have availed himself upon a trial or by the set-off of judgments or executions between himself and the defendant, and he shall be liable for the balance only after all mutual demands, excluding therefrom any claim on either side for unliquidated damages for wrongs or injuries, between himself and the defendant have been adjusted.

SECTION 269. Section 27 of said chapter 246, as so appearing, is hereby amended by striking out, in line 7, the words "service of the writ" and inserting in place thereof the words: — service of process.

SECTION 270. Said chapter 246 is hereby further amended by striking out section 29, as so appearing, and inserting in place thereof the following section: —

Section 29. If, after wages for personal labor or services have been attached and before the entry of the writ in the district court the defendant tenders to the plaintiff or to his attorney the full amount due and recoverable in the action and the fees of the officer for serving the writ, the plaintiff shall recover no costs, except the fees of the officer; and if the defendant is defaulted without an appearance or if he files an offer of judgment on the return day of the writ under section seventy-four of chapter two hundred and thirty-one, and the plaintiff shall recover no costs except the fee and the officer's fee for service of process. thereon from its date, the plaintiff shall recover no costs, except the entry fee and the officer's fees.

If, after wages for personal labor or services have been attached in connection with an action in the supreme judicial or superior courts, the defendant is defaulted or if the defendant makes an offer of judgment in accordance with the Massachusetts Rules of Civil Procedure and the plaintiff accepts such offer or fails to secure a judgment more favorable than the offer, the plaintiff shall recover no costs except the entry fee and the officer's fee for service of process.

SECTION 271. Section 32 of said chapter 246 is hereby amended by striking out paragraph First, as amended by section 2 of chap-

ter 187 of the acts of 1959, and inserting in place thereof the following paragraph: —

First, By reason of having drawn, accepted, made or endorsed a negotiable bill, draft, note or other security which at the date of the writ or summons was negotiable to a holder in due course under the provisions of chapter one hundred and six.

SECTION 272. Paragraph Eighth of said section 32 of said chapter 246, as most recently amended by chapter 235 of the acts of 1960, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — By reason of money or credits due for the wages of personal labor or services of the defendant, unless such attachment is made in an action brought upon a judgment and is authorized in advance by written permission endorsed upon the writ or complaint and signed by a justice, associate justice or special justice of the court in which the action is commenced.

SECTION 273. Section 34 of said chapter 246, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 4, the words "of the writ".

SECTION 274. Said chapter 246 is hereby further amended by striking out section 38, as so appearing, and inserting in place thereof the following section: —

Section 38. If, while an action is pending, the plaintiff is summoned as trustee of the defendant on account of a counterclaim or a demand in set-off filed therein, such pending action shall be subject to the three preceding sections in the same manner and with the same effect as if it were an action brought upon such counterclaim or demand in set-off by the defendant against the plaintiff.

SECTION 275. Said chapter 246 is hereby further amended by striking out sections 45 to 50, inclusive, as so appearing, and inserting in place thereof the following six sections: —

Section 45. If a person adjudged a trustee does not, upon demand, pay over to the officer goods, effects or credits sufficient to satisfy the execution and if the execution is not otherwise satisfied, the plaintiff may initiate proceedings against the trustee in the court where the judgment was rendered.

If the judgment was rendered by a district court, the plaintiff may sue out a writ of scire facias against him or all, or a separate writ against each, of the trustees, to show cause why judgment and execution should not be awarded against them or him and their or his own goods and estate for the amount remaining unsatisfied on the judgment against the defendant. Such writ may be sued out at any time after thirty days from the date of judgment and may be issued by the court where the judgment was rendered, although the amount of the debt and costs therein exceeds its jurisdiction.

If the judgment was rendered by the superior or supreme judicial court the plaintiff may institute an action in that court to have the original judgment, or the amount remaining unsatisfied from the

goods and estate of the trustee or trustees. Such an action may be commenced at any time after thirty days from the date of the judgment.

Section 46. If a trustee duly served with the scire facias or a summons and complaint issued under the previous section fails to appear and answer, he shall be defaulted; and if he did not answer, and was not examined in the original action, judgment shall be rendered against him upon such default for the whole amount remaining unsatisfied on the judgment against the defendant.

Section 47. If a trustee defaulted on the scire facias or in an action brought under section forty-five has answered or been examined in the original action, judgment shall be rendered upon the facts stated in such answer or examination for any part remaining in his hands of the goods, effects or credits for which he was chargeable as trustee, or for so much thereof as is necessary to satisfy the amount then remaining due on the original judgment.

Section 48. In a proceeding brought under section forty-five, if the trustee appears and answers, he may be examined; but if he has been examined in the original action, he shall be examined again only by order of the court. A trustee may prove any matter necessary or proper for his defense; and any judgment rendered against him shall express the amount for which he is chargeable.

Section 49. No action or scire facias as provided under section forty-five shall be brought against a person adjudged a trustee unless he is served within two years after judgment in the original action; or, if the money or other thing is not payable when the judgment is rendered, unless he is served within one year after such money or other thing becomes payable.

Section 50. If a person summoned as trustee in his own right dies before the judgment recovered by the plaintiff has been fully satisfied, the goods, effects and credits in his hands at the time of the attachment shall remain bound thereby, and his executor or administrator shall be bound thereby, as if the writ or summons were originally served on him.

SECTION 276. Section 52 of said chapter 246, as so appearing, is hereby amended by striking out, in line 8, the words "by scire facias" and inserting in place thereof the words: — in the manner provided in section forty-five.

SECTION 277. Section 53 of said chapter 246, as so appearing, is hereby amended by striking out, in line 6, the words "by scire facias" and inserting in place thereof the words: — as provided in section forty-five.

SECTION 278. Section 56 of said chapter 246, as so appearing, is hereby amended by striking out, in line 4, the words "a suit" and inserting in place thereof the words: — an action.

SECTION 279. Section 58 of said chapter 246, as so appearing, is hereby amended by striking out, in line 5, the words "the scire facias" and inserting in place thereof the words: — a scire facias or civil action under section forty-five.

SECTION 280. Section 64 of said chapter 246, as so appearing,

is hereby amended by striking out, in line 4, the words "upon a scire facias" and inserting in place thereof the words: — in a proceeding under section forty-five.

SECTION 281. Section 65 of said chapter 246, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "an action at law" and inserting in place thereof the words: — a civil action.

SECTION 282. Said chapter 246 is hereby further amended by striking out sections 71 to 73, inclusive, as so appearing, and inserting in place thereof the following three sections: —

Section 71. If a person so summoned in an action pending in the supreme judicial or superior court is out of the commonwealth at the time of service of the summons and complaint upon him and appears and answers within ten days of his return, or if he is so summoned in an action pending in the district court and is out of the commonwealth at the time of service of the original writ upon him and appears and answers within three days after his return, he shall be allowed his costs and charges.

Section 72. If a person so summoned does not dwell or have a usual place of business in the county where the action is brought, he shall, if he appears at any time in the original action or in a proceeding under section forty-five, be allowed his costs and charges, which shall be retained or recovered as before provided.

Section 73. A person so summoned, who dwells or has a usual place of business in the county where the action is brought and who neglects, without sufficient reason, to appear and answer within the time provided, shall be liable, if the plaintiff recovers judgment and does not otherwise receive his costs, for all costs for the plaintiff's travel and term fees until he appears.

SECTION 283. Said chapter 246 is hereby further amended by striking out section 77, as so appearing, and inserting in place thereof the following section: —

Section 77. If a person summoned as trustee, who dwells or has a usual place of business in the county where the action is brought, is defaulted in the original action, and if a proceeding under section forty-five is brought against him, he shall be liable out of his own goods and estates for all costs in such proceeding, although he is not adjudged a trustee, except as provided in the following sections.

SECTION 284. Section 78 of said chapter 246, as so appearing, is hereby amended by striking out, in line 1, the words "on the scire facias" and inserting in place thereof the words: — under section seventy-seven.

SECTION 285. Section 79 of said chapter 246, as so appearing, is hereby amended by striking out, in line 1, the words "on the scire facias" and inserting in place thereof the words: — under section seventy-seven.

SECTION 286. Section 80 of said chapter 246, as so appearing, is hereby amended by striking out, in line 2, the words "on the scire facias".

SECTION 287. Said chapter 246 is hereby further amended by striking out section 81, as so appearing, and inserting in place thereof the following section: —

Section 81. If several trustees are liable on a scire facias under section forty-five, and the plaintiff, without sufficient reason, sues out two or more writs when he might have joined all the trustees in one writ, he shall recover no more costs than if he had sued out one writ, and the court may apportion the costs among all the trustees liable therefor.

If several trustees are liable in an action brought under section forty-five and the plaintiff fails to join all of the trustees in one action, he shall recover no more costs than if he had so joined them, and the court may apportion the costs among all the trustees liable therefor.

SECTION 288. Section 1 of chapter 249 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The writ of audita querela for the purpose of preventing, setting aside, or annulling any proceedings upon a judgment or execution rendered or issued by the district court shall be sued out of and returnable to the court in which the judgment was rendered.

SECTION 289. Said chapter 249 is hereby further amended by striking out section 4, as most recently amended by section 1 of chapter 661 of the acts of 1963, and inserting in place thereof the following section: —

Section 4. A civil action in the nature of certiorari to correct errors in proceedings which are not according to the course of the common law, which proceedings are not otherwise reviewable by motion or by appeal, may be brought in the supreme judicial or superior court. Such action shall be commenced within two years next after the proceeding complained of. When such an action is brought against a body or officer exercising judicial or quasi-judicial functions to prevent the body or officer from proceeding in favor of another party, or is brought with relation to proceedings already taken, such other party may be joined as a party defendant by the plaintiff or on motion of the defendant body or officer or by application to intervene. Such other party may file a separate answer or adopt the pleadings of the body or officer. The court may at any time after the commencement of the action issue an injunction and order the record of the proceedings complained of brought before it. The court may enter judgment quashing or affirming such proceedings or such other judgment as justice may require.

SECTION 290. Section 4A of said chapter 249, as appearing in section 2 of said chapter 661, is hereby amended by striking out, in line 1, the word "respondent" and inserting in place thereof the words: — defendant in an action authorized by section four.

SECTION 291. Said chapter 249 is hereby further amended by striking out section 5, as most recently amended by chapter 176

of the acts of 1949; and inserting in place thereof the following section: —

Section 5. A civil action to obtain relief formerly available by writ of mandamus may be brought in the supreme judicial or superior court.

SECTION 292. Said chapter 249 is hereby further amended by striking out sections 6 to 9, inclusive, as appearing in the Tercentenary Edition, and inserting in place thereof the following four sections: —

Section 6. A person whose private right or interest has been injured or put in hazard by the exercise of a franchise or privilege not conferred by law, by a private corporation or by persons claiming to be a private corporation, whether he is a member of such corporation or not, may bring a civil action in the nature of a quo warranto in the supreme judicial or superior court in the county where the defendant has its principal place of business seeking an injunction against such exercise. A copy of the complaint shall be served on the attorney general.

Section 7. The attorney general may intervene in such action and may demand a judgment of fine and forfeiture.

Section 8. If the court finds that the defendant has not exercised a franchise or privilege not conferred by law, he shall recover costs. If the attorney general does not intervene, and the court finds that the respondent has exercised a franchise or privilege not conferred by law, judgment of forfeiture shall not be entered, but judgment shall be entered that the corporation, or the persons claiming to be such, be perpetually excluded from the exercise of such franchise or privilege, and that the directors, managers, or agents, guilty of the usurpation, pay the costs of the complaint.

Section 9. The supreme judicial and superior courts shall have like jurisdiction of civil actions brought by the attorney general against a person holding or claiming the right to hold an office or employment, the salary or compensation of which is payable by the commonwealth, a county, city or town.

SECTION 293. Sections ten, eleven and twelve of said chapter two hundred and forty-nine are hereby repealed.

SECTION 294. Chapter 250 of the General Laws is hereby amended by striking out section 1, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 1. Writs of error in criminal cases shall issue as of course from and be returnable to and be heard and determined by the supreme judicial court.

SECTION 295. Sections three, four, five, six, seven and eight of chapter two hundred and fifty of the General Laws are hereby repealed.

SECTION 296. Said chapter 250 is hereby further amended by striking out sections 14 and 15, and inserting in place thereof the following two sections: —

Section 14. If final judgment has been rendered in a civil action in the district court, said court may, within three months there-

after, if the execution has not been satisfied in whole or in part, vacate it, upon the motion in writing of the prevailing party, and dispose of the case as if it had not been entered. Such motion shall be filed in the case and, except by special order of the court, no bond shall be required.

Section 15. If a final judgment has been entered in the district court either party, or any one or more of several plaintiffs or defendants, within one year thereafter may file in said court a petition to vacate the judgment.

SECTION 297. Said chapter 250 is hereby further amended by striking out sections 21 and 22, as appearing in the Tercentenary Edition, and inserting in place thereof the following two sections: —

Section 21. If judgment is rendered by a district court, as provided in chapter two hundred and twenty-seven, upon the default of a defendant upon whom service has not been made by reason of his being out of the commonwealth or by reason of his residence being unknown, he may, within one year after the judgment or decree, as of right, and without any petition therefor, take a writ of review out of the court in which the judgment was rendered.

Section 22. After the entry of a final judgment in the district court, the court in which the judgment was entered may, upon petition, grant a writ of review. If the judgment was rendered in the absence of the petitioner and without his knowledge, the petition shall be filed within one year after the petitioner first had notice of the judgment; otherwise within one year after the judgment was rendered.

SECTION 298. Chapter 253 of the General Laws is hereby amended by striking out section 4, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 4. The owner or occupant of land which has been overflowed or otherwise injured by such dam may bring a civil action to obtain compensation therefor. Such action shall be commenced within three years next after the event complained of in the superior court for the county where the land or any part thereof lies; but if the land overflowed or injured is outside the commonwealth such action shall be brought in the superior court for the county where the dam or any part thereof is maintained.

SECTION 299. Sections five and six of said chapter two hundred and fifty-three are hereby repealed.

SECTION 300. Said chapter 253 is hereby further amended by striking out sections 7 to 9, inclusive, as appearing in the Tercentenary Edition, and inserting in place thereof the following three sections: —

Section 7. Such action shall be tried by a jury and, if either party requires it, the jury shall, under the direction of the court, view the land alleged to be injured.

Section 8. If the jury finds that the plaintiff has suffered the injury complained of it shall assess the amount of damages sus-

tained within three years last preceding the commencement of the action and to the date of their verdict, taking into consideration any damage caused by the dam to other land of the plaintiff as well as the damage caused thereby to the land overflowed reduced by any benefit caused thereby to the plaintiff's land.

Section 9. If it is alleged in the plaintiff's complaint that the dam has been raised to an unreasonable height, or that it ought not to be kept up and closed during the whole year, the jury shall determine by their verdict how much, if at all, the dam shall be lowered and whether it shall be left open, and, if so, during what part of the year.

SECTION 301. Section 10 of said chapter 253, as so appearing, is hereby amended by striking out, in line 2, the word "petitioner" and inserting in place thereof the word: — plaintiff.

SECTION 302. Said chapter 253 is hereby further amended by striking out section 11, as so appearing, and inserting in place thereof the following section: —

Section 11. The plaintiff may, within three months after the verdict has been recorded elect, by a writing filed in the clerk's office, to take the amount so awarded in gross, instead of such annual compensation.

SECTION 303. Section 12 of said chapter 253, as so appearing, is hereby amended by striking out, in line 2, the word "petitioner" and inserting in place thereof the word: — plaintiff.

SECTION 304. Section 13 of said chapter 253, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "petitioner does not within said three months make his election" and inserting in place thereof the words: — plaintiff does not file an election.

SECTION 305. Section 14 of said chapter 253, as so appearing, is hereby amended by striking out, in line 3, the words "filing of the original petition" and inserting in place thereof the words: — commencement of the original action.

SECTION 306. Said chapter 253 is hereby further amended by striking out section 18, as so appearing, and inserting in place thereof the following section: —

Section 18. The party prevailing upon such action shall be entitled to costs, except as otherwise provided.

SECTION 307. Said chapter 253 is hereby further amended by striking out sections 21 and 22, as so appearing, and inserting in place thereof the following two sections: —

Section 21. If either party is dissatisfied with the annual compensation established by proceedings upon a civil action under this chapter or corresponding provisions of earlier laws, a new action may be commenced for the increase or diminution of such compensation or for ascertaining the gross amount of the damages, and the action shall be conducted substantially in the manner provided for an original action; but if a plaintiff has declined to accept gross damages which have been awarded to him, they shall not be again assessed within ten years thereafter.

Section 22. Such new action may be maintained by and against either of the parties to the original action or by and against a person lawfully holding under either of them, but it shall not be brought until the expiration of one month after the payment of the year last preceding was due.

SECTION 308. Section 23 of said chapter 253, as so appearing, is hereby amended by striking out, in line 4, the words "files a new petition" and inserting in place thereof the words: — brings an action.

SECTION 309. Section 24 of said chapter 253, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words "files a new petition" and inserting in place thereof the words: — brings an action.

SECTION 310. Section 26 of said chapter 253, as so appearing, is hereby amended by striking out, in line 3, the words "upon a new petition" and inserting in place thereof the words: — in a civil action.

SECTION 311. Section 27 of said chapter 253, as so appearing, is hereby amended by striking out, in line 1 and in line 3, the word "petition" and inserting in place thereof, in each instance, the word: — action.

SECTION 312. Said chapter 253 is hereby further amended by striking out sections 28 to 30, inclusive, as so appearing, and inserting in place thereof the following three sections: —

Section 28. In every civil action brought by the owner of land alleged to be injured by a mill dam, the defendant may bring into court and there tender any amount which he considers proper to be paid to the plaintiff for the damages incurred up to the time of such tender, and may also offer to pay any certain annual compensation for the damages which may be thereafter caused by the dam. If the plaintiff does not accept the amount so tendered with his costs to that time, he shall, unless he recovers greater damages or greater annual compensation than was so offered, be entitled to his costs to the time of the tender, and the defendant shall be entitled to his costs after said time.

Section 29. If the plaintiff accepts the amount so offered for the past damage and for future annual compensation, he shall have judgment therefor and for costs to that time; or the plaintiff may accept either the amount tendered for past damages or the offer for future annual compensation, and proceed to trial on the residue of the complaint under the same liability for costs.

Section 30. Two or more persons who are jointly or separately interested in the land injured may join in a civil action, and the jury may assess joint or several damages as the interest and title of the plaintiffs may require; and judgment and execution shall conform thereto.

SECTION 313. Section thirty-one of said chapter two hundred and fifty-three is hereby repealed.

SECTION 314. Said chapter 253 is hereby further amended by striking out section 32, as appearing in the Tercentenary Edition,

and inserting in place thereof the following section: —

Section 32. If a judgment for the plaintiff is reversed for error, the plaintiff, or any person claiming under him, may commence a new action for the same cause within one year after the reversal of the judgment, and recover all damages sustained during the three years last preceding or at any time after the commencement of the original action.

SECTION 315. Section 43 of said chapter 253, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The court in which an action for such compensation is pending shall, if requested by the plaintiff, require such corporation to give satisfactory security for the payment of all damages and costs which may be awarded thereon, and if the court finds that the security has become insufficient, it shall require the corporation to give further security.

SECTION 316. Said chapter 253 is hereby further amended by striking out section 50, as so appearing, and inserting in place thereof the following section: —

Section 50. The supreme judicial and the superior courts shall have jurisdiction to enforce the six preceding sections.

SECTION 317. Section 61 of said chapter 253, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — All amounts due from one or more proprietors to another for money advanced under this chapter may be recovered in a civil action.

SECTION 318. Chapter 254 of the General Laws is hereby amended by striking out section 5, as most recently amended by section 3 of chapter 493 of the acts of 1963, and inserting in place thereof the following section: —

Section 5. A lien upon land for the erection, alteration, repair or removal of a building or other structure or a lien established under section seventy-six of chapter sixty-three, or under section six of chapter one hundred and eighty-three A shall be enforced by a civil action brought in the superior court for the county where the land lies. The plaintiff shall bring his action in his own behalf and in behalf of all other persons in interest who shall become parties. An attested copy of the complaint, which shall contain a brief description of the property sufficient to identify it, and a statement of the amount due, shall be filed in the registry of deeds and recorded as provided in section nine. All other parties in interest may appear and have their rights determined in such action, and at any time before entry of final judgment, upon the suggestion of any party in interest that any other person is or may be interested in the action, or of its own motion, the court may summon such person to appear in such cause on or before a day certain or be forever barred from any rights thereunder. The court may in its discretion provide for notice to absent parties in interest. The terms "party in interest" and "person in interest", as used in this chapter, shall include mortgages and attaching creditors.

SECTION 319. Section 11 of said chapter 254, as appearing in

the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The lien shall be dissolved unless a civil action to enforce it is commenced within sixty days after the filing of the statement required by section eight.

SECTION 320. The last sentence of section 14 of said chapter 254, as appearing in section 10 of chapter 774 of the acts of 1972, is hereby amended by striking out the words "petition in equity filed" and inserting in place thereof the words: — civil action commenced.

SECTION 321. Section 15 of said chapter 254, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — If it appears to the court that no person is entitled to a lien, or that every lien has been discharged by payment thereof, judgment shall be entered to the effect that the lien is dissolved, and a certificate to that effect shall be sent forthwith by the clerk to the register of deeds.

SECTION 322. Section sixteen of said chapter two hundred and fifty-four is hereby repealed.

SECTION 323. Said chapter 254 is hereby further amended by striking out sections 23 and 24, as so appearing, and inserting in place thereof the following two sections: —

Section 23. If the person for whom the labor has been performed or furnished or the material has been furnished dies or conveys away his estate or interest before the commencement of a civil action to enforce a lien, it may be commenced and prosecuted against his heirs or against the persons holding the estate or interest which he had in the land at the time when the labor or material was performed or furnished. If the action was commenced in the lifetime of such person, it may be prosecuted against his executor, administrator, heirs or assigns as if the estate or interest has been mortgaged to secure the debt.

Section 24. If the creditor dies without having commenced such action, it may be commenced and prosecuted by his executor or administrator, or if he dies after having commenced it, it may be so prosecuted.

SECTION 324. Said chapter 254 is hereby further amended by striking out section 26, as so appearing, and inserting in place thereof the following section: —

Section 26. This chapter shall not prevent a person entitled to a lien under it from maintaining a civil action as if he had no lien.

SECTION 325. Section 31 of said chapter 254, added by chapter 530 of the acts of 1961, is hereby amended by striking out the last five sentences and inserting in place thereof the following five sentences: — Proceedings to enforce a lien secured under this section shall be by a civil action in the superior court within one year after the adjudication of bankruptcy, or the assignment for the benefit of creditors or the appointment of a receiver, and the plaintiff shall bring his action in his own behalf and in behalf of all other persons in interest who shall become parties. All other

parties in interest may appear and have their rights determined in such action, and, at any time before entry of final judgment, upon the suggestion of any party in interest that any other person is or may be interested in the action, or of its own motion, the court may summon such person to appear in said cause on or before a day certain or be forever barred from any rights thereunder. The court may in its discretion provide for notice to absent parties in interest. The other provisions of this chapter shall not apply to any such civil action. The provisions of this section shall not apply to any contract with the commonwealth or with any political subdivision thereof or any other public instrumentality.

SECTION 326. Section 131 of chapter 255 of the General Laws, is hereby amended by striking out paragraph (d), as appearing in chapter 822 of the acts of 1967, and inserting in place thereof the following paragraph: —

(d) No court shall enter a deficiency judgment against a debtor which includes a finance charge or insurance premiums allocable to instalments due after repossession. A debtor whose goods have been repossessed shall not be liable in a civil action for a deficiency unless the secured party files an affidavit signed either by the purchaser at the sale or by the secured party stating the price for which the goods were sold and the date and place of sale. Such affidavit shall be filed by the return day if the action is brought in the district court. It shall be filed with the complaint if the action is brought in the superior court.

SECTION 327. Said chapter 255 is hereby further amended by striking out section 17, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 17. A person having such lien, unless the contract described in section fourteen is a maritime contract and the enforcement of the lien is within the exclusive jurisdiction of the courts of the United States, may enforce the lien by a civil action in the superior court for the county where the vessel was at the time when the debt was contracted or where the vessel is at the time the action is commenced. The subsequent proceedings shall, except as hereinafter provided, be as prescribed in chapter two hundred and fifty-four so far as applicable. Upon the commencement of such action, a writ of attachment shall issue against such vessel, her tackle, apparel and furniture; the attachment may be dissolved as in any civil action but such dissolution shall not dissolve the lien.

SECTION 328. Sections eighteen and nineteen of said chapter two hundred and fifty-five are hereby repealed.

SECTION 329. Section 20 of said chapter 255, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — If money is due to more than one person holding such lien and all parties interested have been summoned to appear, the claims of all shall be marshalled, and the court shall make such order as may be necessary to prevent the enforcement of a double lien for

the same labor, materials, stores, provisions or other articles, and to secure the rights of each.

SECTION 330. Section 26 of said chapter 255, as amended by section 10 of chapter 326 of the acts of 1950, is hereby further amended by striking out, in lines 12 and 13, the words "file a petition in the superior court or" and inserting in place thereof the words: — (a) bring a civil action in the superior court to have the property sold to satisfy the debt; or (b) file a petition.

SECTION 331. Section 27 of said chapter 255, as amended by section 11 of said chapter 326, is hereby further amended by striking out, in line 1, the word "The" and inserting in place thereof the words: — When such petition is filed in a district court, the.

SECTION 332. Said chapter 255 is hereby further amended by striking out sections 28 and 29, as appearing in the Tercenary Edition, and inserting in place thereof the following two sections: —

Section 28. If the owner or his usual place of abode is unknown, such petition may be filed sixty days after the money becomes due, and the notice describing the property may be issued "to the unknown owner", or to the owner, naming him, "whose usual place of abode is unknown". If the owner resides out of the commonwealth or he or his usual place of abode is unknown, the notice may be given by publication, as provided in section five.

Section 29. If, upon a default or a trial or hearing it is found that a lien exists upon the property and that the property ought to be sold for the satisfaction of the debt, the court may make an order for such sale, determine and record the amount then due and award costs to the prevailing party. Any proceeds of the sale remaining after satisfying the debt, costs and charges, shall be paid to the owner upon demand.

SECTION 333. The first sentence of section 33 of said chapter 255, as so appearing, is hereby amended by inserting after the word "petition", in line 3, the words: — or civil action.

SECTION 334. Section 29 of chapter 255D of the General Laws is hereby amended by striking out subsection C, as amended by section 14 of chapter 775 of the acts of 1967, and inserting in place thereof the following subsection: —

C. An agreement made by any person subject to this chapter which violates the provisions of this chapter may be declared void by the supreme judicial or superior court upon a civil action brought by the buyer.

SECTION 335. Chapter 256 of the General Laws is hereby amended by striking out section 6, as appearing in the Tercenary Edition, and inserting in place thereof the following section: —

Section 6. If the conusor dies before the debt is fully paid, no execution therefor shall issue as of course, but his estate shall be liable for the debt in like manner as if judgment therefor had been rendered against him in his lifetime; and the conusee or his executor or administrator may recover the same from the executor, administrator, heirs or devisees of the conusor. Such debt may

be recovered by a scire facias or action of contract in the district court or by a civil action in the superior court.

SECTION 336. Said chapter 256 is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section: —

Section 8. No original execution shall issue as of course upon such recognizance after the expiration of three years from the time therein named for payment of the debt or from the time of the last payment endorsed thereon, but the conusee or his executor or administrator may after that time have a scire facias or action of contract thereon in the district court or may bring a civil action in the superior court against the party liable, in like manner and with like effect as upon a judgment.

SECTION 337. Chapter 258 of the General Laws is hereby amended by striking out section 1, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 1. The superior court, except as otherwise expressly provided, shall have jurisdiction of all claims against the commonwealth.

SECTION 338. The first sentence of section 1B of said chapter 258, as appearing in section 1 of chapter 709 of the acts of 1956, is hereby amended by striking out, in line 8, the words "petition filed" and inserting in place thereof the words: — civil action commenced.

SECTION 339. Said chapter 258 is hereby further amended by striking out section 2, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 2. The laws relative to tender, offer of judgment and counterclaim shall apply to the said action, and the case shall be tried by the court without a jury. All hearings shall be in open court, except that on motion by the attorney general or the plaintiff a master may be appointed, and questions of law may be taken to the supreme judicial court, as in other cases. If the amount claimed exceeds two thousand dollars, the action shall be brought in Suffolk county, otherwise in Suffolk county or in the county where the plaintiff resides. If the action is to recover damages for injuries sustained while traveling on a state highway, it may be brought in Suffolk county or in the county where the plaintiff resides or where the injuries were sustained.

SECTION 340. Chapter 260 of the General Laws is hereby amended by striking out section 32, as so appearing, and inserting in place thereof the following section: —

Section 32. If an action duly commenced within the time limited in this chapter is dismissed for insufficient service of process by reason of an unavoidable accident or of a default or neglect of the officer to whom such process is committed or is dismissed because of the death of a party or for any matter of form, or if, after judgment for the plaintiff, the judgment of any court is vacated or reversed, the plaintiff or any person claiming under him may com-

mence a new action for the same cause within one year after the dismissal or other determination of the original action, or after the reversal of the judgment; and if the cause of action by law survives the executor or administrator or the heir or devisee of the plaintiff may commence such new action within said year.

SECTION 341. Said chapter 260 is hereby further amended by adding, under the caption **LIMITATION OF COUNTER-CLAIMS**, the following section: —

Section 36. The provisions of law relative to limitations of actions shall apply to a counterclaim by the defendant. The time of such limitation shall be computed as if an action had been commenced therefor at the time the plaintiff's action was commenced.

Notwithstanding the provisions of the first paragraph of this section, a counterclaim arising out of the same transaction or occurrence that is the subject matter of the plaintiff's claim, to the extent of the plaintiff's claim, may be asserted without regard to the provisions of law relative to limitations of actions.

This section shall apply to actions brought by the commonwealth or for its benefit.

SECTION 342. Chapter 261 of the General Laws is hereby amended by striking out section 4, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 4. If, in a personal action, except an action of replevin or an action under section fifteen of chapter two hundred and fifty-three, which is commenced in the superior court, the plaintiff does not recover final judgment for more than one hundred dollars as damages, he shall recover no costs, unless the right to an easement or the title to land is drawn in question and the justice before whom the action is tried so certifies.

SECTION 343. Section 10 of said chapter 261, as so appearing, is hereby amended by striking out, in line 1, the words "or discontinuance" and inserting in place thereof the words: —, discontinuance or dismissal.

SECTION 344. Section twelve of said chapter two hundred and sixty-one is hereby repealed.

SECTION 345. Said chapter 261 is hereby further amended by striking out section 13, as so appearing, and inserting in place thereof the following section: —

Section 13. In civil actions or other proceedings in which no provision is expressly made by law, the costs shall be wholly in the discretion of the court, but no greater amount shall be taxed therein than is allowed for similar charges in actions in which costs are expressly provided for by law.

SECTION 346. Said chapter 261 is hereby further amended by striking out section 23, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 23. There shall be allowed, in a civil action in the supreme judicial court or in the superior court, in addition to other disbursements allowed by law, the following costs:

For the entry fee, three dollars.

For the complaint, fifty cents.

For an attorney's fee, if an issue in law or fact is joined, two dollars and fifty cents; if not, one dollar and twenty-five cents.

For a term fee, five dollars for each sitting while the action is pending, not exceeding three sittings, except by an order of the court. If an action or question of law therein is carried to the full court, two additional term fees may be allowed. If the defendant is defaulted without having appeared, only one term fee shall be allowed.

For travel, such sum as the court may allow.

SECTION 347. Section twenty-five of said chapter two hundred and sixty-one is hereby repealed.

SECTION 348. Section 31 of chapter 278 of the General Laws is hereby amended by striking out the last sentence.

SECTION 349. Said chapter 278 is hereby further amended by inserting after said section 31 the following three sections: —

Section 31A. If a justice presiding at a trial at which exceptions have been taken fails, by reason of physical or mental disability, death, resignation or removal, to sign or return them, or has been retired under Article LVIII of the Amendments to the Constitution without having signed or returned them, any other justice of the same court may examine and allow or disallow them.

Section 31B. If a justice presiding at the trial of a criminal case finds that the exceptions taken therein are immaterial, frivolous or intended for delay, sentence may be imposed, with or without a stay pending appellate review, notwithstanding the allowance of the exceptions. In case of the disability or death of the presiding justice, any justice of the same court may exercise the power herein conferred.

Section 31C. If the presiding justice, or another justice acting under section thirty-one A, disallows or fails to sign and return the exceptions or alters any statement therein, and defendant is aggrieved thereby, the truth of the exceptions presented may be established before any justice of the supreme judicial court upon petition stating the grievance, and thereupon, the truth of the exceptions being established, they shall be entered and heard, and the same proceedings taken, as if the exceptions had been duly allowed and entered. The supreme judicial court shall make rules for settling the truth of exceptions alleged and not allowed. Such petition shall be filed with the clerk of the supreme judicial court for Suffolk county.

SECTION 350. Said chapter 278 is hereby further amended by striking out section 33, as amended by chapter 265 of the acts of 1933, and inserting in place thereof the following section: —

Section 33. Copies and papers relative to a question of law which arises in a criminal case in the superior court upon appeal, exception, report or otherwise shall be prepared by the clerk of the court at the expense of the county and shall thereupon be transmitted to and entered in the law docket of the supreme judicial court for the commonwealth, or for the proper county, as soon as

may be after such question of law has been reserved and duly made matter of record in the superior court. The clerk shall prepare one copy of every paper on file in the case necessary to a full presentation of all questions of law intended to be raised before the full court, except papers used in evidence only, and of all papers made part of the case by reference in the record, for the use of the chief justice, and a like copy for the clerk of the supreme judicial court which shall be kept on file in said court; five typewritten copies of any opinion or statement of reasons for decision filed by the court below, for the use of the full court; one copy of the record of the court below which transmits the questions of law, for the use of each associate justice, each party and the reporter of decisions. Original papers used in the trial in the court below which are needed before the full court of the supreme judicial court shall be transmitted to its clerk to be kept on file by him until the rescript in such case is sent. In preparing the record, a brief descriptive title of any paper to be contained therein shall be included, but the title of the court, name of the county, names of parties and other formal parts need not appear more than once. No bond, citation, verification, appearance or formal paper shall be deemed a necessary part of the record unless some question in regard thereto is in issue but the contents thereof may be indicated. Matter which appears in two or more papers or portions thereof forming part of the record need be set forth only once therein, and at each place where such matter is omitted there shall be printed a notation of the omission, with a cross reference to the place in the record where such matter appears. Entry of a case hereunder shall not transfer the case, but only the question to be determined.

SECTION 351. This act shall take effect on July first, nineteen hundred and seventy-four. *Approved November 30, 1973.*

Chap. 1115. AN ACT AUTHORIZING THE TOWNS OF WAKEFIELD AND LYNNFIELD TO ENTER INTO A CONTRACT FOR SEWAGE DISPOSAL.

Be it enacted, etc., as follows:

The town of Wakefield acting through its board of public works and the town of Lynnfield acting through its board of selectmen are hereby authorized to contract with each other for the purpose of providing for sewage disposal and such contract may involve the use of a sewer under the control of the metropolitan district commission.

Approved November 30, 1973.

Chap. 1116. AN ACT AUTHORIZING THE DEMOCRATIC TOWN COMMITTEE IN THE TOWN OF ASHBURNHAM TO ADD TO ITS ELECTED MEMBERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow the democratic town committee in

the town of Ashburnham to avail itself in the current year of the full number of voting members authorized by law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any provision of chapter fifty-two of the General Laws to the contrary, the democratic town committee elected in the year nineteen hundred and seventy-two in the town of Ashburnham may add to its elected members; provided that by so doing the total number of members shall not be made to exceed thirty-five.

Approved December 4, 1973.

Chap. 1117. AN ACT AUTHORIZING THE CITY OF BROCKTON TO PAY CERTAIN LEGAL FEES AND COSTS.

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay to attorney P. J. Piscatelli, legal fees and costs totalling thirteen thousand six hundred eighty-eight dollars and ninety-six cents incurred by former mayor Leonard Ellershaw and city councillors Hipolit Moncevicz, Edmund R. Leonard, George Rodenbush, and F. Milton McGrath in the defense of a civil action brought by former city manager William A. Gildea against them in their official capacity and tried in the Plymouth superior court sitting in the city of Brockton in the year nineteen hundred and sixty-seven and heard by the supreme judicial court in the year of nineteen hundred and seventy-three.

SECTION 1A. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until certificates have been signed and filed with said city auditor, stating under the penalties of perjury that the services for which bills have been submitted were ordered by an official or an employee of said city, and that such services were rendered to said city.

SECTION 1B. Any person who knowingly files a certificate required by section one A, which is false and who thereby receives payment for services which were not rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 2. This act shall take effect upon its passage.

Approved December 4, 1973.

Chap. 1118. AN ACT PROVIDING FOR THE ASSESSMENT OF AGRICULTURAL OR HORTICULTURAL LAND AT A VALUE BASED UPON ITS AGRICULTURAL OR HORTICULTURAL USES.

Whereas, The deferred operation of this act would tend to defeat its purpose which is, in part, to provide for the assessment of agricultural and horticultural land at a value based upon its agricultural or horticultural use in a manner permitted by Article XCIX of the Articles of Amendment to the Constitution of the Commonwealth, which was adopted by the voters on November seventh, nineteen hundred and seventy-two; therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 61 the following chapter: —

CHAPTER 61A.

Section 1. Land shall be deemed to be in agricultural use when primarily and directly used in raising animals, including, but not limited to, dairy cattle, beef cattle, poultry, sheep, swine, horses, ponies, mules, goats, bees and fur-bearing animals, for the purpose of selling such animals or a product derived from such animals in the regular course of business; or when primarily and directly used in a related manner which is incidental thereto and represents a customary and necessary use in raising such animals and preparing them or the products derived therefrom for market.

Section 2. Land shall be deemed to be in horticultural use when primarily and directly used in raising fruits, vegetables, berries, nuts and other foods for human consumption, feed for animals, tobacco, flowers, sod, trees, nursery or greenhouse products, forest products, and ornamental plants and shrubs for the purpose of selling such products in the regular course of business; or when primarily and directly used in a related manner which is incidental thereto and represents a customary and necessary use in raising such products and preparing them for market.

Section 3. Land not less than five acres in area shall be deemed to be actively devoted to agricultural or horticultural uses when the gross sales of agricultural, horticultural or agricultural and horticultural products resulting from such uses together with the amount, if any, payable under a soil conservation or pollution abatement program of the federal government or the commonwealth total not less than five hundred dollars per year or when the use of such land is clearly proven to be for the purpose of achieving an annual total of not less than five hundred dollars from such gross sales and program payments within the normal product development period as determined by the farmland valuation advisory commission established pursuant to section eleven of this chapter. In cases where the land is more than five acres in area, the gross sales and program payment standard above set forth shall be increased at the rate of five dollars per acre except in the case of woodland or wetland for which such increase shall be at the rate of fifty cents per acre.

Section 4. For general property tax purposes, the value of land, not less than five acres in area, which is actively devoted to agricultural, horticultural or agricultural and horticultural uses during the tax year in issue and has been so devoted for at least the two immediately preceding tax years, shall, upon application of the owner of such land and approval thereof, be that value which such land has for agricultural or horticultural purposes. For the said tax purposes, land so devoted shall be deemed to include such contiguous land under the same ownership as is not committed to residential, industrial or commercial use and which is covered by application submitted pursuant to section six. Land shall be deemed contiguous if it is separated from other land under the same ownership only by a public or private way or waterway.

Land under the same ownership shall be deemed contiguous if it is connected to other land under the same ownership by an easement for water supply. Such contiguous land shall not exceed in acreage one hundred per cent of the acreage which is actively devoted to agricultural, horticultural or agricultural and horticultural uses.

Section 5. Where contiguous land in agricultural, horticultural or agricultural and horticultural uses under one ownership is located in more than one city or town, compliance with the five-acre minimum area requirements of section four shall be determined on the basis of the entire area of such land and not on the basis of the land area which falls within the bounds of any particular city or town.

Section 6. Eligibility of land for valuation, assessment and taxation pursuant to section four shall be determined separately for each tax year. Application therefor shall be submitted to the board of assessors of each city or town in which such land is situated not later than October first of the year preceding each tax year for which such valuation, assessment and taxation are being sought and may not thereafter be withdrawn. Application shall be made on a form prescribed by the commissioner of corporations and taxation and provided for the use of claimants by said board of assessors. Such form shall provide for the reporting of information pertinent to the provisions of this chapter and of Article XCIX of the Articles of Amendment to the Constitution of the Commonwealth and for certification by the applicant that he will immediately notify the board of assessors in writing of any subsequently developing circumstance within his control or knowledge which may cause a change in use of the land covered by such form prior to October first next following. Any application submitted under this section and covering leased land shall be accompanied by a written statement signed by any lessee of his intent to use such land for the purposes set forth in said application. A certification by a landowner that the information set forth in his application is true may be prescribed by said commissioner to be in lieu of a sworn statement to that effect. An application so certified shall be considered as if made under oath and subject to

the same penalties as provided by law for perjury.

Section 7. If a change in use of land actively devoted to agricultural, horticultural or agricultural and horticultural use occurs between October first and December thirty-first of the year preceding the tax year, the board of assessors shall disallow or nullify the application filed under authority of section six, and, after examination and inquiry, shall determine the full and fair value of said land under the valuation standard applicable to other land and shall assess the same according to such value. If, notwithstanding such change of use, the land is valued, assessed and taxed under the provisions of this chapter in the ensuing year, upon notice thereof said board shall enter an assessment and the amount of the increased tax resulting from such assessment, as an added assessment and tax against such land, in the "Omitted list" for the particular year involved in the manner prescribed in section seventy-five of chapter fifty-nine. The amount of the added assessment shall be equal to the difference, if any, between the assessment imposed under this chapter and the assessment which would have been imposed had the land been valued and assessed as other land. The enforcement and collection of additional taxes resulting from any additional assessment so imposed shall be as provided by said chapter fifty-nine. The additional assessment imposed under this section shall not affect the conveyance or roll-back taxes, if any, applicable under sections twelve and thirteen.

Section 8. In any city or town in which a program of revaluation of all property therein has been or shall be undertaken and completed in time to be reflected in the assessments for the next succeeding tax year but not in sufficient time to permit landowners to make application prior to October first of the pre-tax year for the valuation, assessment and taxation of their lands for the ensuing tax year on the basis of being actively devoted to agricultural or horticultural use, any such application which has been or shall be filed with the board of assessors after October first and prior to December first of the year preceding the tax year shall be deemed to have been timely made for the tax year next succeeding completion of the revaluation program, notwithstanding any provision of this chapter to the contrary. If such application is approved and the lands qualify for valuation, assessment and taxation as lands actively devoted to agricultural, horticultural or agricultural and horticultural use in the ensuing tax year, that portion of any tax assessed for such year which is in excess of the tax which would have been assessed on such lands had such application been timely made and approved shall be abated.

Section 9. An application for valuation, assessment and taxation of land under the provisions of this chapter shall be disallowed by the board of assessors of the city or town in which such land is located if, in their judgment, such land, in whole or in part, does not qualify thereunder. If any board of assessors shall determine that any application pursuant to this chapter is submitted for the

purpose of evading payment of full and proper taxes, such board shall be and hereby is authorized to disallow such application. Said board shall send written notice of any such disallowance by certified mail to the landowner applicant on or before December thirty-first of the year preceding the tax year and shall set forth therein the reason or reasons for disallowance together with a statement advising the landowner of his right to appeal therefrom as provided in sections sixty-four to sixty-five B, inclusive, of chapter fifty-nine; provided, that, in the case of a partial disallowance, the landowner shall be permitted to file an amendment to the original application.

In the case of each application which has been approved, the board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such application for such taxes as may be levied under the provisions of this chapter. The statement shall name the owner or owners and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien.

Section 10. The board of assessors of a city or town, in valuing land with respect to which timely application has been made and approved as provided in this chapter, shall consider only those indicia of value which such land has for agricultural, horticultural or agricultural and horticultural uses. Said board, in establishing the use value of such land, shall be guided by the list of ranges of value published pursuant to section eleven and by its personal knowledge, judgment and experience as to local land values.

Section 11. There is hereby created a farmland valuation advisory commission, the members of which shall be the commissioner of corporations and taxation who shall be chairman, the commissioner of agriculture, the commissioner of community affairs, the dean of the college of food and natural resources of the University of Massachusetts, or their respective designees, and one person to be appointed by the governor who shall be a member of a local board of assessors. The commission shall meet from time to time at the call of any of the above named commissioners and shall, prior to January first of each year, determine, for application during the ensuing tax year, a range of values on a per acre basis for each of the several classifications of land in agricultural or horticultural uses in the several counties of the commonwealth. The annual list of value ranges so determined shall be published by the commissioner of corporations and taxation and shall be mailed by him to the board of assessors of each city and town in the commonwealth no later than February first of each year. In determining such ranges in value, the commission shall consider evidence of agricultural or horticultural land use capability available from soil surveys and such other evidence and documentation

as may, in its judgment, appear pertinent.

The commissioner of corporations and taxation may expend such sums as may be appropriated from the agricultural purposes fund for the purposes of securing data for use in determinations by said commission and for expenses incurred in the administration of this chapter.

Section 12. Any land in agricultural, horticultural or agricultural and horticultural use which is valued, assessed and taxed under the provisions of this chapter, if sold for other use within a period of ten years from the date of its acquisition or the earliest date of its uninterrupted use by the current owner in agriculture or horticulture, whichever is earlier, shall be subject to a conveyance tax applicable to the total sales price of such land, which tax shall be in addition to such taxes as may be imposed under any other provision of law. Said conveyance tax shall be at the following rate: ten per cent if sold within the first year of ownership; nine per cent if sold within the second year of ownership; eight per cent if sold within the third year of ownership; seven per cent if sold within the fourth year of ownership; six per cent if sold within the fifth year of ownership; five per cent if sold within the sixth year of ownership; four per cent if sold within the seventh year of ownership; three per cent if sold within the eighth year of ownership; two per cent if sold within the ninth year of ownership; one per cent if sold within the tenth year of ownership. No conveyance tax shall be imposed under the provisions of this section following the end of the tenth year of ownership. Said conveyance tax shall be due and payable by the grantor at the time of transfer of the property by deed or other instrument of conveyance and shall be payable to the tax collector of the city or town in which the property is entered upon the tax list; provided, that, in the case of taking by eminent domain, the value of the property taken shall be determined in accordance with the provisions of chapter seventy-nine and the amount of conveyance tax, if any, shall be added thereto as an added value. No deed or other instrument of conveyance of property which is hereby subject to tax shall be recorded unless the tax imposed hereunder has been paid. Except with respect to eminent domain takings, the provisions of this section shall not be applicable to the following: mortgage deeds; deeds to or by the city or town in which such land is located; deeds which correct, modify, supplement or confirm a deed previously recorded; deeds between husband and wife and parent and child when no consideration is received, except that a subsequent non-exempt transfer by the grantee in such cases shall be subject to the provisions of this section as it would be if the grantor were making such non-exempt transfer; tax deeds; deeds releasing any property which is a security for a debt or other obligation; deeds for division of property between owners without monetary consideration; deeds made pursuant to a merger of a corporation or by a subsidiary corporation to its parent corporation for no consideration other than the cancellation and sur-

render of capital stock of such subsidiary which do not change beneficial ownership; and property transferred as a result of death by devise or otherwise and in such transfer the date of acquisition of the land for purposes of this section shall be the date of acquisition by the decedent, provided that any new owner files written notice with the board of assessors within thirty days of the recording of any such transaction that the use of the land will not be altered by virtue of such transfer. Any land in agricultural or horticultural use which is valued, assessed and taxed under the provisions of this chapter, if changed by the owner thereof to another use within a period of ten years from the date of its acquisition by said owner, shall be subject to the conveyance tax applicable hereunder at the time of such change in use as if there had been an actual conveyance, and the value of such land for the purpose of determining a total sales price shall be fair market value as determined by the board of assessors of the city or town involved for all other property.

Section 13. Whenever land which is valued, assessed and taxed under this chapter no longer qualifies as actively devoted to agricultural, horticultural or agricultural and horticultural use, it shall be subject to additional taxes, hereinafter referred to as roll-back taxes, in the current tax year in which it is disqualified and in such of the four immediately preceding tax years in which the land was so valued, assessed and taxed; provided that such roll-back taxes shall not be applicable unless the amount thereof as computed pursuant to this section, exceeds the amount, if any, imposed under the provisions of section twelve and, in such case, the land shall not be subject to the conveyance tax imposed under said section twelve; and provided, further, that no roll-back taxes shall be applicable if the land involved is purchased for a public purpose by the city or town in which it is situated. For each year, the roll-back tax shall be an amount equal to the difference, if any, between the taxes paid or payable in accordance with the provisions of this chapter and the taxes that would have been paid or payable had the land been valued, assessed and taxed without regard to such provisions. If, at the time during a tax year when a change in land use has occurred, the land was not then valued, assessed and taxed under the provisions of this chapter, then such land shall be subject to roll-back taxes only for such of the five immediately preceding years in which the land was valued, assessed and taxed thereunder. In determining the amount of roll-back taxes on land which has undergone a change in use, the board of assessors shall have ascertained the following for each of the roll-back tax years involved:

(a) The full and fair value of such land under the valuation standard applicable to other land in the city or town;

(b) The amount of the land assessment for the particular tax year.

(c) The amount of the additional assessment on the land for the particular tax year by deducting the amount of the actual

assessment on the land for that year from the amount of the land assessment determined under subsection b; and,

(d) The amount of the roll-back tax for that tax year by multiplying the amount of the additional assessment determined under subsection (c) by the general property tax rate of the city or town applicable for that tax year.

Section 14. Land which is valued, assessed and taxed on the basis of its agricultural or horticultural use under an application filed and approved pursuant to this chapter shall not be sold for or converted to residential, industrial or commercial use unless the city or town in which such land is located has been notified of intent to sell for or convert to such other use; provided, however, that the discontinuance of the use of such land for agricultural or horticultural purposes shall not be deemed a conversion. For a period of sixty days subsequent to such notification, said city or town shall have, in the case of intended sale, a first refusal option to meet a bona fide offer to purchase said land, or, in the case of intended conversion not involving sale, an option to purchase said land at full and fair market value to be determined by impartial appraisal. Such notice of intent shall be sent by the landowner via certified mail to the mayor and city council of a city, or to the board of selectmen of a town, to its board of assessors and to its planning board and conservation commission, if any, and said option period shall run from the day following the latest date of deposit of any of such notices in the United States mails. No sale or conversion of such land shall be consummated unless and until either said option period shall have expired or the landowner shall have been notified in writing by the mayor or board of selectmen of the city or town in question that said option will not be exercised.

Section 15. All buildings located on land which is valued, assessed and taxed on the basis of its agricultural or horticultural uses in accordance with the provisions of this chapter and all land occupied by a dwelling or regularly used for family living shall be valued, assessed and taxed by the same standards, methods and procedures as other taxable property.

Section 16. Continuance of land valuation, assessment and taxation under the provisions of this chapter shall depend upon continuance of such land in agricultural or horticultural uses and compliance with other requirements of this chapter and not upon continuance in the same owner of title to such land. Liability to roll-back taxes, determined pursuant to section thirteen, shall attach when such land no longer qualifies as actively devoted to agricultural or horticultural use.

Section 17. If, by conveyance or other action of the owner thereof, a portion of land which is valued, assessed and taxed under the provisions of this chapter is separated for a use other than agricultural or horticultural, the land so separated shall be subject to liability for conveyance or roll-back taxes applicable thereto, but such separation shall not impair the right of the remainder

of such land to continuance of valuation, assessment and taxation thereunder; provided, that such remaining land continues to qualify under the usage, minimum acreage and other provisions thereof.

Section 18. Land qualifying for valuation, assessment and taxation under this chapter shall be subject to special assessments or betterment assessments to such pro rata extent as the service or facility financed by such assessment is used for improving the agricultural or horticultural use capability of said land or for the personal benefit of the owner thereof. Any such assessment shall, however, upon application, be suspended during the time the land is in agricultural or horticultural use and shall become due and payable as of the date when the use of such land is changed; provided, however, that the interest thereon shall be paid annually.

Section 19. The assessment, collection, apportionment and payment over of the roll-back taxes imposed by section thirteen, the attachment of the lien for such taxes, and the right of a city or town, a landowner or other interested party to review any judgment affecting such roll-back taxes, shall be governed by the procedures provided for the assessment and taxation of omitted property under section seventy-five of chapter fifty-nine. Such procedures shall apply to each tax year for which roll-back taxes may be imposed notwithstanding the limitation set forth in said chapter fifty-nine with respect to the periods for which omitted property assessments may be imposed.

Section 20. For any purpose, other than the provisions of this chapter, for which the assessed value of land is relevant, including exemptions under the provisions of chapter fifty-nine, land qualifying for taxation under this chapter shall be valued and deemed to have been assessed by the same standards, methods and procedures as other taxable property.

In determining the equalization required by section nine of chapter fifty-eight, the state tax commission shall determine the value of such land on the basis of its agricultural and horticultural use.

Section 21. The factual details to be shown on the tax list of a board of assessors with respect to land which is valued, assessed and taxed under this chapter shall be the same as those set forth by said board with respect to other taxable property in the same city or town.

Section 22. The state tax commission shall promulgate such rules and regulations and the commissioner shall prescribe the use of such forms and procedures as they deem appropriate to and consistent with effectuation of the purposes of this chapter.

Section 23. Any person using the valuation, assessment and taxation procedures set forth in this chapter for the purposes of evading payment of full and proper taxes shall be subject to a fine of not more than ten thousand dollars or imprisonment for one year or both and to payment to the city or town in which the land is located of an amount equal to three times the amount of taxes so evaded.

Section 24. If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

SECTION 2. Notwithstanding the provisions of chapter sixty-one A of the General Laws, inserted by section one of this act, applications under section six of said chapter for the fiscal year ending June thirtieth, nineteen hundred and seventy-five, shall be filed prior to May first, nineteen hundred and seventy-four, and with respect thereto the boards of assessors shall forward notices of disallowance, if any, on or before July first, nineteen hundred and seventy-four; and the farm valuation advisory commission shall establish its ranges of values required under section eleven of said chapter as of March first, nineteen hundred and seventy-four, for the fiscal year ending June thirtieth, nineteen hundred and seventy-five and said value ranges shall be mailed by the commissioner of corporations and taxation to the boards of assessors on or before April first, nineteen hundred and seventy-four.

SECTION 3. The provisions of this act shall apply to fiscal years ending June thirtieth, nineteen hundred and seventy-five and thereafter.

Approved December 4, 1973.

Chap. 1119. AN ACT AUTHORIZING THE CITY OF BROCKTON TO PAY CERTAIN MEDICAL BILLS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the city of Brockton may appropriate and pay the sum of seven hundred and ninety dollars to Milton F. Brougham, M.D. for medical expenses incurred by Thomas Little of the public property department during the years nineteen hundred and sixty-eight and nineteen hundred and seventy.

SECTION 1A. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until certificates have been signed and filed with said city auditor, stating under the penalties of perjury that the services for which bills have been submitted were ordered by an official or an employee of said city, and that such services were rendered to said city.

SECTION 1B. Any person who knowingly files a certificate required by section one A, which is false and who thereby receives payment for services which were not rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 2. This act shall take effect upon its passage.

Approved December 4, 1973.

Chap. 1120. AN ACT AUTHORIZING THE CITY OF MEDFORD TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The city of Medford is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay, an unpaid bill in the amount of one thousand six hundred and thirty-two dollars and twenty-five cents to Gibbs Oil Company and an unpaid bill in the amount of seven hundred and forty-seven dollars to Frederick J. Wheeler for services and materials rendered to said city, in a prior year, which bills are legally unenforceable against said city; provided, that said bills are set forth in a list on file in the office of the director of accounts in the department of corporations and taxation.

SECTION 2. No bill shall be approved by the auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said city auditor, stating under the penalties of perjury that the materials or services for which said bill has been submitted were ordered by an official or an employee of said city, and that such materials were delivered to and actually received by said city, or that such services were rendered to said city, or both.

SECTION 2A. Any person who knowingly files a certificate required by section two, which is false and who thereby receives payment for materials or services which were not received by or rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 3. This act shall take effect upon its passage.

Approved December 4, 1973.

Chap. 1121. AN ACT AUTHORIZING THE TOWN OF FLORIDA TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The town of Florida is hereby authorized to pay Fred Gancarz of Adams, from any available funds, the sum of eight thousand nine hundred and ninety-six dollars for work performed by him for the school committee of said town, payment for which is legally unenforceable against said town because of the failure of the school committee to solicit bids for said work as required by general law.

SECTION 2. No bill shall be approved by the accountant of said town for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said accountant, stating under the penalties of perjury that the services for which said bill has been submitted were ordered

by an official or an employee of said town, and that such services were rendered to said town.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false and who thereby receives payment for services which were not rendered to said town, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its passage.

Approved December 4, 1973.

Chap. 1122. AN ACT AUTHORIZING THE TOWN OF NORTH ANDOVER TO PAY A SUM OF MONEY TO LANDERS ELECTRICAL CO., INC.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the town treasurer of North Andover is hereby authorized to pay an unpaid bill in the amount of eight thousand dollars to Landers Electrical Co., Inc. for equipment, supplies and materials furnished to said town for the re-lighting of the Drummond Playground, said sum having been appropriated for such purposes, but being legally unenforceable against the town by reason of its failure to comply with the law relative to competitive bidding.

SECTION 2. No bill shall be approved by the accountant of said town for payment or paid by the treasurer thereof under the authority of this act unless and until a certificate has been signed and filed with said town accountant, stating under the penalties of perjury that the materials or equipment for which said bill has been submitted were ordered by the chairman of the recreational council of said town and that such materials and equipment were delivered to and actually received by said town.

SECTION 3. Any person who knowingly files a certificate required by section two which is false and who thereby receives payment for materials and equipment which were not received by said town shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its passage.

Approved December 4, 1973.

Chap. 1123. AN ACT PROVIDING FOR FURTHER CLARIFICATION OF THE DOCTRINE OF COMPARATIVE NEGLIGENCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make certain changes in the doctrine of comparative negligence effective January first, nineteen hundred and seventy-four, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 231 of the General Laws is hereby amended by striking out section 85, as most recently amended by section 1 of chapter 761 of the acts of 1969, and inserting in place thereof the following section: —

Section 85. Contributory negligence shall not bar recovery in any action by any person or legal representative to recover damages for negligence resulting in death or in injury to person or property, if such negligence was not greater than the total amount of negligence attributable to the person or persons against whom recovery is sought, but any damages allowed shall be diminished in proportion to the amount of negligence attributable to the person for whose injury, damage or death recovery is made. In determining by what amount the plaintiff's damages shall be diminished in such a case, the negligence of each plaintiff shall be compared to the total negligence of all persons against whom recovery is sought. The combined total of the plaintiff's negligence taken together with all of the negligence of all defendants shall equal one hundred per cent.

The violation of a criminal statute, ordinance or regulation by a plaintiff which contributed to said injury, death or damage, shall be considered as evidence of negligence of that plaintiff, but the violation of said statute, ordinance or regulation shall not as a matter of law and for that reason alone, serve to bar a plaintiff from recovery.

The defense of assumption of risk is hereby abolished in all actions hereunder.

The burden of alleging and proving negligence which serves to diminish a plaintiff's damages or bar recovery under this section shall be upon the person who seeks to establish such negligence, and the plaintiff shall be presumed to have been in the exercise of due care.

SECTION 2. This act shall take effect on January first, nineteen hundred and seventy-four, and shall apply to all causes of action occurring on and after said date. *Approved December 4, 1973.*

Chap. 1124. AN ACT INCREASING THE NUMBER OF AGENTS OF THE BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

Section 25 of chapter 13 of the General Laws, as most recently amended by chapter 577 of the acts of 1951, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — The board shall appoint no more than six agents who shall be allowed necessary traveling expenses.

Approved December 4, 1973.

Chap. 1125. AN ACT AUTHORIZING THE APPOINTMENT OF A TEMPORARY ASSISTANT CLERK IN THE BOSTON JUVENILE COURT.

Be it enacted, etc., as follows:

Section 11 of chapter 218 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 2 of chapter 717 of the acts of 1971, and inserting in place thereof the following sentence: — In case of the absence, death or removal of a salaried assistant clerk of a district court, other than the municipal court of the city of Boston, or of a juvenile court the clerk, subject to the approval of the justice, may appoint a temporary assistant clerk, to act until such assistant clerk resumes his duties or until the vacancy is filled.

Approved December 4, 1973.

Chap. 1126. AN ACT AUTHORIZING THE CITY OF QUINCY TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The city of Quincy is hereby authorized to appropriate the sum of nineteen thousand nine hundred and thirty-five dollars and twenty cents for the payment of, and after such appropriation the city treasurer of said city is hereby authorized to pay, unpaid bills in said amount to Ace Heating Service, Inc., which bills were incurred by the school department of said city and are legally unenforceable against said city.

SECTION 2. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until certificates have been signed and filed with said city auditor, stating under the penalties of perjury that the goods, materials or services for which bills have been submitted were ordered by an official or an employee of said city, and that such goods and materials were delivered and actually received by said city or that such services were rendered to said city, or both.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false and who thereby receives payment for goods, materials or services which were not received by or rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved December 4, 1973.

Chap. 1127. AN ACT AUTHORIZING THE CITY OF QUINCY TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The city of Quincy is hereby authorized to appro-

priate the sum of six thousand eight hundred and ninety-four dollars and fifteen cents for the payment of, and after such appropriation the city treasurer of said city is hereby authorized to pay, unpaid bills in said amount to Waltham Products, Inc., which bills were incurred by the school department of said city and are legally unenforceable against said city.

SECTION 2. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under authority of this act unless and until certificates have been signed and filed with said city auditor, stating under the penalties of perjury that the goods, materials or services for which bills have been submitted were ordered by an official or an employee of said city, and that such goods and materials were delivered and actually received by said city or that such services were rendered to said city, or both.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false and who thereby receives payment for goods, materials or services which were not received by or rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved December 4, 1973.

Chap. 1128. AN ACT AUTHORIZING RETIREMENT BOARDS TO WITHHOLD FROM ANNUITIES, PENSIONS OR RETIREMENT ALLOWANCES SUMS ASSIGNED BY A RETIRED MEMBER FOR PAYMENT OF INCOME TAXES.

Be it enacted, etc., as follows:

SECTION 1. Section 19 of chapter 32 of the General Laws is hereby amended by striking out the fourth sentence, as appearing in chapter 691 of the acts of 1956, and inserting in place thereof the following sentence: — No assignment of any right in or to any funds, annuities, pensions or retirement allowances under any system shall be valid except such assignment as may be made for the purpose of making restitution in the case of dereliction of duty by any member as set forth in section fifteen, and except such assignment made in writing by a retired member, authorizing the board to withhold each month such amount as he may designate for the payment of subscriber premiums applicable to a hospitalization, medical and surgical insurance, or to a life insurance, in effect with a nonprofit hospital and medical service corporation or insurance company at the time of his retirement, and except such assignment made in writing by a retired member authorizing the board to withhold each month such amount as he may designate for the payment of income taxes levied under the Internal Revenue Code of the United States or the General Laws of the commonwealth.

SECTION 2. Section 19A of said chapter 32 is hereby amended by adding the following paragraph: —

Any member retired under this chapter may by assignment

made in writing authorize the retirement board paying such pension or retirement allowance to withhold each month such amount as he may designate for the payment of income taxes levied under the Internal Revenue Code of the United States and the amount designated shall be transmitted and paid quarterly by the treasurer-custodian of any system to the government of the United States.

Approved December 4, 1973.

Chap. 1129. AN ACT PROVIDING FOR THE APPOINTMENT OF AN ADDITIONAL JUDGE OF PROBATE IN MIDDLESEX COUNTY.

Be it enacted, etc., as follows:

Section 2 of chapter 217 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by chapter 675 of the acts of 1964, and inserting in place thereof the following sentence: — There shall be four judges of probate in the county of Middlesex, three judges of probate in each of the counties of Suffolk and Norfolk, and two judges of probate in each of the counties of Essex, Worcester, Hampden, Bristol and Plymouth.

Approved December 4, 1973.

Chap. 1130. AN ACT PROVIDING TENURE OF OFFICE FOR EDMUND L. MCINTYRE, INCUMBENT OF THE OFFICE OF SUPERINTENDENT OF RECREATION FOR THE CITY OF SALEM.

Be it enacted, etc., as follows:

The tenure of office of Edmund L. McIntyre, incumbent of the office of superintendent of recreation for the city of Salem, shall be unlimited, unless incapacitated by physical or mental disability from performing the duties thereof, but he may be removed therefrom for cause after a hearing in the manner provided by section forty-three of chapter thirty-one of the General Laws.

Approved December 4, 1973.

Chap. 1131. AN ACT INCREASING THE SALARIES OF THE COMPTROLLER AND PURCHASING AGENT IN THE EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Be it enacted, etc., as follows:

The first paragraph of section 4A of chapter 7 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 10 of chapter 426 of the acts of 1973, and inserting in place thereof the following sentence: — The executive office for administration and finance shall include a comptroller's division, in charge of a comptroller, who shall have the rank of a deputy commissioner and shall be appointed by the governor

for a term coterminous with that of the governor, and shall receive a salary of thirty thousand dollars; a purchasing agent's division, in charge of a purchasing agent, who shall have the rank of deputy commissioner and shall be appointed by the governor for a term coterminous with that of the governor, and shall receive a salary of thirty thousand dollars; a fiscal affairs division, headed by a deputy commissioner for fiscal affairs; and a central services division, headed by a deputy commissioner for central services.

Approved December 4, 1973.

Chap. 1132. AN ACT ABOLISHING THE MIDDLESEX COUNTY COURT HOUSE BOARD.

Be it enacted, etc., as follows:

Section two A of chapter seven hundred and eighty-one of the acts of nineteen hundred and sixty-three, inserted by section two A of chapter four of the acts of nineteen hundred and seventy-two, is hereby repealed.

Approved December 4, 1973.

Chap. 1133. AN ACT AUTHORIZING THE CITY OF MEDFORD TO EXPEND MONEY FOR CERTAIN COUNSELING AND RELATED SERVICES.

Be it enacted, etc., as follows:

The city of Medford is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay, the sum of ten thousand five hundred dollars to A.C.I.D. Incorporated for counseling and related services rendered or to be rendered by such agency. The funds so appropriated shall be expended under the direction of the department of public health of said city.

Approved December 4, 1973.

Chap. 1134. AN ACT FURTHER REGULATING THE TERMS OF CERTAIN TOWN AND DISTRICT OFFICERS.

Be it enacted, etc., as follows:

Section 1 of chapter 41 of the General Laws, as most recently amended by section 2 of chapter 658 of the acts of 1967, is hereby further amended by inserting after the nineteenth paragraph the following paragraph: —

In any town or district in which the election date of the officers, authorized under this section, is changed, the officers currently serving shall continue to hold their offices until the appointment or election and qualification of their successors.

Approved December 4, 1973.

Chap. 1135. AN ACT RELATIVE TO THE RELATIONSHIP OF THE ELECTION OF TOWN OFFICERS AND THE CONDUCTING OF TOWN BUSINESS AT TOWN MEETINGS.

Be it enacted, etc., as follows:

Section 23 of chapter 39 of the General Laws, as amended by section 3 of chapter 39 of the acts of 1934, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — A town which accepts this section or has accepted corresponding provisions of earlier laws may provide that the election of town officers shall take place at any time within thirty days before or after the annual meeting held for the transaction of other business, but not later than May thirty-first.

Approved December 4, 1973.

Chap. 1136. AN ACT RELATIVE TO THE TIME WITHIN WHICH CERTAIN TOWN MEETINGS SHALL BE HELD.

Be it enacted, etc., as follows:

Section 20 of chapter 39 of the General Laws, as amended by section 2 of chapter 39 of the acts of 1934, is hereby further amended by striking out, in line 14, the words "April thirtieth" and inserting in place thereof the words: — May thirty-first.

Approved December 4, 1973.

Chap. 1137. AN ACT PROVIDING FOR UNIFORM PROCEDURES FOR VOTER REGISTRATION.

Be it enacted, etc., as follows:

SECTION 1. Section nine of chapter fifty-one is hereby repealed.

SECTION 2. Said chapter 51 is hereby further amended by striking out section 32, as most recently amended by section 11 of chapter 437 of the acts of 1962, and inserting in place thereof the following section: —

Section 32. Registrars shall seasonably post or publish notices stating the places and hours for holding all sessions, including the final sessions preceding any election, and also stating that after ten o'clock in the evening of the last day fixed for registration they will not, until after the next election, add any name to the annual register of voters except the names of voters who have registered between the December thirty-first preceding and the close of registration. In every year when an election is to be held for the purpose of choosing electors of president and vice-president no applications under section one A to qualify for voting for such electors will be received after ten o'clock in the evening of the last day fixed for receiving such applications.

SECTION 3. Section 33 of said chapter 51, as most recently amended by section 12 of said chapter 437, is hereby further

amended by striking out the first sentence and inserting in place thereof the following sentence: — Any registrar, at such places as may be appointed, and on the day and during the hours designated for the purpose, may receive affidavits of registration and applications under section one A to qualify for voting for electors of president and vice-president, but all the actions of one registrar shall be subject to review and acceptance by the board.

SECTION 4. Said chapter 51 is hereby further amended by striking out section 34, as most recently amended by section 13 of said chapter 437, and inserting in place thereof the following section: —

Section 34. After ten o'clock in the evening of a day on which registration is to cease, the registrars shall not register any person as a voter until after the next primary or election, except that they shall furnish, or cause to be furnished, to each person waiting in line at said hour of ten o'clock for the purpose of being registered, a card or slip of identification bearing such person's name and shall, before registration ceases, permit such person to register. The registrars may, however, enter or correct on the registers the names of persons who have registered as voters between December thirty-first preceding and the close of registration. The provisions of this section, so far as pertinent, shall apply to application under section one A to qualify for voting for electors of president and vice-president.

SECTION 5. Said chapter 51 is hereby further amended by striking out section 36, as most recently amended by chapter 932 of the acts of 1971, and inserting in place thereof the following section: —

Section 36. The registrars shall prepare in sufficient quantity blank forms for affidavits of registration which shall be in substantially the following form:

AFFIDAVIT OF REGISTRATION

(PLEASE PRINT)

.....
NAME (LAST NAME FIRST)

.....
RESIDENCE (ADDRESS)

.....
CITY OR TOWN

.....
RESIDENCE JANUARY 1. (IF DIFFERENT FROM ABOVE)

LAST PREVIOUS RESIDENCE IN ANOTHER CITY OR
TOWN, IF ANY:

(Street Address)

(City or Town) (State) (Zip)

NAME YOU USED AT THIS RESIDENCE
(IF DIFFERENT FROM ABOVE):

.....

DATE OF BIRTH

PLACE OF BIRTH

U.S. CITIZENSHIP

..... BIRTH NATURALIZED

OCCUPATION

.....

DO YOU WISH TO ENROLL IN A POLITICAL PARTY?

DEMOCRATIC ☐

REPUBLICAN ☐

PLEASE READ CAREFULLY

I hereby swear (affirm) that I am the person named above, that the above information is true, that I am a citizen of the United States, that I am not a person under guardianship, that I am not temporarily or permanently disqualified by law from voting because of corrupt practices in respect to elections, and that I consider this residence to be my home.

Signed under the pains and penalties
of perjury.

.....

WITNESS

.....

TITLE

.....

DATE

.....

In completing an affidavit of registration, a person shall enter thereon his name written in full, or instead thereof the surname and first christian name or that name by which he is generally known, written in full, and the initial of every other name which he may have.

SECTION 6. Section 37 of said chapter 51 is hereby amended by striking out the fifth sentence, as appearing in section 25 of chapter 453 of the acts of 1943, and inserting in place thereof the following sentence: — They shall forthwith enter in the annual register the name of every person who has registered as a voter in the current year.

SECTION 7. Section 40 of said chapter 51 is hereby amended by striking out the sentence, inserted by section 17 of chapter 437 of the acts of 1962, and inserting in place thereof the following sentence: — They shall distinctly announce the name of every person registering to vote.

SECTION 8. Said chapter 51 is hereby further amended by striking out section 42, as most recently amended by section 2 of chapter 28 of the acts of 1972, and inserting in place thereof the following section: —

Section 42. Registration as a voter shall be by affidavit of registration made in conformity with the requirements of this chapter. Except as provided in section forty-two A, every person whose name has not been entered in the annual register in accordance with sections thirty-four through thirty-seven inclusive, or a corresponding provision of law applicable to a city or town having a listing board, must, in order to register as a voter, or to qualify under section one A for voting for electors of president and vice-president, as the case may be, appear in person and make an affidavit of registration before a registrar or assistant registrar.

SECTION 8A. Said chapter 51 is hereby further amended by striking out section 42A, as most recently amended by chapter 265 of the acts of 1962, and inserting in place thereof the following section: —

Section 42A. Any person claiming to have the qualifications for voting in any city or town who, by reason of physical disability, is unable to appear in person to register may make application, in writing, to the registrars of voters of such city or town for registration in the manner hereinafter provided. Application for registration under this section shall be made on forms provided by said registrars and worded substantially as follows:

To the Registrars of Voters or Elections Commissioners of the City or Town of
I,, residing at
..... hereby make application
(STREET AND NUMBER)

for registration as a voter and believe that I have the qualifications for voting at elections held therein, but I am unable by reason of physical disability to appear in person and register as a voter.

I will be available to make an affidavit of registration at

.....
(STREET AND NUMBER)

.....
(DATE)

Signed under the pains and penalties
of perjury.

.....
(NAME OF APPLICANT).

The form of application herein set forth when complete shall, not later than the third day prior to the last day for registration of voters, be returned by mail to the registrars of voters of the city or town to which such request is made. Applications received after such third day shall not be acted upon.

The registrars shall seasonably after receipt of an application for registration under this section delegate two registrars, assistant registrars, or absent registration officers to visit the person making the same, and the said officers, equally representing the two political parties, if satisfied that the applicant is unable by reason of physical disability to appear in person to register, shall provide him with a blank affidavit of registration and shall witness the signing thereof. No such person shall be provided with an affidavit of registration after the close of registration nor in any city or town other than that in which he claims the right to vote; provided, that, if the applicant is in the military or naval service of the United States, he may so register not less than three days before an election and a certificate of registration shall be attached to the voting list prepared, under section fifty-five, for use thereat.

SECTION 9. Said chapter 51 is hereby further amended by striking out section 44, as most recently amended by section 8 of chapter 382 of the acts of 1971, and inserting in place thereof the following section: —

Section 44. A person seeking to register shall complete an affidavit in the form prescribed by section thirty-six and shall sign the affidavit under the pains and penalties of perjury in the presence of a registrar, assistant registrar, or absent registration officer. If the person is unable to sign his name, he shall make his mark, which shall be witnessed by the registrar, assistant registrar or absent registration officer. A person registering as a voter may at the same time and place establish his enrollment in a political party as provided, in section thirty-eight, of chapter fifty-three, by indicating his desire to be enrolled on the affidavit of registration. The registrar, assistant registrar or absent registration officer shall certify that the affidavit was signed in his presence and shall date the affidavit which shall be the date of registration.

SECTION 9A. Said chapter 51 is hereby further amended by striking out section 46, as most recently amended by section 22 of chapter 437 of the acts of 1962, and inserting in place thereof the following two sections: —

Section 46. Upon receipt of a completed affidavit of registration,

the registrars shall, except as provided in section forty-seven, place said affidavit in their files and add the name of the voter to the current annual register of voters in the city or town.

Section 46A. Except as provided in section forty-seven, the registrars, upon receipt of an affidavit of registration, shall transmit a duplicate copy thereof to the registrars in the city or town where the person last resided, if within the commonwealth, or to the state secretary of the state where the person last resided, if the person had indicated that his previous residence was in that state.

SECTION 9B. Said chapter 51 is hereby further amended by striking out section 47, as amended by section 9 of chapter 715 of the acts of 1945, and inserting in place thereof the following three sections: —

Section 47. If, after examination of an affidavit of registration, it appears to the registrars from the facts set forth in the affidavit that the person is not qualified to be registered as a voter or that the affidavit is incomplete, they may decline to enter his name on the annual register. The registrars shall notify any person whose name is not so entered and give him a reasonable opportunity to remedy the defects in his affidavit. If the registrars are still not satisfied that the affidavit meets the requirements of this chapter, they shall not accept it and shall forthwith inform the person thereof.

Section 47A. If, after examination of an affidavit of registration, it appears to the registrars that the person has all the qualifications to be registered as a voter or to vote for electors of president and vice-president under section one A except that of age, and that such person will on or before the day of the next preliminary, primary, special or general election or town meeting attain full age, they shall enter his name in the current annual register of voters or on the list of persons so qualified to be prepared as provided by section fifty-eight A.

Section 47B. If at any time subsequent to the registration of a voter the registrars have probable cause to believe that the voter has made a false statement in his affidavit of registration, they may prepare a complaint setting forth the basis for their belief, and summon the voter to appear before them in the manner set forth in section forty-eight. They shall examine the voter and determine his qualifications to vote in the manner set forth in section forty-nine.

SECTION 10. The first paragraph of section 37 of chapter 53 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 14 of chapter 334 of the acts of 1943, and inserting in place thereof the following sentence: — The voting lists used at primaries shall contain the party enrollment of the voters whose names appear thereon established as provided in this section, in section thirty-eight, and in section forty-three of chapter fifty-one.

SECTION 11. This act shall take effect on June first, nineteen hundred and seventy-four.

Approved December 4, 1973.

Chap. 1138. AN ACT AUTHORIZING THE TOWN OF HANSON TO REFUND TO ROY M. AND JANET M. KEENE A CERTAIN SUM OF MONEY PAID BY THEM TO SAID TOWN FOR THE PURCHASE OF A CERTAIN PARCEL OF LAND TO WHICH THE TOWN DID NOT HAVE TITLE.

Be it enacted, etc., as follows:

The town of Hanson is hereby authorized to refund to Roy M. and Janet M. Keene of said town, the sum of two hundred and thirty-four dollars and sixty-seven cents, which sum was paid to the town for the purchase of Lot 9 Plan 103 of the town of Hanson assessors' plans, said land having been sold by the town without the town having title thereto. Said sum shall be paid from available funds. No payment shall be made hereunder until there has been filed with the auditor of the town of Hanson an agreement signed by Roy M. and Janet M. Keene, that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this act shall not exceed ten per cent of the amount paid or payable hereunder. *Approved December 4, 1973.*

Chap. 1139. AN ACT AUTHORIZING THE CITY OF BEVERLY TO CONVEY CERTAIN LAND IN THE CITY OF BEVERLY.

Be it enacted, etc., as follows:

The city of Beverly, by its mayor, is hereby authorized to convey, for a nominal consideration, by a deed approved as to form by its city solicitor, to Bernice E. Posnick and Sally B. Wyner, as tenants in common, a certain parcel of land in said city shown as Parcel "E" upon a plan entitled "Plan of Land Located in the Vicinity of Norwoods Pond, Beverly, Mass., Scale: One inch equals One Hundred feet April One Thousand Nine Hundred and Seventy-One, Edgar G. Mitchell, 'Acting Commissioner of Public Works' (Note: Revised-June Fourteenth, One Thousand Nine Hundred and Seventy-Two)," said plan being on file in the City Engineer's office, City Hall, Beverly and bounded and described as follows: —

A certain parcel of land shown as Parcel "E" upon a plan entitled "Plan of Land, located in the vicinity of Norwoods Pond, Beverly, Mass., dated April One Thousand Nine Hundred and Seventy-One and signed by Edgar G. Mitchell, Acting Commissioner of Public Works, Revised June Fourteenth, One Thousand Nine Hundred and Seventy-Two," bounded and described as follows: —

Beginning at a point marked "L" upon the aforementioned plan, said point "L" being located on the southeasterly side of Brimbal Hill Drive and at the northerly corner of land of Dubee, thence running North Fifty-Six Degrees, Twenty-Nine Minutes, Thirty Seconds East along a line in continuation of the southeasterly sideline of Brimbal Hill Drive, a distance of Sixty feet to a point

marked "M" on said plan; thence turning and running along the arc of a circle having a radius of Seventy-Eight and Fifteen One Hundredths feet, a distance of One Hundred Eight and Fifteen One Hundredths feet to a point marked "N" on said plan; thence running in a southeasterly direction by land of the City of Beverly, a distance of Four Hundred Fifty feet to a point marked "O" on said plan; thence turning and running North Fifty-Seven Degrees, Thirty-Three Minutes, Fifty Seconds East by land of the City of Beverly, a distance of Three Hundred Ten feet to a point marked "P" on said plan; thence turning and running in a general northerly direction by land of the City of Beverly, a distance of about Three Hundred Ten feet to a point marked "Q" on said plan; thence turning and running North Fifty-Seven Degrees, Thirty-Three Minutes, Fifty Seconds East by land of the City of Beverly, a distance of Five Hundred Seventy feet to a point marked "I" on said plan; thence turning and running South Thirty-Two Degrees, One Minute, Zero Seconds East by land of Brudno and Wyner, Trustees, a distance of Two Hundred Fifty-Four and Nineteen One Hundredths feet to a point marked "R" on said plan; thence running South Thirty-Three Degrees, Fifty-One Minutes, Forty Seconds East by land of Brudno and Wyner, Trustees, a distance of Sixty-Five and Twenty-Two One Hundredths feet to a point marked "S" on said plan; thence turning and running South Thirty Degrees, Twenty-Three Minutes, Ten Seconds West by land of Brudno and Wyner, Trustees a distance of Ninety-Eight and Seventy-One One Hundredths feet to a point marked "T" on said plan; thence running South Twenty-Nine Degrees, Thirteen Minutes, Twenty Seconds West by land of Brudno and Wyner, Trustees, a distance of One Hundred Nine and Fifty-One One Hundredths feet to a point marked "U" on said plan; thence running South Thirty Degrees, Thirty-Five Minutes, Twenty Seconds West by land of Brudno and Wyner, Trustees, a distance of Two Hundred Sixty-Eight and Four One Hundredths feet to a point marked "V" on said plan; thence turning and running South Fifty-Five Degrees, Forty-Eight Minutes, Twenty Seconds West by land of Amerac Inc., a distance of Eighty-Five and Ninety-One One Hundredths feet to a point marked "W" on said plan; thence running South Fifty-Seven Degrees, Thirty-Three Minutes, Fifty Seconds West by land of Amerac Inc., a distance of Five Hundred Thirty-Two and Fifty-Nine One Hundredths feet to a point marked "X" on said plan, thence running South Fifty-Four Degrees, Seventeen Minutes, Ten Seconds West by land of Weld, a distance of Three Hundred Twenty and Sixty-Three One Hundredths feet to a point marked "Y" on said plan; thence turning and running North Thirty Degrees, Twenty-One Minutes, Twenty Seconds West by land of Brudno and Wyner, Trustees, a distance of Three Hundred Ninety-Nine and Nineteen One Hundredths feet to a point marked "A" on said plan; thence running North Twenty-Eight Degrees, Fifty-Five Minutes, Thirty Seconds West by land of Hersey, a distance of One Hundred Forty-Nine and

Thirty-Three One Hundredths feet to a point marked "B" on said plan; thence running North Twenty-Nine Degrees, Fifty-Nine Minutes, Zero Seconds West by land of Hersey and Kozlowski, a distance of Ninety-Four and Eighty-Six One Hundredths feet to a point marked "C" on said plan; thence running North Thirty-Two Degrees, Two Minutes, Thirty Seconds West by land of Kozlowski and Dubee, a distance of Two Hundred Four feet to the point of beginning marked "L" on said plan.

Containing Thirteen and Nine Tenths acres, more or less, according to said plan.

There is hereby granted as appurtenant to the above-described premises a right of way over other land of the grantor, which right shall extend from the northeasterly end of Brimbal Hill Drive, a public way, along and adjacent to a portion of Parcel "E" as follows:

Commencing at the end of the public portion of Brimbal Hill Drive thence extending North Fifty-Six Degrees, Twenty-Nine Minutes, Thirty Seconds East along the boundary of said Parcel "E" which is Sixty feet in length, thence turning and running easterly and southerly on the curved boundary which is One Hundred Eight and Fifteen One Hundredths feet in length, thence continuing in a southeasterly direction along the boundary of said Parcel "E" which is Four Hundred Fifty feet in length and terminating at the southeasterly end of said last named boundary line. The three boundaries referred to above commence at the point marked "L" on said plan and extend through points "M" "N" to point marked "O" thereon.

The aforesaid right of way shall be Forty feet in width or of such additional width as may be required by the Planning Board of Beverly for an approved way and shall be used only as access for not more than three dwelling houses all of which shall be situated on that part of said Parcel "E" which lies within the points marked "L", "M", "N", "O", "A", "B" and "C" on said plan. Subject to the aforesaid limitations said right of way may be used and exercised for all purposes of access to and from said Brimbal Hill Drive for which public ways are now or may hereafter be commonly used in the City of Beverly including but without by way of limitation, the right to lay, maintain, repair, replace and use therein and there over poles, wires, conduits, mains, pipes and appurtenances thereto for the transmission to and from the premises of water, sewer, gas, electrical, telephone, and other utility services. Prior to construction of any houses, the grantee shall construct a road over and services in said right of way in accordance with the rules and regulations of the Beverly Planning Board.

Said Parcel "E" is hereby conveyed subject to the restriction that no building or other improvements shall be erected or allowed to stand within Forty feet of that portion of the southwesterly boundary of said Parcel "E" which extends from the point marked "L" on said plan through points "C" and "B" to point "A"

thereon and which adjoins land now or formerly of Robert L. and Mary E. Dubee, land now or formerly of Ronald N. and Heather W. Kozlowski and land now or formerly of Leland L. and Margaret A. Hersey, all as shown on said plan and being a distance of approximately Four Hundred Forty-Eight and Nineteen One Hundredths feet.

The foregoing conveyance is authorized by order number Seven Hundred Sixteen of the Beverly Board of Aldermen dated June Twenty-Ninth, One Thousand Nine Hundred and Seventy-Two.

Approved December 4, 1973.

Chap. 1140. AN ACT REVISING THE ORGANIZATION AND FINANCING OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY, AND PROVIDING A LOCAL AID TRANSPORTATION BOND AUTHORIZATION TO ASSIST HIGHWAY AND TRANSIT DEVELOPMENT IN CITIES AND TOWNS THROUGHOUT THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately assist the Massachusetts Bay Transportation Authority and certain cities and towns in furnishing mass transportation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 6A of chapter 44 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 2 of chapter 428 of the acts of 1969, and inserting in place thereof the following paragraph: —

If a town has an agreement with the department of public works, or the county commissioners, or both, whereby said department, or said county commissioners, allot such town a sum of money for the purpose of constructing or repairing a highway, or installing traffic control devices or other devices appurtenant thereto, and is required primarily to pay that portion of the expense for which reimbursement is to be received from the commonwealth or county or both, such reimbursement first having been agreed upon by said department or the county commissioners, for the purpose of providing the necessary funds to meet the expense for which reimbursement is to be made the treasurer of the town may, with the approval of the selectmen, incur debt outside the debt limit and issue notes therefor for a period not exceeding two years from their dates; and the proceeds of such reimbursement shall be applied to the discharge of the loan.

SECTION 2. Section 1 of chapter 161A of the General Laws is hereby amended by inserting after the definition of "Authority" the following two definitions: —

"Secretary," the secretary of the executive office of transportation and construction.

"Department," the executive office of transportation and construction.

SECTION 3. Section 3 of chapter 161A of the General Laws is hereby amended by striking out paragraph (d) and inserting in place thereof the following paragraph: —

(d) To appoint and employ officers, agents and employees to serve at the pleasure of the directors, except as may otherwise be provided in collective bargaining agreements, and to fix their compensation and conditions of employment; provided, however, the authority may bind itself by contract to employ not more than five senior officers but no such contract shall be for a period of more than five years.

The authority shall annually, on or before January first, submit a schedule of salaries of all its employees and any proposed increases therein to the secretary of administration for his review. Said secretary may make recommendations to the authority on said salary structure and shall advise the authority of the prevailing rates that the commonwealth pays for similar services.

SECTION 4. Paragraph (d) of the first paragraph of section 3 of chapter 161A of the General Laws, is hereby amended by adding the following sentence: — The authority shall annually, on or before January first, submit a schedule of salaries of all its employees and any proposed increases therein to the secretary of the executive office for administration and finance for his review. Said secretary may make recommendations to the authority on said salary structure and shall advise the authority of the prevailing rates that the commonwealth pays for similar services.

SECTION 5. Said section 3 of said chapter 161A is hereby further amended by striking out paragraphs (k) and (l), as so appearing, and inserting in place thereof the following two paragraphs: —

(k) To provide for construction, extension, modification or improvement of the mass transportation facilities in the area constituting the authority; provided, however, that any such construction, extension, modification or improvement shall be consistent with the program and plans for mass transportation, as developed by the department under paragraph (g) of section five, as approved by the advisory board, unless specifically authorized by legislation.

(l) Consistent with the program and plans for public mass transportation as provided in paragraph (g) of section five, to conduct research, surveys, experimentation, evaluation, design and development, in cooperation with the department, and other government agencies and private organizations when appropriate, with regard to mass transportation facilities, equipment and services.

SECTION 6. Said section 3 of said chapter 161A is hereby further amended by adding the following paragraph: —

(r) The authority may enter into contracts or agreements with the department or with any agency, authority or political subdivision of the commonwealth for the provision, at cost, of specified services either by the authority or by the department or such agency, authority, or political subdivision of the commonwealth.

Such services may include, but are not limited to the following: feasibility and needs studies, transportation and construction planning, family and business relocation, and the conduct or supervision of design, construction, maintenance, management or land acquisition. Any such contract shall specify the manner of, and procedure for, payment or reimbursement for services provided or to be provided. All such agencies, authorities or political subdivisions are authorized to enter into such contracts with the authority.

SECTION 7. Said section 5 of said chapter 161A is hereby further amended by striking out subsections (g) and (h), as appearing in section 18 of chapter 563 of the acts of 1964, and inserting in place thereof the following subsections: —

(g) The capital investment program and plans of the authority for mass transportation shall be prepared under the direction, control and supervision of the department, in conjunction with other transportation programs and plans. Said program and plans shall be developed in consultation and cooperation with the authority, and in consultation with the executive office of communities and development, the metropolitan area planning council, and such other agencies of the commonwealth or of the federal government as may be concerned with said program and plans. The program for mass transportation or any revisions thereto shall be subject to the approval of the advisory board.

Said program shall include a long-range plan for the construction, reconstruction or alteration of facilities for mass transportation within the area constituting the authority together with a schedule for the implementation of such plan and comprehensive financial estimates of cost and revenues. The authority shall be responsible for the architectural and engineering design and for the construction of such mass transportation facilities and for the operation thereof.

The department on or before September first in each year shall present to the authority an estimate of the costs to be incurred during the next calendar year for the development and revision by the department of the program and plans for mass transportation as provided above. The authority shall pay such estimated costs to the department in such manner as the department and authority shall agree; provided, however, that such agreement shall be executed by the department and the authority no later than January first of each calendar year. If payments made by the authority on account of such estimated costs exceed the costs actually incurred by the department as of the last day of such year, such excess shall be repaid by the department to the authority within a reasonable time after the amount of such excess is ascertained.

(h) The authority shall on or before April first of each year, render to the advisory board, the department, the governor and the general court, a report of its operations for the preceding calendar year, including therein a description of the organization of the authority, its recommendations for legislation, and the comprehensive program for mass transportation prepared by the depart-

ment as most recently revised.

SECTION 8. Said section 5 of said chapter 161A is hereby further amended by striking out subsection (i), as amended by section 1 of chapter 81 of the acts of 1967, and inserting in place thereof the following subsection: —

(i) All current expenses of the authority shall be in accordance with an itemized budget. The authority, in consultation with the secretary and the advisory board, shall prepare said budget and shall submit it to the secretary and the advisory board not later than October first of each year for the ensuing calendar year.

The secretary shall review and make recommendations regarding said budget between October first and November first.

On or before January first the advisory board shall approve said budget as submitted or subject it to such itemized reductions therein as the advisory board shall deem appropriate.

The budget shall govern the current expenses of the authority during such calendar year. No such expenses may be incurred in excess of those shown in the budget, but the budget may from time to time be amended by the preparation and submission by the authority to the advisory board and the secretary of supplements thereto. The secretary shall review and make recommendations regarding said supplementary budget within fifteen days after its submission. The advisory board shall within thirty days after submission to it approve or reduce any such supplementary budget as provided above.

SECTION 9. Section 5 of said chapter 161A is hereby amended by adding the following subsection: —

(l) The board of directors is hereby authorized and directed to promulgate such rules, regulations and procedures, including public hearings, as are necessary and appropriate to provide the following parties the timely opportunity to participate in the development of major transportation projects designed by the authority, as defined by the directors, and to review and comment thereon:

(i) State, regional and local agencies and authorities affected by said projects;

(ii) Elected officials from cities and towns affected by said projects;

(iii) At the board's discretion, other public and private organizations, groups and persons who are affected by, and who have provided the board with reasonable notice of their desire to participate in the development of the design of said projects.

In this section the words "timely opportunity" shall mean sufficiently early in the design process so as to permit comments to be considered prior to the final development of or commitment to any specific design for such project.

SECTION 10. Said chapter 161A is hereby further amended by striking out section 6 and inserting in place thereof the following section: —

Section 6. The affairs of the authority shall be managed by a

board of five directors, hereinafter in this chapter called the directors, who shall be appointed by the governor: one with the approval of the advisory board; one with the approval of the fourteen cities and towns; and one with the approval of the sixty-four cities and towns. The approval of the fourteen cities and towns shall be determined by a majority vote of their mayors, or city managers in the cases of Plan D or Plan E cities, and chairmen of selectmen with the vote of each city and town counted as on the advisory board pursuant to section seven; provided, that the vote of at least four municipalities shall be required to constitute the majority of the fourteen cities and town. The approval of the advisory board and of the sixty-four cities and town shall be determined by majority vote of their mayors or city managers and chairmen of selectmen present and voting thereon with the vote of each city and town counted as on said advisory board; provided, that fifty per cent or more of the total votes as set forth in said section seven is represented at such meeting. One of the appointees of the governor shall be experienced in transportation, one a member of organized labor who shall be a member of a national or international labor organization, and one experienced in administration and finance. No more than three of the five directors shall be members of the same political party. Each director appointed hereunder shall hold office until the qualification of his successor. Upon the expiration of the term of any member his successor shall be appointed by the governor for a term coterminous with that of the governor, except for the chairman, who shall be appointed by the governor with the approval of the advisory board and who shall serve at the pleasure of the governor.

The director appointed as chairman shall be the chief executive officer of the authority and shall devote full time to the management of the authority.

Any director may be removed for cause by the governor, and any vacancy in the office of a director shall be filled, for the unexpired term, by appointment of the governor with the approval applicable to such vacancy. Section three of chapter twelve shall not apply to said board of directors. The chairman of the board of directors shall receive a salary of forty-five thousand dollars, and each of the other directors a salary of seven thousand five hundred dollars. A majority of the directors shall constitute a quorum, but a majority vote of the entire membership of the board of directors shall be required to take any particular action.

SECTION 11. The second paragraph of section 7 of said chapter 161A, as amended by section 2 of chapter 81 of the acts of 1967, is hereby further amended by striking out, in line 5, the word "sixty" and inserting in place thereof the word: — ninety.

SECTION 12. Said section 7 of said chapter 161A is hereby further amended by striking out the last paragraph, added by section 1 of chapter 509 of the acts of 1965, and inserting in place thereof the following paragraph: —

The advisory board may incur expenses, not to exceed forty

thousand dollars annually, for staff, stenographic and clerical work, and such expenses shall be paid by the authority.

SECTION 13. Section 8 of said chapter 161A, as most recently amended by chapter 897 of the acts of 1969, is hereby further amended by adding the following paragraph: —

For the purposes of this section riders boarding at any express service station opened after July first, nineteen hundred and seventy-three shall not be included for purposes of any count taken for purposes of the twenty-five per cent assessment of net cost of service.

SECTION 14. Section 23 of said chapter 161A is hereby amended by striking out the third paragraph, as appearing in section 4 of chapter 1075 of the acts of 1971, and inserting in place thereof the following two paragraphs: —

Not more than three hundred and eighty-nine million dollars of bonds of the authority under clauses (1), (2), (3) and (4) above shall be outstanding at any time.

The proceeds of two million dollars of such bonds issued after January first, nineteen hundred and seventy-three shall be expended by the Massachusetts Bay Transportation Authority for the engineering plans and specifications and construction of a rapid transit extension beyond Alewife Brook to Route 128. The proceeds of fifteen million dollars of the bonds issued after January first, nineteen hundred and seventy-three shall be expended for capital improvements for the provision of commuter rail service by agreement or otherwise. Such improvements shall include, but not be limited to, acquisition of rights of way, upgrading of rights of way, construction and reconstruction of stations and maintenance facilities and renovation or acquisition of rolling stock.

SECTION 15. The sixth paragraph of said section 23 of said chapter 161A, as appearing in section 18 of chapter 563 of the acts of 1964, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences: — In addition to the foregoing, the authority is hereby authorized to provide by resolution for the issue of refunding bonds of the authority for the purpose of refunding any principal, interest and sinking fund requirements on any bonds issued by the authority or on any indebtedness assumed by the authority pursuant to law, including payment of any redemption premium thereon, any interest accrued or to accrue to the date of payment or redemption of the bonds or indebtedness being refunded, and any expenses of issuing the refunding bonds. Such refunding bonds may be issued at such time prior to the payment or redemption of the bonds or indebtedness being refunded as the authority may determine to be in the best interests of the authority.

SECTION 16. In addition to any contract assistance provided in section twenty-eight of chapter one hundred and sixty-one A of the General Laws and by chapter six hundred and eighty-one of the acts of nineteen hundred and seventy-two, the commonwealth, acting by and through the executive office for administration and

finance, shall prior to December fifteen, nineteen hundred and seventy-three, enter into an additional contract or contracts with the Massachusetts Bay Transportation Authority providing that an additional thirty-five million dollars of the net cost of service of the authority for calendar year nineteen hundred and seventy-three shall be paid by the commonwealth from the General Fund and shall not be assessed upon the cities and towns constituting said authority; provided however, that the total state contract assistance in calendar year 1973, shall not exceed fifty-five million dollars.

Said thirty-five million dollars in additional contract assistance shall not be assessed upon the cities and towns, and shall be so applied that for assessment purposes, the total contract assistance provided by the commonwealth to the Massachusetts Bay Transportation Authority for calendar year nineteen hundred and seventy-three shall result in proportionally equal reductions in all cost items comprising the Massachusetts Bay Transportation Authority net cost of service.

In any calendar year after calendar year nineteen hundred and seventy-three, the commonwealth, acting by and through the executive office for administration and finance, shall enter into a contract or contracts with the authority providing that a portion of the net cost of service shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authority. The portion of the net cost of service not to be so assessed, hereinafter called contract assistance, shall not in any one calendar year be less than the contract assistance provided in calendar year nineteen hundred and seventy-three under section twenty-eight of chapter one hundred and sixty-one A and under chapter six hundred and eighty-one of the acts of nineteen hundred and seventy-two. Additional contract assistance provided by the Commonwealth to the Massachusetts Bay Transportation Authority under his paragraph shall, for assessment purposes, be applied so as to result in proportionally equal reductions to all cost items comprising the Massachusetts Bay Transportation Authority net cost of service.

SECTION 17. Chapter 180 of the General Laws is hereby amended by inserting after section 17G the following section: —

Section 17H. Deductions on pay-roll schedules may be made from the salary of any state, county or municipal or other public employee of an amount which such employee may specify in writing to any state, county, municipal or other public officer, or the head of the state, county, municipal or public department, board, commission or agency by whom or which he is employed, for the payment of the cost of a periodic pass for public transportation for such time and for such amount as the Massachusetts Bay Transportation Authority or any regional transportation authorities may provide. Any such authorization may be withdrawn by the employee by giving at least sixty days' notice in writing of such withdrawal to the state, county, municipal or public officer, or the head of the

state, county, municipal or public department, board, commission or agency by whom or which he is then employed.

The state treasurer, the common paymaster as defined in section one hundred and thirty-three of chapter one hundred and seventy-five, or the treasurer of the county, municipality or other public agency by which such employee is employed, shall deduct from the salary of such employee such amount for such periodic pass as may be certified to him on the pay-roll, and transmit the sum so deducted to the treasurer of said Authority.

This section shall be effective in any county, city or town which has accepted it in the manner provided by section two of chapter seven hundred and forty of the acts of nineteen hundred and fifty, or which accepts it in the following manner: — In a county by vote of the county commissioners; in a city having a Plan D or Plan E charter by majority vote of its city council; in any other city by vote of its city council, approved by the mayor; and in a town by vote of the board of selectmen.

SECTION 18. The program for mass transportation provided for in paragraph (g) of section five of chapter one hundred and sixty-one A of the General Laws, as existing immediately prior to the effective date of this act, shall continue to serve as the authority's program for mass transportation until such time as a program is prepared, developed or revised pursuant to said paragraph (g) of said section five of said chapter one hundred and sixty-one A, as appearing in section seven of this act.

SECTION 19. All officers and employees of the Massachusetts Bay Transportation Authority whose powers and duties are transferred pursuant to this act shall continue to be employees of said authority with all the rights, benefits and privileges which they enjoyed immediately prior to the effective date of this act, including, but not limited to, those related to wages, salaries, hours, working conditions, health benefits, pensions, and retirement allowances; provided, however, that such officers and employees shall exercise all powers and perform all duties so transferred subject to the directions, control and supervision of the department of transportation and construction. Nothing contained herein shall be construed to limit or restrict in any way any rights or obligations of the authority or any such employees or officers which may exist under agreements entered into pursuant to section nineteen of chapter one hundred and sixty-one A of the General Laws.

SECTION 20. The department of public works is hereby authorized and directed to apportion the sum of fifteen million dollars among the following cities and towns in the amounts indicated:

Abington	44,293.	Amesbury	51,740.
Acton	59,845.	Amherst	74,894.
Acushnet	35,980.	Andover	128,311.
Adams	49,271.	Ashburnham	35,010.
Agawam	89,342.	Ashby	24,941.
Alford	7,853.	Ashfield	29,716.

Athol	72,338.	Dudley	42,718.
Attleboro	196,769.	Dunstable	15,232.
Auburn	64,055.	East Bridgewater	39,155.
Avon	24,703.	East Brookfield	11,121.
Ayer	26,714.	East Longmeadow	63,206.
Barnstable	159,568.	Eastham	17,882.
Barre	47,410.	Easthampton	61,160.
Becket	24,354.	Easton	50,620.
Belchertown	50,737.	Edgartown	20,552.
Bellingham	53,483.	Egremont	16,700.
Berkley	20,335.	Erving	15,633.
Berlin	18,591.	Essex	13,777.
Bernardston	18,011.	Fairhaven	61,436.
Billerica	115,382.	Fall River	394,389.
Blackstone	24,472.	Falmouth	104,204.
Blandford	26,520.	Fitchburg	209,100.
Bolton	25,874.	Florida	15,899.
Bourne	55,475.	Foxborough	66,270.
Boxborough	10,815.	Franklin	68,372.
Boxford	31,938.	Freetown	33,908.
Boylston	18,310.	Gardner	94,558.
Brewster	20,130.	Gay Head	3,452.
Bridgewater	52,852.	Georgetown	26,043.
Brimfield	29,082.	Gill	14,609.
Brockton	315,364.	Gloucester	108,989.
Brookfield	19,680.	Goshen	13,112.
Buckland	19,161.	Gosnold	919.
Carlisle	22,277.	Grafton	56,951.
Carver	29,014.	Granby	29,920.
Charlemont	17,347.	Granville	27,474.
Charlton	51,038.	Great Barrington	49,964.
Chatham	30,803.	Greenfield	94,269.
Chelmsford	114,512.	Groton	40,653.
Cheshire	21,971.	Groveland	22,969.
Chester	22,905.	Hadley	31,162.
Chesterfield	21,811.	Halifax	23,117.
Chicopee	249,369.	Hampden	26,299.
Chilmark	6,255.	Hancock	10,903.
Clarksburg	8,699.	Hanson	32,074.
Clinton	62,260.	Hardwick	39,143.
Colrain	36,088.	Harvard	40,366.
Conway	25,060.	Harwich	47,179.
Cummington	20,802.	Hatfield	23,710.
Dalton	28,607.	Haverhill	196,088.
Dartmouth	96,923.	Hawley	18,485.
Deerfield	38,250.	Heath	21,320.
Dennis	58,749.	Hinsdale	17,568.
Dighton	40,091.	Holden	60,679.
Douglas	34,104.	Holland	15,845.
Dracut	72,351.	Holliston	47,823.

Holyoke	214,239.	Newburyport	57,230.
Hopedale	26,621.	North Adams	89,085.
Hopkinton	38,868.	North Andover	115,618.
Hubbardston	30,592.	North Attleborough	78,728.
Hudson	63,678.	North Brookfield	37,728.
Huntington	16,156.	Northampton	127,493.
Ipswich	50,844.	Northborough	40,057.
Kingston	28,676.	Northbridge	39,183.
Lakeville	28,193.	Northfield	29,450.
Lancaster	30,324.	Norton	44,499.
Lanesborough	22,225.	Oak Bluffs	15,772.
Lawrence	269,738.	Oakham	19,507.
Lee	38,688.	Orange	47,067.
Leicester	45,012.	Orleans	25,977.
Lenox	32,762.	Otis	17,831.
Leominster	152,370.	Oxford	46,429.
Leverett	14,457.	Palmer	68,416.
Leyden	14,670.	Paxton	18,735.
Littleton	34,628.	Pelham	9,877.
Longmeadow	60,065.	Pepperell	36,679.
Lowell	361,101.	Peru	13,372.
Ludlow	68,719.	Petersham	27,058.
Lunenburg	39,605.	Phillipston	17,943.
Mansfield	48,009.	Pittsfield	275,190.
Marion	18,764.	Plainfield	18,238.
Marlborough	103,448.	Plainville	29,613.
Mashpee	18,640.	Plymouth	108,913.
Mattapoissett	21,582.	Plympton	14,173.
Medway	34,340.	Princeton	30,948.
Mendon	18,036.	Provincetown	14,210.
Merrimac	18,411.	Raynham	34,229.
Methuen	114,280.	Rehoboth	55,009.
Middleborough	89,518.	Richmond	16,599.
Middlefield	14,836.	Rochester	22,822.
Milford	69,789.	Rockport	24,357.
Millbury	51,232.	Rowe	14,932.
Millville	9,890.	Rowley	17,954.
Monroe	7,519.	Royalston	27,368.
Monson	53,755.	Russell	11,211.
Montague	54,304.	Rutland	34,264.
Monterey	21,501.	Salisbury	19,985.
Montgomery	12,249.	Sandisfield	30,742.
Mount Washington	6,810.	Sandwich	36,958.
Nantucket	64,812.	Savoy	19,482.
New Ashford	4,875.	Seekonk	52,469.
New Bedford	435,436.	Sheffield	36,652.
New Braintree	19,897.	Shelburne	25,101.
New Marlborough	34,347.	Shirley	26,643.
New Salem	15,407.	Shrewsbury	75,544.
Newbury	22,280.	Shutesbury	15,581.

Somerset	60,915.	Warren	37,373.
South Hadley	62,208.	Warwick	24,090.
Southampton	27,418.	Washington	20,215.
Southborough	33,089.	Webster	68,450.
Southbridge	91,635.	Wellfleet	18,406.
Southwick	37,015.	Wendell	23,063.
Spencer	52,201.	West Boylston	29,959.
Springfield	705,623.	West Bridgewater	31,716.
Sterling	37,187.	West Brookfield	26,229.
Stockbridge	20,249.	West Newbury	18,945.
Stoughton	82,005.	West Springfield	128,627.
Stow	24,289.	West Stockbridge	16,116.
Sturbridge	45,668.	West Tisbury	6,429.
Sunderland	16,508.	Westborough	60,007.
Sutton	39,001.	Westfield	154,001.
Swansea	52,572.	Westford	56,192.
Taunton	177,439.	Westhampton	16,866.
Templeton	40,997.	Westminster	42,780.
Tewksbury	79,560.	Westport	56,506.
Tisbury	15,916.	Whately	16,024.
Tolland	14,594.	Whitman	48,066.
Townsend	33,448.	Wilbraham	55,246.
Truro	15,151.	Williamsburg	19,575.
Tyngsborough	23,993.	Williamstown	38,049.
Tyringham	10,516.	Winchendon	51,818.
Upton	29,160.	Windsor	24,806.
Uxbridge	47,177.	Worcester	750,608.
Wales	10,184.	Worthington	23,581.
Ware	54,504.	Wrentham	36,717.
Wareham	61,445.	Yarmouth	80,175.

The department shall certify said apportionment to the comptroller, and such sums approved by the department not exceeding fifteen million dollars shall be made available for distribution on or before December thirty-first, nineteen hundred and seventy-three. The sums received by each city and town hereunder shall be used only for the purposes for which said city or town may borrow money within its debt limit under clause (5) of section seven of chapter forty-four of the General Laws, or for the construction under section thirty-four of chapter ninety of the General Laws of town highways of a type equal to that currently used by said town as approved by the department, or for the erection or maintenance of traffic safety devices; provided, however, that such sums shall not be available for the construction, surfacing or resurfacing of off-street parking areas.

Said sums may be expended by a city or town for the aforesaid purposes in addition to any federal funds allocated to such city or town and available for such expenditure; provided, that such city or town may elect to expend any part of the sum allocated to it at any time prior to June thirtieth, nineteen hundred and seventy-

seven. Any unexpended balances remaining on said June thirtieth shall be refunded to the department forthwith, to be applied as refunds of amounts expended under this section.

SECTION 21. The department of public works is hereby authorized and directed to apportion the sum of two million five hundred thousand dollars among the following cities and towns in the amounts indicated:

Ashland	55,382.	Needham	59,400.
Bedford	67,866.	Norfolk	49,066.
Beverly	76,000.	North Reading	54,830.
Braintree	67,000.	Norwell	30,684.
Burlington	78,766.	Norwood	51,800.
Canton	59,938.	Peabody	72,000.
Cohasset	19,400.	Pembroke	65,458.
Concord	48,200.	Randolph	38,600.
Danvers	49,000.	Reading	45,600.
Dover	19,200.	Rockland	36,000.
Duxbury	42,000.	Scituate	42,000.
Frammingham	170,400.	Sharon	43,200.
Hamilton	22,000.	Sherborn	46,744.
Hanover	26,000.	Sudbury	90,600.
Hingham	50,000.	Topsfield	48,982.
Holbrook	21,400.	Walpole	45,000.
Hull	23,000.	Wayland	54,000.
Lincoln	24,000.	Wellesley	61,000.
Lynnfield	25,000.	Wenham	15,000.
Manchester	14,000.	Weston	32,600.
Maynard	21,000.	Westwood	30,000.
Medfield	55,952.	Weymouth	98,600.
Middleton	37,550.	Wilmington	86,464.
Millis	46,418.	Marshfield	42,000.
Natick	103,500.	Stoneham	37,000.

The department shall certify said apportionment to the comptroller, and such sums approved by the department not exceeding two million five hundred thousand dollars shall be made available for distribution on or before December thirty-first, nineteen hundred and seventy-three. The sums received by each city and town hereunder shall be used only for the purposes for which said city or town may borrow money within its debt limit under clause (5) of section seven of chapter forty-four of the General Laws, or for the construction under section thirty-four of chapter ninety of the General Laws of town highways of a type equal to that currently used by said town as approved by the department, or for the erection or maintenance of traffic safety devices; provided, however, that such sums shall not be available for the construction, surfacing or resurfacing of off-street parking areas.

Said sums may be expended by a city or town for the aforesaid purposes in addition to any federal funds allocated to such city or

town and available for such expenditure, provided, that such city or town may elect to expend any part of the sum allocated to it at any time prior to June thirtieth, nineteen hundred and seventy-seven. Any unexpended balances remaining on said June thirtieth shall be refunded to the department forthwith, to be applied as refunds of amounts expended under this section.

SECTION 22. The department of public works is hereby authorized and directed to apportion the sum of twenty-five million dollars, in addition to the amount apportioned as provided in section twenty among the following cities and towns and in the amounts indicated:

Abington	73,822.	Buckland	31,934.
Acton	99,742.	Carlisle	37,128.
Acushnet	59,966.	Carver	48,356.
Adams	82,118.	Charlemont	28,912.
Agawam	148,903.	Charlton	85,064.
Alford	13,089.	Chatham	51,338.
Amesbury	86,233.	Chelmsford	190,854.
Amherst	124,823.	Cheshire	36,619.
Andover	213,852.	Chester	38,175.
Ashburnham	58,349.	Chesterfield	36,352.
Ashby	41,569.	Chicopee	415,615.
Ashfield	49,527.	Chilmark	10,425.
Athol	120,564.	Clarksburg	14,498.
Attleboro	327,948.	Clinton	103,767.
Auburn	106,758.	Colrain	60,147.
Avon	41,172.	Conway	41,767.
Ayer	44,523.	Cummington	34,670.
Barnstable	265,947.	Dalton	47,679.
Barre	79,071.	Dartmouth	161,359.
Becket	40,589.	Deerfield	63,749.
Belchertown	84,562.	Dennis	97,915.
Bellingham	89,139.	Dighton	66,818.
Berkley	33,891.	Douglas	56,839.
Berlin	30,985.	Dracut	120,584.
Bernardston	30,018.	Dudley	71,197.
Billerica	192,303.	Dunstable	25,387.
Blackstone	40,787.	East Bridgewater	65,259.
Blandford	44,201.	East Brookfield	18,536.
Bolton	43,123.	East Longmeadow	105,343.
Bourne	92,459.	Eastham	29,803.
Boxborough	18,026.	Easthampton	101,933.
Boxford	53,230.	Easton	84,366.
Boylston	30,516.	Edgartown	34,253.
Brewster	33,550.	Egremont	27,833.
Bridgewater	88,086.	Erving	26,055.
Brimfield	48,469.	Essex	22,962.
Brockton	525,607.	Fairhaven	102,393.
Brookfield	32,800.	Fall River	657,316.

Falmouth	173,673.	Lenox	54,604.
Fitchburg	348,500.	Leominster	253,949.
Florida	26,498.	Leverett	24,096.
Foxborough	110,450.	Leyden	24,450.
Franklin	113,954.	Littleton	57,713.
Freetown	56,513.	Longmeadow	100,109.
Gardner	157,597.	Lowell	601,835.
Gay Head	5,753.	Ludlow	114,531.
Georgetown	43,405.	Lunenburg	66,009.
Gill	24,348.	Mansfield	80,015.
Gloucester	181,648.	Marion	31,273.
Goshen	21,853.	Marlborough	172,413.
Gosnold	1,531.	Mashpee	31,067.
Grafton	94,919.	Mattapoisett	35,970.
Granby	49,867.	Medway	57,234.
Granville	45,789.	Mendon	30,060.
Great Barrington	83,274.	Merrimac	30,686.
Greenfield	157,114.	Methuen	190,466.
Groton	67,754.	Middleborough	149,197.
Groveland	38,282.	Middlefield	24,726.
Hadley	51,936.	Milford	116,315.
Halifax	38,529.	Millbury	85,387.
Hampden	43,831.	Millville	16,484.
Hancock	18,172.	Monroe	12,532.
Hanson	53,457.	Monson	89,592.
Hardwick	65,238.	Montague	90,507.
Harvard	67,277.	Monterey	35,835.
Harwich	78,631.	Montgomery	20,415.
Hatfield	39,517.	Mount Washington	11,350.
Haverhill	326,814.	Nantucket	108,020.
Hawley	30,808.	New Ashford	8,126.
Heath	35,533.	New Bedford	725,726.
Hinsdale	29,281.	New Braintree	33,161.
Holden	101,132.	New Marlborough	57,245.
Holland	26,409.	New Salem	25,678.
Holliston	79,706.	Newbury	37,133.
Holyoke	357,064.	Newburyport	95,383.
Hopedale	44,368.	North Adams	148,475.
Hopkinton	64,780.	North Andover	192,696.
Hubbardston	50,986.	North Attleborough	131,214.
Hudson	106,130.	North Brookfield	62,881.
Huntington	26,927.	Northampton	212,489.
Ipswich	84,739.	Northborough	66,762.
Kingston	47,793.	Northbridge	65,306.
Lakeville	46,989.	Northfield	49,083.
Lancaster	50,540.	Norton	74,165.
Lanesborough	37,041.	Oak Bluffs	26,286.
Lawrence	449,564.	Oakham	32,511.
Lee	64,479.	Orange	78,445.
Leicester	75,019.	Orleans	43,294.

Otis	29,719.	Sturbridge	76,113.
Oxford	77,382.	Sunderland	27,513.
Palmer	114,027.	Sutton	65,001.
Paxton	31,225.	Swansea	87,619.
Pelham	16,461.	Taunton	295,732.
Pepperell	61,132.	Templeton	68,328.
Peru	22,287.	Tewksbury	132,600.
Petersham	45,097.	Tisbury	26,526.
Phillipston	29,905.	Tolland	24,324.
Pittsfield	458,650.	Townsend	55,746.
Plainfield	30,397.	Truro	25,252.
Plainville	49,354.	Tyngsborough	39,988.
Plymouth	181,521.	Tyringham	17,526.
Plympton	23,621.	Upton	48,600.
Princeton	51,580.	Uxbridge	78,628.
Provincetown	23,683.	Wales	16,973.
Raynham	57,049.	Ware	90,840.
Rehoboth	91,681.	Wareham	102,408.
Richmond	27,664.	Warren	62,288.
Rochester	38,037.	Warwick	40,151.
Rockport	40,594.	Washington	33,691.
Rowe	24,886.	Webster	114,084.
Rowley	29,923.	Wellfleet	30,677.
Royalston	45,613.	Wendell	38,438.
Russell	18,684.	West Boylston	49,932.
Rutland	57,107.	West Bridgewater	52,860.
Salisbury	33,309.	West Brookfield	43,715.
Sandisfield	51,237.	West Newbury	31,574.
Sandwich	61,596.	West Springfield	214,379.
Savoy	32,471.	West Stockbridge	26,860.
Seekonk	87,448.	West Tisbury	10,714.
Sheffield	61,087.	Westborough	100,012.
Shelburne	40,168.	Westfield	256,668.
Shirley	44,404.	Westford	93,653.
Shrewsbury	125,906.	Westhampton	28,109.
Shutesbury	25,968.	Westminster	71,300.
Somerset	101,526.	Westport	94,176.
South Hadley	103,681.	Whately	26,707.
Southampton	45,697.	Whitman	80,111.
Southborough	55,148.	Wilbraham	92,077.
Southbridge	152,725.	Williamsburg	32,625.
Southwick	61,691.	Williamstown	63,414.
Spencer	87,002.	Winchendon	86,363.
Springfield	1,176,038.	Windsor	41,343.
Sterling	61,979.	Worcester	1,251,014.
Stockbridge	33,749.	Worthington	39,302.
Stoughton	136,675.	Wrentham	61,194.
Stow	40,482.	Yarmouth	133,626.
			<u>\$25,000,000.</u>

The sum payable to each city and town as provided in this section shall be used only to reimburse such city or town for funds expended for the purpose of reconstruction, maintenance, and repair of public highways and bridges, and of the enforcement of traffic laws, and shall not exceed the amount so expended by such city or town on or before December thirty-first, nineteen hundred and seventy-four.

The department shall certify said apportionment to the comptroller and such sums approved by the department not exceeding twenty-five million dollars shall be made available for distribution on or before January thirty-first, nineteen hundred and seventy-four; provided, that the mayor of each city and selectmen of each town shall notify the department in writing of the amount that will be expended by their respective cities and towns for the reconstruction, maintenance and repair of highways and bridges and for the enforcement of traffic laws on or before December thirty-first, nineteen hundred and seventy-four.

SECTION 23. To meet the expenditures necessary in carrying out the provisions of sections twenty and twenty-one of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of seventeen million five hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Highway Improvement Loan, Act of 1973, and shall be on the serial payment plan for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization, other than the final year, shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rate as the state treasurer, with the approval of the governor shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof, and the entire issue not later than June thirtieth, nineteen hundred and ninety-seven. All interest payments and payments on account of principal on such bonds shall be payable from the Highway Fund; provided that notwithstanding the foregoing, such bonds shall be general obligations of the commonwealth.

SECTION 24. To meet the expenditures authorized by section twenty-two of this act there is hereby appropriated from the Highway Fund debt service account the sum of twenty-five million dollars.

SECTION 25. Section 1 of chapter 765 of the acts of 1972 is hereby amended by inserting after the word "facilities", in line 7, the word: — , training.

SECTION 26. Notwithstanding any special or general law to the contrary, or any provisions of this act, the Massachusetts Bay Transportation Authority shall not be prohibited from altering or changing the source of power for its generators.

SECTION 27. The Massachusetts aeronautics commission is hereby authorized and directed to expend a sum not exceeding two million dollars for airport systems planning in the commonwealth and for reimbursements to cities, towns, excluding the town of Norwood, and counties for planning, design and construction of airports pursuant to sections thirty-nine F and fifty-one K of chapter ninety of the General Laws. Funds provided in this section shall be in addition to any prior appropriations authorized for the purposes of this section, and, ninety per cent of such bond proceeds shall be expended only for projects for which the federal government has provided grants averaging fifty per cent of the estimated eligible cost of such projects or for expenditures which are preliminary to the obtaining of federal grants.

SECTION 28. To meet the expenditures necessary in carrying out the provisions of section twenty-seven of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale, bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding in the aggregate the sum of two million dollars. All bonds, issued by the commonwealth, as aforesaid, shall be designated on their face, Airport Capital Outlay Loan, Act of 1973, and shall be on the serial payment plan for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization, other than the final year, shall be as nearly equal as in the opinion of the state treasurer it is practicable to make then. Said bonds shall bear interest semiannually at such rate as the state treasurer, with the approval of the governor shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof, and the entire issue not later than June thirtieth, nineteen hundred and ninety-seven. All interest payments and payments on account of principal on such bonds shall be payable from the General Fund; provided that notwithstanding the foregoing, such bonds shall be general obligations of the commonwealth.

SECTION 29. The proceeds of ninety per cent of the additional forty million dollars in bond authorizations authorized by section 23 of chapter 161A of the general laws as amended by section 14 of this act, shall be expended only for projects for which the authority has agreement with the federal government providing for grants averaging four-fifths of the estimated eligible costs of such projects or for expenditures which are preliminary to the obtaining of federal grants.

SECTION 30. Sections five, six, seven, ten, eighteen, and nineteen of this act shall take effect on January first, nineteen hundred and seventy-five. The members of the board of directors appointed under section six of chapter 161A of the general laws, as existing immediately prior to the effective date of section 10, shall serve until the end of their respective terms; provided, however, that the term of the director designated as chairman by the governor pursuant to the provisions of section 6 of chapter 161A of the general laws, as existing immediately prior to the effective date of section 10 of this act, shall terminate upon the effective date of said section 10. On October 15, 1975, section three of this act shall take effect, and the appointment and employment of the general manager pursuant to paragraph (d) of section three of said chapter one hundred and sixty-one A of the General Laws shall be terminated and all of the powers and duties of said general manager shall thereafter be exercised by the chairman. *Approved December 5, 1973.*

Chap. 1141. AN ACT PROVIDING AND MAINTAINING TRANSPORTATION FACILITIES AND SERVICES COORDINATED WITH HIGHWAY SYSTEMS AND URBAN DEVELOPMENT PLANS IN CERTAIN AREAS AND THROUGHOUT THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 161A the following chapter: —

CHAPTER 161B.

TRANSPORTATION FACILITIES, HIGHWAY SYSTEMS AND URBAN DEVELOPMENT PLANS.

Section 1. Wherever used in this chapter, unless the context otherwise requires, the following words or terms shall have the following meanings: —

“Authority”, an authority established by section three or section fourteen.

“Department”, the executive office of transportation and construction.

“Equipment”, all rolling stock, and other conveyances, vehicles, rails, signal and control systems, lighting and power distribution systems, fences, station equipment, fare collection equipment, incidental apparatus and other tangible personal property, whether or not affixed to realty, required or convenient for the mass movement of persons.

“Fiscal year”, the year beginning with July first and ending with the following June thirtieth.

“Mass transportation facilities”, all real property, including land, improvements, terminals, stations, garages, yards, shops, and structures appurtenant thereto, and all easements, air rights, licenses, permits and franchises, used in connection with the mass movement of persons.

"Net cost of service" the difference between (a) all income received by the authority, including but not limited to revenues and receipts from operations, advertising, parking, sale of capital assets in the ordinary course of business, and gifts and grants for current purposes, and (b) all current expenses incurred by the authority, including but not limited to expenses for operations, wages, contracts for service by others, maintenance, debt service, including any debts, liabilities and obligations assumed under the provisions of law and including any applicable sinking fund requirements, taxes and rentals, and all other expenses which the authority determines not to capitalize, when such expenses exceed such income. Expenditures from the proceeds of bonds or bond anticipation notes shall not be included in current expenses.

"Net Saving", any excess of the income items included in the definition of the net costs of service over the expense items included in that computation.

"Secretary", the secretary of the executive office of transportation and construction.

Section 2. The territory within and the inhabitants of each of the following groups of cities and towns may, upon compliance with section fourteen, become a body politic and corporate and a political subdivision of the commonwealth under the name preceding each group.

Southeastern Regional Transit Authority. The cities of New Bedford and Fall River, and the towns of Westport, Acushnet, Dartmouth, Fairhaven, Freetown, Somerset and Swansea;

Greater Attleboro-Taunton Regional Transit Authority. The cities of Attleboro and Taunton and the towns of North Attleborough, Rehoboth, Seekonk, Mansfield, Norton, Raynham, Berkley and Dighton;

Brockton Regional Transit Authority. The city of Brockton and the towns of Abington, Avon, Bridgewater, East Bridgewater, Easton, Hanson, Stoughton, West Bridgewater and Whitman;

Montachusets Regional Transit Authority. The cities of Gardner, Fitchburg and Leominster, and the towns of Lunenburg and Westminster;

Merrimac Valley Regional Transit Authority. The cities of Lawrence and Haverhill and the towns of Andover, Groveland, Merrimac, Methuen and North Andover;

Lowell Regional Transit Authority. The city of Lowell and the towns of Billerica, Chelmsford, Dracut, Tewksbury, Tyngsboro and Westford;

Berkshire Regional Transit Authority. The city of Pittsfield and the towns of Dalton, Lanesborough, Lee, Lenox, Hindsdale and Richmond;

Lower Pioneer Valley Regional Transit Authority. The cities of Chicopee, Holyoke, Northampton, Springfield, Westfield, and the towns of Agawam, East Longmeadow, Easthampton, Hadley, Longmeadow, Ludlow, South Hadley, West Springfield, Wilbraham and Amherst;

Worcester Regional Transit Authority. The city of Worcester and the towns of Auburn, Bolyston, Grafton, Holden, Leicester, Millbury, Paxton, Shrewsbury and West Boylston;

Cape Cod Regional Transit Authority. The towns of Barnstable, Bourne, Brewster, Chatham, Dennis, Eastham, Falmouth, Harwich, Mashpee, Orleans, Provincetown, Sandwich, Truro, Wellfleet and Yarmouth.

An authority established under the provisions of section three or section fourteen shall have the power to hold property, to sue and be sued in law and equity and to prosecute and defend in all actions relating to its property and affairs. Each authority shall be liable for its debts and obligations, but the property of an authority shall not be subject to attachment or levied upon by execution or otherwise. Process may be served upon the administrator of an authority or his designee. Section three of chapter twelve shall not apply to the authorities established under this chapter.

Section 3. Any city or town, or group or combination of cities or towns, other than a city or town included in the Massachusetts Bay Transportation Authority may, subject to the approval of the secretary, and upon compliance with the provisions of this section, by majority vote of the city council or majority vote of the town meeting or majority vote of any other legislative body, respectively, be made into a body politic and corporate and a political subdivision of the commonwealth under the name of the municipality within the new authority having the greatest population, or under any appropriate regional name agreed to by a majority of the member municipalities, and followed by the words "Transportation Authority".

Any such authority shall be deemed to be established upon written notification to the governor that the member municipalities have voted to establish a regional transportation authority. Having so notified the governor, the advisory board established pursuant to section five shall proceed to appoint an administrator in accordance with section four. Once established, each such authority shall have the same powers, limitations, duties and organization as an authority established pursuant to section fourteen and shall in all respects be subject to the provisions of this chapter, except section fourteen, as if it were an authority so established.

Any city or town, or group or combination of cities and towns, other than a city or town included in the Massachusetts Bay Transportation Authority or included in an authority established pursuant to section fourteen, may, subject to the approval of the secretary, by majority vote of the city council or of the town meeting respectively, join a contiguous authority.

Section 4. The affairs of an authority shall be managed by an administrator who shall be appointed by and serve at the pleasure of the advisory board of the authority established pursuant to section five; provided, however, that the administrator shall not be appointed until after the board has provided the notification required by clause (c) of section fourteen. The administrator shall

be the chief executive officer of the authority and shall receive such annual salary as shall be determined by said advisory board. Upon his appointment, the administrator shall give the state treasurer a bond for the faithful performance of his official duties in such penal sum and with such sureties as may be approved by the advisory board.

Section 5. There shall be an advisory board to each authority consisting of the city manager in the case of a Plan D or Plan E city or the mayor of each other city, and the chairman of the board of selectmen of each town, constituting the authority. Each mayor or city manager and each chairman, may, by writing filed with the authority, from time to time appoint a designee to act for him on the advisory board. Each city and town shall have one vote on the advisory board plus additional votes and fractions thereof determined by multiplying one and one half times the total number of cities and towns in the authority by a fraction of which the numerator shall be the total amount of all assessments made by the state treasurer to such city or town under this chapter and the denominator shall be the total amount of all such assessments made by the state treasurer to such cities and towns. The total vote of each city and town shall each year be determined by the authority and delivered in writing to the advisory board thirty days after the state treasurer has sent his warrants for payments to the cities and towns. The determination of votes shall be based upon the most recent annual assessment. Until the first such assessment, the fraction specified above shall be replaced by a fraction of which the numerator shall be the population of each such city or town and the denominator shall be the total population of all cities and towns in the authority. Population data shall be determined in accordance with the latest decennial census made by the United States department of Commerce.

The advisory board shall act by majority vote, except that it may delegate its power of approval to an executive committee formed and elected pursuant to duly adopted by-laws of the board and constituting among its members at least a majority of the total vote of the board, and may, at any time, revoke such delegation. Until the board has adopted by-laws and elected officers, the mayor or city manager of the city having the largest population or in the case of an authority composed entirely of towns, the selectmen of the town having the largest population within the area constituting the authority may call meetings of the advisory board by sending notice to each other mayor or city manager and chairman and shall preside at such meetings.

The advisory board may incur expenses, not to exceed ten thousand dollars annually, for stenographic and clerical work, and such expenses shall be paid by the authority.

Section 6. In addition to all power otherwise granted to an authority by law, the authority shall have the following powers, in each case to be exercised by the administrator of the authority unless otherwise specifically provided: —

(a) to adopt and use a corporate seal and designate the custodian thereof;

(b) to establish within its area a principal office and such other offices as may be deemed necessary;

(c) to hold and manage the mass transportation facilities and equipment acquired by the authority;

(d) to appoint and employ officers, agents and employees to serve at the pleasure of the administrator except as may otherwise be provided in collective bargaining agreements, and to fix their compensation and conditions of employment;

(e) to make, and from time to time revise and repeal, by-laws, rules, regulations, and resolutions, and to establish penalties for violation thereof, not to exceed fifty dollars;

(f) to enter into agreements with other parties, including, without limiting the generality of the foregoing, government agencies, municipalities, authorities, private transportation companies, railroads, corporations and other concerns, providing (i) for construction, operation and use by such other party of any mass transportation facility and equipment held or later acquired by the authority; or (ii) for the acquisition of any mass transportation facility and equipment of another party where the whole or any part of the operations of such other party takes place within the area constituting the authority. Any such other party is hereby given power and authority to enter into any such agreements, subject to such provisions of law as may be applicable. Any agreement with a private company under any provision of this chapter which is to be financed from the proceeds of bonds or bond anticipation notes and which provides for the rendering of transportation service by such company and for financial assistance to such company by subsidy, lease or otherwise, shall include such standards for such service as the authority may deem appropriate and shall not bind the authority for a period of longer than one year from its effective date, but this shall not prohibit agreements for longer than one year if the authority's obligations thereunder are subject to annual renewal or annual cancellation by the authority. Such agreements may provide for cash payments for services rendered, but not more than will permit any private company a reasonable return.

(g) to establish at or near its terminals and stations such off-street parking facilities and access roads as may be deemed necessary and desirable. The authority may charge such fees for the use of off-street facilities as it may deem desirable, or it may allow the use of such facilities free.

(h) to accept gifts, grants, and loans from agencies of local, state, and federal governments, or from private agencies or persons, and to accede to such conditions and obligations as may be imposed as a prerequisite to any such gift, grant, or loan.

(i) to provide mass transportation service on an exclusive basis, except as provided in paragraph (j) of section eight in the area constituting the authority and without being subject to the

jurisdiction and control of the department of public utilities in any manner except as to safety of equipment and operations; provided that schedules and routes shall not be considered matters of safety subject to the jurisdiction and control of said department. Nothing contained in this paragraph shall be construed as exempting any privately owned or controlled carrier, whether operating independently, or under contract with the authority, from obtaining any license required under section one of chapter one hundred and fifty-nine A.

(j) to provide mass transportation service under contract in areas outside the area constituting the authority but only pursuant to an agreement with another transportation authority or transportation area or a municipality for service between the area of the authority and that of such other authority, area or municipality, where no private company is otherwise providing such service.

(k) to provide for construction, extension, modification or improvement of the mass transportation facilities and equipment in the area constituting the authority; provided, that any such construction, extension, modification or improvement shall be subject to the approval of the advisory board, unless specifically authorized by legislation.

(l) to conduct research, surveys, experimentation, evaluation, design, and development, in cooperation with other government agencies and private organizations when appropriate, with regard to the mass transportation needs of the area, and to the facilities, equipment, and services necessary to meet such needs.

(m) to grant such easements over any real property held by the corporation as will not in the judgment of the authority unduly interfere with the operation of any of its mass transportation facilities.

(n) to sell, lease, or otherwise contract for advertising in or on the facilities of the authority.

(o) to issue bonds, notes and other evidences of indebtedness as hereinafter provided.

(p) consistent with the constitution and laws of the commonwealth, the authority shall have such other powers, including the power to buy, sell, lease, pledge and otherwise deal with its real and personal property, as may be necessary for or incident to carrying out the foregoing powers and the accomplishment of the purpose of this chapter.

Section 7. In addition to the powers granted to the authority under section six and all other powers granted by law, the authority shall have the power to establish on a self-liquidating basis one or more separate units of mass transportation facilities and equipment. In establishing such separate units, the authority may enter into one or more unit lease arrangements with such persons, firms and corporations as the authority shall select and franchise. Each such unit lease arrangement shall provide for the following:

(i) acquisition by the authority of real property, including easements and rights of way, necessary or desirable for the opera-

tion of such units of mass transportation facilities and equipment, parking and other related auxiliary services and facilities;

(ii) design, construction and acquisition of mass transportation facilities and equipment;

(iii) operation of the mass transportation facilities and equipment so designed, constructed and acquired by a lessee of said facilities and equipment (1) for a period not in excess of forty years, (2) at a rental or lease charge at least sufficient to discharge the authority's financial obligations incurred in connection with said unit of facilities and equipment under the authority's powers, and (3) upon such provisions and conditions as to fares and other matters relating to the conduct and operation of said mass transportation facilities and equipment as the authority and lessee shall agree; and

(iv) power in the authority to cancel or terminate said unit lease arrangement at stated times which shall not be less frequent than once in each fiscal year.

To meet the expenditures necessary in carrying out the provisions of this section, the authority may issue bonds in accordance with the provisions of clause (2) of the first paragraph of section nineteen and such bonds shall provide, in addition to other provisions allowed under this chapter, that all payments of principal and interest shall be made solely from (i) the rental or lease charges received by the authority under its lease with the lessee of mass transportation facilities and equipment as aforesaid, which said lease may be assigned by the authority to secure the obligations of said bonds; or (ii) in the event the authority terminates said lease from the income derived from operation of said mass transportation facilities and equipment;

Section 8. An authority shall be subject to the following limitations, conditions, obligations and duties: —

(a) The authority shall have the duty to develop, finance and contract for the operation of mass transportation facilities and equipment in the public interest consistent with the purposes and provisions of this chapter, and to achieve maximum effectiveness in complementing other forms of transportation in order to promote the general economic and social well-being of the area and of the commonwealth.

(b) No real estate shall be sold unless notice thereof shall have been given to the advisory board not less than thirty days prior to the date of sale and unless the sale shall have been advertised once a week for three successive weeks prior to the date of sale in a newspaper of general circulation in the city or town in which the real property to be sold is located, such real property shall be sold to the highest bidder.

(c) Any concession in or lease of property for a term of more than one year shall be awarded to the highest bidder therefor unless the corporation shall find, subject to the approval of the advisory board, that sound reasons in the public interest require otherwise.

(d) No change in fares shall be effective unless submitted to the advisory board and approved by it.

(e) No substantial change in mass transportation service in the region constituting the authority shall be made unless notice thereof shall have been given to the advisory board at least thirty days prior to the change, and approved by said board.

(f) The authority shall in consultation with the department prepare and annually revise its program for public mass transportation which shall include a long-range program for the construction, reconstruction or alteration of facilities for mass transportation of persons within the area constituting the authority together with a schedule for the implementation of such program and comprehensive financial estimates of costs and revenues.

Such program, whether prepared by the authority directly, jointly or under contract with the areawide planning agency, shall be performed in accordance with any agreements that may exist between the department, the authority, and the areawide planning agency officially established or designated to carry out areawide, comprehensive planning on a continuing and cooperative basis for the region in which the transportation authority is principally located. Such mass transportation program shall be consistent with the plans for urban transportation and comprehensive development for the regional area and, so far as practicable, shall meet the criteria established by any federal law authorizing federal assistance to preserve, maintain, assist, improve, extend or build local, metropolitan or regional mass transportation facilities or systems.

In addition to the contracts and agreements authorized in paragraph (f) of section six, the authority may enter into contracts or agreements with any such areawide planning agency, or, if the authority determines that an agreement with such agency is not practicable, then with any other public or private party for the provision of planning services. Such services may include, but are not limited to the following: feasibility and need studies, transportation planning, family and business relocation planning, and such other planning services that the authority may require.

(g) The authority shall on or before October first of each year render to the governor, the secretary of transportation and construction, the regional advisory board, the clerk of the senate and the clerk of the house of representatives, a report of its operations for the preceding fiscal year, including therein a description of organization of the authority, its recommendations for legislation, and its comprehensive program for mass transportation as most recently revised.

(h) All current expenses of the authority shall be in accordance with an annual budget prepared by the authority to the advisory board later than October first of each year for the ensuing fiscal year. The regional advisory board, within thirty days after such submission, shall approve said budget as submitted, or subject it to such itemized reductions therein as the advisory board shall deem appropriate.

(i) Any agreement entered into by an authority with a contiguous municipality outside of the area of such authority for service to such municipality through an agreement with a private company, shall provide for reimbursement by such municipality to an authority only for the additional expense of such service as determined by the authority. Such agreements may be for such terms, not exceeding five years, as the parties may determine, except as provided in paragraph (f) of section six. They shall not be subject to the provisions of section four of chapter forty or section thirty-one of chapter forty-four. Municipalities may appropriate from taxes or from any available funds to meet their obligations under any such contracts.

(j) Any private company lawfully providing mass transportation service in the area constituting the authority at the commencement of operations by the authority may continue so to operate the same route or routes and levels of service as theretofore, and may conduct such further operations, without a contract, as the authority subject to the approval of the department of public utilities may permit.

(k) As a condition of any assistance to a private carrier operating under lease, contract, or other arrangement with the Authority, the rights, benefits, and other employee protective conditions and remedies of the Urban Mass Transportation Act of 1964, as amended (P.L. 88-365) as determined by the Secretary of Labor, shall apply for the protection of the employees affected by such assistance. Pursuant to said Urban Mass Transportation Act, the terms and conditions of a fair and equitable employee protective arrangement pursuant to this paragraph shall be a proper subject of collective bargaining and arbitration with the labor organizations that represent such employees. Such protective arrangement shall include, without limitation, provisions for the continuing employment or reemployment of those employees who are, or may be, displaced or otherwise affected by such assistance, paid training and re-training programs, preservation of all employment and retirement rights and interest, and any other protections which are necessary or appropriate to minimize the injury to such persons, provided, however, that any such protection shall not be detrimental to the employment or retirement rights and interests of any other persons affected by such assistance. The contract, lease, or other arrangement for the granting of any such assistance to a private carrier shall specify the terms and conditions of, the protective arrangements.

Section 9. If in any year the commonwealth shall be called upon to pay any amount on account of the net cost of service of any transportation authority, the total amount of such net cost of service shall be assessed upon the cities and towns comprising an authority's territory in the proportion which the loss attributable to each route in each such city or town bears to the loss attributable to all such routes in all cities and towns. The loss attributable to each such route in each such city or town shall be

determined on the basis of the difference between the revenues collected from such route in such city or town and the cost of providing such route therein.

Such determination shall be made by the authority in accordance with sound accounting practice and guidelines developed in consultation with the department.

Section 10. If as of the last day of June in any year there was any net cost of service, an authority shall notify the state treasurer of the amount of such net cost of service and all other facts required by the treasurer in order to proceed in accordance with the provisions of this chapter to assess such net cost. Upon notification of the amount of such net cost the commonwealth shall pay over to the authority said amount.

The state treasurer may borrow, from time to time, on the credit of the commonwealth such amounts as may be necessary to make payments required of the commonwealth under this section or under section eleven and to pay any interest or other charges incurred in borrowing such money, and may issue notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by him. Such interest and other charges shall be included in the assessments under this chapter in proportion to the respective assessments on the cities and towns constituting the authority for the net cost of service of the period to which any such payment relates. No note issued under this paragraph shall mature more than two years from its date but notes payable earlier may be refunded one or more times, provided that no refunding note shall mature more than two years from the date of the original loan being refunded. Such notes shall be issued for such maximum term of years, not exceeding two years, as the governor may recommend to the general court in accordance with Section three of Article LXII of the Amendments to the Constitution of the Commonwealth.

Pending any payment from the state treasurer to the authority and at any other time when the authority in the opinion of the administrator has not sufficient cash to make the payments required of it in the course of its duties as such payments become due, the authority may temporarily borrow money and issue notes of the authority therefor.

All assessments made under this chapter shall be made as provided in section twenty of chapter fifty-nine.

If in any year the income received by the authority, including but not limited to revenues from leasing, advertising, parking, sale of capital assets, gifts and grants, exceeds the expenses incurred by the authority, including but not limited to expenses for wages, contracts for service by others, maintenance, debt service, taxes, rentals, payments to any governmental body and all other costs, the authority shall determine the amount of such excess. Such excess shall be placed in a reserve fund up to such amount as shall be determined by the authority with the approval of the advisory board. Any amount of excess not placed in such reserve fund shall

be applied to reimbursing the commonwealth for any amounts which it may have paid under the provisions of this section, and the commonwealth shall thereupon distribute the amounts so received among the cities and towns constituting the authority up to the amounts which they were respectively assessed in the previous fiscal year. All remaining amounts in excess shall be so distributed up to the amounts assessed in each fiscal year immediately preceding, commencing with the most recent such year.

Section 11. If during any fiscal year an authority, in the opinion of the administrator has not sufficient cash to make the payments required of it in the course of its duties, the authority may, from time to time during such year, certify to the state treasurer an amount which together with all amounts previously paid in such year to the authority under this section shall not exceed the net cost of service as estimated by the authority for that portion of such year which has expired up to the date of such certification; and the commonwealth shall thereupon pay over to the authority the amount so certified. If payments made by the commonwealth during any fiscal year under this section exceed the net cost of service as of the last day of such year, such excess shall be repaid to the commonwealth by the authority at the time the authority notifies the state treasurer of the amount of such net cost or, if there is no such net cost, at the time the authority ascertains that fact. Any amounts which the commonwealth shall be called upon to pay the authority under this section during any fiscal year, less any repayment thereof to the commonwealth under this section, shall be treated as payments on account of the amount which the commonwealth shall be called upon to pay under the preceding section with respect to net cost of service as of the last day of such fiscal year; and the interest and other charges incurred by the state treasurer in borrowing money under this section shall be treated as interest incurred by the state treasurer in borrowing money under the preceding section. In order to meet any payment required of the commonwealth under this section the state treasurer may borrow at any time, in anticipation of the assessments to be levied in the following year under the preceding section, upon the cities and towns constituting the authority such sums of money as may be necessary to make aid payments and he shall repay any such so borrowed as soon after said assessments are paid as is expedient.

If at any time any principal or interest is due or about to come due on any bond or note issued by the authority, and funds to pay the same are not available, the administrator shall certify to the state treasurer the amount required to meet such obligations and the commonwealth shall thereupon pay over to the authority the amount so certified. If the commonwealth shall not make such payment within a reasonable time, the authority or any holder of an unpaid bond or note issued by the authority, acting in the name and on behalf of the authority, shall have the right to require the commonwealth to pay the authority the amount remaining unpaid, which right shall be enforceable as a claim against the common-

wealth. The authority or any such holder of an unpaid bond or note may file a petition in the superior court to enforce such claim or intervene in any such proceeding already commenced and the provisions of chapter two hundred and fifty-eight shall apply to such petition insofar as it related to the enforcement of a claim against the commonwealth. Any such holder who shall have filed such a petition may apply for an order of said court requiring the authority to apply funds received by the authority on its claim against the commonwealth to the payment of the petitioner's unpaid bond or note, and said court if it finds such amount to be due him shall issue such an order.

Section 12. The state auditor shall annually make an audit of the accounts of each authority and make a report thereon to the secretary, the governor and the general court. In making such audits, said auditor may call upon any of the departments, commissions, officers and agencies of the commonwealth for such information as may be needed in the course of making such audits. The state auditor may employ such auditors, accountants and other assistants as he deems necessary for carrying out his duties under this section, and chapter thirty-one and the rules made thereunder shall not apply to such employees. The commonwealth shall be reimbursed by the authority for the cost of the audit.

Section 13. An authority and all its real and personal property shall be exempt from taxation and from betterments and special assessments; and an authority shall not be required to pay any tax, excise or assessment to or for the commonwealth or any of its political subdivisions; nor shall an authority be required to pay any fee or charge for any permit or license issued to it by the commonwealth, by any department, board or officer thereof, or by any political subdivision of the commonwealth, or by any department, board or officer of such political subdivision. Bonds and notes issued by an authority, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the commonwealth.

Section 14. An authority described in section two of this chapter shall be deemed to be established (a) after twenty per cent of the votes on the advisory board have recorded themselves in favor of calling a meeting to vote on the establishment of the authority, (b) notice of the meeting has been sent by a member municipality of the authority to every other member municipality at least two weeks prior to said meeting and (c) the advisory board has sent the governor written notification that the advisor board has voted to established the authority; provided that such notification shall not be given except after a majority of municipalities have voted to establish the authority.

If a city or town has voted not to become a member of an authority, it shall forward written notice to the secretary so informing him. Thereafter the city or town forwarding such notice not to participate shall not be assessed or subject to any obligation of the authority.

Section 15. If any city or town within an authority is assessed in accordance with section nine, such city or town may place upon the official ballot at any biennial or regular or special city election or annual or special town election next following the last day of June of the year next following the year on account of which such assessment has been made the following question:

"Shall this (city, town) continue to be a member of the (name) Regional Transportation Authority?"

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

Such question shall not be placed upon the official ballot unless the city council or town meeting shall have voted that such question be so placed, or a petition signed by not less than five per cent of the registered voters of the city or town, certified as such by the registrars of voters thereof, shall have been filed with the city or town clerk, at least sixty days before the date for any such election. Forms for such petitions shall be made available without cost by the city or town clerk and each form shall bear the following heading: "The undersigned registered voters of the (city or town) hereby petition for the placement upon the official ballot of the question whether this (city, town) shall continue to be a member of the (name) Regional Transportation Authority".

The votes upon such a question shall be counted and returned to the city or town clerk in the same manner as votes for candidates in municipal elections. Said clerk shall forthwith notify the authority of the result of the vote. If a majority of the votes cast upon the question shall be in the negative, the authority shall forthwith take all steps necessary and appropriate for the termination of membership of such city or town in such authority.

Section 16. In the event of any conflict between the regulatory powers and duties of the department of public utilities in respect to mass transportation service within an area, the department of public utilities shall resolve such dispute and exercise such powers as it deems required in the particular instance.

Section 17. An authority is hereby authorized to provide by resolution at one time or from time to time for the issue of bonds of the authority for any one or more of the following purposes:

(1) To acquire by purchase or otherwise, plan, design, construct, reconstruct, alter, recondition and improve for lease to any eligible private company, mass transportation facilities and equipment.

(2) To pay any capital costs of the authority, whether or not bonds for any such purchase may also be issued under clause (1).

Bonds may be issued for any costs of the foregoing incurred either before or after the issue of the bonds. Bonds issued under either of the foregoing clauses may be issued in sufficient amount to pay the expenses of issues and to establish such reserves as may be required by any applicable trust agreement or bond resolution. The aggregate principal amount of bonds for all authorities established under this chapter which may be outstanding at any one time under this section shall not exceed the sum of twenty million dollars; provided, however, that no such bonds may be issued under this section without the prior approval of the secretary. Ninety

per city of such bond proceeds shall be expended only for projects for which the authority has agreements with the federal government providing for grants averaging four fifths of the estimated eligible cost of such projects or for expenditures which are preliminary to the obtaining of federal grants.

The secretary shall make, and from time to time revise, guidelines for the allocation and distribution of the principal amount of said bonds, or any part thereof, among the authorities established by this act.

The secretaries of the executive offices for administration and finance and of transportation and construction shall adopt rules and regulations governing the procedures by which private companies shall apply for assistance pursuant to any agreements financed from proceeds of bonds or bond anticipation notes as provided in paragraph (e) of section five and governing the use of such assistance. Such rules and regulations shall include (a) requiring any private company which receives such assistance to agree to limit its profits and its expenses for salaries and overhead so as to make available as much of its earnings as possible for repayment to the authority of such assistance; (b) requiring such repayment; (c) enabling the authority and the secretary of the executive office for administration and finance to examine and audit the books and records of such company for the purpose of establishing and enforcing such limitation and repayment; and (d) requiring the authority to transfer to the commonwealth, the commonwealth's share of such repayment.

The bonds of each issue shall be dated, shall bear interest at such rates, shall mature at such time or times not exceeding forty years from their date or dates as may be determined by the authority and may be made redeemable before maturity at the option of the authority at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issue of the bonds. The authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds, and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until such delivery. All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the Uniform Commercial Code. The bonds may be issued in coupon or in registered form, or both, as the authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone, and also as to both principal and interest, for the reconversion into coupon bonds of any bonds

registered as to both principal and interest and for the exchange of coupon and registered bonds. The authority may sell such bonds in such manner, either at public or private sale, and for such price as it may determine to be for the best interest of the authority.

The proceeds of such bonds shall be disbursed in such manner and under such restrictions, if any, as the authority may provide. The authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds and bond anticipation notes may be issued under the provisions of this chapter without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this chapter. Provisions of this chapter relating to the preparation, adoption or approval of plans, programs, projects, budgets and expenditures shall not affect the issue of bonds and notes and the bonds and notes may be issued either before or after such preparation, adoption or approval.

While any bonds or notes issued or assumed by the authority remain outstanding, the powers, duties and existence of the authority and the provisions for payments by the commonwealth to the authority shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of such bonds or notes.

Section 18. In the discretion of the authority such bonds shall be secured by a trust agreement by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the commonwealth. Either the resolution providing for the issue of bonds or such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition, improvement, maintenance, operation, repair and insurance of property, and the custody, safeguarding and application of all moneys and may pledge or assign the revenues to be received, but shall not convey or mortgage any property.

Section 19. Bonds issued under this chapter are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control or belonging to them, and such bonds are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and the income thereof in the manner provided by paragraph two of section fifty of chapter one hundred and sixty-eight. Such bonds are hereby made

securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth now or may hereafter be authorized by law.

Section 20. Any holder of bonds issued under the provisions of this chapter or of any of the coupons appertaining thereto, and the trustee under the trust agreement, if any except to the extent the rights herein given may be restricted by such resolution or trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this chapter or by such resolution or trust agreement to be performed by the authority or by any officer thereof.

Section 21. An authority is authorized to provide by resolution at one time or from time to time for the issue of interest bearing or discounted notes for the purposes and in the amounts that bonds may be issued. The notes shall be payable within three years from their dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes hereunder maturing within the required time from the date of the original loan being refunded. When bonds are issued for the purposes for which the notes were issued, the proceeds of the bonds shall be used to repay the notes, except that interest on the notes may be financed as a current expense to the extent deemed appropriate by the authority. The notes may be secured by a trust agreement or by the provisions of a resolution, as in the case of bonds. Bond anticipation notes may be issued either before or after the authorization of the bonds being anticipated. If any bond anticipation note is paid otherwise than from the proceeds of bonds or renewal notes, such payment shall be included in the measure of the net cost of service. But, if bonds or renewal notes are later issued to provide for such payment, there shall be a corresponding offset against the net cost of service.

Section 22. Each authority is authorized and directed from time to time to take all necessary action to secure any federal assistance which is or may become available to the commonwealth or any of its subdivisions for any of the purposes of this chapter. If any federal law, administrative regulation or practice requires any action relating to such federal assistance to be taken by any department or instrumentality of the commonwealth other than the authority such other department or instrumentality is authorized and directed to take all such action, including without limitation filing applications for assistance, supervising the expenditure of federal grants or loans and making any determinations and certifications necessary or appropriate to the foregoing, and the authority is authorized and directed to take all action necessary to permit such other department or instrumentality to comply with all federal requirements.

Section 23. The commonwealth, acting by and through the executive office for administration and finance, may enter into contract or contracts with the authorities created pursuant to this chapter providing that fifty per cent of the net cost of service of each authority shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities established by section two and section three. Such amount, not to be so assessed shall be called contract assistance.

Contracts shall provide for payment of debt service by the commonwealth when due except to the extent that the authority shall have previously notified the state treasurer that the revenues of the authority are sufficient for the purpose.

Any debt service on bonds issued by an authority, for which contract assistance is provided, shall mature serially beginning not later than ten years after the date of issue and ending not later than forty years after the date of the bonds, so that the amounts payable in the several years for principal and interest combined shall be as nearly equal as in the opinion of the authority as is practicable to make them or, in the alternative, in accordance with a schedule providing a more rapid amortization of principal.

Any contracts or agreements made between an authority and any private company or carrier for which contract assistance is provided shall be subject to the following limitations: (i) in determining whether assistance is needed under this paragraph with respect to an operating agreement with a private transportation company, and in determining the terms of such assistance, the authority shall review the entire transportation operations of the company and its affiliates and shall make a finding that the assistance will not permit the applicant company to make more than a reasonable return overall; and (ii) that the assistance shall cover only those services determined by the authority to be in the public interest.

Any contract under this section shall include such provisions as the secretary deems necessary and desirable to assure the efficient operation of the authority, and the minimum burden on the commonwealth and on the cities and towns within the authority, and to insure contract assistance is provided for projects which are consistent with program for public mass transportation of the authority.

Section 24. Section ten of chapter forty A, sections twenty-eight, fifty-nine to sixty-four, inclusive, eighty-three to eighty-five, inclusive, and ninety-two to one hundred and four, inclusive, of chapter one hundred and fifty-nine, and sections eighty-nine, one hundred and three and one hundred and thirteen of chapter one hundred and sixty-one, shall apply to the transportation authorities created by this chapter, its property and employees in the same manner as though each were a street railway company.

Section 25. Nothing in this chapter shall be deemed to authorize or permit any authority established by this chapter to directly operate any mass transportation service.

SECTION 2. The first paragraph of section 19 of chapter 6A of the General Laws, as appearing in section 3 of chapter 704 of the acts of 1969, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — The Massachusetts Bay Transportation Authority, the Massachusetts Port Authority, the Massachusetts Turnpike Authority and any regional transportation authorities established under the provisions of chapter one hundred and sixty-one B shall also be within the executive office of transportation and construction.

SECTION 3. Clause (a) of section 25B of chapter 58 of the General Laws, as amended by section 1 of chapter 1075 of the acts of 1971, is hereby further amended by inserting after the word "laws", in line 4, the words: — , and from time to time when required, the contract assistance to regional transportation authorities, provided under section twenty-three of chapter one hundred and sixty-one B.

SECTION 4. Paragraph (c) of said section 25B of said chapter 58, as appearing in section 2 of chapter 563 of the acts of 1964, is hereby amended by inserting after the word "sixty-one", in line 4, the words: — , to each regional transportation authority established under chapter one hundred and sixty-one B.

SECTION 4A. Section 6 of chapter 64H of the General Laws is hereby amended by adding after paragraph (z), added by chapter 932 of the acts of 1973, the following paragraph: —

(aa) Sales of new and used motor buses used to provide scheduled, intra-city local service (as defined by the Department of Public Utilities), and repair or replacement parts therefor, and materials and tools used in and for the maintenance and repair thereof to, and for the use of common carriers of passengers by motor vehicle for hire, which hold at least one certificate, issued by the department of public utilities pursuant to the provisions of section seven of chapter one hundred and fifty-nine A. Upon receipt of appropriate evidence of the possession of such a certificate, the commissioner shall prepare and issue to any such duly certificated common carrier a statement that it is entitled to the exemption granted by this paragraph.

The presentation of a copy of the statement which the commissioner is required to prepare and furnish hereunder to the registrar of motor vehicles shall be deemed to constitute compliance with the provisions of the second paragraph of section twenty-five in respect to furnishing evidence of the payment of the tax which would otherwise be due under this chapter.

If any common carrier which qualifies for the exemption granted by this subsection (aa) should ever lose its exempt status hereunder and thereafter purchase any of the items of personal property enumerated hereinabove without paying in full the tax due, it shall be liable to pay interest on the entire unpaid portion of any tax due from it at the rate of six per cent per annum until paid.

Any vendor to whom a copy of the statement, which the commissioner is required to prepare and furnish hereunder, is furnished

shall be entitled to rely thereon and he shall not be liable for the collection or payment of the tax which would otherwise be imposed by this chapter.

SECTION 5. Section 7B of chapter 71 of the General Laws, inserted by section 8 of chapter 563 of the acts of 1964, is hereby amended by inserting after the word "sixty-one A", in line 8, the words: — or chapter one hundred and sixty-one B.

SECTION 6. Section 56 of chapter 148 of the General Laws is hereby amended by striking out the sixth sentence, added by chapter 444 of the acts of 1965, and inserting in place thereof the following sentence: — The provisions of this section shall not apply to any open-air parking space established under paragraph (g) of section three of chapter one hundred and sixty-one A or under paragraph (g) of section six of chapter one hundred and sixty-one B and maintained or conducted by the Massachusetts Bay Transportation Authority or by an authority created under said chapter one hundred and sixty-one B or a lessee or licensee thereof.

SECTION 7. Chapter 161 of the General Laws is hereby amended by striking out section 152A, inserted by section 15 of chapter 563 of the acts of 1964, and inserting in place thereof the following section: —

Section 152A. Notwithstanding the provisions of section one hundred and fifty-one, the commonwealth, acting by and through the secretary of administration, may enter into a contract or contracts with the trustees of a transportation area created under the provisions of sections one hundred and forty-three through one hundred and fifty-eight whereby the commonwealth agrees to reimburse the cities and towns comprising the area for fifty per cent of the financial deficit resulting from the operation of the area for any financial year. Contracts made by transportation areas with private carrier companies for which contract assistance is provided shall be within the limitations and subject to the terms of section twenty-three of chapter one hundred and sixty-one B so far as applicable and such contracts shall be eligible for contract assistance as herein provided.

SECTION 8. Section nine A of chapter thirty, chapter thirty-one and chapter thirty-two of the General Laws shall not apply to any officer or employee of any authority created by chapter one hundred and sixty-one B of the General Laws, inserted by section one of this act.

SECTION 9. The state treasurer shall pay the amounts for contract assistance provided in section twenty-three of chapter one hundred and sixty-one B of the General Laws, inserted by section one of this act, in accordance with the terms of any contracts or agreements made under said section twenty-three in the manner and from the fund referred to in section twenty-five B of chapter fifty-eight of the General Laws, and from any other transportation fund or other sources which the general court may from time to time make available.

SECTION 9A. The secretary of the executive office of transpor-

tation and construction is hereby authorized and directed to reserve for the areas comprising the following authorities based on population, eighty per cent of the twenty million dollar bond authorization provided under section seventeen of chapter one hundred and sixty-one B of the General Laws, as inserted by section one of this act, in the following manner: —

Southeastern Regional Transit Authority	\$2,182,020.
Greater Attleboro-Taunton Regional Transit Authority	1,110,818.
Brockton Regional Transit Authority	1,446,385.
Montachusett Regional Transit Authority	820,817.
Merrimac Valley Regional Transit Authority	1,509,453.
Lowell Regional Transit Authority	1,621,944.
Berkshire Regional Transit Authority	630,734.
Lower Pioneer Valley Regional Transit Authority	3,888,498.
Worcester Regional Transit Authority	2,052,047.
Cape Cod Regional Transit Authority	737,284.
Total	\$16,000,000.

If, however, a regional transit authority has not been created in any of the above areas within three years of the passage of this act, or any funds reserved have not been committed by any regional transit authority within five years from the passage of this act, then such funds shall revert to a discretionary fund and shall be distributed by said secretary to any regional transit area established pursuant to chapter one hundred and sixty-one B of the General Laws based on need. The four million dollars which have not been reserved shall be distributed by said secretary to any new regional transit authorities established pursuant to said chapter one hundred and sixty-one B and any other regional transit authorities established pursuant to said chapter one hundred and sixty-one B based on the need of said authorities for capital funds.

SECTION 10. The provisions of any federal law, administrative regulation or practice governing federal assistance for the purpose of this chapter shall, to the extent necessary to enable the commonwealth or its subdivisions to receive such assistance and not constitutionally prohibited, override any inconsistent provisions of chapter one hundred and sixty-one B of the General Laws, inserted by section one of this act.

The provisions of this act are severable, and if any of its provisions shall be held unconstitutional or invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Approved December 5, 1973.

Chap. 1142. AN ACT PROVIDING FOR THE ELIGIBILITY OF CERTAIN ADDITIONAL SCHOOL CONSTRUCTION GRANTS AND OTHER BENEFITS FOR THE GROTON-DUNSTABLE REGIONAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of law, the Groton-Dunstable regional school district shall be eligible for sixty-five per cent of the cost of approved school project or construction and any other benefits authorized by chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight.

Approved December 5, 1973.

Chap. 1143. AN ACT FURTHER DEFINING THE RIGHTS OF CERTAIN PERSONS ASSISTED TO A POLICE STATION OR A FACILITY UNDER THE ALCOHOLISM TREATMENT AND REHABILITATION LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect the rights of persons under the alcoholism treatment and rehabilitation law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 8 of chapter 111B of the General Laws, as most recently amended by section 1 of chapter 328 of the acts of 1973, is hereby further amended by inserting after the first paragraph the following paragraph: —

Any person assisted by a police officer to a police station under this section shall upon request receive a reasonable test, including but not limited to tests of coordination, coherency of speech, and breath, to determine whether or not he is intoxicated and shall have the right to make one phone call at his own expense on his own behalf. Any such person shall be informed forthwith upon his arrival at such station of his right to such examination and of his right to so use the telephone. Any person assisted by a police officer to a facility under this section shall have the right to make one phone call at his own expense on his own behalf and shall be informed forthwith upon arriving at the facility of said right.

Approved December 6, 1973.

Chap. 1144. AN ACT RELATIVE TO LIMITATIONS ON CERTAIN LOANS BY SAVINGS BANKS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize immediately savings banks to make certain additional mortgage loans until May first, nineteen hundred and seventy-six, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Paragraph 4 of section 35 of chapter 168 of the General Laws is hereby amended by striking out the fourth sen-

tence and inserting in place thereof the following sentence: — No loan of this class shall be made or acquired for a sum in excess of one per cent of the deposits of such corporation or fifty thousand dollars; whichever is the greater; provided, that the aggregate balance of principal outstanding at any one time on mortgage loans of this class as are in excess of one half of one per cent of the deposits shall not exceed ten per cent of the deposits of such corporation.

SECTION 2. Notwithstanding any provision of paragraph 4 of section thirty-five of chapter one hundred and sixty-eight of the General Laws, as amended by section one of this act, a savings bank may make or acquire a loan of the class therein referred to, for a sum which shall not exceed one and one quarter per cent of the deposits of such corporation or fifty thousand dollars, whichever is the greater; provided, that the aggregate balance of the principal outstanding at any one time on mortgage loans of this class as are in excess of one half of one per cent of the deposits shall not exceed ten per cent of the deposits of such corporation.

SECTION 3. Notwithstanding any provision of the second paragraph of paragraph 8 of said section thirty-five of said chapter one hundred and sixty-eight, the amount of participation of any such corporation referred to in said paragraph in any such loan therein referred to may equal one and one quarter per cent of its deposits; and the aggregate balance of the principal of all such participations not insured by the federal housing administrator, outstanding at any one time, may equal twenty per cent of the total deposits of such corporation.

SECTION 4. Notwithstanding any provision of paragraph 8 of section thirty-six of said chapter one hundred and sixty-eight, the total liability to any savings bank of a person, partnership, association, trust or corporation and the total liabilities of more than one partnership, association, trust or corporation, the majority interest of which are owned or controlled directly or indirectly by the same person or persons, partnerships, associations, trusts or corporations, for money borrowed under section thirty-five including in the liabilities of a partnership, trust or company, not incorporated the liabilities of the several members thereof, may at any one time equal two and one quarter per cent of the deposits of such bank or fifty thousand dollars, whichever is the greater.

SECTION 5. Notwithstanding any provision of the third paragraph of paragraph 6 of section thirty-eight of said chapter one hundred and sixty-eight, savings banks may make a loan under the provisions of said paragraph for a sum not to exceed one and one quarter per cent of the deposits of such bank not to exceed the total cost of the leased land and buildings as determined by the board of investment, if the construction or reconstruction or substantial improvement of such buildings was completed within ten years prior to the date of the loan, and not to exceed seventy per cent of the value of such land and buildings if such construction, reconstruction or substantial improvement was completed before

the beginning of such ten years.

SECTION 6. Notwithstanding any provision of the second paragraph of paragraph 7 of said section thirty-eight of said chapter one hundred and sixty-eight, any corporation referred to in said paragraph may participate for a sum not in excess of one and one quarter per cent of its deposits in any loan therein referred to.

SECTION 7. Notwithstanding any provision of the first sentence of paragraph 2 of section forty-one of said chapter one hundred and sixty-eight, the total liability to any savings bank of a person, partnership, association or corporation and the total liabilities of more than one partnership, association or corporation, the majority interest of which are owned or controlled directly or indirectly by the same person or persons, partnerships, associations or corporations, for money borrowed thereby under sections thirty-eight and thirty-nine, including in the liabilities of a partnership or company not incorporated the liabilities of the several members thereof, may at any one time equal two and one quarter per cent of the deposits of such bank.

Approved December 6, 1973.

Chap. 1145. AN ACT RELATIVE TO THE RESERVES OF LIFE INSURANCE COMPANIES, AND NONFORFEITURE BENEFITS FOR LIFE INSURANCE POLICIES.

Be it enacted, etc., as follows:

SECTION 1. Subdivision 1 of section 9 of chapter 175 of the General Laws is hereby amended by striking out paragraph Fourth, as appearing in section 1 of chapter 227 of the acts of 1943, and inserting in place thereof the following paragraph: —

Fourth, Except as otherwise provided in paragraph (b) of subdivision 2, the net value of all outstanding annuity contracts and of all contracts issued as pure endowments shall be computed on the basis of "McClintock's Tables of Mortality among Annuitants" or on such higher table as the commissioner may prescribe, with interest at not more than four per cent per annum; provided, that annuities issued prior to January first, nineteen hundred and seven, and annuities deferred ten or more years and written in connection with life, endowment or term insurance shall be valued on the same mortality table from which the consideration or premiums were computed.

SECTION 2. Subdivision 2 of said section 9 of said chapter 175, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

(a) Except as otherwise provided in paragraph (b), the minimum standard of valuation shall be the Commissioners Reserve Valuation Method, as defined in subdivision 3, interest at three and one half per cent per annum or in the case of policies and contracts, other than annuity and pure endowment contracts, issued prior to January first, nineteen hundred and eighty-six interest at four per cent per annum, and the tables of mortality hereinafter specified.

SECTION 3. Said subdivision 2 of said section 9 of said chapter 175, as so appearing, is hereby further amended by adding the following paragraph: —

(b) The minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after January first, nineteen hundred and seventy-nine, and for all annuities and pure endowments purchased on or after such date under group annuity and pure endowment contracts, shall be the Commissioner Reserve Valuation Method, as defined in subdivision 3, and the tables of mortality and interest rates hereinafter specified.

First, for individual annuity and pure endowment contracts issued prior to January first, nineteen hundred and eighty-six excluding any disability and accidental death benefits in such contracts, the "1971 Individual Annuity Mortality Table," or any modification of this table approved by the commissioner, and six per cent interest for single premium immediate annuity contracts, and four per cent interest for all other individual annuity and pure endowment contracts.

Second, for individual annuity and pure endowment contracts issued on or after January first, nineteen hundred and eighty-six, excluding any disability and accidental death benefits in such contracts, the "1971 Individual Annuity Mortality Table", or any modification of this table approved by the commissioner, and three and one-half per cent interest.

Third, for all annuities and pure endowments purchased prior to January first, nineteen hundred and eighty-six under group annuity and pure endowment excluding any disability and accidental death benefits in such contracts, the "1971 Group Annuity Mortality Table," or any modification of this table approved by the commissioner, and six per cent interest.

Fourth, for all annuity and pure endowments purchased on or after January first, nineteen hundred and eighty-six under group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such contracts, the "1971 Group Annuity Mortality Table"; or any modification of this table approved by the commissioner, and three and one-half per cent interest.

SECTION 4. Subdivision 6 of section 144 of said chapter 175 is hereby amended by striking out paragraph (b), as appearing in section 2 of chapter 323 of the acts of 1960, and inserting in place thereof the following paragraph: —

(b) In the case of policies of ordinary insurance issued on or after January first, nineteen hundred and sixty-six, all adjusted premiums and present values referred to in this section shall be computed on the basis of the "Commissioners 1958 Standard Ordinary Mortality Table," and the rate of interest specified in the policy for the computation of the cash surrender values and other nonforfeiture benefits provided that such rate of interest shall not exceed three and one-half per cent per annum and shall not exceed four per cent per annum for policies issued prior to January first, nineteen hundred and eighty-six; provided that for any category

of ordinary insurance issued on female risks, adjusted premiums and present values may be computed accordingly to an age not more than three years younger than the actual age of the insured and provided that in computing the present value of any extended term insurance with accompanying pure endowment, if any, the rates of mortality assumed may be not more than those shown in the "Commissioners 1958 Extended Term Insurance Tables"; and provided, further, that in the case of any policy issued on a sub-standard basis, any such adjusted premiums and present values may be computed on such other table of mortality as the company may specify with the approval of the commissioner.

SECTION 5. Notwithstanding the provisions of paragraph (b) of subdivision 2 of section nine of chapter one hundred and seventy-five of the General Laws, as amended by section three of this act, any life insurance company may elect to have the provisions of said paragraph (b) become effective as to its operations at an earlier date by filing a written notice with the commissioner of insurance of its election to comply with the provisions of said paragraph (b) on or after a specified date before January first, nineteen hundred and seventy-nine, provided that a company may elect a different earlier date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts. On the date specified in said notice the provisions of said paragraph (b) shall become effective with respect to the annuity and pure endowment contracts designated in said notice and thereafter issued by such company.

Approved December 6, 1973.

Chap. 1146. AN ACT PROVIDING FOR THE USE OF FEDERALLY HELD FUNDS UNDER TITLE IX OF THE SOCIAL SECURITY ACT BY THE MASSACHUSETTS DIVISION OF EMPLOYMENT SECURITY.

Be it enacted, etc., as follows:

SECTION 1. To provide for such improvements and equipment as may be required to be used exclusively by the division of employment security and for the expenses of the director of the division of employment security in carrying out the provisions of the Massachusetts employment security law there is hereby appropriated from the account of the commonwealth in the unemployment trust fund held pursuant to section 903 of the Social Security Act, as amended, the sum of two million, nine hundred thousand.

SECTION 2. The money expended in compliance with this act shall be subject to the limitations set forth in section fifty-three A of chapter one hundred and fifty-one A of the General Laws but in no event shall said division of employment security obligate funds provided under this act in a total amount during any fiscal year which shall exceed the aggregate of the amounts credited to the account of the commonwealth by the federal government pursuant

to Title IX of the Social Security Act during such fiscal year and the twenty-four preceding fiscal years, or such greater number of preceding fiscal years as may be established by amendment of section 903 of the Social Security Act, less the aggregate of the amounts of such funds used by the commonwealth and charged against the amounts credited to the account of the commonwealth during any of such twenty-five fiscal years or such greater number of fiscal years as may be established by amendment of section 903 of the Social Security Act.

SECTION 3. All expenditures of funds hereby appropriated shall be for expenses incurred after the effective date of this act.

SECTION 4. No part of the moneys appropriated by section one of this act shall be encumbered nor shall any contractual obligation be incurred hereunder after the close of the two-year period which begins on the effective date of this act. No more than one million, six hundred thousand dollars of the said monies shall be encumbered nor shall any contractual obligation in excess of that amount be incurred hereunder during the one-year period which begins on the said effective date. Any unencumbered moneys appropriated by section one shall revert to the account of the commonwealth in the unemployment trust fund at the earliest practical date but in no event later than at the close of such two-year period. Any unexpended funds appropriated by section one shall revert to the account of the commonwealth in the unemployment trust fund at the earliest practical date but in no event later than the time of the payment of all expenditures. *Approved December 6, 1973.*

Chap. 1147. AN ACT AUTHORIZING BANKS TO UTILIZE AUTOMATED UNMANNED FACILITIES OF OTHER BANKS WITHIN COUNTY LINES FOR THE PURPOSE OF CUSTOMER CONVENIENCE.

Be it enacted, etc., as follows:

Chapter 167 of the General Laws is hereby amended by adding after section 63, added by chapter 297 of the acts of 1973, the following section: —

Section 64. Notwithstanding the provisions of section six of chapter one hundred and sixty-eight, any bank may, by vote of its board of trustees or board of directors and subject to approval by and regulations of the board of bank incorporation in the case of trust companies or the commissioner of banks in the case of savings banks or cooperative banks, purchase, install, operate, lease, use or so share with any other bank, national banking association, or federal savings and loan association, remote, automated, unmanned facilities for the purpose of disbursement of funds by electronic processing, in the form of cash, or check or item, as defined in section 4-104 of chapter one hundred and six, for customer convenience and use.

No bank shall exclusively own or lease more than three such facilities, or participate in more than forty-nine per cent of the

ownership of more than ten other such facilities and in no event shall a bank wholly own or participate in the ownership of more than thirteen such facilities. Ownership or leasing of such facilities shall be restricted to the county wherein the main office of such bank is located.

Any customer or depositor using said facilities shall be considered a customer, as defined in section one of chapter ninety-three C, and any statement issued by a bank to a customer or depositor relative to a transaction shall be subject to the provisions of said chapter ninety-three C.

Approved December 6, 1973.

Chap. 1148. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF PLYMOUTH COUNTY TO PURCHASE A CERTAIN PARCEL OF LAND IN THE CITY OF BROCKTON FOR THE PURPOSE OF PROVIDING A PARKING AREA FOR PERSONS IN ATTENDANCE AT THE SUPERIOR COURT IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Plymouth county are hereby authorized to purchase a certain parcel of land, with the buildings thereon, situated at the intersection of Warren avenue and Belmont street in the city of Brockton, hereinafter described, and to raze said buildings, pave the area and make such other improvements necessary for providing an area for the parking of motor vehicles of persons in attendance at the superior court in said city. Said parcel of land is bounded and described as follows: —

Beginning at a point in the easterly line of said Warren Avenue; thence running in a general easterly direction 154.3 feet more or less by land now or formerly of Cristaldi and Stafford; thence turning and running southerly 5 feet more or less to a point; thence turning and running in a general easterly direction 62.96 feet to Clinton Avenue; thence turning and running in a general southerly direction 134.65 feet by said Clinton Avenue to said Belmont Street; thence turning and running in a general westerly direction 167.6 feet by said Belmont Street to a point; thence turning and running in a curved line in a general northwesterly and northerly direction 38.78 feet to a point; thence running in a general northerly direction 71.98 feet by Warren Avenue to land now or formerly of O'Leary; thence turning and running in a general southeasterly and easterly direction 20 feet and 48.7 feet by said O'Leary land to a point; thence turning and running in a general northerly direction 46 feet by said O'Leary land to a point; thence turning and running in a general westerly direction 65 feet by said O'Leary land to Warren Avenue; thence turning and running in a general northerly direction 62.20 feet by said Warren Avenue to the point of beginning; also including an approach way leading from Clinton Avenue to said premises approximately 20 feet in width and 62.96 feet in depth subject to the rights of abutters thereto.

SECTION 2. For the purposes authorized by section one, the

treasurer of Plymouth county, with the approval of the county commissioners thereof, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, one hundred and twenty-five thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Plymouth County Superior Court at Brockton Parking Loan, Act of 1973. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than five years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Approved December 6, 1973.

Chap. 1149. AN ACT INCREASING CERTAIN FEES PAYABLE TO THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 93 of the General Laws is hereby amended by striking out section 24C, as amended by section 2 of chapter 789 of the acts of 1969, and inserting in place thereof the following section: —

Section 24C. The commissioner may investigate the collection records of a licensee, and for that purpose the commissioner shall have free access to the books and papers of a licensee relating thereto. The commissioner may assess the licensee a fee of sixty dollars per day for each person participating in such an investigation, except that, there shall be a charge of ninety dollars per day for an examiner in charge. If a licensee violates any provision of sections twenty-four through twenty-five or fails to maintain its financial condition sufficient to qualify for a license on an original application or for such other just cause as the commissioner may determine, the commissioner may, after notice and hearing pursuant to the provisions of chapter thirty A, revoke a license or suspend said license for such period as he may deem proper.

SECTION 2. Section 97 of chapter 140 of the General Laws is hereby amended by striking out the third sentence, inserted by section 1 of chapter 790 of the acts of 1969, and inserting in place thereof the following sentence: — The commissioner shall assess the licensee a fee of sixty dollars per day for each person participating in such an examination, except that there shall be a charge of ninety dollars per day for an examiner in charge.

SECTION 3. The first sentence of section 102 of said chapter 140, as appearing in section 2 of said chapter 790, is hereby amended by striking out, in lines 2 and 3, the words “, said amount to be credited to the license fee if a license is granted”.

SECTION 4. The second paragraph of section 2 of chapter 167 of the General Laws is hereby amended by striking out the second sentence, as amended by chapter 791 of the acts of 1969, and inserting in place thereof the following two sentences: — The charge for such examination or audit shall be sixty dollars per day for each man participating therein, except, that the assessment for an examiner in charge of an examination or audit shall be ninety dollars per day. In addition to the foregoing, the commissioner may assess an amount not in excess of ten cents per one thousand dollars of assets of such bank which together with the charges authorized by the preceding sentence will, in his opinion, be sufficient to reimburse the commonwealth for the cost of such examination or audit.

SECTION 5. The first paragraph of paragraph 1 of section 4A of said chapter 167A, as appearing in chapter 899 of the acts of 1969, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences: — At the time of submitting said written plan of acquisition, an investigation fee of one thousand dollars shall be paid to the commissioner by the company. No fee pursuant to section four shall be required in connection with any plan of acquisition pursuant to this section.

SECTION 6. Section 4 of chapter 168 of the General Laws, as appearing in section 1 of chapter 432 of the acts of 1955, is hereby amended by adding the following sentence: — Any request for consent to or approval of a change in location of the main office of such a corporation shall be accompanied by an investigation fee of five hundred dollars.

SECTION 7. The first paragraph of section 5 of said chapter 168 is hereby amended by striking out the words "and upon payment of a fee of five hundred dollars", inserted by section 102 of chapter 684 of the acts of 1972.

SECTION 8. Said first paragraph of said section 5 of said chapter 168 is hereby amended by adding the following sentence: — Every application to establish and maintain one or more such branch offices or depots shall be accompanied by payment of an investigation fee of five hundred dollars for each branch or depot applied for.

SECTION 9. Section 72 of said chapter 168 is hereby amended by inserting after the first sentence, as appearing in section 1 of chapter 432 of the acts of 1955, the following sentence: — A request for such approval by the commissioner shall be accompanied by an investigation fee of one thousand dollars.

SECTION 10. Section 73 of said chapter 168 is hereby amended by inserting after the first sentence the following sentence: — The request for such approval shall be accompanied by an investigation fee of one thousand dollars.

SECTION 11. Section 78 of said chapter 168, as appearing in section 1 of chapter 432 of the acts of 1955, is hereby amended by inserting after the first sentence the following sentence: — Said application shall be accompanied by an investigation fee of one thousand dollars.

SECTION 12. Section 3 of chapter 170 of the General Laws, as appearing in section 1 of chapter 371 of the acts of 1950, is hereby amended by inserting after the first sentence the following sentence: — Said application shall be accompanied by an investigation fee of one thousand dollars.

SECTION 13. The second sentence of section 12 of said chapter 170 is hereby amended by striking out the words "and upon payment of a fee of five hundred dollars", inserted by section 105 of chapter 684 of the acts of 1972.

SECTION 14. Said section 12 of said chapter 170 is hereby amended by inserting after the second sentence the following sentence: — Every application to establish and maintain one or more such depots or branch offices shall be accompanied by payment of an investigation fee of five hundred dollars for each depot or branch office applied for.

SECTION 15. Section 47 of said chapter 170, as appearing in section 1 of chapter 371 of the acts of 1950, is hereby amended by inserting after the first sentence the following sentence: — The request for such approval shall be accompanied by an investigation fee of one thousand dollars.

SECTION 16. The first paragraph of section 48 of said chapter 170, as so appearing, is hereby amended by inserting after the first sentence the following sentence: — The request for approval of the commissioner shall be accompanied by an investigation fee of one thousand dollars.

SECTION 17. The second paragraph of section 7 of chapter 172 of the General Laws, as appearing in section 1 of chapter 493 of the acts of 1961, is hereby amended by inserting after the third sentence the following sentence: — Such an application shall be accompanied by an investigation fee of one thousand dollars.

SECTION 18. Section 11 of said chapter 172 is hereby amended by striking out paragraph (a), as most recently amended by section 108 of chapter 684 of the acts of 1972, and inserting in place thereof the following paragraph: —

(a) After such notice and hearing as the board may prescribe, a trust company may, with the approval of the board, establish and operate one or more branch offices in the city or town where its principal office is located, or in any other city or town in the same county having no commercial banking facilities or having banking facilities which, in the opinion of the board, are inadequate for the public convenience. All petitions for the establishment of a branch office shall state therein the specific area, location or street address, if available, where such proposed branch is to be located. All such petitions shall be accompanied by payment of an investigation fee of five hundred dollars for each branch office applied for. A branch office so authorized shall be established within one year of the board's approval thereof, except that the board may extend the time in which such branch office may be established, without further notice or hearing unless the board shall order it. If the board refuses to grant a petition for the establishment of a branch office,

no further action may be taken by the petitioner in relation to such branch office during the year following the date of such refusal except with the approval of the board, but the petitioner may as of right renew his petition to establish such branch office after the expiration of one year from the date of such refusal.

SECTION 19. Subsection A of section 38 of said chapter 172 is hereby amended by striking out clause (1), as amended by section 1 of chapter 610 of the acts of 1968, and inserting in place thereof the following clause: — (1) any trust company, any banking company, or any national banking association engaged in the business of banking in the commonwealth may, upon compliance with the provisions of section seventy-eight of chapter one hundred and fifty-six B, which are hereby made applicable in all such cases, and subject, as to any such trust company or banking company, to the provisions of section eighty-five of chapter one hundred and fifty-six B as modified for the purposes of this section by the provisions hereof, consolidate or merge into any trust company. A request for approval by the commissioner of such a consolidation or merger shall be accompanied by an investigation fee of one thousand dollars.

SECTION 20. Said subsection A of said section 38 of said chapter 172 is hereby further amended by striking out clause (2), as amended by section 2 of said chapter 610, and inserting in place thereof the following clause: — (2) any trust company or banking company may, subject to the provisions of sections seventy-five and seventy-six of chapter one hundred and fifty-six B as modified for the purpose of this section by the provisions hereof, or any such national banking association may sell or exchange all or substantially all of its property and assets to or with any trust company, and any trust company may purchase all or substantially all of the assets of any trust company or any banking company or any such national banking association. A request for approval by the commissioner pursuant to this clause shall be accompanied by an investigation fee of one thousand dollars.

SECTION 21. Section 2 of chapter 172A of the General Laws, as amended by section 4 of chapter 266 of the acts of 1938, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — Such application shall be made in writing by the president or the treasurer in such form as the board shall approve, and shall be accompanied by an investigation fee of one thousand dollars.

SECTION 22. Section 12 of said chapter 172A is hereby amended by inserting after the first sentence the following sentence: — A request to the board for such authority shall be accompanied by an investigation fee of five hundred dollars.

SECTION 23. Section 12A of said chapter 172A is hereby amended by inserting after the first sentence the following sentence: — Any request for such approval shall be accompanied by an investigation fee of one thousand dollars.

SECTION 24. Section 2 of chapter 255B of the General Laws is

hereby amended by striking out the second sentence, as appearing in section 1 of chapter 674 of the acts of 1958, and inserting in place thereof the following sentence: — The application for such license shall be in writing, shall contain such information as the commissioner may determine and shall be accompanied by an investigation fee of fifty dollars.

SECTION 25. Section 3 of said chapter 255B is hereby amended by striking out the sentence inserted by section 3 of chapter 792 of the acts of 1969, and inserting in place thereof the following sentence: — The total charge for such an investigation shall be sixty dollars per day for each person participating therein, except that, there shall be a charge of ninety dollars per day for an examiner in charge.

SECTION 26. Section 5 of said chapter 255B, as appearing in section 1 of chapter 674 of the acts of 1958, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — If the commissioner refuses to issue a license, he shall notify the applicant of the denial, and within twenty days thereafter he shall enter upon his records a written decision and findings containing the reasons supporting the denial, and shall forthwith give written notice thereof by registered mail to the applicant.

SECTION 27. The first paragraph of section 3 of chapter 255C of the General Laws, as amended by section 1 of chapter 793 of the acts of 1969, is hereby further amended by striking out, in lines 4 and 5, the words " , said amount to be credited to the license fee if a license is granted".

SECTION 28. The first paragraph of section 6 of said chapter 255C is hereby amended by striking out the second sentence, as amended by section 123 of chapter 684 of the acts of 1972, and inserting in place thereof the following sentence: — The commissioner shall assess the licensee sixty dollars per day for each person participating in such an investigation, except that, there shall be an assessment of ninety dollars per day for an examiner in charge.

SECTION 29. Section 2 of chapter 255D of the General Laws is hereby amended by striking out the sixth sentence, as amended by section 1 of chapter 794 of the acts of 1969, and inserting in place thereof the following sentence: — Each application for a license shall be accompanied by an investigation fee of fifty dollars.

SECTION 30. The first paragraph of section 3 of said chapter 255D is hereby amended by striking out the sentence inserted by section 3 of chapter 794 of the acts of 1969, and inserting in place thereof the following sentence: — The total charge for such an investigation shall be sixty dollars per day for each person participating therein, except that, there shall be a charge of ninety dollars per day for an examiner in charge.

SECTION 31. Section 5 of said chapter 255D, as appearing in section 1 of chapter 284 of the acts of 1966, is hereby amended by striking out the first sentence and inserting in place thereof the

following sentence: — If the commissioner refuses to issue a license, he shall notify the applicant of the denial, and within twenty days thereafter he shall enter upon his records a written decision and findings containing the reasons supporting the denial, and shall forthwith give written notice thereof by registered mail to the applicant.

SECTION 32. Notwithstanding the provisions of section five of chapter one hundred and sixty-eight of the General Laws, as most recently amended by sections seven and eight of this act, and notwithstanding the provisions of section twelve of chapter one hundred and seventy of the General Laws, as most recently amended by sections thirteen and fourteen of this act, and notwithstanding the provisions of section eleven of chapter one hundred and seventy-two of the General Laws, as most recently amended by section eighteen of this act, any savings bank, co-operative bank, or trust company which is granted permission to establish and maintain one or more branch offices or depots shall pay to the commissioner a fee of five hundred dollars for each such approved office or depot, if application to establish such office or depot was made prior to the effective date of this act.

SECTION 33. This act shall take effect on January first, nineteen hundred and seventy-four. *Approved December 6, 1973.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 6, 1973

The Honorable John F. X. Davoren, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 1149 of the Acts of 1973, entitled "AN ACT INCREASING CERTAIN FEES PAYABLE TO THE COMMONWEALTH," and the enactment of which received my approval on December 6, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is essential that this Act become effective January 1, 1974 in order to assure the orderly implementation of the changes contained therein.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 7, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by

His Excellency the Governor of the Commonwealth of Massachusetts at ten o'clock and thirty minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter one thousand one hundred and forty-nine of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 1150. AN ACT AUTHORIZING PARTIAL REIMBURSEMENT FOR THE COST OF MILK SERVED TO CHILDREN IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

Section 6 of chapter 548 of the acts of 1948, as most recently amended by section 2 of chapter 871 of the acts of 1970, is hereby further amended by inserting after the first paragraph the following paragraph: —

In the event that the federal government discontinues or curtails the reimbursement rates applicable as of November fourteenth, nineteen hundred and seventy-three, allowed for each half pint of milk served to children in schools or child care programs eligible for participation in the Special Milk Program for Children, the commissioner of education is authorized, from such funds as may be appropriated, to reimburse eligible schools or child care programs for the difference in the added cost of each half pint of milk to each pupil as a result of any such discontinuance or curtailment of funds.

Approved December 6, 1973.

Chap. 1151. AN ACT AUTHORIZING THE TOWN OF ACUSHNET TO BORROW MONEY FOR THE PURPOSE OF INCREASING AND IMPROVING ITS WATER SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of increasing and improving the water system in the town of Acushnet, said town may borrow, from time to time, such sums as may be necessary not exceeding, in the aggregate, two million five hundred thousand dollars and may issue bonds or notes which shall bear on their face the words, Acushnet Water System Improvement Loan, Act of 1973. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty-five years from their dates. Said improvements shall include but shall not be limited to the installation of water mains and of eight-inch pipes or less and sixteen-inch pipes or less.

SECTION 2. This act shall take effect upon its passage.

Approved December 7, 1973.

Chap. 1152. AN ACT FURTHER REGULATING THE INSPECTION OF BUILDINGS AND QUALIFICATIONS OF CERTAIN INSPECTORS UNDER THE STATEWIDE HOUSING AND BUILDING CODE COMMISSION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for certain changes in the law regulating building construction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 143 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 15 of chapter 802 of the acts of 1972, and inserting in place thereof the following three paragraphs: —

The chief executive officer of each city or town shall employ and designate an inspector of buildings or building commissioner as well as such other local inspectors as are reasonably necessary to assist the inspector of buildings or building commissioner to administer and enforce the state building code. The building commissioner or inspector of buildings shall be the administrative chief in a city or town responsible for administering and enforcing the state building code. Any additional persons employed by a city or town to assist the building commissioner or inspector of buildings in the performance of his duties shall be called local inspectors. The local inspector shall also be responsible for enforcing the state building code. The inspector of buildings or building commissioner shall report directly and be solely responsible to the person or public body that appointed him. Two or more cities or towns may combine and share expenses in the appointment of any building commissioner or inspector of buildings and local inspectors. If the board of selectmen of two or more towns so vote, such towns may enter into an agreement with the county commissioners of the county wherein such towns are located relative to the appointment and compensation of a building commissioner or inspector of buildings and local inspectors.

Each inspector of buildings or building commissioner shall have had at least five years of experience in the supervision of building construction or design or in the alternative a four year undergraduate degree in a field related to building construction or design. In addition, such persons shall have had a general knowledge of the quality and strength of building materials; a general knowledge of the accepted requirements for building construction, fire prevention, light, ventilation and safe exits; and a general knowledge of other equipment and materials essential for safety, comfort, and convenience of the occupants of a building or structure.

Each local inspector shall have had at least five years of experience in the supervision of building construction or design or in the alternative a two year associate degree in a field related to building construction or design. In addition, such persons shall

have a general knowledge of the quality and strength of building materials; a general knowledge of the accepted requirements for building construction, fire prevention, light, ventilation and safe exits; and a general knowledge of other equipment and materials essential for safety, comfort, and convenience of the occupants of a building or structure.

SECTION 2. The chief executive of each city or town shall employ and designate an inspector of buildings or building commissioner as well as such other local inspectors, as are reasonably necessary to assist the inspector of buildings or building commissioner to administer and enforce any local building codes promulgated under section three of chapter one hundred and forty-three of the General Laws or of any state building code promulgated under section three B of said chapter one hundred and forty-three the provisions of which it is the responsibility of a local building inspector to enforce under said chapter one hundred and forty-three. The building commissioner or inspector of buildings shall be the administrative chief in a city or town responsible for administering and enforcing said local building codes promulgated under section three of said chapter one hundred and forty-three or any state building code promulgated under section three B of said chapter one hundred and forty-three the provisions of which it is the responsibility of a local building inspector to enforce under said chapter one hundred and forty-three. Any additional persons employed by a city or town to assist the building commissioner or inspector of buildings in the performance of his duties shall be called local inspectors. The local inspector shall also be the person responsible for enforcing said building codes specified in this section. The inspector of buildings or building commissioner shall report directly and be solely responsible to the person or public body that appointed him. Two or more cities or towns may combine and share expenses in the appointment of a building commissioner or inspector of buildings and local inspector. If the board of selectmen of two or more towns so vote, such towns may enter into an agreement with the county commissioners of the county wherein such towns are located relative to the appointment and compensation of a building commissioner or inspector of buildings and local inspectors.

Each inspector of buildings or building commissioner of a city or town appointed after October first, nineteen hundred and seventy-three, shall have had at least five years of experience in the supervision of building construction or design or in the alternative a four year undergraduate degree in a field related to building construction or design. In addition, such persons shall have a general knowledge of the quality and strength of building materials; a general knowledge of the accepted requirements for building construction, fire prevention, light, ventilation and safe exits; and a general knowledge of other equipment and materials essential for safety, comfort, and convenience of the occupants of a building or structure.

Each local inspector appointed after October first, nineteen hundred and seventy-three shall have had at least five years of experience in the supervision of building construction or design or in the alternative a two year associate degree in a field related to building construction or design. In addition, such persons shall have had a general knowledge of the quality and strength of building materials; a general knowledge of the accepted requirements for building construction, fire prevention, light, ventilation and safe exits; and a general knowledge of other equipment and materials essential for safety, comfort, and convenience of the occupant of a building or structure.

SECTION 3. Section one of this act shall take effect on January first, nineteen hundred and seventy-five, and section two shall take effect as of October first, nineteen hundred and seventy-three.

Approved December 7, 1973.

Chap. 1153. AN ACT RELATIVE TO EXPENSES WHICH MAY BE CONSIDERED AS PART OF THE DIRECT COSTS OF PROJECTS AND WORKS OF THE METROPOLITAN DISTRICT COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 669 of the acts of 1967 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

Engineering and administrative expenses including, but not limited to, materials, supplies and transportation costs, but not including personnel, incurred under this act and all aforesaid prior acts, shall be considered as part of the direct costs of the projects and works for which they are incurred.

SECTION 1A. Section 5 of chapter 803 of the acts of 1972 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — Engineering and administrative expenses, including, but not limited to, materials, supplies, and transportation costs incurred under this act shall be considered as part of the direct costs of the projects and works for which they are incurred.

SECTION 1B. Section 10 of said chapter 803 is hereby amended by striking out the second sentence and inserting in place thereof the following: — Engineering and administrative expenses, including, but not limited to, materials, supplies, and transportation costs, incurred under this act shall be considered part of the direct cost of carrying out said act.

SECTION 2. This act shall take effect upon its passage.

Approved December 7, 1973.

Chap. 1154. AN ACT PROVIDING FOR THE CONVEYANCE OF A CERTAIN PARCEL OF LAND FROM THE COMMONWEALTH TO LUDOVIC O. FOURNIER.

Be it enacted, etc., as follows:

SECTION 1. In consideration of the release of two liens on real property of Ludovic O. Fournier in the town of Norwood held by the division of employment security, recorded in Norfolk county registry of deeds, book 3462, page 354 and book 3479, page 90 which were paid and which were released by an instrument dated May eighth, nineteen hundred and seventy-three, the commissioner of administration and finance, in the name of and in behalf of the commonwealth, is hereby authorized to convey to said Ludovic O. Fournier, by a deed, approved as to form by the attorney general, all right, title, interest and estate of the commonwealth in and to a certain parcel of land in the town of Norwood being the same premises conveyed to the commonwealth by the said Ludovic O. Fournier by deed dated January sixteenth, nineteen hundred and fifty-seven, recorded in said registry in book 3535 on page 503.

SECTION 2. This act shall take effect upon its passage.

Approved December 7, 1973.

Chap. 1155. AN ACT FURTHER REGULATING THE PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL RESOURCES OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 26 of chapter 9 of the General Laws, as most recently amended by chapter 643 of the acts of 1971, is hereby further amended by striking out the first five sentences and inserting in place thereof the following five sentences: — There shall be in the department of the state secretary a Massachusetts historical commission, hereinafter and in sections twenty-six A to twenty-seven C, inclusive, called the commission. Said commission shall consist of the state secretary, or an officer or employee from his department designated by him, who shall be the chairman; the commissioner of natural resources; the commissioner of commerce; two persons to be appointed by the governor; and seven persons to be appointed by the state secretary of whom one shall be selected from a list of three nominees submitted by the Bay State Historical League, one from a list of three nominees submitted by the Massachusetts Historical Society, one from a list of three nominees submitted by the Society for the Preservation of New England Antiquities, one from a list of three nominees submitted by The American Antiquarian Society, one from a list of three nominees submitted by The Trustees of Reservations, one from a list of three nominees submitted by the New England Historic Genealogical Society, and one from a list of three nominees submitted by The Massachusetts Archeological Society, Incorporated. Upon the expiration of the term of an appointive member his successor shall be appointed in like manner for a term of three years. The chairman shall appoint a state archeologist who shall be re-

sponsible for the preservation and protection of the archeological resources of the commonwealth as the commission may direct, and in accordance with the provisions of sections twenty-six A to twenty-seven C, inclusive, and who shall not be subject to chapter thirty-one or section nine A of chapter thirty. The commission and the state archeologist shall advise the state secretary on matters relating to the historical and archeological assets of the commonwealth.

SECTION 2. Said chapter 9 is hereby further amended by inserting after section 26 the following two sections: —

Section 26A. It shall be the duty of the state archeologist to:

(1) Compile and maintain an inventory of historical and archeological sites and specimens, which inventory shall be made available to such private organizations, agencies and political subdivisions of the commonwealth as the state archeologist deems appropriate.

(2) Conduct surveys and field investigations relative to the recovery and preservation of scientific, historical or archeological information regarding specimens or sites, and analyze and publish said information.

(3) Recommend such sites within the commonwealth or its political subdivisions as the state archeologist deems necessary for the protection of historical or archeological resources to be considered for state archeological landmarks or for the execution of preservation or conservation restrictions.

(4) Issue permits for exploration or field investigations of archeological or historical sites pursuant to section twenty-seven C, notifying any applicant for such permit whether the permit has been granted or denied within sixty days from receipt of his application.

The commission by written notice to the state secretary shall recommend the reservation from sale of any land owned by the commonwealth or a political subdivision, including any forfeited to a city or town for the nonpayment of taxes, on which sites or specimens are located or may be found, as designated by the state archeologist; provided, however, that the reservation of such lands from sale shall be confined to the actual location of the site or specimens. When said sites or specimens have been explored, excavated or otherwise examined to the extent desired by the state archeologist he shall file with the state secretary a statement that there is no longer cause for reserving such land from sale.

All agencies of the commonwealth or of any political subdivision thereof shall cooperate fully with the state archeologist in the preservation, protection, excavation and evaluation of specimens and sites.

Section 26B. The following definitions shall apply to section twenty-six A and to sections twenty-seven to twenty-seven C, inclusive:

"Field investigation", the study of the traces of human culture or other remains at any land or water site by means of surveying,

digging, sampling, excavating or removing surface or subsurface objects, or the entrance onto a site with that intent.

"Site", any aboriginal mound, fort, earthwork, village, location, burial ground, historic or prehistoric ruin, quarry, cave or other location, one hundred and fifty years old or more, which is or may be the source of valuable archeological data.

"Specimens", all relics, artifacts, remains, objects, or any other evidence of a historical, prehistorical, archeological, anthropological or paleontological nature one hundred and fifty years old or more which may be found below or on the surface of the earth, and which have scientific, historical or archeological value, including but not limited to objects of antiquity, aboriginal, colonial or industrial relics, and archeological or paleontological samples.

SECTION 3. Section 27 of said chapter 9, as appearing in chapter 707 of the acts of 1965, is hereby amended by adding the following paragraph: —

The commission may request the state archeologist to examine certain sites in the commonwealth and to make recommendations concerning their archeological significance. Any such site deemed by the commission to be of substantial archeological significance to the commonwealth may, with the written consent of the person or persons claiming ownership, and such others having recorded interests as the commission shall deem necessary, be certified by the commission as an archeological landmark. In the case of landmarks owned by the commonwealth, such consent may be given by the governor. In the case of landmarks owned by a city, such consent may be given by its manager or, if there is no manager, its mayor, with the approval of its city council, and in the case of landmarks owned by a town, by its selectmen. No such certification shall take effect until a notice of such certification has been recorded in the registry of deeds in the county where such certified landmark is situated. The commission may establish standards for the care and management of such certified landmarks, and may withdraw such certification for failure to maintain such standards provided that a notice of such withdrawal is recorded as aforesaid. No person, corporation or municipality shall conduct a field investigation, as defined in section twenty-six A, of any site so certified without first obtaining a permit from the state archeologist, according to the provisions of section twenty-seven C. The superior court shall have jurisdiction in equity to enforce the provisions of this section and, on petition of any party in interest, may alter, amend or revoke the order of the commission.

SECTION 4. Said chapter 9 is hereby further amended by inserting after section 27B the following section: —

Section 27C. Any person, corporation, agency or authority of the commonwealth or any of its political subdivisions supervising any survey, excavation or construction on any lands of the commonwealth, its agencies or political subdivisions shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in the course of such

survey, excavation or construction, and shall take all reasonable steps to secure its preservation. No person, corporation, agency or authority of the commonwealth or any of its political subdivisions shall conduct field investigation activities on any land owned or controlled by the commonwealth, its agencies or political subdivisions or on any historic or archeological landmarks or on any lands restricted by section thirty-one of chapter one hundred and eighty-four of the General Laws without first securing a permit from the state archeologist. The state archeologist shall issue permits for exploration and field investigation to be undertaken on said lands, with the consent of the owner or agency in charge of said lands, to those persons or institutions which he deems to be qualified to conduct such activity, and subject to such rules and regulations as the commission may prescribe; provided, however, that any such activity shall be conducted with the objective of disseminating the knowledge gained by it; provided further, that a summary report of such activity, containing relevant maps, documents, drawings and photographs be submitted to the commission; and provided further, that all specimens collected through such activity shall be the permanent property of the commonwealth. The commission may make arrangements for the disposition or display of any such specimens in appropriate institutions located within the commonwealth. Information reported to the state archeologist pursuant to this section shall be regarded as confidential.

Any person, corporation, agency or authority of the commonwealth or any of its political subdivisions who shall conduct field investigations on any land owned or controlled by the commonwealth, its agencies, or any political subdivisions thereof or in which the commonwealth has an interest, without first obtaining a permit therefor as provided in this section, or any person, corporation or municipality who shall appropriate, deface, destroy or otherwise alter any site, specimen or landmark except in the course of activities authorized under said permit, shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both. All specimens, objects and materials collected or excavated in violation of this section shall be forfeited to the commonwealth.

Any person, corporation, agency or authority of the commonwealth or any of its political subdivisions who shall reproduce, retouch, rework or forge any archeological, paleontological or historical object, or falsely label, describe, identify or offer for sale or exchange any object, with intent to represent said object as an original and genuine archeological, paleontological or historical specimen, or any person who shall offer for sale or exchange any object with knowledge that it has been previously collected or excavated in violation of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months or both. The superior court shall have jurisdiction in equity to enforce the provisions of this section and, on the petition of any party in interest,

may alter, amend or revoke any order of the commission or state archeologist.

SECTION 5. Section 14A of chapter 36 of the General Laws, added by section 2 of chapter 697 of the acts of 1963, is hereby amended by inserting after the word "historic", in line 1, the words: — or archeological.

SECTION 6. Section 5 of chapter 40 of the General Laws is hereby amended by striking out clause (56), inserted by section 3 of chapter 697 of the acts of 1963, and inserting in place thereof the following clause: —

(56) To mark, preserve, promote and develop historical or archeological sites and landmarks and to establish and maintain an historical commission.

SECTION 7. Section 8D of said chapter 40 is hereby amended by striking out the first three sentences, as appearing in section 4 of chapter 697 of the acts of 1963, and inserting in place thereof the following four sentences: — A city or town which accepts this section may establish an historical commission, hereinafter called the commission, for the preservation, protection and development of the historical or archeological assets of such city or town. Such commission shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work. For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts historical commission, that any such place be certified as an historical or archeological landmark. It shall report to the state archeologist the existence of an archeological, paleontological or historical site or object discovered in accordance with section twenty-seven C of chapter nine, and shall apply for permits necessary pursuant to said section twenty-seven C.

SECTION 8. Chapter 79 of the General Laws is hereby amended by striking out section 5A, as appearing in section 5 of chapter 697 of the acts of 1963, and inserting in place thereof the following section: —

Section 5A. No historical or archeological landmark certified under the provisions of section twenty-seven of chapter nine and no property owned, preserved and maintained by any historical organization or society as an ancient landmark or as property of historical or antiquarian interest shall be taken without leave of the general court specially obtained.

SECTION 9. Section 7M of chapter 81 of the General Laws is hereby amended by adding the following sentence: — The words "historic site" as used in this section shall include archeological sites as defined and regulated by sections twenty-six A to twenty-seven C of chapter nine.

SECTION 10. The first sentence of section 13B of said chapter 81, as appearing in chapter 397 of the acts of 1967, is hereby amended by inserting after the word "historic," in line 7, the following words: — or archeological.

SECTION 11. The second paragraph of section 31 of chapter 184 of the General Laws, as appearing in section 5 of chapter 666 of the acts of 1969, is hereby amended by striking out, in line 7, the word "or" —, and by striking out clause (d) and inserting in place thereof the following two clauses: — (d) field investigation, as defined in section twenty-six A of chapter nine, without a permit as provided by section twenty-seven C of said chapter, or (e) other acts or uses detrimental to appropriate preservation of the structure or site.

SECTION 12. The first sentence of section 1 of chapter 765 of the acts of 1972 is hereby amended by inserting after the word "easements", in line 7, the words: —, archeological and paleontological studies and salvage. *Approved December 7, 1973.*

Chap. 1156. AN ACT IMPOSING CERTAIN PENALTIES FOR PUBLISHING CREDIT CARD NUMBERING OR CODING SYSTEMS.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by inserting after section 37C the following section: —

Section 37D. Whoever publishes or causes to be published the number or code of an existing, canceled, revoked, expired, or non-existent credit card issued by a public utility company or the numbering or coding system which is employed in the issuance of such credit cards, or any method, scheme, instruction or information on how to fraudulently avoid payment for telecommunication services, with the intent that such number or coding system or information be used or with knowledge that such system or information are to be used to fraudulently avoid the payment of any lawful charges imposed by a public utility company shall be punished by a fine not exceeding two thousand dollars or by imprisonment for not more than twelve months, or both.

As used in this section, "publishes" means the communication of information to any one or more persons, either orally, in person, or by telephone, radio, or television, or in a writing of any kind, including a letter or memorandum, circular, poster, or handbill, newspaper or magazine article, or book with the intent that such information be used or employed in violation of this section.

Approved December 7, 1973.

Chap. 1157. AN ACT IMPOSING CERTAIN PENALTIES FOR FRAUDULENTLY AVOIDING CHARGES FOR TELECOMMUNICATION SERVICES.

Be it enacted, etc., as follows:

Chapter 166 of the General Laws is hereby amended by inserting after section 42A the following section: —

Section 42B. Whoever makes any instrument, apparatus, equipment, or device which is designed, adapted, or which is used to fraudulently obtain telecommunication service in the manner prohibited by section forty-two A or which is used to conceal, or to assist another to conceal, from any supplier of telecommunication service, or from any lawful authority, the existence or place of origin or of destination of any telecommunication; or whoever possesses any such instrument, apparatus, equipment or device with the intent to use or employ the same in violation of this section or section forty-two A, or whoever sells, gives transport, or otherwise transfers to another, or offers or advertises for sale, any such instrument, apparatus, equipment, or device, or any plans or instructions for making or assembling the same, with the intent to use or employ such apparatus, equipment, or device, or to allow the same to be used or employed, for a purpose described in this section or whoever, knowing or having reason to believe that the same is intended to be so used, or that the aforesaid plans or instructions are intended to be used for making or assembling such apparatus, equipment or device, or whoever publishes plans or instructions for making or assembling or using any such apparatus, equipment or device, intending that such be used or employed in violation of this section or section forty-two A, shall be punished by a fine of not more than two thousand dollars or by imprisonment for not more than twelve months, or by both.

Any instrument, apparatus, device, plans or instructions or publications described in this section may be seized under warrant or incident to a lawful arrest, and, upon the conviction of a person for a violation of this section, such instrument, apparatus, device, plans, instructions or publication may be destroyed as contraband by the sheriff of the county in which such person was convicted.

Approved December 7, 1973.

Chap. 1158. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE CERTAIN OTHER PUBLIC LANDS FOR HIGHWAY PURPOSES IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

Subject to the provisions of chapter six hundred and ninety-three of the acts of nineteen hundred and fifty-five, as amended, the department of public works, acting for and on behalf of the commonwealth, is hereby authorized to acquire by eminent domain under chapter seventy-nine of the General Laws, or to acquire by purchase or otherwise, the public lands hereinafter described, or such portions thereof as said department may determine, and to divert said lands from their present public uses to highway use, as hereinafter provided.

Said lands to be so transferred and diverted are shown on a map entitled "Commonwealth of Massachusetts Department of Public Works — Public Lands Needed for Highway Purposes, November 1, 1972" which said department is hereby directed to file in the office of the state secretary and which said secretary is hereby authorized to receive for filing, and are identified as follows:

Worcester:

Two parcels of land in the city of Worcester for the construction of Route 52: —

Parcel (1) Approximately 2.5 acres of the northeast corner of Indian Lake near Shore Drive and Stores Street owned by the city of Worcester.

Parcel (2) Approximately 2.5 acres of land under the control of the Worcester School Committee (total taking of land and building). *Approved December 7, 1973.*

Chap. 1159. AN ACT AUTHORIZING THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TO SELL AND CONVEY CERTAIN LAND TO THE PARK DEPARTMENT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

The Massachusetts Bay Transportation Authority is hereby authorized to sell and convey to the park department of the city of Boston a parcel of land located in said city and being shown on a plan of land entitled, "Plan of land owned by Metropolitan Transit Authority on Washington and Faneuil streets and Oak Square, Brighton", dated January 21, 1949, and recorded in the office of the Massachusetts Bay Transportation Authority as plan Ld.-12945, bounded and described as follows:

Beginning at a point at the intersection of the northerly line of Washington street and the easterly side of Bigelow street; thence running in an easterly direction along the northerly line of said Washington street two hundred and sixty-one and eighty-five one hundredths feet (261.85) to a point, thence still running in an easterly direction along said northerly line of Washington street, one hundred and eighty-six and twenty-nine one hundredths feet (186.29) to another point; thence turning and running in a northerly direction, one hundred and eighty-one and forty-four one hundredths feet (181.44) to a point at land owned by the city of Boston; then turning and running in a westerly direction along said land of the city of Boston, two hundred and ninety-eight and sixty-five one hundredths feet (298.65) to a point; thence turning and running in a northerly direction still along land of the city of Boston, one hundred and thirty and five hundredths feet (130.05) to a point on the southerly side of Faneuil street; thence turning and running in a westerly direction along the southerly side of Faneuil street, two hundred and twenty-seven and seventy-eight one hundredths feet (227.78) to a point at the intersection of the

southerly side of said Faneuil street with the easterly side of Bigelow street; thence turning and running in a southerly direction along the easterly line of said Bigelow street, one hundred and seventy-six and twenty-five one hundredths feet (176.25) to the point of beginning containing ninety-one thousand nine hundred and ninety-two (91,992) square feet of land.

Approved December 7, 1973.

Chap. 1160. AN ACT CLARIFYING THE LAW RELATIVE TO FINANCING SOLID WASTE DISPOSAL FACILITIES AND POLLUTION CONTROL FACILITIES WITH INDUSTRIAL REVENUE BONDS.

Be it enacted, etc., as follows:

SECTION 1. Clause ($p\frac{1}{2}$) of section 1 of chapter 40D of the General Laws is hereby amended by striking out the second and third sentences, added by section 1 of chapter 373 of the acts of 1972.

SECTION 2. Said chapter 40D is hereby further amended by striking out section 21, as amended by section 2 of said chapter 373, and inserting in place thereof the following section: —

Section 21. (a) A municipality acting by and through an authority may finance solid waste disposal facilities in the same manner provided by this chapter for industrial development facilities, in which event all provisions of this chapter which are applicable to industrial development facilities to projects and industrial occupants shall apply to the solid waste disposal facilities and the lessees thereof insofar as such provisions are apt, except as otherwise hereinafter provided.

(b) A city or town, acting in the manner specified in section two, may by vote declare that an authority is needed therein for the financing of solid waste disposal facilities under this chapter but shall not be empowered to so finance said solid waste disposal facilities, except as an incident to industrial development facilities, unless such declaration is made. Such vote shall be made separately from a vote declaring that an authority is needed to finance industrial development facilities, except such as constitute or are incidental to said solid waste disposal facilities. Such declarations may be made successively but only one authority shall be organized under this chapter in any city or town except as otherwise provided with respect to consolidated authorities.

(c) A certificate or organization issued by the state secretary shall indicate whether the authority has solid waste disposal powers or industrial development powers or both. When a new power is added by city or town action under this chapter, an amended certificate of organization shall be issued accordingly. Certificates of organization so issued by the state secretary shall be conclusive evidence that the authority has solid waste disposal powers or industrial development powers, or both, as set forth therein.

(d) A vote to consolidate authorities taken prior to the adoption of this section shall not be deemed to include the function of financing solid waste disposal facilities. A vote taken thereafter to so consolidate may include said function of financing solid waste disposal facilities or industrial development facilities, or both. If said vote does not specify the function or functions, it shall be taken to refer only to the financing of industrial development facilities.

(e) Dissolution proceedings in the manner provided for in section two shall apply to authorities having functions relative to solid waste disposal facilities or to industrial development facilities, or both.

(f) The requirements of clauses (e), (g) and (h) of subsection (2) of section twelve shall not apply to solid waste disposal facilities projects. It shall be necessary, however, that the state industrial finance board find, after consultation with the departments of natural resources and public works, that a substantial public benefit will result from the project and that the proposed facilities are consistent with state plans for the conservation of the natural resources of the commonwealth and with plans of the department of public works for the construction of such solid waste disposal facilities.

(g) All cities, towns and other public agencies and private parties are authorized from time to time to contract with operators of solid waste disposal facilities established or to be established under the provisions of this section for the disposal of refuse, garbage and waste or for the purchase or use of by-products or residue resulting from the operation of such facilities. Such contracts may be for such periods as agreed upon by the parties and, without limiting the generality of the foregoing, may include provisions for the delivery of minimum amounts of refuse, garbage and waste and payments for the use of the facilities to be based thereon, unit prices, which may be graduated, and adjustments thereof. Such contracts may include provisions for arbitration. In the case of a city or town, such contracts may be entered into by officers acting under the authority of the city council of a city or the town meeting in the case of a town, which authorization may be general. The obligations represented by the payments to be made in such a contract shall not be included in any determination of the borrowing capacity of such city or town under any limitation on its indebtedness. Such a contract shall not be subject to section four of chapter forty and shall not be precluded by the acceptance of section nine A of chapter ninety-two. To the extent of uncommitted capacity, any municipality shall be entitled to contract with an operator of solid waste disposal facilities established or to be established hereunder.

(h) The establishment and operation of solid waste disposal facilities hereunder shall be subject to applicable laws except as otherwise provided herein. Reasonable requirements may be imposed thereon by proceedings or regulations pursuant to section one hundred and fifty-A of chapter one hundred and eleven but

the assignment of a site may not be rescinded, other than on appeal from the original assignment, pursuant to said section or otherwise. In the event that solid waste disposal facilities financed in whole or in part hereunder include or are to include facilities for the production of steam as a by-product, either the financing authority or a tenant corporation, whether domestic or foreign, shall have the powers granted by section twelve of chapter one hundred and fifty-eight but the production and sale of such steam and the foregoing grant of powers shall not cause the corporation to be otherwise subject to chapter one hundred and fifty-eight or excluded from chapter one hundred and fifty-six or one hundred and fifty-six B or cause the corporation to be deemed a heat or power company for the purposes of the corporation laws of the commonwealth.

(i) A municipality acting by and through an authority in connection with a project for solid waste disposal facilities financed under this chapter may apply for, accept and use any federal or state grant or loan for such project.

Approved December 7, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 7, 1973

The Honorable John F. X. Davoren, *Secretary of the Commonwealth, State House, Boston, Massachusetts*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 1160 of the Acts of 1973, entitled "AN ACT CLARIFYING THE LAW RELATIVE TO FINANCING SOLID WASTE DISPOSAL FACILITIES AND POLLUTION CONTROL FACILITIES WITH INDUSTRIAL REVENUE BONDS," and the enactment of which received my approval on December 7, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is essential that the provisions of this Act take effect forthwith in order to assure the full implementation of the related acts.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 7, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at three o'clock and fifteen minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to

the Constitution said chapter takes effect forthwith, being chapter one thousand one hundred and sixty of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 1161. AN ACT REMOVING THE RESTRICTIONS PLACED UPON THE ISSUANCE BY LICENSING BOARD FOR THE CITY OF BOSTON OF ON-PREMISE LIQUOR LICENSES TO VETERANS ORGANIZATIONS.

Be it enacted, etc., as follows:

Section 12 of chapter 138 of the General Laws is hereby amended by striking out the paragraph inserted by chapter 649 of the acts of 1948, and inserting in place thereof the following paragraph: —

The local licensing authorities of any city or town wherein the granting of licenses under this section to sell all alcoholic beverages or only wines and malt beverages, as the case may be, is authorized by this chapter, may, subject to the approval of the commission and irrespective of any limitation of number of licenses contained in section seventeen, issue a license to any corporation the members of which are war veterans and which owns, hires or leases in such city or town a building, or space in a building, for the use and accommodation of a post of any war veterans' organization incorporated by the Congress of the United States, to sell such beverages to the members of such post only, and also, subject to regulations made by the local licensing authorities, to guests introduced by such members and to no others.

Approved December 7, 1973.

Chap. 1162. AN ACT PROVIDING FOR THE INSTALLATION AND MAINTENANCE OF WASTE OIL RETENTION FACILITIES.

Be it enacted, etc., as follows:

Chapter 21 of the General Laws is hereby amended by inserting after section 52 the following section: —

Section 52A. Every automobile service station, marina serving powered watercraft and retail outlet selling automobile lubricating oil shall, no later than June thirtieth, nineteen hundred and seventy-four, install on the premises and maintain waste oil retention facilities, properly sheltered and protected to prevent spillage, seepage or discharge of the waste oil into storm or sanitary sewers or into the waters of the commonwealth. Every such station, marina and other such outlet shall be required to accept at no additional charge, waste oil in quantities not exceeding two gallons per day from any individual with sales receipts or other proof of purchase from such outlet. Every such station, marina and other such outlet shall periodically remove or have removed the accumulated waste oil so as not to violate any water pollution control or other statute or regulation.

Approved December 7, 1973.

Chap. 1163. AN ACT RELATING TO THE IMPROVEMENT OF THE
WATER SUPPLY FOR THE TOWN OF COHASSET.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of natural resources, hereinafter in this act called the commissioner, in the name and on behalf of the commonwealth, is authorized to apply for and accept from the Secretary of the Interior of the United States, or his lawful successor or delegate, an amendment or waiver of the covenants and conditions contained in the deed from the United States to the commonwealth dated May sixteenth, nineteen hundred and sixty-seven, as may be necessary to enable the commissioner to grant for nominal consideration, an easement or easements, execute a lease or other use contract, or enter other contracts, or any combination thereof, to or with the town of Cohasset, hereinafter in this act called the town, for the land hereinafter described for water supply, water storage, public park and other public recreation uses. Upon receipt of such amendment or waiver, the commissioner is hereby authorized and empowered to grant an easement or easements, execute a lease or other use contract, or enter into any other contracts, or any combination of the foregoing, by which the town may use the land for water supply, water storage, public park, and public recreation uses; and the town, by and through its board of water commissioners, is hereby authorized and empowered to accept any grant of easement or easements, execute a lease or other use contract, enter other contracts, or any combination of the foregoing, by which the town may use the below-described land for water supply, water storage, public park, and public recreation uses.

Any such easement, lease, other use contract, other contract, or combination thereof, may be granted or executed with respect to the land, hereinafter called the property, situated in the town of Cohasset, Norfolk County, and in the towns of Scituate and Hingham, Plymouth County shown on a plan on file in the office of the board of water commissioners of the town of Cohasset, entitled "Proposed Reservoir" dated January, 1971 by Ernest W. Branch, Inc., Civil Engineer, bounded and described as follows:

Starting at a point at the northeast corner thereof, thence running S 36-55-36 E 87.61 feet; thence S 05-14-12 W 627.76 feet; thence S 26-56-54 W 190 feet; thence S 16-31-02 E 190 feet; thence S 03-47-13 W 2794 feet more or less; thence S 52-26 W 2353.38 feet more or less; thence N 32-40-44 W 337.53 feet; thence N 03-51-09 E 827.20 feet; thence N 45-12-46 E 1071.85 feet; thence N 38-18-44 W 884.94 feet; thence S 51-41-16 W 630 feet; thence N 41-26-51 W 1462.93 feet; thence N 51-41-16 E 710 feet; thence N 35-24-43 E 898.32 feet; thence N 63-03-25 E 566.72 feet; thence N 43-14-09 E 1066.25 feet; thence S 46-45-51 E 865 feet; thence N 53-04-24 E 651.10 feet; thence to the point of beginning containing 231.73 acres more or less according to said plan. Being a portion of the land purchased from the United States of America for public park

and recreational purposes under the provisions of section three of chapter one hundred thirty-two A of the General Laws and chapter six hundred forty-eight of the acts of nineteen hundred and sixty-six.

The easement, lease, other use contract, other contract, or combination thereof may contain any covenants and conditions required by the United States and may be amended, modified or extended from time to time; provided, that any amendment, modification or extension shall not be contrary to or inconsistent with the limitations set forth in the next paragraph.

Any amendment, modification or extension shall be agreed to in writing by all parties thereto. The commissioner and the town, acting by and through its board of water commissioners, may enter into cooperative management agreements from time to time concerning the management and joint control of the property and other property of the town contiguous to the property and their uses for conservation and recreation purposes subject to the rules and regulations of the department of public health.

Any easement, lease, other use contract, other contract, or combination thereof, may be of any duration agreed to by the parties, including perpetuity, notwithstanding any other provisions of law; however, in no event shall the original term be for less than fifty years. This limitation shall not prevent extensions or renewals, from time to time, of any easement, lease, other use contract, other contract, or any combination thereof for any additional period allowed by law.

SECTION 2. In addition to any other authority heretofore conferred, the town, acting through its board of water commissioners, hereinafter in this act called the commissioners, is hereby authorized to construct, operate and maintain a dam and reservoir located in whole or in part on the property, and may lay and maintain pipes, and may construct, equip, operate and maintain such other water collection, storage, purification and transmission facilities, located in whole or in part on the property or elsewhere in the town, as may be necessary or desirable to include the reservoir in the town's water system, and to use the property for water supply, water storage, public park, and public recreational uses; and is also hereby authorized to acquire by purchase, eminent domain, or otherwise, any land, easements or other interests therein, as may be necessary in addition to the property, in connection with the foregoing dam, reservoir, pipes and facilities. Any land so acquired which is adjacent to the property may also be used for conservation or outdoor recreation purposes. The commissioners, with the approval of the selectmen, are also authorized to expend funds to assist in any relocation of electric power transmission facilities which may be made necessary by the construction of the dam, reservoir, pipes and facilities, and for this purpose, the commissioners may contract with utility companies owning, leasing or operating the transmission facilities which are to be relocated and make payments to them. The amount of any relocation

assistance payments shall be included as a cost of constructing the reservoir.

SECTION 3. In respect to land acquired under the provisions of section two which is contiguous to the property, the commissioners, with the approval of the conservation commission of the town, may from time to time authorize the use of all or part thereof of such land for conservation or outdoor recreation purposes in addition to, and consistent with, its use for water supply and storage purposes. Each authorization by the commissioners shall be in writing, shall accurately identify the parcel of land to which it relates, and shall be filed with the town clerk. The custody and control of such land shall remain in the commissioners who may permit the conservation commission to operate conservation and outdoor recreation programs and facilities on such land.

SECTION 4. If the commissioners authorize the use of any land for conservation or outdoor recreation purposes as authorized under section three, the town may apply for a state reimbursement under section eleven of chapter one hundred and thirty-two A of the General Laws, and the commissioner of natural resources may reimburse the town pursuant to the provisions of said section, notwithstanding that said property may be acquired by the town before any project application is filed or approved. Any reimbursement received under said section eleven and this section shall be applied to the payment of the bonds or notes, including notes issued under section six and seven of this act, which are issued by the town to finance the acquisition of land, and which the commissioners may authorize to be used for conservation or outdoor recreation purposes in addition to its use for water supply and storage purposes.

SECTION 5. Notwithstanding any other provisions of the law to the contrary, no person serving in the capacity of a water commissioner of the town, on or after the time of the passage of this act, shall have any personal liability as a result of the construction and operation of the reservoir and dam as provided for in this act.

SECTION 6. For the purpose of meeting costs to be incurred under sections one and two, other than costs of operation and maintenance, the treasurer of the town, with the approval of the board of selectmen, is hereby authorized to borrow on behalf of the town from time to time such sums as may be necessary, not exceeding in the aggregate, two million five hundred thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words, Cohasset Water Loan, Act of 1973. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than thirty-five years from their dates. Indebtedness incurred under this act shall be in excess of any statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws.

SECTION 7. The treasurer of the town, with the approval of the board of selectmen, may also make temporary loans under the provisions of section seventeen of chapter forty-four of the General

Laws in anticipation of the proceeds of the bonds or notes authorized by section six.

SECTION 8. Sections six, ten, and eleven of chapter one hundred and twenty-eight of the acts of eighteen hundred and eighty-six, as amended, are hereby repealed.

Approved December 7, 1973.

Chap. 1164. AN ACT TO EXPEDITE PAYMENT TO GENERAL CONTRACTORS AND TO SUBCONTRACTORS AND TO IMPROVE THE FLOW OF FUNDS IN THE CONSTRUCTION INDUSTRY.

Be it enacted, etc., as follows:

Chapter 30 of the General Laws is hereby amended by inserting after section 39N, inserted by section 4 of chapter 774 of the acts of 1972, the following two sections: —

Section 39 O. Every contract subject to the provisions of section thirty-nine M of this chapter or subject to section forty-four A of chapter one hundred forty-nine shall contain the following provisions (a) and (b) in their entirety and, in the event a suspension, delay, interruption or failure to act of the awarding authority increases the cost of performance to any subcontractor, that subcontractor shall have the same rights against the general contractor for payment for an increase in the cost of his performance as provisions (a) and (b) give the general contractor against the awarding authority, but nothing in provisions (a) and (b) shall in any way change, modify or alter any other rights which the general contractor or the subcontractor may have against each other.

(a) The awarding authority may order the general contractor in writing to suspend, delay, or interrupt all or any part of the work for such period of time as it may determine to be appropriate for the convenience of the awarding authority; provided however, that if there is a suspension, delay or interruption for fifteen days or more or due to a failure of the awarding authority to act within the time specified in this contract, the awarding authority shall make an adjustment in the contract price for any increase in the cost of performance of this contract but shall not include any profit to the general contractor on such increase; and provided further, that the awarding authority shall not make any adjustment in the contract price under this provision for any suspension, delay, interruption or failure to act to the extent that such is due to any cause for which this contract provides for an equitable adjustment of the contract price under any other contract provisions.

(b) The general contractor must submit the amount of a claim under provision (a) to the awarding authority in writing as soon as practicable after the end of the suspension, delay, interruption or failure to act and, in any event, not later than the date of final payment under this contract and, except for costs due to a suspension order, the awarding authority shall not approve any costs in the claim incurred more than twenty days before the general

contractor notified the awarding authority in writing of the act or failure to act involved in the claim.

Section 39P. Every contract subject to section thirty-nine M of this chapter or section forty-four A of chapter one hundred forty-nine which requires the awarding authority, any official, its architect or engineer to make a decision on interpretation of the specifications, approval of equipment, material or any other approval, or progress of the work, shall require that the decision be made promptly and, in any event, no later than thirty days after the written submission for decision; but if such decision requires extended investigation and study, the awarding authority, the official, architect or engineer shall, within thirty days after the receipt of the submission, give the party making the submission written notice of the reasons why the decision cannot be made within the thirty day period and the date by which the decision will be made.

Approved December 7, 1973.

Chap. 1165. AN ACT FURTHER REGULATING THE NUMBER AND AMOUNT OF PRIZES OFFERED BY PERSONS LICENSED TO HOLD THE GAME COMMONLY CALLED BEANO AND PROVIDING FOR THE CREDITING OF THE TAX IMPOSED ON SUCH GAME TO CERTAIN FUNDS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the further regulation of prizes offered by persons licensed to hold the game commonly called beano and to provide for the crediting of the taxes imposed upon such game to certain funds, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 38 of chapter 10 of the General Laws, inserted by section 1 of chapter 729 of the acts of 1973, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph: —

No licensee shall give a prize which exceeds fifty dollars in value, except that a licensee may give two prizes on any one day as long as each prize does not exceed two hundred dollars in value, either in cash or merchandise.

SECTION 2. The first paragraph of section 39 of said chapter 10, as so inserted, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Any organization operating or conducting a game under section thirty-eight shall file a return with the commissioner of corporations and taxation, on a form prepared by him and approved by the state tax commission, within ten days after such game is held or within such further time as said commissioner of corporations and taxation may allow, and shall pay therewith a tax of five per cent of the gross receipts derived from such game.

SECTION 3. The second paragraph of said section 39 of said chapter 10, as so inserted, is hereby further amended by striking out the last sentence and inserting in place thereof the following paragraph: —

All sums received by said commissioner from the tax imposed by this section as taxes, interest thereon, fees, penalties, forfeitures, costs of suits or fines, less all amounts refunded thereon, together with any interests or costs paid on account of such refunds, shall be paid into the treasury of the commonwealth and shall be credited as follows: —

(a) Two fifths of all such sums received shall be credited to State Lottery Fund established under the provisions of section thirty-five and, subject to appropriation, the state lottery commission may expend such sums for the expenses incurred in the administration of sections thirty-seven and thirty-eight.

(b) Three fifths of all such sums received shall be credited to the General Fund.

(c) Any unappropriated balance remaining in the State Lottery Fund from the sums credited under clause (a), as determined by the comptroller as of June thirtieth, shall be credited to the Local Aid Fund established under the provisions of section two D of chapter twenty-nine, and shall be distributed to the several cities and towns in accordance with the provisions of section eighteen C of chapter fifty-eight.

SECTION 4. Section forty-one of said chapter ten, as inserted by chapter seven hundred and twenty-nine of the acts of nineteen hundred and seventy-three, is hereby repealed.

SECTION 5. This act shall take effect on January first, nineteen hundred and seventy-four.

Approved December 7, 1973.

Chap. 1166. AN ACT PROVIDING THAT ESTIMATES OF RECEIPTS AND EXPENDITURES OF COUNTIES AND COUNTY HOSPITALS BE SUBJECT TO REVIEW BY THE CITIES AND TOWNS OF THE COUNTY, AND CREATING COUNTY ADVISORY BOARDS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 35 of the General Laws is hereby amended by inserting after section 28A the following section: —

Section 28B. In every county other than Suffolk and Nantucket, there shall be an advisory board to the county commissioners consisting of the city manager, or his designee, in the case of a Plan D or Plan E city or the mayor of each other city, or the chairman of the board of selectmen of each town, and the town manager or administrator in a town which does not have selectmen constituting the county. Each chairman may, by writing filed with the county commissioners, from time to time appoint another member of the board of selectmen as his designee on the advisory board. Each city and town shall have one vote on the advisory

board plus additional votes and fractions thereof determined by multiplying one and one half times the total number of cities and towns in the county by a fraction of which the numerator shall be the total amount of all assessments made by the state treasurer to such city or town for expenses of county government and the denominator shall be the total amount of all assessments made by the state treasurer to all such cities and towns. The total vote of each city or town shall be determined by the director of accounts and delivered in writing to the advisory board thirty days after the state treasurer has sent his warrants for payments to the cities and towns. The determination of votes shall be based upon the most recent annual assessment.

The advisory board prior to the submission of estimates of receipts and expenditures by the county clerk to the director of accounts may make recommendations concerning such expenditures and said recommendations shall be reported to the director and county treasurer by the clerk of the county commissioners. The advisory board may make recommendations concerning any proposed expenditures in whole or in part, at a meeting called by the representative or representatives of cities and towns having five per cent or more of the votes of the advisory board. The advisory board shall act by a majority vote, except that it may delegate its power of approval to an executive committee formed and elected pursuant to duly adopted by-laws of the board and constituting among its members at least one half of the total vote of the board, and may, at any time, revoke such delegation.

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-four.

Approved December 7, 1973.

Chap. 1167. AN ACT ESTABLISHING A DIAGNOSTIC, EVALUATION AND TREATMENT CENTER FOR EMPHYSEMA AT THE LEMUEL SHATTUCK HOSPITAL.

Be it enacted, etc., as follows:

Section 69E of chapter 111 of the General Laws, as most recently amended by section 7 of chapter 517 of the acts of 1963, is hereby further amended by inserting after the word "hospital", the second time it appears in line 14, the words: — , and, subject to appropriation he shall establish a diagnostic, evaluation and treatment center for emphysema which is to include professional education and training at the Lemuel Shattuck Hospital.

Approved December 7, 1973.

Chap. 1168. AN ACT ESTABLISHING THE DEPARTMENT OF ELDER AFFAIRS.

Be it enacted, etc., as follows:

SECTION 1. Section 17 of chapter 6 of the General Laws is

hereby amended by striking out, in line 11, as appearing in section 1 of chapter 535 of the acts of 1966, the words “, commission on aging”.

SECTION 2. Section seventy-three of said chapter six and the caption preceding said section are hereby repealed.

SECTION 3. Section one hundred and twenty of said chapter six and the caption preceding said section are hereby repealed.

SECTION 4. Sections one hundred and twenty-two and one hundred and twenty-three of said chapter six are hereby repealed.

SECTION 5. Section 127 of said chapter 6 is hereby amended by striking out, in line 8, as appearing in section 2 of chapter 353 of the acts of 1966, the words, “commission on aging” and inserting in place thereof the words: — department of elder affairs.

SECTION 6. Section 2 of chapter 6A of the General Laws, is hereby amended by striking out the words “, elder affairs”, inserted by section 2 of chapter 862 of the acts of 1970.

SECTION 7. Section 8 of said chapter 6A is hereby amended by striking out the words “, except the aging bureau of the department of community affairs”, inserted by section 3 of said chapter 862.

SECTION 8. Section sixteen A of said chapter six A and the caption preceding said section are hereby repealed.

SECTION 9. Section 73 of chapter 13 of the General Laws is hereby amended by inserting after the word “designee”, in line 4, as appearing in section 1 of chapter 865 of the acts of 1970, the words: —, the secretary of elder affairs or his designee.

SECTION 10. Chapter 15 of the General Laws is hereby amended by striking out section 1L, added by section 1 of chapter 753 of the acts of 1970, and inserting in place thereof the following section: —

Section 1L. The school committee of any city or town designated by the secretary of elder affairs may extend the school lunch period for the purpose of serving lunches to authorized elderly persons. Private schools in any city or town so designated may also participate.

The governing body of each city and town shall be responsible for developing a plan for a year-round hot lunch program for the elderly.

The bureau of nutrition education and school food services in the department of education may contract with nonprofit public or private agencies for the preparation and serving of meals to the elderly in accordance with the provisions of this section.

Such meals may be prepared by schools and nonprofit agencies and served on site or in central production centers for service at sites more convenient to the elderly.

The operation of such school lunch programs by public or private schools and nonprofit public or private agencies shall be subject to the following conditions and restrictions:

(1) The charge to such persons for each lunch shall not exceed fifty cents.

(2) The lunches served shall meet the nutritional standards established jointly by the department of education and the secretary of elder affairs.

(3) The procedure determined by such school committee or such private school in serving such lunches shall be approved by the secretary of elder affairs and the bureau of nutrition education and school food services in the department of education.

(4) The secretary of elder affairs shall provide each such person with an identification card authorizing his participation in such lunch programs.

As used in this section, the words "authorized elderly persons" shall mean persons sixty years of age and over and their spouses whose participation in the program has been approved by the secretary of elder affairs. The commonwealth may, subject to appropriation, reimburse any city or town, public school, private school or nonprofit public or private agency for such costs as are incurred in excess of fifty cents for each such lunch prepared and served, upon written request by such city or town, public school, private school or nonprofit public or private agency to the commissioner of education on such form as he may prescribe. If the commissioner approved such request, he shall certify to the comptroller that such payments are due and the state treasurer shall pay the same. Any federal funds provided annually for the purposes of this program shall be expended prior to the use of any funds appropriated by the commonwealth.

SECTION 11. The third sentence of section 3 of chapter 17 of the General Laws, as appearing in section 2A of chapter 776 of the acts of 1972, is hereby amended by inserting after the word "non-providers", in line 1, the following words: —, at least one of whom shall be appointed by the governor from a list of three persons submitted by the secretary of elder affairs.

SECTION 12. Section 2 of chapter 18 of the General Laws is hereby amended by inserting after subsection (B) the following subsection: —

(C) (a) If the standards of the department of elder affairs in regard to home care services are in accordance with the standards of the department, the department may enter into an inter-agency agreement with the department of elder affairs for the provision of home care services for the elderly. The department may contract with a public or private agency for the provision of home care services for adult handicapped provided the services are in accordance with the standards of the department.

No rule or regulation of the department establishing such standard shall take effect unless, prior to notice under chapter thirty A, it has been submitted for review and comment to the secretary of elder affairs.

When purchasing home care services from the department of elder affairs, under the provisions of this paragraph, the commissioner may authorize payment from the department to the department of elder affairs for the reasonable cost of any services

rendered in accordance with the terms of an inter-agency agreement authorized under the provisions of this section.

(b) The department may also contract with any other person or agency for the provision of home care services, provided that any such contract for the provision of such services for the elderly shall be subject to the approval of the department of elder affairs, and provided further that any contract for the provision of home health services by a certified home health agency shall not be subject to such prior approval.

(c) No rules and regulations of the department establishing standards for regulating the terms and conditions of contracts providing home care services and fee schedules or charges relative to such services shall become effective until they have been approved by the house and senate committees on ways and means of the general court.

SECTION 13. Section 10 of said chapter 18 is hereby amended by striking out the third sentence, inserted by section 9 of chapter 885 of the acts of 1969, and inserting in place thereof the following sentence: — No such rule or regulation shall take effect unless, prior to notice under chapter thirty A, it has been submitted for review to the secretary of administration and, in the case of any rule or regulation relative to Title I, XIV, XVI, or XIX of the federal Social Security Act, for review and comment to the secretary of elder affairs.

SECTION 14. Said chapter 18 is hereby further amended by adding the following section: —

Section 28. For the purposes of this section the following words shall, unless the context otherwise requires, have the following meanings:

(1) "Homemaker services", care of individuals in their own homes, or helping individuals and families to achieve adequate household and family management, where the service is rendered by a person who receives a third party payment for said service or is employed for the purpose of rendering such services by other than the family or household receiving said service.

(2) "Person", any department, office, commission, committee, council, board, division, bureau, institution, or authority of the commonwealth or its political subdivisions, and any individual, partnership, corporation, or other legal entity.

There shall be in the department a board of accreditation of homemaker services, hereinafter called the board, consisting of the secretary of elder affairs or his designee, the secretary of human services or his designee, who shall be chairman, the secretary of the commissioner of public welfare or his designee, the commissioner of public health or his designee, the director of the office for children or his designee, the president of the Massachusetts Council for Homemaker-Home Health Aide Services and seven members appointed by the commissioner, one of whom shall be a director of a homemaker service organization, one a homemaker, and five consumers of homemaker services. The director of a homemaker

service organization, the homemaker and three of the five consumers shall be selected from a list of twenty-six persons, which shall be submitted to the commissioner by the Massachusetts Council for Homemaker-Home Health Aide Services, of whom three shall be directors of homemaker service organizations, three shall be homemakers and twenty shall be consumers of homemaker services. The remaining two consumers shall be selected from lists of senior citizens submitted to the commissioner by statewide organizations representing the interests of the elderly.

Each member of the board appointed by the commissioner shall serve for a term of two years, and any vacancy on the board due to causes other than expiration of a term shall be filled for the remainder of the unexpired term.

The commissioner may provide such staff and services, including, but not limited to clerical and secretarial services, as the board may reasonably require.

Members of the board established by this section shall serve without compensation for their services, but the appointive members may be reimbursed by the department for their expenses necessarily incurred in the performance of their duties.

Utilizing, but not being limited to, the standards set by the National Council for Homemaker-Home Health Aide Services for accreditation of agencies providing homemaker services, and in accordance with its rules and regulations, the board may accredit any person providing homemaker services. Accreditation shall be for a term of two years, and shall be renewable, in accordance with the board's rules and regulations; provided however, that the board may not deny accreditation, refuse to renew accreditation, or revoke accreditation until after a hearing before a hearing officer.

In no case shall revocation of such accreditation take effect in less than thirty days after written notification by the board to the person.

Any action of the board denying accreditation, refusing to renew accreditation, or revoking accreditation shall be subject to chapter thirty A of the General Laws.

The board may, when public necessity and convenience requires or to prevent undue hardship to an applicant, under such rules and regulations as it may adopt, grant a temporary, provisional, or probationary accreditation provided, however, that no such accreditation shall be for a term exceeding one year.

Accreditation shall not be transferable or assignable and shall be issued only to the named person.

Upon petition of the board, the superior court shall have jurisdiction to enjoin any violation of the provisions of this section or to take such other action as equity and justice may require.

No person shall provide homemaker services in the commonwealth without accreditation in accordance with the provisions of this section.

SECTION 15. The General Laws are hereby amended by inserting after chapter 19 the following chapter: —

CHAPTER 19A.

DEPARTMENT OF ELDER AFFAIRS.

Section 1. There shall be a department of elder affairs, in this chapter called the department, which shall be under the supervision and control of a secretary of elder affairs, hereinafter called the secretary. The secretary shall be appointed by and serve at the pleasure of the governor. In the event of a vacancy in the office of the secretary, or in the secretary's absence or disability, as determined by the governor, the governor shall designate an assistant secretary of elder affairs to serve as secretary until the vacancy is filled, or until the absence or disability ceases, as determined by the governor, and the assistant secretary so designated shall have all the powers and duties of the secretary. The secretary shall devote his full time to the duties of his office.

The secretary shall be the executive and administrative head of the department and shall be responsible for administering and enforcing the provisions of law relative to the department and each administrative unit thereof.

Section 2. There shall be in the department an office of administration and an office of program planning and management, each under the supervision of an assistant secretary of elder affairs, in this chapter called an assistant secretary, subject to the direction, control, and supervision of the secretary. Each assistant secretary shall be a person of skill and experience including five years of administrative experience in the field of his appointment, shall be appointed by the secretary, and shall serve at his pleasure. The position of assistant secretary shall not be subject to chapter thirty-one and the provisions of section nine A of chapter thirty shall not apply to any person holding such appointment. Each assistant secretary shall devote his full time to the duties of his office.

Section 3. The secretary may from time to time, subject to appropriation, establish within the department such divisions and such administrative units within such divisions as may be necessary for the efficient and economical administration of the department, and, when necessary for such purpose, he may abolish any such division, or he may merge any two or more of them, and may abolish or merge any such other administrative units within divisions as he may deem advisable. The secretary shall prepare and keep current a statement of the organization of the department, of the assignment of functions to its various administrative units, offices, and employees, and of the places at which and the methods whereby the public may receive information or make requests. Such statement shall be known as the department's description of organization. A current copy of the description of organization shall be kept on file in the office of the state secretary and in the office of the secretary of administration.

Each division shall be under the supervision of a director who shall have skill and experience in the field of his appointment.

Section 4. The department shall be the principal agency of the

commonwealth to mobilize the human, physical, and financial resources available to plan, develop, and implement innovative programs to insure the dignity and independence of elderly persons, including the planning, development, and implementation of a home care program for the elderly in the communities of the commonwealth.

The department shall also serve as an advocate for the needs of the adult handicapped as these needs and services overlap the needs and services of elderly persons.

To accomplish the objectives hereinbefore set forth, the secretary is hereby authorized:

(a) to provide assistance to communities in solving local problems with regard to elderly persons including, but not limited to, problems in identifying and coordinating local resources to serve the needs of elderly persons;

(b) to facilitate communications and the free flow of information between communities and the offices, agencies, and employees of the commonwealth;

(c) to encourage and assist communities to plan, develop, and implement home care programs;

(d) to provide and act as a clearinghouse for information, data, and other materials relative to elderly persons;

(e) to initiate and carry out studies and analyses which will aid in solving local, regional, and statewide problems concerning elderly persons;

(f) to coordinate through advice and counsel those programs of other state agencies designed to assist in the solution of local, regional, and statewide problems concerning elderly persons;

(g) to advise and inform the governor on the affairs and problems of elderly persons in the commonwealth;

(h) to exercise the powers and discharge the duties assigned to him in the fields of health care, housing, nutrition, homemaker services, economic opportunity, local and regional planning, transportation, and education and preretirement programs;

(i) to further the cooperation of local, state, and federal and private agencies and institutions providing for services or having responsibility for elderly persons;

(j) to represent and act on behalf of the commonwealth in connection with federal grant programs applicable to programs for elderly persons in the functional areas described in this section;

(k) to seek, accept, and otherwise take advantage of all federal aid available to the department, and to assist other agencies of the commonwealth, local agencies, and community groups in taking advantage of all federal grants and subventions available for elderly persons;

(l) to render advice and assistance to communities and other groups in the preparation and submission of grant applications to state and federal agencies relative to programs for elderly persons;

(m) to review and coordinate those activities of agencies of the commonwealth and of any political subdivision of the common-

wealth at the request of such subdivision, which affect the full and fair utilization of community resources for programs for elderly persons, and initiate programs that will help assure such utilization;

(n) to encourage the formation of councils on aging and to assist local communities in the development of said councils.

(o) to conduct yearly studies and evaluations pertaining to the quality of care and social services for nursing home patients and report such findings and recommendations to the general court.

In order to assist in the discharge of his duties, the secretary may request from any agency of the commonwealth information pertinent to the affairs and problems of elderly persons.

Nothing in this section shall be construed to be a limitation of the other powers and duties assigned by law to the secretary.

Section 5. The secretary may appoint from time to time, such citizen advisory boards as he deems appropriate and necessary. Said citizen advisory boards shall advise and assist the secretary on matters relating to the special needs of elderly persons and assist the secretary in making appraisals of needs of the elderly and the evaluations of programs required by this act. The secretary in making appointments to said boards shall insure that members so appointed shall represent all regions of the commonwealth, the segments of the population served by the department and statewide senior citizens groups; provided, however, that at least fifty per cent of the members of any board so appointed shall be fifty-five years of age or over.

Members of any citizen advisory boards established by this section shall receive no compensation for their services, but may be reimbursed for their expenses necessarily incurred in the performance of their duties.

Section 6. The secretary shall make, and from time to time revise, regulations for the conduct of the business of the department and such other regulations as may be required by law.

Section 7. The secretary may accept on behalf of the commonwealth any gifts or grants of money or property, whether real or personal, from any source, whether public or private, for the purpose of assisting the secretary in the discharge of his duties.

Section 8. The secretary, subject to appropriation, shall appoint and may remove all employees in the department. Unless otherwise provided by law, all such appointments and removals shall be in accordance with chapter thirty-one.

In making such appointments, the secretary shall make every reasonable effort to assure that at least twenty-five per cent of all employees of the department are fifty-five years of age or older.

Section 9. Subject to appropriation, the secretary may, without regard to chapter thirty-one, but subject to the approval of the governor, appoint such experts and technical consultants as he shall determine to be necessary to perform the functions of said office; provided that the provisions of section nine A of chapter thirty shall not apply to any person holding any such appointment.

Section 10. If an employee serving in a position which is classified under chapter thirty-one or in which he has tenure by reason of section nine A of chapter thirty shall be appointed to a position within the department of any agency under the department which is not subject to the provisions of chapter thirty-one, he shall upon termination of his service in such unclassified position be restored to the position which he held immediately prior to such appointment; provided, however, that if his service in such unclassified position shall have been terminated for cause, his right to be so restored shall be determined by the civil service commission in accordance with the standards applied by said commission in administering chapter thirty-one. Such restoration shall be made without impairment of his civil service status or tenure under section nine A of chapter thirty and without loss of seniority, retirement, or other rights to which uninterrupted service in such prior position would have entitled him. During the period of such appointment, each person so appointed from a position in the classified civil service shall be eligible to take any competitive promotional examination to which he would have otherwise been eligible.

Section 11. The department shall collaborate with the department of community affairs in the location, design, construction and management of housing built for the elderly and shall upon request provide technical assistance to local housing authorities and other groups.

Section 12. The secretary shall measure and evaluate the impact of all programs authorized by this chapter, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Goals and standards for evaluation purposes shall be developed jointly by the department of elder affairs and statewide organizations representing the interests of the elderly. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated. Subject to appropriation, evaluations shall be conducted every two years by an evaluator who does not supply service to the department and who is not in the regular employ of the commonwealth.

The secretary may not make grants or contracts under this chapter until he has developed and published general standards to be used by him in evaluating the programs and projects assisted under this chapter. Results of evaluations conducted pursuant to such standards shall be included in the annual reports required by this section.

In carrying out evaluations under this section, the secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

The secretary shall, on or before the second Wednesday in February in each year, publish summaries of the results of evaluative research and evaluation of program and project impact and effectiveness, the contents of which shall be available to the general court and the public. All studies, evaluations, proposals, and data produced or developed shall become the property of the commonwealth.

Such information as the secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the commonwealth.

The secretary shall expend such sums as may be appropriated therefor, not exceeding one per cent of the funds appropriated to the department for this chapter, to conduct program and project evaluations as required by this chapter.

Not later than one hundred and twenty days after the close of each fiscal year, the secretary shall prepare and submit to the governor and the general court a full and complete report on the activities carried out under this chapter. Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

Section 13. There is hereby created an elder service corps to be composed of men and women sixty years of age and older to assist in meeting the needs of the elderly population of the commonwealth and to offer the elderly opportunities for service.

There shall be the following categories of corpsmen:

(1) full-time corpsmen, consisting of volunteers sixty years of age and older, enrolled for one year's service, who shall devote full-time to their duties and shall, subject to appropriation, receive a stipend not exceeding the maximum allowable under the earnings limitations sections of the Social Security Act;

(2) part-time corpsmen, consisting of volunteers sixty years of age or older enrolled for one year's service, who shall serve not less than twelve hours a week and who shall receive, subject to appropriation, a stipend not exceeding one hundred dollars per month.

The service of any corpsmen may be terminated for cause or renewed by the secretary at the end of a term of service. All corpsmen may, subject to the rules and regulations of the group insurance commission, participate in the group insurance programs provided under chapter thirty-two A and shall receive an allowance equal to the cost of such participation, in addition to any other stipend or reimbursement provided in this section.

The secretary shall prescribe, without regard to chapter thirty A, rules and regulations governing the activities of the corpsmen.

No corpsmen shall be subject to the provisions of chapter thirty-one or section nine A of chapter thirty. No corpsman shall be deemed to be an employee of the commonwealth entitled to the benefit of the workmen's compensation act, nor shall he be deemed to be an employee of the commonwealth for any other purpose,

except as otherwise provided in this section.

SECTION 16. Section 10 of chapter 23B of the General Laws, as appearing in section 1 of chapter 761 of the acts of 1968, is hereby amended by striking out, in line 7, the words "commission on aging".

SECTION 17. Chapter 40 of the General Laws is hereby amended by striking out section 8B, as most recently amended by chapter 242 of the acts of 1966, and inserting in place thereof the following section: —

Section 8B. A city by ordinance or a town by by-line may establish a council on aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in coordination with programs of the department of elder affairs. The council shall submit an annual report to the city or town and shall send a copy thereof to the department of elder affairs. Said department shall from time to time review and evaluate such reports and make recommendations as to any required or needed changes in said local programs. The council may appoint such clerks and other employees as it may require.

SECTION 18. The first paragraph of section 2 of chapter 111 of the General Laws is hereby amended by inserting after the first sentence the following sentence: — The secretary of elder affairs and the commissioner shall jointly develop and submit to the council rules and regulations governing the licensure and operation of convalescent or nursing homes, rest homes, infirmaries maintained in a town and charitable homes for the aged.

SECTION 19. Section 3 of said chapter 111 is hereby amended by adding the following sentence: — The secretary of elder affairs or his designee may intervene on behalf of a resident or residents or the owner or administrator of a convalescent or nursing home, rest home, infirmary maintained in a town, or a charitable home for the aged in any proceedings before the council.

SECTION 20. The fourth paragraph of section 25C of said chapter 111, as appearing in section 3 of chapter 776 of the acts of 1972, is hereby amended by inserting after the word "agencies", in line 6, the words: — and, in the case of long-term care facilities only, the department of elder affairs.,.

SECTION 21. Said section 25C of said chapter 111 is hereby further amended by adding the following paragraph: —

The department shall notify the secretary of elder affairs forthwith of the pendency of any proceeding, of any public hearing and of any action to be taken under this section on any application submitted by or on behalf of any long-term care facility.

SECTION 22. Section 71 chapter 111 of the General Laws is hereby amended by adding the following paragraph: —

The department shall notify the secretary of elder affairs forthwith of the pendency of any proceeding of any public hearing or of any action to be taken under this section relating to any convalescent or nursing home, rest home, infirmary maintained in a town, or charitable home for the aged.

SECTION 23. Section 24 of chapter 118E of the General Laws, as appearing in section 1 of chapter 800 of the acts of 1969, is hereby amended by inserting after the word "commission", in line 8, the words: — the secretary of elder affairs or his designee.

SECTION 24. The first paragraph of section 31 of chapter 121B is hereby amended by adding the following sentence: — Upon receipt of said plans and descriptions, the department shall immediately forward copies of said plans and descriptions to the secretary of elder affairs.

SECTION 25. Clause (c) of section 40 of said chapter 121B is hereby amended by inserting after the word "welfare", in line 4, as appearing in section 6 of chapter 812 of the acts of 1970, the words: — , the secretary of elder affairs.

SECTION 26. The first sentence of clause (f) of said section 40 of said chapter 121B, as appearing in section 1 of chapter 751 of the acts of 1969, is hereby amended by inserting after the word "shall", in line 1, the words: — , after consultation with the secretary of elder affairs.

SECTION 27. Said section 40 of chapter 121B of the General Laws is hereby amended by adding the following clause: —

(g) following receipt of project plans and descriptions submitted to the department and the department of elder affairs, the department shall consult with the department of elder affairs in all phases of the development and approval of said plans and submissions. No contracts between the department and a housing authority for state financial assistance under sections thirty-eight to forty-one, inclusive, shall be entered into without prior review and comment of the secretary of elder affairs.

SECTION 28. The fourth paragraph of section 50 of chapter 704 of the acts of 1969 is hereby amended by striking out the words "; the secretary of elder affairs, with respect to the functions of the department of public welfare as they relate to the administration of old age assistance, disability assistance and the provision of a program for income maintenance, the functions of the department of public health as they relate to the licensing and inspection of nursing homes, rest homes and related facilities, and the functions of the department of community affairs as they relate to the construction and administration of housing for the elderly and transportation facilities for the elderly", inserted by section 5 of chapter 862 of the acts of 1970.

SECTION 29. Chapter 15 of the acts of 1970 is hereby amended by striking out, in line 1, the word "community" and inserting in place thereof the word: — elder.

SECTION 30. The powers and duties formerly exercised and performed by the department of community affairs pursuant to chapter fifteen of the acts of nineteen hundred and seventy, are hereby transferred to the department of elder affairs established under the provisions of chapter nineteen A of the General Laws.

SECTION 31. The powers and duties formerly exercised and performed by the commission on aging, which were transferred to

and exercised and performed by the department of community affairs pursuant to section twelve of chapter seven hundred and sixty-one of the acts of nineteen hundred and sixty-eight, are hereby transferred to the department of elder affairs established under the provisions of chapter nineteen A of the General Laws, inserted by section fifteen of this act.

SECTION 32. All officers and employees of the executive office of elder affairs and the aging bureau who, immediately prior to the effective date of this act, either hold permanent appointment in positions classified under chapter thirty-one of the General Laws or have tenure in their positions by reason of section nine A of chapter thirty of the General Laws, are hereby transferred to the department of elder affairs, every such transfer to be without impairment of civil service status, seniority, retirement, or other rights of the officer or employee, and without interruption of service within the meaning of said chapter thirty-one or said section nine A, and without reduction in compensation or salary grade, notwithstanding any change in his title or duties resulting from such transfer, subject to the provisions of said chapter thirty-one and the rules and regulations adopted thereunder.

All such officers and employees who, immediately prior to said effective date, neither hold permanent appointment in such positions nor have such tenure, are hereby transferred to the department of elder affairs, every such transfer to be without impairment of seniority, retirement and other rights of the officer or employee, and without interruption of service within the meaning of said section nine A, and without reduction in compensation or salary grade, notwithstanding any change in his title or duties resulting from such transfer.

Nothing in this section shall be construed to confer upon any officer or employee any rights not held immediately prior to said effective date, or to prohibit any reduction of salary or grade, transfer, reassignment, suspension, discharge, layoff, or abolition of position not prohibited prior thereto.

All questions regarding the identification of such officers and employees shall be determined by the secretary of administration.

SECTION 33. All books, papers, records, documents, equipment, lands, interests in land, buildings, facilities and other property, both personal and real, which immediately prior to the effective date of this act are in the custody of any agency from which powers and duties are transferred to the department of elder affairs, and which relate to or are maintained for the purpose of the exercise of such powers or the performance of such duties, are hereby transferred to said department; provided, however, that all such property held in trust shall continue to be held in trust, and be administered in accordance with the terms of such trust, by said department or, if said department shall decline such trust, by the trustees appointed by any court of competent jurisdiction upon application of any interested person for such appointment or for instructions in connection therewith.

All questions regarding the identification of such property shall be determined by the secretary of administration.

SECTION 34. All moneys heretofore appropriated for any agency from which powers and duties are transferred to the department of elder affairs by the provisions of this act for the purpose of the exercise of such powers or the performance of such duties, and remaining unexpended on the effective date of this act, are hereby transferred to, and shall be available for expenditure by, said department.

All questions regarding the identification of such moneys shall be determined by the secretary of administration.

SECTION 35. All duly existing contracts, leases and obligations of any agency or program from which powers and duties are transferred to the department of elder affairs by the provisions of this act which relate to the exercise of such powers or the performance of such duties, and which are in force immediately prior to the effective date of this act, shall thereafter be performed by said department. This section shall not affect any renewal provision or option to renew contained in any such lease in existence on said effective date, all of which may thereafter be exercised by said department.

All questions regarding the identification of such contracts, leases and obligations shall be determined by the secretary of administration.

SECTION 36. All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal and other proceedings duly begun by, any office, commission or bureau from which powers and duties are transferred to the department of elder affairs by the provisions of this act which arise from or relate to the exercise of such powers or the performance of such duties, and which are pending immediately prior to the effective date of this act, shall continue unabated and remain in force notwithstanding the passage of this act, and shall thereafter be completed by said department.

All orders, rules and regulations duly made, and all licenses, permits, certificates and approvals duly granted, by any office, commission or bureau from which powers and duties are so transferred to said department, which arise from or relate to the exercise of such powers or the performance of such duties, and which are in force immediately prior to said effective date, shall continue in force, and the provisions thereof shall thereafter be enforced, until superseded, revised, rescinded, or canceled in accordance with law, by the department of elder affairs.

All questions regarding the identification of such petitions, hearings, prosecutions, proceedings, orders, rules, regulations, licenses, permits, certificates and approvals shall be determined by the secretary of administration.

SECTION 37. Wherever the name of any department, agency, office, commission, committee, council, board, division, bureau, institution, other administrative unit or officer within such agency,

from which powers and duties are transferred by the provisions of this act, appears in any statute, order, rule, regulation or other document related to the exercise of such powers or the performance of such duties, such name shall be construed as referring to the department of elder affairs.

SECTION 38. Notwithstanding the provisions of section three of chapter seventeen of the General Laws, amended by section eleven of this act, nonprovider members of the public health council, serving on the effective date of this act, shall continue to serve until the expiration of the terms for which they were appointed.

SECTION 39. The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 40. This act shall take effect on July first, nineteen hundred and seventy-four. *Approved December 7, 1973.*

Chap. 1169. AN ACT FURTHER REGULATING HEALTH, WELFARE, AND RETIREMENT TRUST FUNDS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further regulate certain employee trust funds and plans as of January first, nineteen hundred and seventy-four, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by striking out chapter 151D and inserting in place thereof the following: —

CHAPTER 151D.

HEALTH, WELFARE, AND RETIREMENT FUNDS.

Section 1. The following words and phrases as used in this chapter shall have the following meanings, unless the context clearly requires otherwise:

"Accrued portion of normal retirement benefit", that amount of benefit which, irrespective of whether the right to such benefit is nonforfeitable, is equal to (a) in the case of a profit-sharing retirement plan or money purchase plan, the total amount, including all interest held in the plan, credited to the account of a participant; (b) in the case of pension plan, the benefit units credited to a participant; or (c) in the case of other types of pension plans, that portion of the prospective normal retirement benefit of a participant which constitutes the participant's accrued portion of the normal retirement benefit under the terms of the appropriate plan.

"Beneficiaries", those persons whether ascertained or unascertained, having any interest present or future, vested or contingent.

"Board", the health, welfare and retirement trust fund board.

"Covered service", that period of service performed by a participant for an employer or as a member of an employee organization

which is recognized under the terms of the plan or the collective bargaining agreement for purposes of determining a participant's eligibility to receive pension benefits or for determining the amount of such benefits. Covered service commences on either (a) January first, nineteen hundred and seventy-four; (b) the effective date of the plan; or (c) the service requirement established in section thirteen; whichever occurs later.

"Director", the director of the health, welfare and retirement trust fund board. The director shall act as the executive officer for the board, acting in the board's behalf as the board may direct.

"Economic hardship", includes but is not limited to, a showing that; a substantial risk to the capability of voluntarily continuing the plan exists, the plan will be unable to discharge its existing contractual obligations for benefits, a substantial curtailment of pension or other benefit levels of the levels of employees' compensation would result, or there will be an adverse effect on the levels of employment with respect to the work force employed by the employer or employers contributing to the plan.

"Employee benefit plan" or "plan", an employee welfare benefit plan or any employee pension benefit plan or a plan providing both welfare and pension benefits.

"Experience deficiency", with reference to a pension plan, an actuarial deficit with respect only to that portion of the trust resulting from contributions made in connection with funding statutory vested benefits, which deficit is attributable to factors other than the failure of an employer to make the aforementioned contributions required by section thirteen.

"Fund", a fund of insurance, annuity or deposit administration contracts, or any combination of the foregoing, maintained pursuant to or in connection with a pension or profit-sharing retirement plan.

"Funding", payment or transfer of assets into a trust or payment to an insurance carrier to secure a contractual right pursuant to an agreement with such carrier.

"Employee or labor organization", any labor union or any organization of any kind, or any agency or employee representative committee, association, group, or program, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning a pension, health and welfare, or profit-sharing retirement plan, or other matters incidental to employment relationships; or any employees' beneficiary association organized for the purpose, in whole or in part, or establishing or maintaining such a plan.

"Normal retirement age", normal retirement age specified in the plan but not later than sixty-five, in the absence of plan provision specifying normal retirement age, age sixty-five.

"Normal retirement benefit", that benefit payable under a pension or profit-sharing retirement plan in the event of retirement at the normal retirement age.

"Pension Plan", any plan, fund, or program, other than a profit-

sharing retirement plan, which is established or maintained for the purpose of providing for its participants, or their beneficiaries, by the purchase of insurance or annuity contracts, deposit administration contracts, or otherwise retirement benefits.

"Plan administrator", the person designated or to be designated by the terms of the pension or profit-sharing retirement plan, collective bargaining agreement, trust agreement, contract or other instrument under which the plan is established or operated, with responsibility for the ultimate control, disposition or management of the fund. The plan administrator in the case of plans funded solely by the direct purchase of insurance contracts by an employer or labor organization shall be responsible for compliance with the provisions of this chapter.

"Profit-sharing retirement plan", a plan established or maintained by an employer to provide for the participation by the employees in the current or accumulated profits or both the current and accumulated profits of the employer in accordance with a definite predetermined formula allocating the contributions made to the plan among the participants and for distributing the funds accumulated under the plan upon retirement or death. Such plan may include provisions permitting the withdrawal or distribution of the funds accumulated upon contingencies other than, and in addition to, retirement and death.

"Special payment", a payment made to a pension plan for the purpose of liquidating an experience deficiency.

"Statutory vested benefit", a legal claim obtained by a participant or his beneficiary to that part of an immediate or deferred pension benefit or profit-sharing retirement plan benefit which arises from the participant's covered service under the plan and is no longer contingent on the participant remaining covered by the plan.

"Trust", funds derived in whole or in part from contributions from employers or employees or both, and designed for the purpose of paying or providing for medical or hospital care, pensions, annuities, benefits on retirement or death or unemployment of beneficiaries, compensation for injuries or illness, insurance to provide any of the foregoing, or life insurance, disability and sickness insurance or accident insurance for the benefit of beneficiaries or their dependents.

"Trustee", a person, board, or committee charged with the overall management and administration of the plans under which funds of a trust, pension plan or profit-sharing retirement plan are derived or for which such funds are provided, by whatever title described in any document creating or providing for the management of such plans. If such funds are operated as a corporation, the officers, and directors thereof shall be trustees, and shall be under the same responsibility and obligations as the trustees or any such fund not operated as a corporation, except that the account required under section three may be filled in the name of the corporation.

Section 2. The trustees or plan administrators of all trusts, employee benefit funds or funds, pension plans, or profit-sharing retirement plans within the commonwealth shall register such trusts, funds or plans with the board in accordance with the provisions of this section within ninety days after such trust funds or plan is established.

The registration shall be in the form prescribed by the board and shall include certified copies of the trust indentures, contracts, corporate by-laws and any and all other documents creating or relating to the organization and operation of such trust or funds. If such documents in their entirety, in the opinion of the board, make adequate provision for the investment and operation of the trusts, the interests of the beneficiaries thereof, for the accounting for such trusts, or where applicable the protection of the contractual rights of the parties to the insurance contracts which constitute the fund, it shall approve them, except that trustees or plan administrator or such other officers as it shall deem necessary shall file bonds or deposit security for the faithful performance of their duties, in such manner and in such amounts as it shall determine. If it shall disapprove any such documents in whole or in part the trustees or plan administrator of such fund shall have thirty days to file amendments. If after such opportunity for amendment, the board shall still not approve, the trustees or plan administrators may file a petition in equity in the probate court for the county in which the trust or fund has its principal place of business in the commonwealth, or if it has no principal place of business in the commonwealth, then in the probate court for Suffolk County, against the board. Either party shall have the same rights of appeal as other parties in equity in the probate court.

Any trustee or plan administrator neglecting to file its registration in the form and within the time specified may be required to forfeit five dollars for each day during which such neglect continues. The time for filing any registration may be extended by the board, upon application in writing to the board.

Any person violating the board approval provision of this section shall be punished by a fine of not more than five hundred dollars for each day of such violation, or by confinement in a jail or house of correction for not more than two years, or both.

Section 3. (a) The trustees or plan administrator required to register under section two shall file an annual report with the board within five months after the end of the calendar year, or if the records of the trust or fund are kept on a policy or fiscal year basis then within five months after the end of such policy or fiscal year. Said report shall be in writing upon a form prescribed by the board. It shall be signed and certified under oath as prescribed by the board. It shall contain the following information for the preceding calendar, policy or fiscal year; the value of the trust or fund as of the end of the fiscal year; the amount contributed by the employer or employers, the amount contributed by the employees; the amount of benefits paid for each class of benefits; the number

of employees covered; the salaries and fees paid by or charged to the trust for fund, to whom paid, in what amount, and for what purposes. If some or all of the benefits under the trust or fund are provided by an insurance carrier or by a hospital, surgical or medical service or any other similar type of plan, such report shall also include for each such year, with respect to such and for each class of benefits, the following information: the premium rate or subscription charge and the total premium or subscription charges paid to each such insurance carrier or service plan; the number of persons covered by each class of benefits; the total claims incurred and the total claims paid by such insurance carrier or service plan; dividend, commissions and administrative, services or other fees paid by such insurance carrier or service plan; retentions by such insurance carrier or service plan; the names and addresses of the brokers, agents or other persons to whom commissions or fees were paid, the amounts paid to each, and the services rendered for said commissions or fees. Such insurance carrier or service plan shall certify to the trustees or plan administrators of such trust or fund within four months after the end of each policy year, the information necessary to enable such trustees or plan administrators to comply with the requirements of this paragraph. Any insurance carrier or service plan failing to furnish such information within the time specified shall be penalized five dollars for each day during which such failure continues. The board may also request in writing such supplemental information as is necessary to clarify and explain any such annual reports.

Any trustee or plan administrator neglecting to file its annual report in the form and within the time specified may be required to forfeit five dollars for each day during which such neglect continues. The time for filing any such report may be extended by the board.

Within one year after the date the plan is established and annually thereafter, as part of the annual report, the trustee or plan administrator shall submit a report by a qualified actuary stating, but not limited to:

1. The estimated cost of statutory vested benefits in respect of service for which such plan is required to register and the formula for computing such cost in subsequent years up to date for the following report.

2. The contributions made to fund the statutory vested benefit for the period covered since the last report.

3. A report of the review required by section three.

- (b) The board may examine the books and records and investigate the administration of any trust, pension plan or profit-sharing retirement plan, and the board may require the attendance and testimony of witnesses. Such witnesses shall be duly sworn and shall give their testimony under the penalties of perjury. The board may conduct examinations at such places and take deposition within or without the commonwealth.

- (c) No trustee or plan administrator or employer, or labor

organization representing any employees eligible for benefits under a trust or fund required to register under this chapter, and no officer, agent or employee of any such trustee or plan administrator, employer or labor organization shall receive directly or indirectly any payment, commission, loan, service, or any other thing of value from any insurance company, insurance agent, insurance broker or any hospital, surgical or medical service plan, in connection with the solicitation, sale, service or administration or a contract providing benefits for such trust or fund, or receive any payment commission, loan or any other thing of value from such trust or fund, or which is charged against such trust or fund would otherwise be payable to such trust or fund either directly or indirectly, except that any such person may receive any benefits under a trust or fund to which he is otherwise entitled, and any trustee or plan administrator, employer or labor organization, or his or its officer, agent or employee, may receive from such trust or fund reasonable compensation for necessary services and expenses rendered or incurred by him or in connection with the official duties of such trust or fund; provided, however, that nothing in this paragraph shall affect the payment of any dividend or rate credit or any other adjustment due under the terms of any insurance or annuity contract to the policyholder or contract holder.

Nothing contained in this subsection shall be construed as prohibiting the purchase by the trustees at fair market value of any securities which are proper investments for trustees, nor the sale of such securities at such value.

No insurance company, insurance agent or insurance broker and no hospital, surgical or medical service plan, shall either directly or indirectly, pay any commission, make any loan or give any other payment or thing of value to any employee welfare fund or to any employer or labor organization representing any employees eligible for employee benefits thereunder or to any trustee or other officer or employee of any such fund, employer or labor organization, in connection with the solicitation, sale, service or administration of a contract providing employee benefits for such fund.

(d) Any trustee or plan administrator subject to the provisions of this chapter, who has a principal place of business located outside the commonwealth shall appoint an agent in the commonwealth for the service of process upon such trustee or plan administrator in his capacity as trustee or plan administrator and register the name and address of such agent with the board. Any such trustee or plan administrator who fails to appoint an agent in the commonwealth shall be deemed and held, in relation to any cause of action or proceeding against him as trustee or plan administrator to have appointed the commissioner of corporations and his successor in office to be his true and lawful attorney and any process in any such action or proceeding against such trustee or plan administrator served upon the commissioner or his successor in office shall be of the same legal force and validity as if

served on such trustee or plan administrator personally. When legal process against such trustee or plan administrator is served upon the commissioner, he shall immediately give notice to the trustee or plan administrator of such service by registered mail, postage prepaid, return receipt requested, directed to the trustee or plan administrator and shall, within two days after such service forward in the same manner, a copy of the process served upon him to such trustee or plan administrator.

A fee of two dollars shall be paid by the plaintiff to the commissioner at the time of the service and shall be taxed in his costs if he prevails in the suit. The commissioner shall keep a record of all such processes, which shall show the day and hour of service. In the case of service of process on a trustee or plan administrator who has not appointed an agent for the service of process, the notice herein provided for shall be mailed by the commissioner to the proper address of the trustee or plan administrator which shall be furnished to him by the plaintiff or his attorney.

(e) If, after notice and a hearing, the board finds that any trust or fund has been depleted by reason of any wrongful or negligent act or omission of a trustee, plan administrator or of any other person, or that any trustee, plan administrator or other person unreasonably fails or refuses to pay or award any benefit to which an employee or beneficiary is entitled, it may bring an action or intervene in an action brought by or on the behalf of an employee, beneficiary or an employer against such trustee, plan administrator or other person who fails or refuses to pay said benefits, or whose act of omission has caused such depletion, for the recovery of such monies, securities, property or thing of value for the benefit of the beneficiaries.

(f) A summary of the report in such form as shall be approved by the board setting forth the information required to be filed under subsection (a) shall be filed annually with the board at the same time as the filing of said report. It shall be kept available for public inspection at the office of the board. The board may, if it deems it necessary for the accomplishment of the purposes of this act in the case of any particular trust, direct the trustees to distribute or appropriately publish copies of such summary to all employees and labor organizations participating in the trust or fund. Except as provided in this subsection, all reports and other information in the possession of the board shall be confidential communications, shall not be subject to subpoena and shall not be made public unless the ends of justice and the public advantage will be subserved by the publication thereof in the case of any particular trust or fund; in which event the board shall publish a copy of such report or other information or any part thereof in such manner as the board may deem proper.

The employer shall furnish to every employee upon his enrollment in the plan and within sixty days after each major amendment to the plan a summary of the plan's important provisions or requirements of the amendment, whichever is applicable, written

in the manner calculated to be understood by the average employee of such employer. The summary shall include a description of the benefits available to the participant under the plan and circumstances which may result in disqualification or ineligibility, the employer shall furnish to every employee the plan's vesting provisions, the procedure for claiming benefits, the procedure for appealing denial of benefits, and what effect, if any, a company merger or termination of the plan will have on those participants, as well as disability and survivorship benefits, and the procedure for claiming them. The employer shall furnish to every employee every three years a revised up-to-date summary of such plan. The employer shall furnish to each plan beneficiary so requesting in writing a completed and up-dated copy of the plan, or a complete copy of the latest annual report, or both.

Section 34. The plan administrator or trustee of a registered pension plan shall cause the plan to be reviewed not less than once every five years by a qualified certified public accountant or public accountant and shall submit a report of such review to the board stating:

(a) The estimated cost of statutory vested benefits in respect to service in the next succeeding five-year period and the formula for computing such cost for such subsequent five-year period.

(b) the contributions made by the employer for the preceding five-year period to fund the statutory vested benefit.

(c) the surplus or the experience deficiency for statutory vested benefits in the pension plan after making allowances for the present value of all special payments required to be made in the future by the employer as determined by previous reports.

(d) the special payments which will liquidate any such experience deficiency over a term not exceeding five years; and the actuarial assumptions and methods used in the determination.

Section 4. Notwithstanding any provision of any contract or agreement entered into by the trustee or plan administrator of any fund authorized under this chapter, whenever such contract or agreement provides for reimbursement for any visual services which are within the lawful scope of the practice of a duly registered optometrist, reimbursement thereunder shall be made to either the registered optometrist or the registered physician of the insured's selection. Visual services, as such term appears in the preceding sentence shall mean the optometric services provided by registered optometrists and physicians as set forth in chapter one hundred and twelve.

Section 5. The fee for registering a trust or fund under the provisions of section two shall be fifty dollars.

The fee for filing annual reports with the board shall be fifty dollars per year, except that plans with less than twenty-six participants shall pay a fee of twenty-five dollars.

Section 6. Any trustee, plan administrator, official, employee or other person who is convicted of embezzling or misappropriating trust funds or funds, securities or other property entrusted to his

care or custody, or of falsification of records or destruction of records with intent to defraud, or of willfully and knowingly filing false statements or of violating the provision of subsection (c) of section three, shall be punished by a fine of not more than ten thousand dollars or by imprisonment in a jail or house of correction for not more than five years, or both.

Section 7. The provisions of this chapter shall not apply to workmen's compensation or to any retirement fund, plan or program or any health and welfare fund, plan or program established by the commonwealth or by any political subdivision thereof or by any educational, charitable or religious organization, nor to any employees' retirement association established by general or special law which is subject by law to an audit or examination by either the commissioner of banks or the commissioner of insurance.

Section 8. Where a trust or fund, or its trustees or plan administrator are subject to and comply with the requirements of the law of any other state or the United States, which substantially meets the requirements of this chapter with respect to the registration, filing, examination, statements or reports, the requirements of this chapter of any of them to the extent that they are included in such other laws may be waived by the board with respect to any such trust or fund or trustee or plan administrators.

Where such a waiver has been granted, the board shall require the filing with it of copies of documents filed by the trustees with such other state or with the United States. Application for such a waiver shall be made in writing to the board on such forms as it may require and any waiver issued by it hereunder shall be in writing and a copy thereof shall be filed in its office. The board may, at any time, revoke any such waiver if, in its opinion, such other laws fail to accomplish adequately the purposes of this chapter. Any action of the board pursuant to this section shall be subject to judicial review.

Section 9. In addition to the waiver provisions authorized by section eight, the board, upon the advice and recommendation of the advisory committee, created by section seventeen, may grant a waiver of the requirements of section thirteen under terms and conditions set by the board upon a showing that a pension plan or profit-sharing retirement plan would suffer undue economic hardship that would be detrimental to the interests of its participants. No waiver herein provided shall extend longer than thirty-six months after it has been granted. Upon expiration of said waiver, a proposal for the gradual incorporation of the requirements of section thirteen shall be submitted for the approval of the board. In no instance shall such a proposal for gradual incorporation require more than ten years.

Any request for waiver shall be in writing in a form prescribed by the board. The advisory committee shall receive copies of all waiver requests. Any waiver issued by the board shall be in writing with a notice of its date of issuance. Rules and regulations issued by the board, pursuant to this section, shall be promulgated in

accordance with the provisions of chapter thirty A.

Section 10. Nothing in this chapter shall be construed to relieve the trustee or plan administrator of any trust or fund from compliance with any provisions of any other applicable laws of the commonwealth.

Section 11. In addition to any other penalty of punishment otherwise prescribed by law any person or employee, and the president, secretary, and treasurer, or officers exercising corresponding functions, of a corporation which is an employer, who is party to an agreement to pay or provide the contributions or benefits covered by this chapter or who is so required to pay these contributions or benefits under the terms of sections twenty-six and twenty-seven of chapter one hundred and forty-nine, and who refuses or fails or neglects to pay such contributions or payments within thirty days after such payments are required to be made shall be punished by a fine of not more than five hundred dollars or by imprisonment in a jail or house of correction for not more than one year, or both.

A complaint under this section may be brought in the municipal court of the city of Boston, or in a district court within the territorial jurisdiction of which the employer has his principal place of business, or within which the contributions are to be paid, or, if said complaint is brought against an officer of a corporation, within which said officer lives.

Section 12. (a) Every trustee or plan administrator subject to the provisions of this chapter, who is responsible for or who is delegated to be responsible for the funds of a trust or fund shall be bonded as herein provided; the amount of such bond shall be fixed at the beginning of each calendar, policy or other fiscal year, as the case may be, and certificates indicating compliance shall be filed with the board, together with those reports filed with the board, in compliance with subsection (a) of section three. The amount of the bond shall be not less than ten per cent of the amount of funds handled by said trustee or plan administrator, determined as herein provided, except that any such bond shall be in a minimum amount of one thousand dollars and a maximum amount of one hundred thousand dollars. For purposes of fixing the amount of such bond, the amount of funds handled shall be determined by the funds handled by the trustee or plan administrator or by their predecessors, if any, during the preceding reporting year, or if the plan has no preceding reporting year, the amount of funds to be handled during the current reporting year by such trustee or plan administrator as estimated by such trustees and plan administrator and approved by the board. Such bond shall provide protection to such funds or trust funds against loss by reason of acts of fraud or dishonesty on the part of such trustee or plan administrator, either directly or through connivance with others. Any bond required hereunder shall have as surety thereon a corporate surety company which is acceptable to the board in a form or type approved by the board, including individual bonds or schedule or blanket forms

of bonds which cover a group or class.

(b) Nothing in this section shall require any trustee or plan administrator to be bonded if said trustee or plan administrator is required to be bonded by any law of any other state or of the United States under substantially the same requirement, and said bonding may be waived by board.

(c) Any trustee or plan administrator neglecting to file said certification as required hereunder shall be subject to the penalty prescribed in subsection (a) of section three for failure to file annual reports.

Section 13. All plans filed for registration under this chapter with twenty-five or more participants shall provide a statutory vested benefit.

Any trust or fund which subsequent to registration has fewer than twenty-five participants shall continue to comply with the provisions of this section. Notwithstanding any provision in any pension plan or profit sharing retirement plan which provides or will provide an annual benefit upon termination of service prior to normal or early retirement date or an interest in the profit sharing retirement plan which is greater than the following, an employee who has been in covered service for a period of ten years, will be entitled, upon termination of service prior to attaining normal or early retirement date (a) in the case of a pension plan, to a deferred pension benefit commencing at his normal retirement date; or (b) in the case of a profit sharing retirement plan, to a nonforfeitable right to his interest in such plan, in an amount equal to the lesser of (1) fifty per cent of the accrued portion of the normal retirement benefit as provided by the plan in respect of such service, or of such interest, respectively; such amount to be increased by ten per cent for each year thereafter of covered service until the completion of fifteen years of covered service after which such participant shall be entitled upon termination of service prior to normal or early retirement date equal to one hundred per cent of the accrued portion of the normal retirement benefit as provided by the plan with respect to such service, or to the full amount of such interest in the profit sharing retirement plan, or (2) in the case of a pension plan, a pension equal to fifty per cent of an amount equal to three-fourths of one per cent of annual salary subject to social security tax for each year of covered service, increased by ten per cent for each year thereafter of covered service until the completion of fifteen years of covered service, after which such participant shall be entitled to a deferred pension benefit commencing at his normal retirement date equal to one hundred per cent of such three-fourths per cent of annual salary subject to social security tax for each year of covered service, or in the case of a profit-sharing retirement plan or money purchase plan, a pension equal to fifty per cent of an amount equal to three and three-fourths per cent of annual salary subject to social security tax for each year of covered service, increased by ten per cent for each year thereafter of covered service until the completion of

fifteen years of covered service, after which such participant shall be entitled to a deferred pension benefit commencing at his normal retirement date equal to one hundred per cent of such three and three-fourths per cent of annual salary subject to social security tax for each year of covered service.

Service by an employee prior to the age of thirty with less than five years service may be ignored in determining covered service under this section unless such participant has contributed to the plan with respect to such service. In no case shall an employee with more than five years' service regardless of age, or upon an employee's thirtieth birthday be excluded from covered service.

The board shall prescribe standards consistent with the purposes of this chapter governing the maximum number of working hours, days, weeks, months, which shall constitute a year of covered service for purposes of this chapter.

Every pension plan, subject to the provisions of this section, shall provide that contributions will be made to the trust or fund each year commencing January first, nineteen hundred and eighty, or the effective date of the plan in an amount equal to ten per cent of the estimated liability for statutory vested benefits which will accrue during each year of each succeeding ten year period, such ten year period beginning the later of the first year of required contributions or the most recent year in which required annual contributions were made, so that during each succeeding ten year period, contributions will be made to the trust or fund in amounts equal to the liability for statutory vested benefits as such benefits will accrue.

All pension plans subject to the provisions of this section shall provide that special payments shall be made if the pension plan has an experience deficiency with reference to contributions made with respect to statutory vested benefits. Such special payments shall consist of no less than equal annual amounts sufficient to remove such experience deficiency was determined except where the experience deficiency cannot be removed over a five year period without the amounts required to remove such deficiency exceeding the allowable limits for a tax deduction under the provisions of the Internal Revenue Code, for any particular year for which such payments must be made, the board shall, consistent with the purposes of this section, prescribe such additional time as may be necessary to remove such deficiency within allowable tax deductions.

Section 14. In the event of the termination of a pension plan benefits will be allocated to participants and their beneficiaries in the following order: —

First, to provide for a refund to each participant of his contribution, if any, plus credited interest in excess of any benefits paid or to be paid to him or his beneficiary.

Second, to provide to all retired participants and their beneficiaries the plan benefits.

Third, to provide to all participants and their beneficiaries the statutory vested benefits.

Fourth, to provide to participants eligible to retire on normal retirement and their beneficiaries, for the payment of their plan benefits in excess of clause Third.

Fifth, to provide to all participants eligible for early retirement, and their beneficiaries, for the payment of their plan benefits in excess of clause Third above.

Sixth, to provide to all participants eligible for vested benefits under the plan for the payment of their plan benefits in excess of clause Third above.

Seventh, to provide to all participants under the plan for the payment of accrued benefits in excess of the above.

Upon termination of a profit-sharing retirement plan, the interests of all participants in such plan shall fully vest.

Any assets insufficient to provide the full benefits with respect to any class will be prorated among the members of that class in proportion to their liability for their benefits.

The board may require as a condition of approval of any plan that such trustee or plan administrator, employer or labor union insure that plan with a private carrier against loss of employee contributions and statutory vested benefits estimated to exist at the termination of the plan.

Any assessments and premiums required under this chapter shall be deducted from the administrative costs of the fund.

Subsequent to termination of any plan the trustees or plan administrators shall make notification to board of termination of the plan within fifteen days. Within thirty days all employees shall be notified of their rights to any pension benefit and the procedures for claiming those benefits.

Section 15. The attorney general may at the request of the board, maintain and prosecute an action against a trustee or plan administrator subject to this chapter for the purpose of obtaining an injunction restraining such persons from doing any act in violation of this chapter. If the court finds that a defendant is threatening or is likely to do any act in violation of this chapter, and that such violation will cause irreparable injury to the interests of the citizens of the commonwealth or the beneficiaries of the trust or fund involved or any employer contributing to such fund, the court may grant an injunction restraining such violation. The court may, on motion and affidavits, grant a preliminary injunction and in interlocutory injunction, upon such terms as may be just, but the citizens of the commonwealth shall not be required to give security before the issuance of any such injunction.

Section 16. Trustees shall invest the funds of their pension plans and profit-sharing retirement plans and manage said affairs in accordance with the provisions contained in the instruments under which they are acting, or, in the absence of any such provision shall invest the funds and manage fund affairs with the care under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

Section 17. There shall be an advisory committee on pension matters, composed of the secretary of manpower affairs or designee and eight persons to be appointed by the governor. Those to be appointed by the governor shall consist of two qualified actuaries having experience in the field with a firm having substantial dealings in the pension field; two representatives of banking institutions with a minimum of five years experience in the fiduciary or trust fund with emphasis on investment of securities for a pension trust; two members representing labor, one of whom shall have experience with jointly administered, Taft-Hartley Law pension funds; and two members representing employers from the Associated Industries of Massachusetts.

Initially the actuaries shall serve for terms of one and two years respectively, as shall the representatives of the banking institutions. One representative of Associated Industries of Massachusetts and labor shall be appointed initially for two years. All others shall be appointed for three years. The committee shall annually elect from among the membership a chairman. Upon the expiration of the term of a member, his successor, shall be appointed for a term of three years. Any vacancy on the committee shall be filled by the governor for the unexpired term of the persons causing such vacancy.

Members of the advisory committee established by this section shall receive no compensation for their service, but may be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties. The board shall provide information and such services, including but not limited to secretarial and clerical services, as the advisory committee may reasonably require.

The advisory committee is authorized to meet as it deems necessary to meet its obligations under section nine. In addition the advisory committee shall hold a meeting at least once in every three months and shall, on or before August first, make an annual report to the board and may make such special reports as it or the board may deem desirable.

Section 18. If any provision of this chapter as the application of such provision of any person or circumstance is held invalid or is pre-empted by federal law, the remainder of this chapter and the application of such provision to other person or circumstances shall not be affected.

SECTION 2. The provisions of section thirteen of chapter one hundred and fifty-one D of the General Laws, inserted by section one of this act, shall take effect on January first, nineteen hundred and eighty, and all other provisions of this act shall take effect on January first, nineteen hundred and seventy-four.

Approved December 10, 1973.

Chap. 1170. AN ACT EXEMPTING CERTAIN CITIES AND TOWNS FROM THE SUPERVISORY PROVISIONS OF THE LAW ENABLING SAID CITIES AND TOWNS AND THE COMMON-

WEALTH TO CONTRACT FOR THE MAINTENANCE OF
LOCAL SERVICE BY PRIVATE BUS COMPANIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make certain cities and towns immediately eligible for certain reimbursements for transportation costs, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted; etc., as follows:

Section 1 of chapter 1017 of the acts of 1973 is hereby amended by striking out clause (d) and inserting in place thereof the following clause: —

(d) No city or town shall be reimbursed for a contract with a carrier if the administrative and supervisory personnel assigned to service such city or town exceeds ten per cent of the operating personnel servicing such city or town.

Approved December 10, 1973.

Chap. 1171. AN ACT AUTHORIZING THE CITY OF FITCHBURG TO OFFER A REWARD FOR CERTAIN INFORMATION LEADING TO THE ARREST AND CONVICTION OF THE PERSON GUILTY OF THE MURDER OF DEBRA JOHNSON AND JOANNE MULDOON.

Be it enacted, etc., as follows:

SECTION 1. The city council of the city of Fitchburg is hereby authorized to offer a reward of five thousand dollars for any information leading to the arrest and conviction of the person or persons guilty of the murder of Debra Johnson and Joanne Muldoon in said city on or about September thirtieth, nineteen hundred and seventy-three, and such reward shall be paid upon the approval of a board consisting of the mayor, the chief of police and the city solicitor of said city. If more than one claimant applies for the payment of the reward, such board shall determine to whom it shall be paid, and if to more than one person, in what proportion to each, and their determination shall be final.

SECTION 2. This act shall take effect upon its passage.

Approved December 10, 1973.

Chap. 1172. AN ACT EXPANDING THE DUTIES OF THE ADVISORY BOARD ON LEGISLATIVE COMPENSATION TO INCLUDE A REVIEW OF CONSTITUTIONAL OFFICERS' COMPENSATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for an immediate review of the compensation of constitutional officers' compensation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by striking out section 162 and that caption immediately preceding, added by section 1 of chapter 1 of the acts of 1971, and inserting in place thereof under the caption ADVISORY BOARD ON LEGISLATIVE AND CONSTITUTIONAL OFFICERS' COMPENSATION the following section: —

Section 162. There shall be an advisory board on legislative and constitutional officers' compensation, consisting of seven members, each of whom shall be appointed by the governor for a term coterminous with that of the governor. Said board shall study the adequacy of the salaries and expenses of members of the general court, the governor, the lieutenant governor, the state secretary, the attorney general, the state treasurer and the state auditor, and shall, in each odd numbered year, report its recommendations to the general court on or before the first Wednesday in December by filing the same with the clerk of the house of representatives. The members of said board shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the performance of their duties. The board shall be provided with suitable quarters in the state house or elsewhere in the city of Boston.

Approved December 10, 1973.

Chap. 1173. AN ACT RELATIVE TO THE FULL DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide for public disclosure of political contributions, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 55 of the General Laws is hereby amended by striking out sections 1 to 4, inclusive, and inserting in place thereof the following five sections: —

Section 1. For the purpose of this chapter, unless a different meaning clearly appears from the context, the following words shall have the following meanings: —

"Candidate", any individual who seeks nomination or election to public office, whether or not such individual is nominated or elected. For the purpose of this chapter, an individual shall be deemed to be seeking nomination or election to such office if he has (1) received a contribution or made an expenditure, or has given his consent for any other person or committee to receive a contribution or make an expenditure, for the purpose of influencing his nomination or election to such office, whether or not the specific public office for which he will seek nomination or election is known at the time the contribution is received or the expenditure

is made, or (2) taken the action necessary under the laws of the commonwealth to qualify himself for nomination or election to such office, or, if said individual holds elective public office, whether elected or appointed to such office, and he has (3) received any money or anything of value, or made any disbursement resulting from any purchases, made from said individual, or a committee, or a person acting on behalf of said individual or committee, whether through the device of tickets, advertisements, or otherwise, for any fund-raising activity, including a testimonial, regardless of the purpose of said activity, held on behalf of said individual at any time while he holds said public office.

"Contribution", a contribution of money or anything of value to an individual, candidate, political committee, or person acting on behalf of said individual, candidate or political committee, for the purpose of influencing the nomination or election of said individual or candidate, or for the purpose of promoting or opposing a charter change, referendum question, constitutional amendment, or other question submitted to the voters, and shall include any: (1) gift, subscription, loan, advance, deposit of money, or thing of value; (2) transfer of money or anything of value between political committees; (3) payment, by any person other than a candidate or political committee, or compensation for the personal services of another person which are rendered to such candidate or committee, (4) purchase from an individual, candidate or political committee, or person acting on behalf of said individual, candidate, or political committee, whether through the device of tickets, advertisements, or otherwise, for fund-raising activities, including testimonials, held on behalf of said individual, candidate or political committee, to the extent that the purchase price exceeds the actual cost of the goods sold or services rendered; (5) discount or rebate not available to other candidates for the same office and to the general public; and (6) forgiveness of indebtedness or payment of indebtedness by another person; but shall not include the rendering of services by speakers, editors, writers, poll watchers, poll checkers or others, nor the payment by those rendering such services of such personal expenses as may be incidental thereto, nor the exercise of ordinary hospitality.

"Director", the director of campaign and political finance.

"Election", any convention or caucus of a political party held to nominate a candidate, and any city, town or state preliminary, primary or election, and any special preliminary, primary or election.

"Expenditure", any expenditure of money, or anything of value, by an individual, candidate, or political committee, or a person acting on behalf of said individual, candidate, or political committee, for the purpose of influencing the nomination or election of said individual or candidate, or of presidential and vice presidential electors, or for the purpose of promoting or opposing a charter change, referendum question, constitutional amendment, or other question submitted to the voters, and shall include: (1) any pur-

chase, payment, distribution, loan, advance, deposit, or gift of money, or anything of value; and (2) any transfer of money or anything of value between political committees.

"Political committee", any committee, association, organization or other group of persons, including a national, regional, state, county, or municipal committee, which receives contributions or makes expenditures for the purpose of influencing the nomination or election of a candidate, or candidates, or of presidential and vice presidential electors, or for the purpose of opposing or promoting a charter change, referendum question, constitutional amendment, or other question submitted to the voters.

Notwithstanding any other provisions of this chapter, any receipt or disbursement of any money or anything of value by an individual, or person acting on behalf of said individual, which is not otherwise a "contribution" or "expenditure" as defined in this section, resulting from any purchases from said individual, or any person acting on behalf of said individual, whether through the device of tickets, advertisements, or otherwise, for any fund-raising activity, including a testimonial, held on behalf of said individual, regardless of the purpose of said activity, shall be deemed to be a "contribution" or "expenditure" if said individual: (1) is a candidate in accordance with the provisions of clauses (1) or (2) of the definition of "Candidate" at the time of said receipt or disbursement; (2) holds elective public office, whether elected or appointed to such office, at the time of said receipt or disbursement, and thereby becomes a candidate in accordance with the provisions of clause (3) of said definition; or (3) becomes a candidate in accordance with said clauses (1) or (2) of said definition subsequent to such receipt or disbursement, and shall be reported as a contribution or an expenditure in accordance with the provisions of sections sixteen and seventeen.

Section 2. Every candidate shall keep detailed accounts of all contributions received by him, or by a person acting on his behalf, and of all expenditures made by him, or by a person acting on his behalf. Said accounts may be kept by an agent duly authorized thereto, but the candidate shall be responsible for said accounts, which shall be kept separate and distinct from all other accounts and shall include contributions made by the candidate from his own personal funds or otherwise. Said accounts shall include:

(1) the full name and residential address of each person who has made a contribution, in an amount or value in excess of fifteen dollars, or twenty-five dollars if the candidate is required to designate a depository in accordance with the provisions of subsection (a) of section seventeen, in a reporting period, and such information for each contribution of less than the sum of fifteen dollars, or twenty-five dollars, if the aggregate of all contributions received from such contributor within said reporting period exceeds the sum of fifteen dollars, or twenty-five dollars, as the case may be, and the amount or value and date of the contribution; provided, however, that any contributions resulting from any purchases from a

candidate or a person acting on his behalf, whether through the device of tickets, advertisements, or otherwise, for any fund-raising activities, including testimonials, held on behalf of said candidate, regardless of the purpose of said activity, shall not be included with the accounts of those contributions described herein, but shall be included with those accounts of contributions in clauses (2) and (4) of this section;

(2) for those contributions resulting from such purchases as are excluded from clause (1), the full name and residential address of each person who has made such purchases if the amount or value paid exceeds fifteen dollars, or twenty-five dollars if the candidate is required to designate a depository in accordance with the provisions of subsection (a) of section seventeen, in a reporting period and such information for each amount or value paid for each purchase of less than the sum of fifteen dollars, or twenty-five dollars, if the aggregate of all amounts or value paid for such purchases made by said person within said reporting period exceeds the sum of fifteen dollars, or twenty-five dollars, as the case may be, and the amount or value paid and date of the purchase;

(3) the amount or value and date of each contribution made, in a reporting period, except for those contributions resulting from such purchases as are excluded from clause (1), which is not otherwise included under clause (1);

(4) for those contributions resulting from such purchases as are excluded from clause (1), which are not otherwise included under clause (2), the amount or value paid and date for all such purchases in a reporting period;

(5) the full name and address of each person to whom an expenditure is made in excess of twenty-five dollars, in a reporting period, a receipted bill stating the particulars for each such expenditure, including the amount or value, date and purpose of each such expenditure; provided, however, that any expenditures resulting from such purchases as are excluded from clause (1) shall not be included with the accounts of those expenditures described herein;

(6) for those expenditures resulting from such purchases as are excluded from clause (5), the full name and address of each person to whom an expenditure is made, in a reporting period, in an amount or value in excess of twenty-five dollars, the amount or value, date and purpose of each such expenditure;

(7) the amount or value, date and purpose of each expenditure made, in a reporting period, which is not otherwise included under clause (5), except those expenditures resulting from such purchases as are excluded from clause (5);

(8) for those expenditures resulting from such purchases as are excluded under clause (5), the amount or value, date and purpose of each expenditure made in a reporting period, which is not otherwise included under clause (6).

The candidate shall preserve all receipted bills and accounts required to be kept by this section until the term of the office the

candidate is seeking has ended.

Violation of any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

Section 2A. The state chairman of each political party, the state secretary, and a dean of a law school located in the commonwealth, to be appointed by the governor as provided hereinafter, shall serve as a commission for the purposes of selecting the director of campaign and political finance. The term of the dean of a law school shall be six years but shall expire if he should cease to act as dean; a successor shall be appointed within thirty days after the occurrence of a vacancy in said office. The state secretary shall act as chairman of said commission.

Selection of the director, who shall be a resident of the commonwealth, shall be by unanimous vote of the members of the commission. The commission shall select a successor director no later than thirty days prior to the expiration date of the term of the director and no later than sixty days after the occurrence of a vacancy in said office; provided, however, in the event that a vacancy shall exist in the office of director for ten days beginning with the date of the primary election at which a candidate for any statewide office is nominated and ending one hundred twenty days after the election, the chairman of the commission shall appoint a director pro tem, who shall serve until a successor director is appointed in accordance with the provisions hereof. An incumbent director may be selected for a succeeding term or terms.

The director shall serve for a term of six years and, unless removed, until his successor has been selected and has assumed the office. He may not be removed from office except upon an affirmative vote of all of the members of the commission then serving. Removal of the director shall be at the discretion of the commission, and shall not be reviewable.

The director shall devote full-time to his duties during normal business hours and shall receive an annual salary of twenty-two thousand dollars. He shall not, during the term he serves as director, engage in any political activities of any nature, nor shall he hold any other public office; provided, however, that he shall be free to advise and consult with legislative committees, the members of the general court and other persons affected by the laws under his jurisdiction, and to advocate and sponsor legislation.

The director shall appoint at least one full-time accountant, one full-time clerk, two full-time investigators, and one full-time secretary, with not less than one and not more than three additional part-time aides during election years. Said positions shall not be subject to the provisions of chapter thirty-one.

The director shall make available to investigative, accounting and law enforcement agencies of the commonwealth all information necessary or advisable to fulfill their duties, with respect to this chapter. He shall, from time to time as he deems necessary or advisable, issue rules and regulations in conformity with the pro-

visions of this chapter and chapter thirty A, and shall also issue interpretative bulletins and respond with reasonable promptness to requests for information, interpretations and advice presented by candidates, state committees, political committees and members of the public.

All acts, decisions and rulings of the director shall be subject to judicial review under the provisions of chapter thirty A upon the application of any interested person.

The director shall have the power and authority to investigate the legality, validity, completeness and accuracy of all reports and actions required to be filed and taken by candidates, treasurers, political committees, and any other person pursuant to this chapter and any other laws of the commonwealth pertaining to campaign contributions and expenditures. He may require, by summons, the attendance and testimony under oath of witnesses and the production before him of books and papers relating to any matter being investigated by him. Such summons shall be served in the same manner as summonses for witnesses in criminal cases issued on behalf of the commonwealth and all provisions of law relative to summonses issued in such cases shall apply to summonses issued under this section so far as applicable. Any justice of the supreme judicial court or of the superior court may upon application by the director compel the attendance of witnesses summoned as aforesaid and the giving of testimony under oath before said director in furtherance of any investigation in the same manner and to the same extent as before said courts.

The director shall establish rules of procedure governing the conduct of his hearings and investigations which shall be made available in printed form to each witness prior to his testimony. Witnesses shall have the right to be represented by counsel and shall before testifying be sworn. Witnesses shall testify only at private hearings and the same provisions with reference to secrecy which govern proceedings of a grand jury shall govern all proceedings before the director. Violations of such provisions with regard to secrecy shall be punished by a fine of up to one thousand dollars and imprisonment for not more than one year, or both. Upon conviction for any such violation said director shall be removed and the office of director deemed vacant.

The director shall inform any person or committee under investigation by said director by registered mail, return receipt requested, of his intention to present to the attorney general evidence of any alleged violations of this chapter. Within ten days of receipt of said notice said alleged violator may request a hearing before the director for the purpose of presenting evidence to the contrary. Said director shall not present evidence of any such alleged violation to the attorney general until after said hearing. Evidence of any such violation of this chapter which has come to his attention shall be presented by the director to the attorney general only after the relevant election involved, but within two years after said election.

Section 3. Political committees organized or operating principally within the commonwealth on behalf of candidates for president and vice president of the United States shall be subject to the provisions of this chapter. The director, upon the filing with him of a list of the names and addresses of officers and members of such a committee under the provisions of section four, shall forthwith, by registered mail, return receipt requested, inform the candidate, in whose behalf said list is filed, of such filing, enclosing a duplicate of said list. Unless the candidate shall, within fourteen days after the receipt of such notification, consent in writing, signed by him and filed with the director, to the formation of such committee, such committee shall thereupon be ordered dissolved by the director and, upon its dissolution, shall forthwith file a financial report under the provisions of section sixteen. If the candidate shall, within fourteen days after the receipt of such notification, consent in writing, signed by him and filed with the director, to the formation of such committee, such committee shall then be deemed to be organized as a nonelected political committee and be subject to the applicable provisions of this chapter. Candidates for nomination or election to the senate or house of representatives of the United States shall not be subject to the provisions of this chapter insofar as they may conflict with federal law.

Section 4. Each political committee shall organize by filing with the director or, if organized for the purpose of a city or town election only, with the city or town clerk, a statement of organization.

The statement of organization shall include: (1) the name of the political committee which, if organized on behalf of a candidate, shall include the name of the candidate in said name; (2) the address of the political committee; (3) the name and address of any other political committee organized on behalf of the same candidate; (4) a statement of the purpose for which the political committee is organized; (5) the name and residential address of the chairman and the treasurer; (6) the name, residential address, and position of other principal officers, including officers and members of the finance committee, if any, and; (7) the name and address, if known, and party affiliation of each candidate the political committee is supporting; provided, however, that if a candidate is nominated without reference to a political party, the name of his political party shall not be required.

The statement of a political committee organized on behalf of a candidate shall also include the written consent of said candidate. No candidate shall give his consent to more than two such committees.

Any change in information previously submitted in a statement of organization shall be reported to the director, or if organized for the purpose of a city or town election only, to the city or town clerk, within ten days following the change.

Each political committee shall have a treasurer who shall qualify for his office by filing a written acceptance thereof with the director,

or if organized for the purpose of a city or town election only, with the city or town clerk. Said treasurer shall remain subject to all the duties and liabilities imposed by this chapter until his written resignation of the officer is received or his successor's written acceptance is filed as aforesaid. No person acting under the authority of, or on behalf of, any political committee shall receive any money or anything of value, or expend or disburse the same, or incur expenses while it has no treasurer qualified as aforesaid, or while the name and address of any of its officers or members, as originally or subsequently chosen, is not filed in accordance with the provisions of this section or chapter fifty-two, as the case may be.

Each treasurer of a political committee shall keep and preserve detailed accounts, vouchers and receipts as prescribed for a candidate by the provisions of section two.

No expenditure shall be made for, or on behalf of, a political committee without the authorization of the chairman or treasurer, or their designation agents.

All funds of a political committee shall be kept separate from any personal funds of officers, members or associates of such committee.

Violation of any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

SECTION 2. The third sentence of the first paragraph of section 6 of said chapter 55, as appearing in section 5 of chapter 444 of the acts of 1962, is hereby amended by striking out, in line 6, the word "three" and inserting in place thereof the word: — one.

SECTION 3. The fourth sentence of said first paragraph of said section 6 of said chapter 55, as so appearing, is hereby amended by striking out, in line 6, the word "three" and inserting in place thereof the word: — one.

SECTION 4. The fifth sentence of said first paragraph of said section 6 of said chapter 55, as so appearing, is hereby amended by striking out, in line 3, the word "three" and inserting in place thereof the word: — one.

SECTION 4A. The sixth sentence of said first paragraph of said section 6 of said chapter 55, as so appearing, is hereby amended by inserting after the word "expenditures", in line 1, and after the word "contribution", in line 2, in each instance, the words: — without limitation.

SECTION 4B. Section 7 of said chapter 55 is hereby amended by striking out the second paragraph, as appearing in section 10 of chapter 537 of the acts of 1946, and inserting in place thereof the following paragraph: —

Any corporation violating any provision of this section shall be punished by a fine of not more than twenty thousand dollars and any officer, director or agent of the corporation violating any provision thereof or authorizing such violation, or any person who violates or in any way knowingly aids or abets the violation of any provision thereof, shall be punished by a fine of not more than ten

thousand dollars or by imprisonment for not more than one year or both.

SECTION 5. Said chapter 55 is hereby further amended by inserting after section 7 the following section: —

Section 7A. No individual, candidate, or political committee, or person acting on behalf of said individual, candidate, or political committee, shall accept a contribution of money from any one person if the aggregate amount contributed in a calendar year exceeds one hundred dollars except by check. No individual, candidate, political committee, or person acting on behalf of said individual, candidate, or political committee, shall make an expenditure for an amount exceeding fifty dollars except by check.

Any individual or candidate, or any person acting on behalf of said individual or candidate, or on behalf of a political committee, who violates any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

SECTION 6. Said chapter 55 is hereby further amended by striking out section 16, as most recently amended by chapter 730 of the acts of 1973, and inserting in place thereof the following section: —

Section 16. Each candidate and each treasurer of a political committee shall file with the director or, if the candidate seeks public office at a city or town election, or if the committee is organized for the purpose of a city or town election, with the city or town clerk, reports of contributions received and expenditures made on forms to be prescribed by the director. A committee organized under the provisions of section four to favor or oppose a question submitted to the voters shall file its reports with the director if the question appears on ballots at a state election, or with the city or town clerk if the question appears on ballots at a city or town election.

Such reports shall be filed as follows:

(a) by each candidate for nomination or election to the governor's council, state senate, house of representatives, or any county office, and by each nonelected political committee organized on behalf of such candidate, on or before: (1) the eighth day preceding a primary, the eighth day preceding a biennial state election, and, as a final report, the tenth day of January in the following year complete as to the thirty-first day of December of the prior year; (2) the eighth day preceding a special primary, including a convention or a caucus, the eighth day preceding a special election, the thirtieth day following a special election, and, as a final report, the tenth day of January in the following year complete as to the thirty-first day of December of the prior year.

(b) by each candidate for nomination or election to city or town office, and by each nonelected political committee organized on behalf of such candidate, except a candidate seeking election as a member of a representative town meeting or of a town or city ward committee, and any nonelected political committee organized

on behalf of such candidate, on or before: (1) the eighth day preceding a city or town preliminary or primary, including a caucus, the eighth day preceding a city or town election, and if a city election, as a final report, the tenth day of January in the following year complete as to the thirty-first day of December of the prior year, and if a town election, as a final report, the thirtieth day following said election; (2) the eighth day preceding a special primary, including a caucus, the eighth day preceding a special election, and, as a final report, the thirtieth day following a special election.

(c) by each candidate and each nonelected political committee required to designate a depository by subsection (a) of section seventeen, on or before: (1) the third business day following the designation of such depository, and (2) as a final report, the tenth day of January of the year following the election, complete as to the thirty-first day of December of the prior year.

The reporting period of the initial report shall commence on the day following the preceding election for the office sought by the candidate, or on the day following the end of the reporting period of the last report filed, if any, whichever period is a shorter, and shall end as of the day such depository is designated.

The reporting period of the second report shall commence on the day following the designation of the depository and shall end as of the thirty-first day of December of the year of the election.

(d) by the treasurer of each state committee referred to in section one of chapter fifty-two and required to designate a depository by subsection (a) of section seventeen, on or before: (1) the third business day following the designation of such depository, and (2) as a final report, the tenth day of January of the year following the election complete as to the thirty-first day of December of the prior year.

The reporting period of the initial report shall commence on the day following the preceding biennial state election, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the day such depository is designated.

The reporting period of the second report shall commence on the day following the designation of the depository and shall end as of the thirty-first day of December of the year of the election.

(e) by all other nonelected and elected political committees which are not required to file reports as aforesaid, on or before: (1) the same days and in accordance with the same schedule as set forth in clause (a), if the political committee is aiding or promoting the success or defeat of one or more candidates, or is favoring or opposing a question submitted to the voters, in a state primary or election; (2) the same days and in accordance with the same schedule as set forth in clause (b), if the political committee is aiding or promoting the success or defeat of one or more candidates, or is favoring or opposing a question submitted to the voters,

in a city or town preliminary, primary or election.

(f) by each political committee organized under the provisions of section four to favor or oppose a question submitted to the voters, if the question appears on the ballot at the state election, on: (1) the day of the organization; and (2) the sixtieth day prior to the election; on or before (3) the fifth and twentieth day of each month complete as of the preceding first and fifteenth day of the month, until the election, and, thereafter; (4) the fifth day of each month until all declared liabilities of such committee have been discharged.

The reporting period of the initial report shall commence on the day following the preceding biennial state election, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the day of organization.

The reporting period of the second report shall commence on the day following said day of organization and shall end as of the sixtieth day prior to the election.

The reporting period of all subsequent reports shall commence on the day following the end of the reporting period of the last report filed and shall end as of the first or fifteenth day of each month, as the case may be.

(g) by each political committee organized under the provisions of section four to favor or oppose a question submitted to the voters, if the question appears on the ballot at a city or town election on: (1) the day of organization; (2) on or before the thirtieth day following the election, and, thereafter; (3) on the fifth day of each month until all declared liabilities of such committee have been discharged.

The reporting period of the initial report shall commence on the day following the preceding city or town election, or the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the day of organization.

The reporting period of the second report shall commence on the day following the day of organization and shall end as of the day the report is filed.

The reporting period of all subsequent reports shall commence on the day following the end of the reporting period of the last report filed and shall end as of the first day of each month.

(h) by all candidates and all political committees, except those candidates seeking election as members of a representative town meeting, or of a city ward or town committee, and nonelected political committees organized on behalf of such candidates, on or before the tenth day of January in each year in which they are not otherwise required to file a report on or before the tenth day of January.

For candidates, and nonelected political committees organized on behalf of such candidates for whom said report would be an initial report, the reporting period shall commence on the day

following the preceding election for the office sought by such candidate and shall end as of the thirty-first day of December of the year prior to the last day for filing; and for all other political committees for which said report would be an initial report, the reporting period shall commence on the day following the preceding state, city or town election, as the case may be, and in accordance with the provisions of this section governing said initial reports of such committees, and shall end as of the thirty-first day of December of the year prior to the last day for filing said report. For all candidates and all political committees, if said report is not an initial report, the reporting period of such reports required to be filed on or before the tenth day of January in each year shall commence on the first day of January of the prior year, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the thirty-first day of December of said prior year.

The reports required to be filed in accordance with the provisions of clauses (a) and (b), except for the report to be filed in accordance with said provisions on or before the tenth day of January of the year following the election, shall not be required of a candidate, or of any nonelected political committee organized on behalf of said candidate, if the candidate is not a candidate as defined in clause (2) of the definition of candidate of section one.

Notwithstanding the provisions of clauses (a), (b), (c) and (d), for those contributions received subsequent to the end of the reporting period of the last report filed, which was identified in said clauses as a final report, by a candidate or political committee, and intended for application to the preceding election of said candidate or of said reporting political committee, an additional report, which shall be the final report for such candidates and committees shall be required. This report shall be filed on or before the tenth day of January following the last day for filing said final report of clauses (a), (b), (c) and (d), and shall be complete as of the thirty-first day of December of the prior year. The reporting period of said report shall commence on the day following the end of the reporting period of the last report, or final report required to be filed by said clauses.

Except as otherwise provided, each candidate and each nonelected political committee organized on behalf of said candidate, shall, upon the filing of the initial report, include all contributions received and expenditures made since the day of the preceding election for the office sought by the candidate, or since the end of the reporting period of the last report filed, if any, whichever reporting period is shorter, and all other political committees shall, upon the filing of their initial report, include all contributions received and expenditures made since: (1) the day of the preceding biennial state election, or the end of the reporting period of the last report filed, if any, whichever period is shorter, if the political committee is either aiding or promoting the success or

defeat of one or more candidates, or is favoring or opposing the adoption or rejection of a question submitted to the voters, at a state primary or election, or (2) the day of the preceding city or town election, or the end of the reporting period of the last report filed, if any, whichever period is shorter, if the political committee is either aiding or promoting the success or defeat of one or more candidates, or is favoring or opposing the adoption or rejection of a question submitted to the voters, at a city or town preliminary, primary or election.

Except as otherwise provided, the end of the reporting period of each report required to be filed under the provisions of this section shall be as of the tenth day preceding the last day for filing. The beginning of the reporting period for each report subsequent to the initial report shall be the day following the end of the reporting period of the last report filed.

The reports required to be filed by this section shall be cumulative during the calendar year to which they relate.

Where there has been no change in an item included in a previous report, only the amount of the item need be carried forward.

Whether or not a contribution has been received or on expenditure has been made during any reporting period as described in this section, a candidate or political committee shall file the required report for said reporting period.

Each report required to be filed under the provisions of this section by a candidate or a political committee shall disclose: (1) the amount of money on hand at the beginning of the reporting period; (2) the full name and residential address, listed alphabetically, of each person who has made a contribution, except for those contributions identified in clauses (5) and (6) of this paragraph and which shall be reported therein, in an amount or value in excess of fifteen dollars, or twenty-five dollars if the candidate or political committee is required to designate a depository in accordance with the provisions of subsection (a) of section seventeen, in the reporting period, and such information for each contribution of less than the sum of fifteen dollars, or twenty-five dollars, if the aggregate of all contributions received from such contributor within said reporting period exceeds the sum of fifteen dollars, or twenty-five dollars, as the case may be, and the amount or value and date of the contribution and the total of all contributions listed; provided, however, that any contributions resulting from any purchases from an individual, candidate, or political committee, or from a person acting on behalf of said individual, candidate, or political committee, whether through the device of tickets, advertisements, or otherwise, for any fund-raising activities, including testimonials, held on behalf of said individual, candidate, or political committee, regardless of the purpose of such activity, shall not be included together with those contributions reportable under the provisions of this clause; but shall be reported in clauses (3) and (7); (3) for those contributions result-

ing from such purchases as are excluded from clause (2), the full name and residential address, listed alphabetically, of each person who has made such purchases if the amount or value paid exceeds fifteen dollars, or twenty-five dollars if the candidate or political committee is required to designate a depository in accordance with the provisions of subsection (a) of section seventeen, in the reporting period, and such information for each amount or value paid for such purchase of less than the sum of fifteen dollars, or twenty-five dollars, if the aggregate of all amounts or value paid for such purchases made by said person within said reporting period exceeds the sum of fifteen dollars, or twenty-five dollars, as the case may be, and the amount or value paid and date of the purchase and the total of all amounts listed; (4) the total amount or value of contributions made in the reporting period, except for those contributions resulting from such purchases as are excluded from clause (2), and not otherwise reported under clause (2); (5) the name and address, listed alphabetically, of each candidate or political committee from which was received, or to which was made, any transfer of money or anything of value, in the reporting period, together with the amount or value and date of such transfer; (6) the amount or value and date of each loan to or from any person, in the reporting period, together with the name and residential address of the lender and endorser, if any, listed alphabetically, and the amount or value and date of each loan; (7) for those contributions resulting from such purchases as are excluded from clause (2), the total amount or value paid for such purchases, in the reporting period, and not otherwise reported under clause (3); (8) the gross proceeds from such amounts or value paid for such purchases as are excluded from clause (2), in the reporting period, which is the sum of the totals reported by clauses (3) and (7); (9) the net proceeds from such amounts or value paid for such purchases as are excluded from clause (2), in the reporting period, which is the total amount of clause (8) minus the sum of clauses (12) and (13); (10) the total sum of all contributions received, in the reporting period, which is the sum of clauses (2), (4), (5), (6), and (9); (11) the full name and address, listed alphabetically, of each person to whom an expenditure is made in the reporting period, in an amount or value in excess of twenty-five dollars, the amount or value, date and purpose of each such expenditure and the total of all such expenditures listed, and in the case of a political committee supporting more than one candidate, the name and address, the elective office held, if any, and office sought by each candidate on whose behalf said expenditure was made; provided, however, that any expenditures resulting from such purchases as are excluded from clause (2) shall not be included together with those expenditures reportable under this clause; but shall be reported in clauses (12) and (13); (12) for those expenditures resulting from such purchases as are excluded from clause (11), the full name and address, listed alphabetically, of each person to whom an expenditure

is made, in the reporting period, in an amount or value in excess of twenty-five dollars, the amount or value, date and purpose of each such expenditure and the total of all such expenditures listed; (13) for those expenditures resulting from such purchases as are excluded from clause (11), the total amount or value of such expenditures resulting from such purchases, in the reporting period, and not reported otherwise under clause (12); (14) the total amount or value of expenditures made in the reporting period, except those excluded from clause (11), and not otherwise reported under clause (11); (15) the total sum of expenditures made, in the reporting period, which is the sum of clauses (11) and (14); (16) the amount and date of each then existing liability remaining unfulfilled and in force when the report is made, the name and address of the person to whom the liability exists, and a clear statement of the purpose for which it was incurred; (17) a listing of all banks or other financial institutions used; and (18) in the event of the dissolution of a political committee, a statement of such dissolution detailing the intended or actual disposition of any residual funds.

In addition, the report required to be filed on or before the tenth day of January shall contain a statement detailing the intended or actual disposition of any residual funds.

Violation of any provisions of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

SECTION 7. Section 17 of said chapter 55 is hereby amended by striking out the first paragraph, as appearing in section 8 of chapter 444 of the acts of 1962, and inserting in place thereof the following paragraph: —

(A) Candidates for nomination or election to the offices of governor, lieutenant governor, secretary of state, attorney general, state treasurer and receiver general, auditor, United States senator, and United States representative, and the treasurer of each state committee referred to in section one of chapter fifty-two, and the treasurer of every nonelected political committee authorized by any of the aforesaid candidates or organized on behalf of a candidate for president or vice president of the United States shall, forthwith, upon the organization of said political committee, or upon becoming a candidate in accordance with the provisions of clauses (1) or (2) of the definition of candidate in section one, designate as a depository for campaign funds of such candidate or political committee a national bank authorized to transact business in the commonwealth or a trust company organized and existing under the laws of the commonwealth. Each such candidate and the treasurer of each such political committee shall file with the director, no later than the third business day following the designation of such depository, a certificate of appointment containing the name of the bank or trust company so designated, and the name of the candidate or political committee, and shall authorize the bank or trust company so designated to submit the re-

ports required by subsection (e).

SECTION 8. Said chapter 55 is hereby further amended by striking out section 17A, as amended by chapter 391 of the acts of 1973, and inserting in place thereof the following section: —

Section 17A. As used in this section "campaign media expenses" shall mean only such liabilities incurred, or expenditures made, for television or radio time or for newspaper, billboard, or magazine advertising, and such postage expenses as may be incurred in the mailing of campaign literature on behalf of the candidate, used during the calendar year of the election, whether such liabilities were incurred or expenditures were made prior to, or during, said calendar year.

For purposes of this section, the campaign media expenses limitations placed on a candidate, and which will be reported by him, shall include only such liabilities incurred, or expenditures made, on behalf of a candidate, by a candidate, a nonelected political committee organized on his behalf, or by any other person who acted with the prior knowledge and consent of said candidate.

No candidate for election to the following public offices of the commonwealth shall incur liabilities or make expenditures for campaign media expenses for use in the calendar year of a state election in excess of the following amounts:

Governor-Lieutenant Governor	\$500,000
United States Senator, subject to the provisions of the Federal Election Campaign Act of 1971	
Attorney General	\$250,000
Secretary	\$100,000
Treasurer and Receiver General	\$100,000
Auditor	\$100,000
Governor's Councillor	\$ 25,000
United States Congressman, subject to the provisions of the Federal Election Campaign Act of 1971	

State Senator	\$ 15,000
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Representative to the General Court	\$ 5,000
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No candidate for nomination to the following public offices of the commonwealth shall incur liabilities or make expenditures for campaign media expenses for use in the calendar year of a state primary election in excess of the following amounts:

Governor	\$500,000
United States Senator, subject to the provisions of the Federal Election Campaign Act of 1971	
Lieutenant-Governor	\$100,000
Attorney General	\$250,000
Secretary	\$100,000
Treasurer and Receiver General	\$100,000
Auditor	\$100,000
Governor's Councillor	\$ 25,000
United States Congressman, subject to the	

provisions of the Federal Election Campaign Act of 1971

State Senator	\$ 15,000
Representative to the General Court	\$ 5,000

Candidates who are required to designate a depository by subsection (a) of section seventeen, and for whom there have been established campaign media expense limitation by this section, shall file an accounting of their campaign media expenses with the director in the year of the election, on or before: (1) the tenth day of March and June, the eighth day preceding a primary, the eighth day preceding a biennial state election, and the tenth day of January in the following year complete as to the thirty-first day of December of the prior year; (2) the thirtieth day and the eighth day preceding a special primary, including a convention or a caucus, the eighth day preceding a special election, and the tenth day of January of the following year complete as to the thirty-first day of December of the prior year.

Candidates for governor's councillor, state senator and representative to the general court shall file an accounting of their campaign media expenses with the director in the year of the election, on or before: (1) the eighth day preceding a primary, the eighth day preceding a biennial state election, and by the tenth day of January of the following year complete as to the thirty-first day of December of the prior year; (2) the eighth day preceding a special primary, including a convention or caucus, the eighth day preceding a special election, and the thirtieth day following a special election.

Each report shall include the name and address of each person to whom a liability exists or an expenditure is made, the amount or value, date and purpose. Said reports shall be cumulative.

The reporting period of the initial report required to be filed in the year of the election under the provisions of this section shall commence on the first day of January in said year. The end of the reporting period of each report required to be filed under the provisions of this section shall be as of the tenth day preceding the last day for filing. The beginning of the reporting period for each report subsequent to the initial report shall be the day following the end of the reporting period of the last report filed.

Violation of any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

SECTION 9. Said chapter 55 is hereby further amended by striking out section 18 and inserting in place thereof the following section: —

Section 18. The treasurer of any corporation mentioned in section seven which has given, paid, expended or contributed, or promised to give, pay, expend or contribute, any money or other valuable thing in order to influence or affect the vote on any question submitted to the voters which materially affects any of the property, business or assets of the corporation, shall, within thirty

days after the election at which the question was submitted to the voters, file a statement with the director setting forth the amount of every gift, payment, expenditure or contribution or promise to give, pay, expend or contribute, together with the date, purpose, and name and last known address of the person to whom it was made.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

SECTION 10. Said chapter 55 is hereby further amended by striking out sections 20 to 24, inclusive, and inserting in place thereof the following six sections: —

Section 20. If the statement required to be filed by a candidate, treasurer or other person relates to a nomination or election to a city or town office, or to a question appearing upon the official ballot used at a city or town election, the statement shall be filed with the clerk of the city or town involved; all other such statements shall be filed with the director. All such statements shall be signed under the penalties of perjury.

Section 21. The director shall retain all statements and reports filed with his office under the provisions of this chapter until the term of the office the candidate is seeking has ended. In the case of committees other than those authorized by a candidate, the director shall retain all required statements and reports filed with his office for a period of two years.

The director shall make all statements and reports required to be filed with him by this chapter available for convenient public inspection and reproduction by a copying machine at a commercially reasonable fee as soon as such statements and reports are filed with him.

Section 21A. The city or town clerk shall retain all reports and statements required to be filed with him until the term of the office the candidate is seeking has ended. In the case of committees other than those authorized by a candidate, the city or town clerk shall retain all required statements and reports filed with his office for a period of two years. Such statements and reports shall be available for convenient public inspection and copying at the office of the city or town clerk during normal business hours as soon as such statements and reports are filed with him.

Section 22. The director shall furnish to city and town clerks at the expense of the commonwealth, blanks and forms approved by him and by the attorney general, suitable for the submission of such statements and reports as are required by this chapter. The city and town clerk shall transmit said blanks to all candidates for nomination or election to city or town office, who are known to him, and to all political committees required to file with him. The director shall transmit said blanks to all candidates for nomination to state or county office, who are known to him, and to all political committees required to file with him. Such blanks shall be furnished upon request to any person or political committee required to file a statement or report.

The director shall provide to all candidates and political committees required to file with him a summary of this chapter and all other laws of the commonwealth relating to contributions and expenditures, and shall furnish to city and town clerks, at the expense of the commonwealth sufficient copies of said summary so that they may provide said summary to all candidates and political committees required to file with them.

Section 23. The director shall inspect all statements and reports of candidates, or nonelected political committees supporting such candidates, filed with him, and the clerks of cities and towns shall inspect all such statements and reports filed with them, within thirty days of the reporting dates required by this chapter, and all other statements and reports within sixty days of the reporting dates required by this chapter. If upon examination of the records it appears that any candidate or political committee has failed to file a statement or report as required by law, or if it appears to the director that any such statement or report filed with him does not conform to law, or if it appears to a city or town clerk that such statement or report relating to a city or town nomination or election does not conform to law, or upon written complaint by five registered voters that a statement or report does not conform to law, or that any candidate or political committee has failed to file a statement or report required by law, the director or city or town clerk, as the case may be, shall, in writing, notify the delinquent person. Such complaint shall state in detail the grounds of objection, shall be sworn to by one of the subscribers, and shall be filed with the director or with the proper city or town clerk within ten days after the required date for filing a statement or report, or within ten days after the actual filing of a statement or report, or an amended statement or report.

Section 24. Upon failure to file a statement or report within ten days after receiving notice under section twenty-three, or if any statement filed after receiving such notice discloses any violation of any provision of this chapter, the director in accordance with section two A, or the city or town clerk, as the case may be, shall notify the attorney general thereof and shall furnish him with copies of all papers relating thereto, and the attorney general, within two months thereafter, shall examine every such case, and, if satisfied that there is cause, he shall in the name of the commonwealth institute appropriate civil proceedings or refer the case to the proper district attorney for such action as may be appropriate in the criminal courts.

SECTION 11. Section 28 of said chapter 55 is hereby amended by striking out paragraph (j) and inserting in place thereof the following paragraph: —

(j) A certified copy of any final decree entered upon an election petition, as provided by this chapter, shall forthwith be transmitted by the clerk to the director; and any vacancy in any office created by any such decree shall be filled in the manner provided by law in case of the death of the incumbent, but in no case shall

the candidate so excluded from the office be eligible therefor.

SECTION 12. Said chapter 55 is hereby further amended by striking out section 37 and inserting in place thereof the following section: —

Section 37. The director in proceedings based upon an election petition, as provided in section twenty-eight, and the clerk of the court wherein a person is convicted of a violation of any provision of law relating to corrupt practices in elections, shall, within ten days after final judgment on such election petition or conviction, forward to the clerk of the city or town where the defendant resides a certified copy of the record of the final judgment or conviction, and the name of such person shall forthwith be stricken from the roll of registered voters of the city or town for a period of three years.

SECTION 13. The dean of a law school to be first appointed to the commission provided for in section two A of chapter fifty-five of the General Laws, inserted by section one of this act, shall be appointed within thirty days after the effective date of this act. The commission first selecting a director of campaign and political finance, as provided in said section two A of said chapter fifty-five, shall select said director within one hundred and twenty days after the effective date of this act. The state secretary shall have all the powers and duties of the director of campaign and political finance under this act from the effective date of this act until the expiration of sixty days after said director is appointed and qualified. All books, papers, records and documents which prior to the appointment of said director are in the custody of said state secretary or any division under his control and authority, and are related to or necessary to the exercise of the powers invested in said director by section one of this act shall be transmitted to said director immediately upon his appointment; provided, however, that only such books, papers, records and documents shall be so transmitted which have been received by said state secretary or a division under his control and authority after January first, nineteen hundred and seventy-four.

SECTION 14. The state secretary, within thirty days of the effective date of this act, shall notify by registered mail, return receipt requested, any political committee which is in existence on said effective date as to the provisions of this act. Any such committee may file a statement of organization as required by section four of chapter fifty-five of the General Laws, as amended by section one of this act, within fourteen days after the receipt of such notification; provided, however, that if no such statement is filed, said political committee shall be considered to have been dissolved.

SECTION 14A. The director of campaign and political finance, established by section one of this act, shall, after the effective date of this act, have power and authority only over reports and records filed with him after said effective date.

SECTION 15. Notwithstanding the provisions of this act, no candidate or political committee shall, upon the filing of initial

reports or any subsequent reports under chapter fifty-five of the General Laws, be required to include contributions received or expenditures made prior to the first day of January, nineteen hundred and seventy-four; provided, however, all candidates and all political committees shall, however, include in such initial report the balance on hand, if any, of money or anything of value received prior to the first day of January, nineteen hundred and seventy-four.

SECTION 16. Notwithstanding any provisions of this act, the initial report due under the provisions of chapter fifty-five of the General Laws in the calendar year nineteen hundred and seventy-four, except for those candidates and political committees required to designate a depository by subsection (a) of section seventeen of said chapter fifty-five, and those political committees organized under the provisions of section four of said chapter and which report in accordance with the schedules described in clauses (f) and (g) of section sixteen of said chapter shall be the report required on or before the eighth day prior to the initial city or town preliminary or primary, including a caucus, which is held in said year.

SECTION 17. This act shall take effect on January first, nineteen hundred and seventy-four. *Approved December 10, 1973.*

Chap. 1174. AN ACT PROVIDING FOR THE INCLUSION OF PROTECTION AGAINST MENTAL ILLNESS COSTS IN HEALTH INSURANCE POLICIES, EMPLOYEES HEALTH AND WELFARE FUNDS, HOSPITAL SERVICE CONTRACTS AND MEDICAL SERVICE CONTRACTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175 of the General Laws is hereby amended by inserting after section 47A the following section: —

Section 47B. Any blanket or general policy of insurance described in subdivision (A), (C), or (D) of section one hundred and ten which provides hospital expense and surgical expense insurance and which is issued or subsequently renewed by agreement between the insurer and the policyholder, within or without the commonwealth, during the period this provision is effective, or any policy of accident and sickness insurance as described in section one hundred and eight which provides hospital expense and surgical expense insurance and which is delivered or issued for delivery or subsequently renewed by agreement between the insurer and the policyholder in this commonwealth, during the period that this provision is effective, or any employees' health and welfare fund, which provides hospital expense and surgical expense benefits and which is promulgated or renewed to any person or group of persons in this commonwealth, while this provision is effective, shall, if so elected by the policyholder or the employees' health and welfare fund, provide benefits for expense or residents of the commonwealth covered under any such policy or plan, arising from mental

or nervous conditions as described in the standard nomenclature of the American Psychiatric Association which are at least equal to the following minimum requirements:

(a) In the case of benefits based upon confinement as an inpatient in a mental hospital under the direction and supervision of the department of mental health, or in a private mental hospital licensed by the department of mental health, the period of confinement for which benefits shall be payable shall be at least sixty days in any calendar year.

(b) In the case of benefits based upon confinement as an inpatient in a licensed or accredited general hospital, such benefits shall be no different than for any other illness.

(c) In the case of outpatient benefits, these shall cover, to the extent of five hundred dollars over a twelve-month period, services furnished (1) by a comprehensive health service organization, (2) by a licensed or accredited hospital (3) or subject to the approval of the department of mental health services furnished by a community mental health center or other mental health clinic or day care center which furnishes mental health services or (4) consultations or diagnostic or treatment sessions, provided that such services under this clause are rendered by a psychotherapist or by a psychologist licensed under the provisions of chapter one hundred and twelve. For purposes of this clause "psychotherapist" shall mean a person fully licensed to practice medicine under the provisions of chapter one hundred and twelve, who devotes a substantial portion of his time to the practice of psychiatry.

SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after section 47A the following section: —

Section 47B. Any blanket or general policy of insurance described in subdivision (A), (C), or (D) of section one hundred and ten which provides hospital expense and surgical expense insurance and which is issued or subsequently renewed by agreement between the insurer and the policyholder, within or without the commonwealth, during the period this provision is effective, or any policy of accident and sickness insurance as described in section one hundred and eight which provides hospital expense and surgical expense insurance and which is delivered or issued for delivery or subsequently renewed by agreement between the insurer and the policyholder in this commonwealth during the period that this provision is effective, or any employees' health and welfare fund which provides hospital expense and surgical expense benefits and which is promulgated or renewed to any person or group of persons in this commonwealth while this provision is effective shall, provide benefits for expense of residents of the commonwealth covered under any such policy or plan, arising from mental or nervous conditions as described in the standard nomenclature of the American Psychiatric Association which are at least equal to the following minimum requirements:

(a) In the case of benefits based upon confinement as an inpatient in a mental hospital under the direction and supervision

of the department of mental health, or in a private mental hospital licensed by the department of mental health, the period of confinement for which benefits shall be payable shall be at least sixty days in any calendar year.

(b) In the case of benefits based upon confinement as an in-patient in a licensed or accredited general hospital, such benefits shall be no different than for any other illness.

(c) In the case of out-patient benefits, these shall cover, to the extent of five hundred dollars over a twelve-month period, services furnished (1) by a comprehensive health service organization, (2) by a licensed or accredited hospital (3) or subject to the approval of the department of mental health services furnished by a community mental health center or other mental health clinic or day care center which furnishes mental health services or (4) consultations or diagnostic or treatment sessions, provided that such services under this clause are rendered by a psychotherapist or by a psychologist licensed under the provisions of chapter one hundred and twelve. For purposes of this clause "psychotherapist" shall mean a person fully licensed to practice medicine under the provisions of chapter one hundred and twelve, who devotes a substantial portion of his time to the practice of psychiatry.

SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after section 8 the following section: —

Section 8A. Any contract between a subscriber and the corporation under an individual or group hospital service plan which shall be delivered or issued or renewed in this commonwealth shall provide as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, if so elected by the subscriber or group, for expense arising from mental or nervous conditions as hereinafter set forth. Such benefits shall be as described in the standard nomenclature of the American Psychiatric Association which are at least equal to the following minimum requirements:

(a) In the case of benefits based upon confinement as an in-patient in a mental hospital under the direction and supervision of the department of mental health, or in a private mental hospital licensed by the department of mental health, the period of confinement for which benefits shall be payable shall be at least sixty days in any calendar year.

(b) In the case of benefits based upon confinement as an in-patient in a licensed or accredited general hospital, such benefits shall be no different than for any other illness.

(c) In the case of out-patient benefits, these shall cover, to the extent of five hundred dollars over a twelve-month period, services furnished (1) by a comprehensive health service organization, (2) by a licensed or accredited hospital (3) or subject to the approval of the department of mental health services furnished by a community mental health center or other mental health clinic or day care center which furnishes mental health services or (4) consulta-

tions or diagnostic or treatment sessions, provided that such services under this clause are rendered by a psychotherapist or by a psychologist licensed under the provisions of chapter one hundred and twelve. For purposes of this clause "psychotherapist" shall mean a person fully licensed to practice medicine under the provisions of chapter one hundred and twelve, who devotes a substantial portion of his time to the practice of psychiatry.

SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after section 8 the following section: —

Section 8A. Any contract between a subscriber and the corporation under an individual or group hospital service plan which shall be delivered or issued or renewed in this commonwealth shall provide as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, for expense arising from mental or nervous conditions as hereinafter set forth. Such benefits shall be as described in the standard nomenclature of the American Psychiatric Association which are at least equal to the following minimum requirements:

(a) In the case of benefits based upon confinement as an inpatient in a mental hospital under the direction and supervision of the department of mental health, or in a private mental hospital licensed by the department of mental health, the period of confinement for which benefits shall be payable shall be at least sixty days in any calendar year.

(b) In the case of benefits based upon confinement as an inpatient in a licensed or accredited general hospital, such benefits shall be no different than for any other illness.

(c) In the case of out-patient benefits, these shall cover, to the extent of five hundred dollars over a twelve-month period, services furnished (1) by a comprehensive health service organization, (2) by a licensed or accredited hospital (3) or subject to the approval of the department of mental health services furnished by a community mental health center or other mental health clinic or day care center which furnishes mental health services of (4) consultations or diagnostic or treatment sessions, provided that such services under this clause are rendered by a psychotherapist or a psychologist licensed under the provisions of chapter one hundred and twelve. For purposes of this clause "psychotherapist" shall mean a person fully licensed to practice medicine under the provisions of chapter one hundred and twelve, who devotes a substantial portion of his time to the practice of psychiatry.

SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after section 4 the following section: —

Section 4A. Any subscription certificate under an individual or group medical service agreement which shall be delivered or issued or renewed in this commonwealth shall provide as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, if so elected by the subscriber or group, for

expense arising from mental or nervous conditions as hereinafter set forth. Such benefits shall be as described in the standard nomenclature of the American Psychiatric Association which are at least equal to the following minimum requirements:

(a) In the case of benefits based upon confinement as an in-patient in a mental hospital under the direction and supervision of the department of mental health, or in a private mental hospital licensed by the department of mental health, the period of confinement for which benefits shall be payable shall be at least sixty days of any calendar year.

(b) In the case of benefits based upon confinement as an in-patient in a licensed or accredited general hospital, such benefits shall be no different than for any other illness.

(c) In the case of out-patient benefits, these shall cover, to the extent of five hundred dollars over a twelve-month period, service furnished (1) by a comprehensive health service organization, (2) by a licensed or accredited hospital (3) or subject to the approval of the department of mental health services furnished by a community mental health center or other mental health clinic or day care center which furnishes mental health services or (4) consultations or diagnostic or treatment sessions, provided that such services under this clause are rendered by a psychotherapist or a psychologist licensed under the provisions of chapter one hundred and twelve. For purposes of this clause "psychotherapist" shall mean a person fully licensed to practice medicine under the provisions of chapter one hundred and twelve, who devotes a substantial portion of his time to the practice of psychiatry.

SECTION 6. Chapter 176B of the General Laws is hereby amended by inserting after section 4 the following section: —

Section 4A. Any subscription certificate under an individual or group medical service agreement which shall be delivered or issued or renewed in this commonwealth shall provide as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth for expense arising from mental or nervous conditions as hereinafter set forth. Such benefits shall be as described in the standard nomenclature of the American Psychiatric Association which are at least equal to the following minimum requirements:

(a) In the case of benefits based upon confinement as an in-patient in a mental hospital under the direction and supervision of the department of mental health, or in a private mental hospital licensed by the department of mental health, the period of confinement for which benefits shall be payable shall be at least sixty days in any calendar year.

(b) In the case of benefits based upon confinement as an in-patient in a licensed or accredited general hospital, such benefits shall be no different than for any other illness.

(c) In the case of out-patient benefits, these shall cover, to the extent of five hundred dollars over a twelve-month period, services

furnished (1) by a comprehensive health service organization, (2) by a licensed or accredited hospital (3) or subject to the approval of the department of mental health services furnished by a community mental health center or other mental health clinic or day care center which furnishes mental health services or (4) consultations or diagnostic or treatment sessions, provided that such services under this clause are rendered by a psychotherapist or by a psychologist licensed under the provisions of chapter one hundred and twelve. For purposes of this clause "psychotherapist" shall mean a person fully licensed to practice medicine under the provisions of chapter one hundred and twelve, who devotes a substantial portion of his time to the practice of psychiatry.

SECTION 7. Sections one, three and five of this act shall apply to all policies, contracts, and certificates referred to therein issued on or after January first, nineteen hundred and seventy-four. Said sections shall cease to be operative on December thirty-first, nineteen hundred and seventy-five. Sections two, four and six of this act shall apply to all policies, contracts, and certificates referred to therein issued on or after January first, nineteen hundred and seventy-six.

Approved December 10, 1973.

Chap. 1175. AN ACT CREATING THE UNIVERSITY OF LOWELL AND PROVIDING FOR THE MERGER THEREIN OF THE LOWELL TECHNOLOGICAL INSTITUTE OF MASSACHUSETTS AND THE STATE COLLEGE AT LOWELL.

Be it enacted, etc., as follows:

SECTION 1. Section 1A of chapter 15 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by chapter 163 of the acts of 1972, and inserting in place thereof the following paragraph: —

There shall be in the department, but not subject to its control, a board of higher education, in this section and in sections one B, one C and one D called the board, consisting of a member of the board of trustees of the University of Massachusetts selected by majority vote of all the members of said board, a member of the board of trustees of state colleges selected by a majority vote of the members of said board having voting power, a member of the board of regional community colleges selected by majority vote of all its members and a member of the board of trustees of the University of Lowell selected by a majority vote of all the members of said board and a member of the board of trustees of the Southeastern Massachusetts University selected by a majority vote of all the members of said board, each of said five members to serve for a term of one year, and seven persons to be appointed by the governor, one of whom shall be a member of the governing board of a private institution of higher education in the commonwealth, one of whom shall be a member of a labor organization affiliated with the Massachusetts State Labor Council AFL-CIO and at least two of whom shall be women.

SECTION 2. Section 1B of said chapter 15, as appearing in section 2 of chapter 572 of the acts of 1965, is hereby amended by striking out, in lines 3 and 4, the words "Lowell Technological Institute" and inserting in place thereof the words: — University of Lowell.

SECTION 3. Section 18A of said chapter 15, as appearing in section 1 of chapter 466 of the acts of 1963, is hereby amended by striking out, in line 3, the word "Lowell Technological Institute" and inserting in place thereof the words: — University of Lowell.

SECTION 4. Section 19 of said chapter 15, as appearing in section 1 of chapter 543 of the acts of 1960, is hereby amended by striking out, in line 4, the words "Lowell Technological Institute of Massachusetts" and inserting in place thereof the words: — University of Lowell.

SECTION 5. Said chapter 15 is hereby further amended by striking out section 24, as most recently amended by section 3 of chapter 695 of the acts of 1972, and inserting in place thereof the following section: —

Section 24. There shall be a board of trustees for the University of Lowell consisting of the mayor of the city of Lowell, ex officio; one student elected annually by the student body of the University of Lowell; and fifteen appointive members, each for a term of four years, one of whom shall be a graduate of the State College at Lowell, one of whom shall be a graduate of Lowell Technological Institute of Massachusetts, one of whom shall be a member of a labor organization, and at least three of whom shall be women. Excepting the two alumni members, no member shall be appointed to the board of trustees who has previously served on the board of trustees of the State College at Lowell or the Lowell Technological Institute of Massachusetts.

SECTION 6. Section 19 of chapter 73 of the General Laws, added by chapter 334 of the acts of 1968, is hereby amended by striking out, in line 4, the words "Lowell State College."

SECTION 7. The General Laws are hereby amended by striking out chapter 75A and inserting in place thereof the following chapter: —

CHAPTER 75A.

UNIVERSITY OF LOWELL.

Section 1. The University of Lowell, hereafter referred to as the university, shall be maintained by the commonwealth to provide, without discrimination, educational programs, research, extension, and continuing education services in the liberal arts, engineering and sciences, and in the professions, and in those professional areas normally requiring either education beyond four years of undergraduate training or a basic or advanced degree beyond the bachelor's level. The University of Lowell shall offer the adult education services of the university extension program. The university shall, with the approval of the board of trustees

and the board of higher education, have general authority to award any earned doctoral degrees, particularly in the sciences, the health professions and music.

The university shall be a state institution within the department of education but not under its control and shall be governed solely by the board of trustees whose authority, responsibility, rights, privileges, powers and duties specifically conferred by this chapter shall be the same as those customarily and traditionally exercised by governing boards of institutions of higher learning. In exercising such authority, responsibility, rights, privileges, powers, and duties said board shall not in the management of the affairs of the University of Lowell be subject to, or superseded in any such authority by, any other state board, bureau, department or commission. To this end, the trustees shall maintain high educational standards at the University of Lowell, and shall, subject only to such general authority in the board of higher education, have complete authority to establish, locate, support, consolidate or abolish classes, courses, curricula, departments, divisions, schools or colleges of the University of Lowell, wherever and whenever required in meeting the needs of the commonwealth in the fields of public higher education. The trustees shall establish for the University of Lowell the qualifications and standards for admission, promotion and graduation, and shall award academic degrees and diplomas and confer honors as is customary in American Universities, except to the extent any such exercise might be inconsistent with determinations of the board of higher education delineating functions and programs for institutions and segments of institutions of public higher education. The trustees may confer such honorary degrees as they deem appropriate.

Section 2. The university may have a common seal, which may be altered by the trustees.

Section 3. All accounts for construction and maintenance and for expenditures under special appropriations shall be approved by the trustees, or, if the trustees shall so vote, by the president or by some other designated alternate, or a member of the board of trustees, and shall be filed with the comptroller. Copies of the payrolls and bills shall be kept at the university.

Section 3A. The trustees shall prepare and submit a detailed budget in such form and manner as the governor or general court may direct.

Section 3B. Notwithstanding any contrary provision of law, the general court shall annually appropriate such sums as it deems necessary for the maintenance, operation and support of the university; and such appropriations shall be made available by the appropriate state officials for expenditure through allotment, transfer within and among subsidiary accounts, advances from the state treasury in accordance with the provisions of sections twenty-four, twenty-five and twenty-six of chapter twenty-nine, or for disbursement on certification to the state comptroller in accordance with the provisions of section eighteen of said chapter

twenty-nine, as may from time to time be directed by the trustees or an officer of the university designated by the trustees.

Section 4. All accounts of the university under the direction of the trustees, including the accounts of all properties or funds received, held, or disbursed by the trustees under any provision of law, shall be audited annually by the state auditor.

Section 5. A complete financial report covering all receipts and expenditures shall be made annually to the governor and the general court. Monthly statements of receipts and expenditures shall be made to the state comptroller. The trustees shall see that there is maintained an accounting system as required by the state comptroller and the trustees may maintain such additional accounts as they deem necessary.

Section 6. The trustees shall determine the time and place of their meetings and the manner of giving notice thereof.

Section 7. Notwithstanding any contrary provision of law, except as herein provided, the trustees may adopt, amend or repeal such rules and regulations for the government of the university for the management, control and administration of its affairs, for its faculty, students and employees, and for the regulation of their own body, as they deem necessary, and may impose reasonable penalties for the violation of such rules and regulations. The trustees shall publish such rules and regulations and shall file copies thereof with the governor, the executive office for administration and finance, and the joint committee on ways and means.

Section 8. The trustees shall administer property held in accordance with special trusts, and shall also administer grants or devises of land and gifts or bequests of personal or real property made to the commonwealth for the use of the university and execute certain trusts, investing the proceeds thereof in notes or bonds or property secured by sufficient mortgages or other securities.

The trustees shall have the authority to assent to federal laws designed to benefit the university and to enter into agreements or contracts with the federal government or agencies thereof, as well as into agreements or contracts with agencies of other governments, other colleges and universities, foundations, corporations, interstate compact agencies and individuals where such agreements or contracts, in the judgment of the trustees, will promote the objectives of the university. The trustees may, from time to time, establish and manage trust funds for self-amortizing projects and self-supporting activities including, but not limited to, the operation of the student health service, research institutes and foundations, dormitories and student and faculty facilities. All income from such projects or activities shall be held in trust by the trustees and expended for the purpose for which the trust fund was established. The trustees may, for the purposes of this section, group together several or more projects and activities into one or more funds as is, in their judgment, required to best effectuate the purposes of the projects and activities and the pur-

poses of the university. Any unrestricted balances remaining in a trust fund upon its termination shall be used as directed by the trustees for the general purposes of the university. All receipts from student activities shall be retained by the trustees in a trust fund or trust funds and shall be expended as the trustees shall direct in furthering the activities from which the receipts were derived.

Section 9. The trustees shall administer property held in accordance with special trusts, and shall also administer grants or devises of land and gifts or bequests of personal or real property made to the commonwealth for the use of the university, and shall execute certain trusts, investing the proceeds thereof in notes or bonds or property secured by sufficient mortgages or other securities.

Section 9A. Notwithstanding any contrary provision of law, the trustees or officers of the university designated by them shall have the authority to make any purchase or purchases in the amount of five hundred dollars or less, and to purchase without limitation of amount library books and periodicals, educational and scientific supplies and equipment, printing and binding, emergency repairs and replacement parts, and perishable items, without recourse to any other state board, bureau, department or commission; provided, that in so doing the university shall follow modern methods of purchasing and shall, wherever practicable, invite competitive bids. Except as herein provided, the state purchasing agent shall on the certification of availability of funds purchase all items specified on requisitions submitted to him by the university; provided, that the university shall have the right to review all bids received on university requisitions and to make binding recommendation on the award of the contract based on the judgment of the university as to which of the bids best meet the institute's specification on which the bids were received.

Section 10. The trustees shall annually make a report for the institute, which, with appendices, may be printed in six parts, as follows: —

1. The report of the trustees.
2. The report of the president and other officers of administration.
3. The catalogue of the university.
4. The report of the director of the University of Lowell Research Foundation and its other officers.
5. The detailed reports of the evening division and other divisions or agencies of the university.
6. The resources of the university, its courses and method of instruction, the number of its teachers and students during the preceding school year, and the number of its graduates.

Section 11. The trustees shall elect the president and members of the professional staff of the university as they may determine necessary and shall define their duties and tenure of office without limitation of any other provision of law. The trustees shall have

complete authority with respect to the election or appointment of the professional staff including terms, conditions and periods of employment, compensation, promotion, classification and reclassification, transfer, demotion and dismissal within funds available by appropriation of the general court or from other sources. The trustees shall establish and make public a policy on tenure for the professional staff of the university which provides for removal for just cause, hearing upon dismissal and judicial review; provided, however, that no member of the professional teaching staff shall be retained after the seventh year of consecutive service without being granted tenure. A leave of absence to a professional teaching staff member for the purpose of advanced study at an educational institution shall not be considered a break in service of consecutive years. A leave of absence for advanced study shall not be counted as a year of service.

The trustees may, without prior approval, within the limits of appropriation made therefor, engage consultants and lecturers and employ such temporary professors, tutors, instructors, teachers and other officers and assistants at rates and in titles corresponding to permanent positions authorized for the university as they shall determine necessary for the operation of the university for periods not exceeding the fiscal year.

The trustees may, notwithstanding the provisions of section twenty-one of said chapter thirty, authorize the payment of overtime or extra compensation to such professors, tutors, instructors, teachers and other officers and assistants of the university, within the limits of appropriations made therefor, for such services rendered in summer sessions or other periods outside the session periods of the normal academic year; provided, that the trustees shall determine that such services shall not interfere with regular full-time activities as provided by law required of such professors, tutors, instructors, teachers and other officers and assistants of the university.

As used in this section the following words shall have the following meanings, unless the context otherwise requires:

"Professional staff", all officers of the university and all persons, except those whose duties are clerical, custodial, security, labor, maintenance and the like, employed for teaching, research, administration, extension, enforcement, control laws and regulatory services, technical and specialized academic support staff, and such related activities as shall be determined by the trustees of the institute.

"Nonprofessional staff", all employees who are not classified as professional personnel, such as clerical, custodial, security, labor, maintenance and the like.

"General salary schedule", the pay plan of the commonwealth as contained in paragraph (1) of section forty-six of chapter thirty.

The classification, title, salary range within the general salary schedule, and descriptive job specifications for each position shall be determined by the trustees for each member of the professional

staff and copies thereof shall be placed on file with the governor, budget director, director of personnel and standardization, and the joint committee on ways and means, except that any such salary may be fixed at any amount not less than the minimum salary nor more than the maximum salary shown in the said schedule; provided, however, that the trustees may establish the salary for the president, members of the professional staff, and for the academic deans and members of the professional teaching staff without reference to the general salary schedule and salary range; and, provided further, that no such salary shall be established for any academic dean or any member of the professional teaching staff unless his classification rating is equal to or higher than that of professor, nor shall the number of academic deans and members of the professional teaching staff of the institute whose salaries may be so established exceed one per cent of the combined total number of academic deans and members of the professional teaching staff. A notification of each personnel action taken shall be filed by the president or other officers of the institute designated by him with the director of personnel and standardization and with the comptroller. In establishing the classification, title and salary plan for the professional staff of the university, the trustees shall give recognition to the need to establish and maintain appropriate academic ranks and titles as may be appropriate for higher education in order to provide for outstanding scholars, scientists and teachers.

The president or an officer of the university designated by him shall file annually with the governor, the budget director and the joint committee on ways and means a listing of all positions at the university, including the name of the incumbent, the classification and title, and the rate of pay.

The nonprofessional personnel of the university shall continue as state employees under the provisions of chapter thirty and except as otherwise provided in this paragraph, shall be employed in authorized permanent positions in accordance with the provisions of section forty-five of said chapter; provided, however, that the university shall have the authority without prior approval and within the limits of appropriations to establish and fill temporary, part time and seasonal positions within existing titles and rates within available appropriations for the fiscal year. A notice of action taken in filling all such positions shall be filed with the director of personnel and standardization and with the comptroller.

All officers and employees, professional and nonprofessional, of the university shall continue to be employees of the commonwealth irrespective of the source of funds from which their salaries or wages are paid. They shall have the same privileges and benefits of other employees of the commonwealth such as retirement benefits, group insurance, industrial accident coverage, and other coverage enjoyed by all employees of the commonwealth.

Employees of the university shall not be subject to the provisions of chapter thirty-one.

Section 11A. The trustees shall have complete authority in determining the travel policy of the university. They shall determine which of the university personnel may travel within and without the commonwealth at state expense and where such personnel may travel.

Section 11B. The trustees shall make rules and regulations for the control, movement and parking of vehicles on the campus of the university and on other land of the university, and may provide reasonable penalties for the violation of said rules and regulations. The trustees may appoint as police officers persons in the employ of the university who in the enforcement of said rules and regulations and throughout university property shall have the powers of police officers, except as to service of civil process. Notwithstanding any other provision of law, all fines and penalties recovered for violation of rules and regulations made under authority of this section shall be accounted for by the clerk of the court and forwarded to the trustees of the university to be deposited in the scholarship trust fund of the university for scholarship purposes.

Section 12. The trustees may insure the buildings of the university and their contents in such amounts as they deem sufficient.

Section 13. The trustees may fix the rates of tuition to be charged by the university, but the yearly tuition for day school students who are nonresidents of the commonwealth shall not be less than one hundred and fifty dollars.

Section 14. The trustees shall establish a division to be called the evening division, University of Lowell, to be conducted under their direction, and in which shall be given such evening instruction in liberal arts, engineering, the sciences, the professions, and in such other related academic areas as may be deemed advisable or appropriate by the trustees.

Section 15. A teacher at the university who has served as such at the university for at least seven years after entering such service, or, if a leave of absence has previously been granted to him hereunder, after the termination of the last such leave, may, upon written recommendation of the president of the university be granted by the board of trustees a leave of absence, for study and research, for a period of one year at half pay or for a period of a half year at full pay for such period; provided, that prior to the granting of such leave said teacher shall enter into a written agreement with the board of trustees of said university; that upon the termination of such leave he will return to the service of the university and serve as a teacher at that university for a period equal to twice the length of such leave; and that, in default of completing such service, he will refund to the commonwealth, unless excused therefrom by the board of trustees for reasons satisfactory to it, an amount equal to such proportion of the salary received by him while on leave as the amount of service not actually rendered as agreed bears to the whole amount of service agreed to be rendered.

Section 16. The university is hereby authorized and directed to grant certain scholarships, to be known as the commonwealth scholarships, subject to appropriations made for said purpose, based on marks received in entrance or other appropriate examination, to worthy students who are residents of the commonwealth, possess the requisite ability, and are in need of financial assistance. Such scholarships shall be recommended by the committee on scholarships, the members of which shall be appointed by the board of trustees of the university for such terms as the board may deem advisable, and said scholarships shall be approved and awarded by the board of trustees. The number of scholarships to be awarded by the committee shall be not more than twenty in each of the four undergraduate years, and no individual scholarship shall exceed two hundred and fifty dollars in any year. A scholarship shall continue for such time as the recipient thereof remains a student in good standing at the institute, but in no event shall any student receive such scholarship aid for more than four years.

Section 17. The city of Lowell may annually provide for not more than ten four-year-day scholarships at the university for residents of the city of Lowell, the sum so required to be raised by taxation.

Section 18. Subject to section twenty the trustees may, in the name of and for the commonwealth, lease to any professor, instructor, teacher or employee of said university, or to any society, association or fraternity established thereat, land in the city of Lowell owned by the commonwealth, for the erection and maintenance of suitable dwellings thereon, at the sole expense of the lessee and for the lessee's use and occupancy. Not more than one half an acre shall be so leased to any one such person or organization. Such leases shall contain such written terms, conditions, restrictions and reservations as the parties agree upon.

Section 19. No lease under section nineteen shall become operative until it is approved by the governor and council.

Section 20. The lessee and his assignees shall be liable to taxation upon any building erected on land leased under section nineteen to the extent of its value as determined by the assessors of the city of Lowell.

Section 21. The trustees shall make just and reasonable provision for the employment of students at the university for manual labor and certain skilled labor consistent with the institute's needs.

Section 22. The university may establish and manage, under such regulations as the board of trustees may from time to time prescribe, the University of Lowell Research Foundation, for the purpose of promoting research at the university by obtaining, administering or disposing of patents or inventions resulting from such research or otherwise and devoting the income therefrom to further research, beneficial to the university and to the commonwealth.

The University of Lowell Research Foundation may (1) receive

and hold in separate custody gifts, bequests and devises of real or personal property; (2) receive and hold in separate custody compensation or reimbursement resulting from inventions, patents, contractual or other research, the conducting of tests for outside agencies or other funds that may be acceptable to the foundation; (3) disburse funds so acquired for purposes of instruction, research, tests, invention, discovery, development or engineering consistent herewith; (4) obtain, administer and dispose of patents, assignments, grants, licenses or other rights and hold the same in separate custody; (5) make assignments, grants, licenses, or other disposal equitably in the public interest of any rights owned, acquired or controlled by the Foundation in or to inventions, discoveries, patent applications or patents, and to charge therefor and collect and to incorporate in funds in the custody of the Foundation reasonable compensation in such form as the board of trustees may determine; and (6) execute contracts with employees or others for the purpose of carrying out the provisions hereof and permitting such employees or others to share in the net proceeds of such contracts as the board of trustees shall determine.

The foregoing shall not authorize any action in contravention of the requirements of Section 1 of Article LXIII of the Amendments to the Constitution. The funds of said Foundation shall be subject to annual audit by the state auditor. No activities, specified in the foregoing, shall be undertaken by said Foundation which in the opinion of the board of trustees will be likely to interfere with the regular, efficient and proper exercise of the functions of said university. In conducting contractual or other research, tests or similar activities, said Foundation shall give preference to citizens of and to corporations organized under the laws of the commonwealth.

The board of trustees shall prescribe and enforce such regulations as it may deem necessary, with regard to the ownership of inventions developed with the use of facilities of the institute by students, research fellows, staff members, faculty or other persons, the transfer of such inventions, or patent applications or patents resulting therefrom, to the Foundation, the amount of the respective shares of the inventor, the university, and the Foundation in the proceeds therefrom, and the arbitrating of any and all disagreements involving the same.

Section 23. The director may from time to time publish in reports, bulletins, special circulars or otherwise, the results of special studies or research or analysis of general interest and value to the industries represented at or interested in the university.

SECTION 8. There shall be established a Merger Planning Board which shall formulate plans for the consolidation of the State College at Lowell and the Lowell Technological Institute of Massachusetts between January first, nineteen hundred and seventy-five, and July first, nineteen hundred and seventy-five. Said Board shall consist of eleven members appointed by the governor, one of whom shall be a member of the administration from the

Lowell Technological Institute of Massachusetts, one of whom shall be a member of the administration from the State College at Lowell, one of whom shall be a member of the faculty from the Lowell Technological Institute of Massachusetts, one of whom shall be a student from the Lowell Technological Institute of Massachusetts, one of whom shall be a graduate of the Lowell Technological Institute of Massachusetts, one of whom shall be a graduate of the State College at Lowell, and three of whom shall be from the general public.

Upon appointment and qualification of the new trustees as defined under this act, the functions and duties of the Merger Planning Board shall terminate and the functions, duties and responsibilities shall thereafter be vested in the board of trustees.

SECTION 9. There shall be established by the Merger Planning Board an unpaid planning staff which shall be composed of students, faculty, administrators, nonprofessional personnel and any persons deemed necessary to advise the Merger Planning Board on ways and means of implementing said merger. The planning staff shall assist the Merger Planning Board in formulating plans for said merger.

SECTION 10. Upon completion of the merger, the board of trustees of the University of Lowell shall be vested with all the powers, rights and privileges and shall be subject to all the duties of the trustees of the Lowell Technological Institute of Massachusetts and the State College at Lowell. The Lowell Technological Institute of Massachusetts and the State College at Lowell shall thereby be consolidated into the University of Lowell which shall be deemed for all purposes a continuation of the Lowell Technological Institute of Massachusetts and the State College at Lowell. The said trustees of the Lowell Technological Institute of Massachusetts and the State College at Lowell shall transfer to the board of trustees of the University of Lowell all property, real or personal and all rights which they hold by reason of their office as said trustees and they shall execute any deeds, contracts and assignments and institute any legal proceedings necessary to transfer such property and rights.

The Merger Planning Board and the board of trustees shall provide adequate parking facilities to the present educational institutions without the taking of private homes. No further expansion shall be authorized by said boards unless parking facilities are provided without the taking of private homes.

SECTION 11. Upon completion of the merger, the phrases "Lowell Technological Institute" and "the State College at Lowell" or any words connoting the same when used in any statute, ordinance, by-law, rule or regulation shall mean the University of Lowell.

SECTION 12. The administrators, faculty, professional, and non-professional employees, on the staff of Lowell State College and Lowell Technological Institute on the effective date of this act, shall be and are hereby transferred to the staff of the University

of Lowell, without loss of salary or seniority in effect at the time of the said effective date, except that in the case of personnel with similar titles and duties in each institution the board of trustees with the recommendation of the president of the University of Lowell shall have authority to reassign such personnel to comparable duties under different titles than those existing at the time of the merger. The tenure, seniority, retirement, insurance, industrial accident coverage and all other rights and benefits to which the employees of the Lowell Technological Institute of Massachusetts and the State College at Lowell are now entitled shall not be affected by the passage of this act. The president of Lowell Technological Institute as of January third, nineteen hundred and seventy-three, shall be the first tenured executive vice president and assistant to the president serving under the president of the University of Lowell. The president of the State College at Lowell shall be chancellor serving under the president of the University of Lowell, and shall hold said office until he reaches the age of seventy whereupon he shall be retired and the office of chancellor abolished. His duties shall be to work with the executive vice president and assistant to the president in effecting an orderly transition of the merger of the State College at Lowell and the Lowell Technological Institute of Massachusetts into the University of Lowell.

SECTION 13. The merger of the Lowell Technological Institute of Massachusetts and the State College at Lowell shall take place no earlier than the second Wednesday of January of the year nineteen hundred and seventy-five and no later than July first, nineteen hundred and seventy-five.

SECTION 14. The provisions of chapter seventy-five A of the General Laws, in effect prior to the passage of this act, shall continue in effect until the date of the completion of the merger of the Lowell Technological Institute and the State College at Lowell, at which time the provisions of said chapter seventy-five A, as amended by section seven of this act, shall become effective.

Approved December 10, 1973.

Chap. 1176. AN ACT INCREASING THE MEMBERSHIP OF THE TEACHERS' RETIREMENT BOARD AND FURTHER REGULATING THE TERMS OF OFFICE OF THE MEMBERS THEREOF.

Be it enacted, etc., as follows:

Chapter 15 of the General Laws is hereby amended by striking out section 16, as most recently amended by section 16 of chapter 481 of the acts of 1971, and inserting in place thereof the following section: —

Section 16. There shall be a teachers' retirement board for the purpose of administering the teachers' retirement system established under the provisions of chapter thirty-two. Such board shall

consist of five members as follows: — the commissioner of education, or his designee, who shall be a member ex officio and who shall serve as chairman, a second member who shall be appointed by the governor for a term of four years, and who shall be a retired former public school teacher within the commonwealth, two members who shall be elected by the members in service of such system from among their number in such manner and for such term, not exceeding four years, as the commissioner of insurance shall determine, and a fifth member who shall be chosen by the other four for a term of four years. Future elections of the third and fourth members shall be held under the supervision of such retirement board and the terms of the third and fourth members shall be arranged so as not to expire in the year of expiration of the term of the fifth member. If a fifth member is not chosen by the other four members within thirty days after the expiration of the term of the fifth member, the governor shall appoint a fifth member for a term of four years. Each member of such retirement board shall continue to hold office until the expiration of his term and until the qualification of his successor. Upon the expiration of the term of office of any elected, chosen or appointed member or in case of a vacancy in either of said offices, his successor shall be elected, chosen or appointed as aforesaid for a four-year term or for the unexpired portion thereof, as the case may be, except that in no event shall the term of the fifth member expire in the same year as the term of either the third or fourth member.

Approved December 10, 1973.

Chap. 1177. AN ACT PROVIDING FOUR OPTIONAL PLANS FOR THE ADMINISTRATION OF THE PUBLIC SCHOOLS IN THE CITY OF BOSTON FOR CONSIDERATION BY THE VOTERS OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. At a special election to be held on the first Tuesday in April in the year nineteen hundred and seventy-four at which the polls shall remain open from eight o'clock ante meridian until eight o'clock post meridian, the voters of the city of Boston shall have the opportunity to choose among those alternative plans for the administration of the public schools set forth below. At the regular state election in the year nineteen hundred and seventy-four, at which the polls shall remain open from eight o'clock ante meridian until eight o'clock post meridian, the voters of the city of Boston shall have the opportunity to choose between that one of the plans set forth in this act which, at the special election held as aforesaid in the year nineteen hundred and seventy-four, shall have received the highest number of votes, and the form of school administration prescribed by law for the city of Boston, as the same shall exist on the date of said election, as more fully set forth in this act.

SECTION 2. If, at the regular state election in the year nineteen hundred and seventy-four, one of the questions set forth in sections four, five, six and seven of this act shall be answered in the affirmative by a majority of the voters thereon, then it shall be the duty of all officers of the city of Boston having to do with elections and holding office at the time of such election to do, in compliance with law, all things necessary for the nomination and election of officers first to be elected under this act. Two weeks before the special election to be held on the first Tuesday in April in the year nineteen hundred and seventy-four, and again two weeks before the general election to be held in said year, the city clerk of the city of Boston shall mail to each registered voter a sample ballot.

SECTION 3. At a special election to be held in the city of Boston on the first Tuesday in April in the year nineteen hundred and seventy-four, at which the polls shall remain open from eight o'clock ante meridian until eight o'clock post meridian, the following question shall be placed upon the official ballot:

If the school committee of the city of Boston, which now consists of five members elected at large for terms of two years and serving without compensation, were to be replaced or reconstituted, which of the following alternative plans for the administration of the public schools would you favor (VOTE FOR ONE): —

I. *PLAN I.* A school committee of nine members, eight to be elected at large, and the mayor, ex officio, as chairman voting only in case of a tie; the members, except the mayor, to be compensated at the rate of seventy-five dollars per meeting up to a maximum of ten meetings per month.

II. *PLAN II.* A school committee of eleven members, one elected from each of eleven zones, and a school congress of twenty-two members, two to be elected from each of such zones; all to serve without compensation.

III. *PLAN III.* The school committee to be abolished; the schools to be under the charge of a superintendent appointed by the mayor with the approval of a city-wide advisory committee; decentralized administration; a neighborhood school council in each school district composed of parents, teachers and residents, and a high school council in each high school composed of parents, teachers and students.

IV. *PLAN IV.* A school committee of eleven members, five to be elected at large and six to be elected from districts established by the city council.

SECTION 4. If the plan numbered I in section three of this act shall have received the highest number of votes at the special election held as aforesaid, then the following question shall be placed upon the official ballot in the city of Boston at the regular state election in the year nineteen hundred and seventy-four: —

Shall the school committee, which now consists of five members elected at large for terms of two years and serving without compensation, be replaced with a school committee of nine members, eight to be elected at large for

YES	
NO	

terms of two years, with the mayor, ex officio, as chairman voting only in the case of a tie; each member, except the mayor, to be compensated at the rate of seventy-five dollars per meeting up to a maximum of ten meetings per month?

SECTION 5. If the plan numbered II in section three of this act shall have received the highest number of votes at the special election held as aforesaid, then the following question shall be placed upon the official ballot in the city of Boston at the regular state election in the year nineteen hundred and seventy-four: —

Shall the school committee, which now consists of five members elected at large for terms of two years, be replaced with a school committee of eleven members, each member elected from one zone in the city for a term of two years, and a school congress of twenty-two members, two members elected from each such zone for a term of two years?

YES	
NO	

SECTION 6. If the plan numbered III in section three of this act shall have received the highest number of votes at the special election held as aforesaid, then the following question shall be placed upon the official ballot in the city of Boston at the regular state election in the year nineteen hundred and seventy-four: —

Shall the school committee, which now consists of five members elected at large for terms of two years, be replaced by neighborhood school councils elected by parents, teachers and residents, and by high school councils elected by parents, teachers and students, and by a decentralized school administration, and by a superintendent of schools appointed by the mayor with the approval of a city-wide advisory committee?

YES	
NO	

SECTION 7. If the plan numbered IV in section three of this act shall have received the highest number of votes at the special election held as aforesaid, then the following question shall be placed upon the official ballot in the city of Boston at the regular state election in the year nineteen hundred and seventy-four: —

Shall the school committee, which now consists of five members elected at large for terms of two years, be replaced with a school committee of eleven members, five to be elected at large and six to be elected from districts established by the city council?

YES	
NO	

SECTION 8. The first sentence of section 3 of chapter 486 of the acts of 1909 is hereby amended by striking out, in lines 1 and 2, the words "other than for school purposes".

SECTION 9. Sections two, two A, two B and three of chapter two hundred and twenty-four of the acts of nineteen hundred and thirty-six are hereby repealed.

SECTION 10. Chapter 452 of the acts of 1948 is hereby amended by striking out section 11, as appearing in section 1 of chapter 376 of the acts of 1951, and inserting in place thereof the following section: —

Section 11. There shall be in the city a mayor who shall be the chief executive officer of the city, a city council of nine members which shall be the legislative body of the city, and a school com-

mittee of nine members, including the mayor, who shall be chairman ex officio, which shall have the powers and duties conferred and imposed by law.

SECTION 11. Said chapter 452 is hereby further amended by striking out sections 18 to 20, inclusive, and inserting in place thereof the following four sections: —

Section 18. At the next regular municipal election following the adoption of Plan A and at every regular municipal election thereafter, there shall be elected at large eight school committeemen, each to hold office for two municipal years following the municipal year in which he is elected.

Section 19. If at any time a vacancy occurs in the school committee from any cause, except on account of a vacancy in the office of mayor, the president of the city council and the remaining school committeemen, meeting in joint convention, shall, within fifteen days after the vacancy arises, choose, as school committeeman for the unexpired term, whichever of the defeated candidates for the office of school committeeman at the regular municipal election at which school committeemen were elected for the term in which the vacancy occurs, who are eligible and willing to serve, received the highest number of votes at such election, or, if there is no such defeated candidate eligible and willing to serve, a registered voter of the city duly qualified to vote for a candidate for the office of school committeeman. If at a regular municipal election there is a failure to elect a school committeeman or if a person elected school committeeman at such an election resigns or dies before taking office, within fifteen days after the remaining school committeemen-elect take office, such school committeemen and the then president of the city council shall meet in joint convention, and choose, as school committeeman for the unexpired term, whichever of the defeated candidates for the office of school committeeman at such election, who are eligible and willing to serve, received the highest number of votes at such election, or, if there is no such defeated candidate eligible and willing to serve, a registered voter of the city duly qualified to vote for a candidate for the office of school committeeman.

Section 20. The mayor shall, be chairman, ex officio, of the school committee, but shall not vote on any questions unless the members voting be otherwise equally divided. Each member of the school committee, other than the mayor, shall receive a per diem salary of seventy-five dollars for each day of attendance at a meeting of the school committee duly called; but no member shall receive such compensation for more than ten days of such attendance in any calendar month.

Section 21. On or before November first in each year the school committee shall prepare and transmit to the mayor, in such detail as he may require, estimates of the income and expenses of the school department during the next fiscal year. Section thirty-four of chapter seventy-one of the General Laws shall not be operative in respect to such estimates, nor otherwise in respect to appro-

priations for the support of the public schools in the city of Boston.

SECTION 12. Section 55A of said chapter 452 is hereby amended by striking out the second paragraph in the Nomination Petition, as appearing in section 2 of said chapter 376, and inserting in place thereof the following paragraph: —

Each of the undersigned does hereby certify that he or she has not subscribed (*if the petition relates to the office of mayor, here insert: — any other nomination petition for said office; if the petition relates to the office of city councillor, here insert: — more than eight other nomination petitions for said office; and if the petition relates to the office of school committeeman, here insert: — more than seven other nomination petitions for said office*).

SECTION 13. Section 56 of said chapter 452 is hereby amended by striking out the second paragraph, as so appearing, and inserting in place thereof the following paragraph: —

Every voter signing a nomination petition shall sign in person, with his name as registered, or substantially as registered, and shall state his residence on January first preceding, or his residence when registered if subsequent thereto, and the place where he is then living, with the street and number, if any; but any voter who is prevented by physical disability from writing may authorize some person to write his name and residence in his presence. No voter may sign as petitioner more than one nomination petition for the office of mayor, nor more than nine nomination petitions for the office of city councillor, nor more than eight nomination petitions for the office of school committeeman. If the name of any voter appears as petitioner on more nomination petitions for an office than prescribed in this section, his name shall, in determining number of petitioners, be counted, in the case of office of the mayor, only on the nomination petition sheet bearing his name first filed with the election commission, in the case of the office of city councillor, only on the nine nomination petition sheets bearing his name first filed with said commission, and, in the case of the office of school committeeman, only on the eight nomination petition sheets bearing his name first filed with said commission. If the name of any voter appears as petitioner on the same nomination petition more than once it shall be deemed to appear but once. The signature of any petitioner which is not certified by the circulator of the sheet as provided in the form set forth in section fifty-five A shall not be counted in determining the number of petitioners.

SECTION 14. Said chapter 452 is hereby further amended by striking out section 57C, as so appearing, and inserting in place thereof the following section: —

Section 57C. On the first day, other than a legal holiday or Saturday or Sunday, following the expiration of the time for filing withdrawals and the final disposition of any objections filed, the election commission shall post in a conspicuous place in the city hall the names, residences and wards of the candidates for nomination for mayor under Plan A and for city councillor and school

committeeman under Plans A and D who have duly qualified as such candidates, as they are to appear on the official ballots to be used at the preliminary election, except as to the order of the names. If there are so posted the names of not more than two candidates for the office of mayor under Plan A, the candidates whose names are so posted shall be deemed to have been nominated for said office, and the preliminary election for the purpose of nominating candidates therefor shall be dispensed with; if there are so posted the names of not more than eighteen candidates for the office of city councillor under Plan A or D, the candidates whose names are so posted shall be deemed to have been nominated for said office, and the preliminary election with the purpose of nominating candidates therefor shall be dispensed with; and if there are so posted the names of not more than sixteen candidates for the office of school committeeman under Plan A or D, the candidates whose names are so posted shall be deemed nominated for said office, and the preliminary election for the purpose of nominating candidates therefor shall be dispensed with.

SECTION 15. Section 59 of said chapter 452 is hereby amended by striking out the first sentence, as so appearing, and inserting in place thereof the following sentence: — At every preliminary election, and every regular election, under Plan A, each voter shall be entitled to vote for not more than one candidate for the office of mayor, not more than nine candidates for the office of city councillor, and not more than eight candidates for the office of school committeeman.

SECTION 16. Said chapter 452 is hereby further amended by striking out section 61, as so appearing, and inserting in place thereof the following section: —

Section 61. The two persons receiving at a preliminary election under Plan A the highest number of votes for nomination for the office of mayor shall be deemed to have been nominated for said office; and the eighteen persons receiving at such an election under Plan A or D the highest number of votes for nomination for the office of city councillor shall be deemed to have been nominated for said office; and the sixteen persons receiving at such an election under Plan A or D the highest number of votes for nomination for the office of school committeeman shall be deemed to have been nominated for said office. If a preliminary election under Plan A or D results in a tie vote among candidates for nomination receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to be deemed to have been nominated, all persons participating in said tie vote shall be deemed to have been nominated, although in consequence there be printed on the official ballot to be used at the regular election names to a number exceeding twice the number to be elected.

SECTION 17. The first sentence of section 3 of chapter 486 of the acts of 1909 is hereby amended by striking out, in lines 1 and 2, the words "other than for school purposes".

SECTION 18. Sections two, two A, two B and three of chapter

two hundred and twenty-four of the acts of nineteen hundred and thirty-six are hereby repealed.

SECTION 19. Chapter 452 of the acts of 1948 is hereby amended by striking out section 11, as appearing in section 1 of chapter 376 of the acts of 1951, and inserting in place thereof the following section: —

Section 11. There shall be in the city a mayor who shall be the chief executive officer of the city, a city council of nine members which shall be the legislative body of the city, a school committee of eleven members which shall have the powers and duties conferred and imposed by law, and a school congress of twenty-two members which shall have the powers and duties conferred and imposed by law.

SECTION 20. Said chapter 452 is hereby further amended by striking out section 18, as so appearing, and inserting in place thereof the following six sections: —

Section 18. At the regular municipal election held in the year nineteen hundred and seventy-five, and at every regular municipal election thereafter, there shall be elected eleven school committeemen, each to hold office for the two municipal years following the municipal year in which he is elected. One school committeeman shall be elected from each of the eleven zones established by section eighteen B or, if zones shall have been created pursuant to section eighteen C, from each of the eleven zones so created.

Section 18A. At the regular municipal election held in the year nineteen hundred and seventy-five, and at every regular municipal election thereafter, there shall be elected twenty-two school congressmen, each to hold office for the two municipal years following the municipal year in which he is elected. Two school congressmen shall be elected from each of the eleven zones established by section eighteen B or, if zones shall have been created pursuant to section eighteen C, from each of the eleven zones so created.

Section 18B. At the regular municipal election held in the year nineteen hundred and seventy-five, and at every regular municipal election thereafter until changed in accordance with section eighteen C, zones for the election of school committeemen and school congressmen shall consist of the following wards and precincts, as such wards and precincts shall from time to time exist: —

(a) Zone one shall consist of wards one and two, and precincts one, two, three and four of ward three;

(b) Zone two shall consist of precincts five, six, seven and eight of ward three, ward five, and precincts one and two of ward twenty-one;

(c) Zone three shall consist of precincts three through sixteen, inclusive, of ward twenty-one, and ward twenty-two;

(d) Zone four shall consist of wards four, eight and nine, and precincts one, two and three of ward eleven;

(e) Zone five shall consist of wards six and seven, and precincts six, seven, eight and nine of ward thirteen;

(f) Zone six shall consist of precincts one, two, three, four, five

and ten of ward thirteen, precincts one, two, four and ten of ward fourteen, precincts one, two, three, four and six of ward fifteen, and precincts one, five, seven, eight and ten of ward seventeen;

(g) Zone seven shall consist of precincts five, seven, eight and nine of ward fifteen, ward sixteen, and precincts two, three, four, six, nine, eleven, twelve, thirteen and fourteen of ward seventeen;

(h) Zone eight shall consist of precinct five of ward eleven, ward twelve, precinct three, precincts five to nine, inclusive, and, precincts eleven to fourteen, inclusive, of ward fourteen, and precincts two and three of ward eighteen;

(i) Zone nine shall consist of ward ten, precinct four and precincts six to ten, inclusive, of ward eleven, and precincts one, three, four, seven, ten, eleven, twelve and thirteen of ward nineteen;

(j) Zone ten shall consist of precincts two, five, six, eight and nine of ward nineteen, and ward twenty; and

(k) Zone eleven shall consist of precinct one and precincts four to twenty-three, inclusive, of ward eighteen.

Section 18C. In the year nineteen hundred and eighty and every tenth year thereafter, if the zones established in section eighteen B do not contain an equal number of inhabitants, as nearly as may be ascertained, the city council shall divide the city into eleven zones of compact and contiguous territory, for the purpose of electing school committeemen and school congressmen, bounded insofar as possible by the center lines of known streets and ways or by other well-defined limits. In determining zone boundaries no precinct shall be divided; each zone shall contain, as nearly as may be, an equal number of inhabitants; no zone shall contain inhabitants to a number less than ninety per cent nor more than one hundred and ten per cent of the average number of inhabitants in all such zones; and recognized neighborhoods, so far as is possible, shall not be divided. The city council shall cause such zones to be depicted on maps.

Section 18D. Notwithstanding any other provision of law to the contrary all meetings of the school committee shall be open to members of the school congress. Any member of the school congress shall have standing before the superior court to secure access to a school committee meeting, to prevent a closed meeting of the school committee, or void all actions taken by the school committee at a closed meeting. All votes of the school committee shall be duly recorded and made available to the public upon demand. Recorded votes shall include the name of any school committeeman who abstains on a particular vote.

Section 18E. The two school congressmen representing each zone shall conduct a public hearing, at a convenient place within the bounds of their zone, once each calendar quarter. One of these meetings shall be held for the express purpose of discussing and reviewing the entire school budget for the forthcoming fiscal year, although other business may also be conducted. The quarterly meetings shall be duly advertised, with at least seven days prior notice, in the weekly and daily newspapers normally circulated in

the zone. Special public hearings may be held within their zone by the two school congressmen representing a particular zone. Notice of such special hearings shall be duly advertised, at least seven days in advance, whenever possible.

SECTION 21. Said chapter 452 is hereby further amended by striking out section 19, as appearing in section 2 of chapter 190 of the acts of 1952, and inserting in place thereof the following two sections: —

Section 19. If at any time a vacancy occurs in the school committee from any cause, the mayor and president of the city council and the remaining school committeemen shall elect as school committeeman for the unexpired term, whichever of the defeated candidates for the office of school committeeman from the same zone at the regular municipal election at which school committeemen were elected for the term in which the vacancy occurs, who are eligible and willing to serve, received the highest number of votes at such election, or, if there is no such defeated candidate eligible and willing to serve, a registered voter of the zone in which the vacancy occurs duly qualified to vote for a candidate for the office of school committeeman from such district. If at a regular municipal election there is a failure to elect school committeeman or if a person elected school committeeman at such an election resigns or dies before taking office, within fifteen days after the remaining school committeemen take office such school committeemen and the then mayor and the then president of the city council shall meet in joint convention, and choose, as school committeeman for the unexpired term, whichever of the defeated candidates for the office of school committeeman from the same zone at a regular municipal election at which school committeemen were elected for the term in which the vacancy occurs, who are eligible and willing to serve, received the highest number of votes at such election, or, if there is no such defeated candidate eligible and willing to serve, a registered voter of the zone in which the vacancy occurs duly qualified to vote for a candidate for the office of school committeeman from such zone.

Section 19A. If at any time a vacancy occurs in the school congress from any cause, the mayor and president of the city council and the remaining school congressmen shall elect as school congressman for the unexpired term, whichever of the defeated candidates for the office of school congressman from the same zone at the regular municipal election at which school congressmen were elected for the term in which the vacancy occurs, who are eligible and willing to serve, received the highest number of votes at such election, or, if there is no such defeated candidate eligible and willing to serve, a registered voter of the zone in which the vacancy occurs duly qualify to vote for a candidate for the office of school congressman from such district. If at a regular municipal election there is a failure to elect a school congressman or if a person elected school congressman at such an election resigns or dies before taking office, within fifteen days after the remaining school congressmen

take office such school congressman and the then mayor and the then president of the city council shall meet in joint convention, and choose, as school congressman for the unexpired term, whichever of the defeated candidates for the office of school congressman from the same zone at a regular municipal election at which school congressmen were elected for the term in which the vacancy occurs, who are eligible and willing to serve, received the highest number of votes at such election, or, if there is no such defeated candidate eligible and willing to serve, a registered voter of the zone in which the vacancy occurs duly qualified to vote for a candidate for the office of school congressman from such zone.

SECTION 22. Said chapter 452 is hereby further amended by inserting after section 20, as appearing in section 1 of chapter 376 of the acts of 1951, the following two sections: —

Section 20A. The members of the school congress shall meet and organize on the first Monday of January following their election. The school congress shall be the judge of the election and qualifications of its members. The members of the school congress shall serve without compensation.

Section 20B. On or before November first in each year the school committee shall prepare and transmit to the mayor, in such detail as he may require, estimates of the income and expenses of the school department during the next fiscal year. Section thirty-four of chapter seventy-one of the General Laws shall not be operative in respect to such estimates, nor otherwise in respect of appropriations for the support of the public schools in the city of Boston.

SECTION 23. The first sentence of 53 of said chapter 452, as appearing in section 2 of said chapter 376, is hereby amended by striking out in, line 3, the words "at large".

SECTION 24. Said chapter 452 is hereby further amended by striking out section 55A, as so appearing, and inserting in place thereof the following section: —

Section 55A. A nomination petition shall be issued by the election commission not later than twelve o'clock noon on the second day (Saturdays, Sundays, and legal holidays excluded) after the subscription of a statement of candidacy, except that no such petition shall be issued before the eleventh Tuesday preceding the preliminary election. A nomination petition shall not relate to more than one candidate nor to more than one office. A nomination petition may state the elective public offices which the candidate holds or had held under the government of the commonwealth, the county of Suffolk, or the city of Boston or in the congress as a representative or senator from the commonwealth; provided that such statement shall not exceed eight words and shall, with respect to each such office, consist solely of the title, as hereinafter given, of such office, preceded, if the candidate is the then incumbent thereof, by the word "Present", otherwise by the word "Former" and followed, if, but only if, the office is that of school committeeman, by the words "at large" or "for zone" (here insert zone number in nu-

merals, which shall be counted as one word), as the case may be. For the purposes of such statement the titles of the elective public offices which may be stated shall be deemed to be as follows: city councillor, school committeeman, school congressman, mayor, district attorney, sheriff, register of deeds, register of probate, county clerk of superior (criminal) court, county clerk of superior (civil) court, county clerk of supreme judicial court, state representative, state senator, governor's councillor, attorney general, state auditor, state treasurer, state secretary, lieutenant governor, governor, congressman, and United States senator.

If the candidate is a veteran as defined in section twenty-one of chapter thirty-one of the General Laws, his nomination petition may contain the word "Veteran," which, in the case of a candidate holding or having held elective public office as a aforesaid, shall, for the purpose of this section and sections fifty-five, fifty-eight, and sixty-two, be counted as a part of the statement concerning the elective public offices held by him, and in the case of a candidate who does not hold and never held elective public office as aforesaid, shall, for the purposes of said sections, be deemed to be a statement concerning the elective public offices held by him.

A nomination petition may consist of one or more sheets, but each sheet shall be in substantially the following form:

The Commonwealth of Massachusetts
City of Boston
Nomination Petition

Whereas (*name of candidate*) residing at (*street and number, if any*) in Ward (*number*) of the City of Boston (*here insert any lawfully requested statement concerning the elective public offices held by candidate*), is a candidate for nomination for the office of (*mayor or city councillor or school committeeman from zone no. _____, or school congressman from zone no. _____*), the undersigned, registered voters of the City of Boston, duly qualified to vote for a candidate for said office, do hereby request that the name of said (*name of candidate*) as a candidate for nomination for said office be printed on the official ballot to be used at the preliminary municipal election to be held on Tuesday, _____, 19_____.

Each of the undersigned does hereby certify that he or she has not subscribed (*if the petition relates to the office of mayor, or school committeeman*) here insert "any other nomination petition for said office"; *if the petition relates to the office of city councillor, here insert* "more than eight other nomination petitions for said office"; and *if the petition relates to the office of school congressman, here insert* "more than one other nomination petition for said office").

In case the above-named candidate withdraws his name from nomination or if found to be ineligible, or dies, we authorize (*names and residences of a committee of not less than five persons*) or a majority thereof as our representatives to fill the vacancy in the manner prescribed by law.

Signature of Nominators (To be signed in person with name as registered)	Residence January 1, 19 (If registered after above date, residence when registered)	Ward	Pre- cinct	Present	Residence

The Commonwealth of Massachusetts

Suffolk, ss.

Boston,

19

The undersigned, being the circulator or circulators of this sheet, severally certify, under the pains and penalties of perjury, that the persons whose names are written upon the lines the numbers of which appear opposite our signatures below, signed the same in person.

Names and Addresses of Persons Circulating This Sheet		Numbers of Lines Upon Which Appear Signatures as to Which Certification is Made Hereby
Name	Address	

(Add here or at some other convenient place on the nomination petition sheet the following.)

I hereby accept the nomination.

This nomination petition
sheet filed by

.....
Signature of Candidate

.....
Signature of Filer

.....
Number

.....
Street

.....
City

Every nomination petition sheet shall, before issuance, be prepared by the election commission by printing or inserting thereon the matter required by the first two paragraphs of the foregoing form.

Not more than three hundred nomination petition sheets shall be issued to any candidate for nomination to the office of mayor; not more than one hundred and fifty such sheets shall be issued to any candidate for nomination to the office of city councillor at large; not more than fifty such sheets shall be issued to any candidate for nomination to the office of school committeeman; and not more than fifty such sheets shall be issued to any candidate for nomination to the office of school congressman.

No nomination petition sheet shall be received or be valid unless prepared and issued by the election commission; nor shall any such sheet be received or be valid unless the written acceptance of the candidate thereby nominated is endorsed thereon, anything in section three A of chapter fifty of the General Laws to the contrary notwithstanding.

SECTION 25. Section 56 of said chapter 452 is hereby amended by striking out the first paragraph, as so appearing, and inserting in place thereof the following paragraph: —

The nomination petition shall be signed, in the case of a candidate for mayor, by at least three thousand registered voters of the city qualified to vote for such candidate at the preliminary election, in the case of a candidate for city councillor, by at least fifteen hundred registered voters of the city qualified to vote for such candidate at such election, in the case of a candidate for school committeeman from any zone, by at least five hundred registered voters of the city qualified to vote for the office of school committeeman from such zone at such election, and in the case of a candidate for school congressman from any zone, by at least five hundred registered voters of the city qualified to vote for the office of school congressman from such zone at such election.

SECTION 26. Said chapter 452 is hereby further amended by striking out section 57C, as so appearing, and inserting in place thereof the following section: —

Section 57C. On the first day, other than a legal holiday or Saturday or Sunday, following the expiration of the time for filing withdrawals and the final disposition of any objections filed the election commission shall post in a conspicuous place in the city hall the names, residences, and wards of the candidate for nomination for mayor, city councillor, school committeeman from each zone, and school congressman from each zone, who have duly qualified as such candidates as they are to appear on the official ballots to be used at the preliminary election, except as to the order of names. If there are so posted the names of not more than two candidates for the office of mayor, the candidates whose names are so posted shall be deemed to have been nominated for said office, and the preliminary election for the purpose of nominating candidates therefor shall be dispensed with; if there are so posted the names of

not more than eighteen candidates for city councillor, the candidates whose names are so posted shall be deemed to have been nominated for said office, and the preliminary election for the purposes of nominating candidates therefor shall be dispensed with; if there are so posted in respect of any one zone the names of not more than two candidates for school committeeman from that zone, the candidates whose names are so posted shall be deemed to have been nominated for said office, and the preliminary election in such district for the purpose of nominating candidates for said office shall be dispensed with; and if there are so posted in respect of any one zone the names of not more than four candidates for school congressman from that zone, the candidates whose names are so posted shall be deemed to have been nominated for said office, and the preliminary election in such district for the purpose of nominating candidates for said office shall be dispensed with.

SECTION 27. Said chapter 452 is hereby further amended by striking out section 59, as so appearing, and inserting in place thereof the following section: —

Section 59. At every preliminary election and at every regular election each voter shall be entitled to vote for not more than one candidate for the office of mayor, not more than nine candidates for the office of city councillor, and not more than one candidate for the office of school committeeman, nor more than two candidates for the office of school congressman from the zone wherein such voter resides.

On the ballots and voting machine ballot labels for use at each of said elections there shall, as a direction to the voter, be printed in capital letters, near the title of each office to be voted for, the words "Vote for (*here insert in words the number of candidates specified in this section with respect to such office*)". The election commission, when drawing under section fifty-eight the position on the ballot of the candidates for nomination at every preliminary election, shall draw the positions of all candidates for mayor, if any are to be drawn, before drawing the position of any candidate for city councillor or school committeeman, and shall draw the positions of all candidates for city councillor, if any are to be drawn, before drawing the position of any candidate for school committeeman, and shall draw the positions for all candidates for school committeeman, if any are to be drawn, before drawing the position of any candidate for school congressman. The election commission shall number consecutively, regardless of office, all candidates drawn, the candidate first drawn being assigned the number one and the candidate last drawn being assigned the last number assigned. No position shall be drawn for, nor shall any number be assigned to, any candidate deemed under section fifty-seven C to have been nominated; nor shall any number be assigned to any blank space provided under section sixty-four or to any sticker candidate, so called; and no vote by sticker, which term shall not be construed to include the slip provided for by section fifty-seven B, shall be counted if any candidate number appears thereon. The

numbers assigned under this paragraph shall be separate and distinct from the alphabetical or numerical code of any voting machine. On the ballots and voting machine ballot labels for use at every preliminary election there shall, as an aid to the voter, be printed in numerals, before the name of each candidate and with type the same size as the name, the number assigned to the candidate by the election commission under this paragraph.

SECTION 28. Said chapter 452 is hereby further amended by striking out section 61, as so appearing, and inserting in place thereof the following section: —

Section 61. The two persons receiving at a preliminary election the highest number of votes for nomination for the office of mayor shall be deemed to have been nominated for said office; the eighteen persons receiving at such an election the highest number of votes for the office of city councillor shall be deemed to have been nominated for said office; the two persons receiving, in respect of each zone from which a school committeeman is to be elected, the highest number of votes for the office of school committeeman shall be deemed to have been nominated for said office; and the four persons receiving, in respect of each zone from which a school congressman is to be elected, the highest number of votes for the office of school congressman shall be deemed to have been nominated for said office. If a preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie, would entitle a person receiving the same to be deemed to have been nominated, all persons participating in said tie vote shall be deemed to have been nominated, although in consequence there be printed on the official ballot to be used at the regular election names to a number exceeding twice the number to be elected.

SECTION 29. Notwithstanding the provisions of any general or special law, no school committee shall be elected at the regular municipal election to be held in the city of Boston in the year nineteen hundred and seventy-five. After the first Monday in January in the year nineteen hundred seventy-six, all of the powers and duties conferred or imposed upon the school committee of the city shall be deemed conferred or imposed upon the superintendent of schools provided for by this act, except such powers and duties as are modified by this act, and all provisions of this act shall take full force and effect.

SECTION 30. The school department of the city of Boston shall be under the charge of a superintendent who shall be appointed by the mayor for a term expiring on the first day of July following the next biennial municipal election at which a mayor is elected, subject, however, to the approval of the city-wide advisory committee created by section forty-three of this act. The mayor shall consult with said advisory committee in the formulation of job criteria and in the search and screening process. Said advisory committee may recommend to the mayor one or more candidates for appointment to the office of superintendent. If said advisory committee shall

decline to approve a candidate nominated by the mayor for appointment to the office of superintendent, the mayor may re-nominate such candidate one time but, if said advisory committee shall again decline to approve such candidate, he may not renominate such candidate thereafter. The mayor may nominate an incumbent superintendent for an additional term, but the nomination and appointment of an incumbent shall be subject to the approval of said advisory committee, in every respect, as aforesaid. The mayor, with the approval of said advisory committee, may remove the superintendent, but if in any case said advisory committee shall decline to approve removal of the then superintendent, it shall state, publicly and in writing, its reasons therefore. Said advisory committee may at any time request the mayor to remove the superintendent, and upon receipt of such request the mayor shall within thirty days either remove the superintendent or state, publicly and in writing, his reasons for not doing so. The salary of the superintendent shall be established from time to time by the mayor with the approval of the city council.

SECTION 31. The superintendent, with the approval of the city-wide advisory committee, may create such central management positions as are necessary or convenient to carry out the duties and responsibilities of his office, and likewise with the approval of said advisory committee, may fix the salaries to be paid the persons holding such positions. Persons holding such positions shall be appointed by the superintendent coterminous with the superintendent to serve at his pleasure, subject, in the case of all positions not covered by collective bargaining agreements, to the approval of said advisory committee.

SECTION 32. The superintendent shall divide the city of Boston into school areas each consisting of one or more intermediate school districts. Each area shall be under the charge of an area superintendent who shall be appointed by the superintendent for a term expiring on the first day of July following the next biennial municipal election at which a mayor is elected, subject, however, to the approval of the appropriate area advisory committee created by section thirty-seven of this act. In addition, all the high schools of the city shall be deemed, under the terms of this act, to constitute an area and shall be under the charge of an area superintendent for high schools. Such area superintendent for high schools shall be appointed by the superintendent in the same manner as other area superintendents, except that the appointment of the area superintendent for high schools shall be subject to the approval of the city high school advisory committee created by section forty-two of this act. The superintendent shall consult with the appropriate area advisory committee, or in the case of the area superintendent for high schools, with the city high school advisory committee, in the formation of job criteria and in the search and screening process. The appropriate area advisory committee may recommend to the superintendent one or more candidates for appointment to the office of area superintendent. If the appropriate area

advisory committee shall decline to approve a candidate nominated by the superintendent for appointment to the office of area superintendent the superintendent may re-nominate such candidate one time but if the appropriate area advisory committee shall again decline to approve such candidate, not thereafter. The superintendent may nominate an incumbent area superintendent for an additional term, but the nomination and appointment of an incumbent shall be subject to the approval of the appropriate area advisory committee, in every respect, as aforesaid. The superintendent, with the approval of the appropriate area advisory committee, may remove an area superintendent, but if in any case the area advisory committee shall decline to approve removal of the then area superintendent, it shall state, publicly and in writing, its reasons therefore. The appropriate area advisory committee may at any time request the superintendent to remove an area superintendent, and upon receipt of such request the superintendent shall within thirty days either remove the area superintendent or state, publicly and in writing, his reasons for not doing so. The salaries of the area superintendents shall be established from time to time by the superintendent with the approval of the city-wide advisory committee. Each area superintendent shall, subject to the provisions of chapters thirty-one and seventy-one of the General Laws and the provisions of this act, exercise the powers of an appointing authority with respect to all school personnel within the area.

SECTION 33. The superintendent shall appoint a business manager to serve at his pleasure. The business manager shall in writing approve and transmit to the city auditor all vouchers, payrolls and other documents calling for the expenditure of money, together with summarized requisitions on said auditor and shall request the auditor to place said vouchers, payrolls and other documents on his draft for payment by the treasurer of the city.

SECTION 34. The superintendent shall appoint a secretary of schools to serve at his pleasure. The secretary of schools shall be recording secretary of the board of superintendents established by section thirty-six of this act and shall perform such other duties as the superintendent shall prescribe.

SECTION 35. The superintendent shall appoint a chief schoolhouse custodian to serve at his pleasure. The chief schoolhouse custodian shall be responsible for assigning and coordinating the activities of the area chief schoolhouse custodians and schoolhouse custodians described in section thirty-eight of this act and shall perform such other duties as the superintendent shall prescribe.

SECTION 36. The superintendent, the area superintendents, the business manager, the secretary of schools, and such central management personnel, if any, as may hold the rank of deputy superintendent or associate superintendent, shall constitute the board of superintendents. The board of superintendents shall have no executive or administrative powers but shall act as an advisory board to the superintendent.

SECTION 37. The superintendent may appoint one or more

persons to represent the city at congresses, conventions and other meetings held to consider questions of concern to public schools, although the questions to be discussed are not actually pending at the time in the conduct of the schools of the city and to obtain information thereon. All persons so appointed shall report to the superintendent in writing. The superintendent may authorize expenditures to defray traveling and other necessary expenses incurred under this section. An itemized account of such expenses shall in each case be filed with the city auditor.

The superintendent may provide free lunches for undernourished and needy children attending the public schools.

On or before the first day in February in each year the superintendent shall prepare and transmit to the mayor a budget providing an amount sufficient to support the public schools in the forthcoming fiscal year, in respect of which section thirty-four of chapter seventy-one of the General Laws shall not be operative. The superintendent shall be the officer empowered to make contracts and to expend money appropriated for the support of the public schools.

The superintendent shall maintain lists of vacant positions in the school department and lists of applicants found by him to be eligible for appointment or employment. Persons found by the superintendent to be eligible for appointment or employment shall be referred by him to the several neighborhood school councils and high school councils, and may apply to one or more of such neighborhood school councils or high school councils for appointment or employment as more fully set forth elsewhere in this act.

The superintendent shall, during the summer vacation and at such other part of the year as he may deem advisable, organize and conduct physical training and exercises, athletics, sports, games, and play, and shall provide proper apparatus, equipment, athletic wearing apparel and facilities for the same in the buildings, yards, and playgrounds under his control or upon any other land which he may have the right to use for this purpose.

The superintendent shall use for the purposes aforesaid such of the playgrounds, gymnasias or buildings under the control of the parks and recreation commission he may deem suitable therefore and may equip the same therefore, such use to be subject, however, to such reasonable regulations and conditions as the parks and recreation commission may prescribe, provided also, that such use shall not extend to any playground, gymnasium or building under the control of the parks and recreation commission which the commission shall by vote approved by the mayor declare to be unsuitable for such use.

The superintendent may charge admission to athletic contests and games conducted by him, including such contests and games conducted on land under the control of the parks and recreation commission; but the city shall not on account of such charge be liable for any injury, loss or damage suffered by any person or property.

The superintendent may conduct such educational and recreative activities in or upon school property under his control, and shall allow the use thereof by individuals and associations, subject to such regulations as he may establish, for such educational, recreative, social, civic, philanthropic and similar purposes, for which a fee may be charged, as he may deem to be for the interest of the community; provided that such use shall not interfere or be inconsistent with the use of the premises for school purposes.

SECTION 38. As used in this section, the term "city-wide per pupil formula" shall mean a formula computed by the superintendent with the approval of the city-wide advisory committee for the purpose of allocating the personnel and resources of the school department among the several schools, school districts, and school areas of the city. In the case of any allocation a city-wide per pupil formula shall provide for allocation to each particular school, school district or school area, of a fraction of the total to be allocated which fraction is equal to the ratio between the number of pupils in the school, school district or school area, as the case may be, and the total number of pupils in all similarly situated schools, school districts, or school areas, in the city; provided, however, that the superintendent with the approval of the city-wide advisory committee may make provisions in any city-wide per pupil formula for differential allocations in accordance with the special educational needs of particular schools, school districts, or school areas, as the case may be.

The numbers of personnel to be employed in the several schools, school districts and school areas of the city shall be determined as set forth in this paragraph. The superintendent shall assign to each school in the city a fixed number of teacher positions according to a city-wide per pupil formula, to be filled under the direction of the principal of each such school. The superintendent shall assign to each of the neighborhood school councils created by section of this act a fixed number of positions in special education and special programs according to a city-wide per pupil formula. Each neighborhood school council shall determine those areas of competence in the fields of special education and special programs in which persons shall be employed. The superintendent shall assign to each area superintendent a fixed number of administrative, supervisory and support positions, according to a city-wide per pupil formula. Each area superintendent shall determine those areas of competence in the fields of administration, supervision and support in which persons shall be employed. The chief schoolhouse custodian shall assign to each of the school areas an area chief schoolhouse custodian and a fixed number of schoolhouse custodians, according to a city-wide per pupil formula, and the area chief schoolhouse custodian shall determine the assignment of custodial positions to the several schools of the area.

The superintendent shall, in preparing the annual school budget, allocate:

- (i) to each school, an amount of money for textbooks and

supplies, according to a city-wide per pupil formula, to be expended under the direction of the principal;

(ii) to each neighborhood school council and each high school council, an amount of money for operating expenses, maintenance and repairs, according to a city-wide per pupil formula, to be expended under the direction of the neighborhood school council or high school council; and to each neighborhood school council or high school council a further amount of money sufficient to provide for the employment of an administrative assistant to the neighborhood school council or high school council, a clerical assistant for the same, and the costs of maintaining its office, conducting its meetings, and informing the school district of its work. The words "operating expenses, maintenance and repairs" shall be deemed to include maintenance and repairs, but not alterations, of school buildings, to include curriculum development and curricular materials other than textbooks and supplies, and to exclude wages and salaries to be paid under the terms of collective bargaining agreements.

(iii) to each area advisory committee to the city high school advisory committee and to the city-wide advisory committee, an amount of money sufficient to provide for the costs of conducting meetings, office expenses, and informing the people of the area of its work;

(iv) to each area superintendent, an amount of money for administration, supervision, and support, according to a city-wide per pupil formula, to be expended under the direction of the area superintendent;

(v) to himself, an amount of money for carrying on the central administration of the schools and for the carrying out of programs required by law to be administered for the city as a whole; and

(vi) to a fund to be called the innovation fund, an amount of money equal to one per cent of the total amount appropriated by the city for the support of the public schools. This innovation fund shall be exclusively expended in support of innovative programs in the several school districts and across district lines. The superintendent and the city-wide advisory committee shall publish priorities and guidelines for the submission of proposals for the use of monies from the innovation fund on the part of neighborhood school councils and high school councils. Grants shall be made from the innovation fund to neighborhood school councils and high school councils to carry out such proposals as have been selected by a board of independent evaluators annually appointed for the purpose by the superintendent with the approval of the city-wide advisory committee.

SECTION 39. There shall be in each intermediate school district of the city of Boston a neighborhood school council consisting of parents, teachers and residents.

Each neighborhood school council shall be comprised of one parent from each elementary and intermediate school in the district, who shall each be elected by the parents of children in such

school, at an election to be conducted in the month of December in every odd-numbered year by the board of election commissioners of the city, using for the purpose a list of parents of enrolled children certified by the superintendent of schools as of the first day in October of such year, and employing ballots mailed to each such parent and returnable to the board of election commissioners by mail. Any parent eligible to vote in such election may be a candidate, and there shall be no requirement for nomination by signatures or otherwise, but the board of election commissioners may fix a date by which any parent wishing to be a candidate shall be required to signify his intention in a manner to be prescribed by said board of election commissioners. In voting for parents, each parent shall have one vote.

Each neighborhood school council shall also be comprised of one teacher from each elementary and intermediate school in the area, who shall each be elected by all the teachers in such school, at an election to be conducted under the supervision of the faculty senate, or other like body, of such school, on a convenient date in the month of December in every odd-numbered year. For the purposes of this section, the term "teacher" shall mean every person holding a professional position within a school, including teacher aides, but excluding principals, assistant principals, headmasters, assistant headmasters, and persons acting in the position of principal, assistant principal, headmaster, or assistant headmaster. Teachers regularly assigned to more than one school may vote in any one school to which they are regularly assigned, but not in more than one such school. In voting for teachers, each teacher shall have one vote.

Each neighborhood school council shall also be comprised of five residents of the school district, who shall be elected at large by the residents of the school district at an election to be conducted by the board of election commissioners of the city on the first Tuesday in December of each odd-numbered year. Any person eighteen years of age and over who was on the first day of October of such year a resident of the school district shall be eligible to vote in such election. The board of election commissioners may require reasonable proof of residence as a condition of voting. Any person eligible to vote in such election may be a candidate; provided, however, that no person shall be a candidate for election at large to a neighborhood school council as a resident if he is also a candidate for election to the same neighborhood school council as a parent or a teacher. Any person desiring to be a candidate for election at large to a neighborhood school council as a resident shall file a nominating petition with the board of election commissioners at least forty-five days prior to the date fixed for the election at large of residents. The nominating petition of any candidate seeking to be elected at large as a resident shall be subscribed by the signatures of at least fifty residents of the school district. The provisions of law relative to the signing of nomination papers of candidates for elective office and to the identification and certification of names thereon and

filing objections thereto shall apply, so far as apt, to nominating petitions filed under this section. In voting for residents to be elected at large, each resident shall have five votes.

Each member of a neighborhood school council shall serve for a term of two years expiring on the first Monday in January of every even-numbered year. Any vacancy in the office of a parent or teacher shall be filled for the unexpired term by a special election among parents or teachers as aforesaid. Any vacancy in the office of an at large elected resident shall be filled for the unexpired term by a special election among parents or teachers as aforesaid. Any vacancy in the office of an at large elected resident shall be filled for the unexpired term by the person who, at the election next preceding, received the highest number of votes of any person not elected to membership, who is eligible and willing to serve, or, if there is no such person eligible and willing to serve, then by a resident of the district eligible to vote for the office of at large elected resident member of the neighborhood school council elected by the remaining members who shall have been elected at large. No person elected as a parent or teacher shall cease to be eligible to hold office on account of termination of his status as a parent or teacher; but any person elected at large as a resident shall cease to be eligible to hold office if he shall cease to be a resident of the school district. In the year nineteen hundred and seventy-nine, and in any subsequent year, if the total number of parents, teachers, residents, or students, as the case may be, casting ballots for any election of parent members, teacher members, at large elected members, or, in the case of the high school councils created by section forty-four, student members, shall be less than ten per cent of the total number of those eligible to vote in each such category, then the city-wide advisory council shall set aside and declare void the election of such parent members, teacher members, at large elected members, or student members, as the case may be, and shall elect such number of parents, teachers, residents, or students, as the case may be, who are eligible to be elected and are willing to serve, as shall be necessary to fill the positions so becoming vacant. Members of neighborhood school councils shall serve without compensation.

Each neighborhood school council shall organize, as soon as possible after the first Monday in January of every year, by the election of a chairman, a secretary and such other officers as may be convenient. A neighborhood school council shall meet only after notice seasonably given by the chairman, and a majority of all the members shall be necessary to constitute a quorum for the transaction of business.

Each neighborhood school council shall determine the school attendance zones within the district. Upon the occurrence of a vacancy in the office of principal or assistant principal in any of the schools of the district, the neighborhood school council shall recommend to the area superintendent not less than three candidates, unless the neighborhood school council and the area super-

intendent shall mutually agree upon a lesser number, of whom the area superintendent shall choose one. Each neighborhood school council shall annually provide to the area superintendent a written evaluation of the performance of all principals and assistant principals in the schools of the district. If the neighborhood school council recommends removal of any principal or assistant principal, the area superintendent, upon receipt of such request, shall, within thirty days either remove the principal or assistant principal or state, publicly and in writing, his reasons for not doing so.

Each neighborhood school council shall determine the allocation among the several schools in the district of money allocated to it by the superintendent and the purposes for which the same shall be expended. All money to be expended pursuant to allocation by a neighborhood school council shall be expended in accordance with provisions of law relating to expenditure of public funds. Each neighborhood school council shall annually in March publish a plan for allocation of funds as aforesaid in the forthcoming fiscal year.

All recommendations submitted by a principal for the granting of tenure, or the termination of employment, of any teacher shall be submitted to the appropriate neighborhood school council for review and comment prior to being submitted to the area superintendent. If the neighborhood school council shall disagree with the school principal making such recommendation, the area superintendent shall personally inquire into the matter before making a final decision.

Each neighborhood school council shall select one resident or parent and one teacher to serve on the area advisory committee for the area within which the district lies.

Each neighborhood school council shall, upon receipt of written complaint, initiate an investigation by the area superintendent of allegations of improper, illegal or unprofessional conduct or incompetent performance on the part of any employee of the school department within the district. Each neighborhood school council may initiate requests for federal, state or private grants of money or other assistance for school programs within the district, and the superintendent shall do all things, if any, necessary to conform such requests to the requirements of the granting agency. Each neighborhood school council shall approve the expenditure of all such funds within the district, anything to the contrary in section fifty-three A of chapter forty-four of the General Laws notwithstanding, but in the event that refusal to approve expenditure of such funds on the part of any neighborhood school council precludes receipt or expenditure of similar funds by any other neighborhood school council, then the city-wide advisory council may authorize the expenditure of such funds notwithstanding the disapproval of the neighborhood school council.

Each neighborhood school council shall maintain lists of all persons previously found by the superintendent to be eligible for employment who are candidates for appointment to professional positions in the service of the school department within the dis-

trict. Such lists shall set forth in the case of each category of professional employment the names of all candidates in order of preference according to a method of evaluation determined by the neighborhood school council. Any vacancy in a professional position in the school district, other than a vacancy in the position of principal or assistant principal, shall be filled by the area superintendent by appointment of the person ranking highest on the appropriate list, who is willing to accept the appointment.

SECTION 40. For each high school in the city there shall be a high school council consisting of three parents of children attending such school, who shall be elected by all the parents of children attending such school and serve in the manner prescribed for election and service of parents in section thirty-nine of this act, three teachers in such school, who shall be elected by all the teachers in such school and serve in the manner prescribed for election and service of teachers in said section thirty-nine, and three students in such school, each of whom shall be elected at an election to be conducted annually in December under the supervision of the student council, or other like body, of the school, and each of whom shall serve for a term of one year expiring on the first Monday in January in each year. Any vacancy in the office of a parent or teacher member shall be filled for the unexpired term in accordance with procedures in respect of elected parent and forty-three members of neighborhood school councils. Any vacancy in the office of a student member shall be filled for the unexpired term by a special election to be conducted under the supervision of the student council, or other like body, of the school. Each high school council shall, in respect of its particular high school, have all of the powers and perform all of the duties of a neighborhood school council.

Each high school council shall select one parent, one teacher and one student to serve on the city high school advisory committee created by section forty-two of this act.

SECTION 41. There shall be for each area under the charge of an area superintendent an area advisory committee consisting of parents or residents of the area, one of whom shall be elected by each neighborhood school council within the area to serve for a term of one year expiring on the first Monday in April in each year, and teachers in schools in the area, one of whom shall be elected by each neighborhood school council within the area to serve for a term as aforesaid. Any vacancy in the office of a member shall be filled for the unexpired term by parents or residents, or teachers, as aforesaid.

Each area advisory committee shall have such powers, and perform such duties, as are set forth in this act, and shall consult with the appropriate area superintendent on matters of educational policy affecting schools within the area.

Each area advisory committee shall organize, as soon as may be after the first Monday in April of each year, by the election of a chairman, a secretary, and such other officers as may be convenient.

An area advisory committee shall meet only after notice seasonably given by the chairman, and a majority of all members shall be necessary to constitute a quorum for the transaction of business.

SECTION 42. There shall be for the area under the charge of the area superintendent for high schools a city high school advisory committee consisting of parents, one of whom shall be elected by each high school council within the city of Boston to serve for a term of one year expiring on the first Monday in April in each year, teachers, one of whom shall be elected by each high school council in said city, and students, one of whom shall be elected from each high school council in said city, each to serve a term as aforesaid. Any vacancy in the office of a member of the city high school advisory committee shall be filled for the unexpired term as aforesaid.

The city high school advisory committee shall have, in respect of the high schools of the city, all the powers and perform all the duties of an area advisory committee.

The members of the city high school advisory committee shall elect five teachers, five parents and five students from among its members to serve as an executive committee for the city high school advisory committee. That executive committee shall exercise, on a day to day basis, all the powers and perform all the duties of the city high school advisory committee, subject to the approval of the city high school advisory committee at a regular meeting.

SECTION 43. There shall be in the city of Boston a city-wide advisory committee consisting of one parent or resident, and one teacher, from each school area, elected by the area advisory committee of the area, and one parent, one teacher and three high school students elected by the executive committee of the city high school advisory committee. Members of the city-wide advisory committee shall serve for terms expiring on the first Monday in July of each year. Any vacancy in the office of a member shall be filled by a resident, parent, teacher or student, as appropriate, elected by the area advisory committee of the area in respect of which the vacancy occurs, or, in the case of a high school member, by the executive committee of the city high school advisory committee. The city-wide advisory committee shall have such powers, and perform such duties, as are set forth in this act, and shall meet with the superintendent at least one time during each month while schools are in session to consult on city-wide school policy.

The city-wide advisory committee shall organize, as soon as may be after the first Monday in July of each year, by the election of a chairman, a secretary and such other officers as may be convenient. The city-wide advisory committee shall meet only after notice seasonably given by the chairman, and a majority of all members shall be necessary to constitute a quorum for the transaction of business.

At least thirty days before transmitting the annual school budget to the mayor, the superintendent shall submit said budget to the city-wide advisory committee for its review. The city-wide advisory

committee shall have no power to approve or disapprove the annual school budget, but, if the city-wide advisory committee shall disagree with the superintendent in respect of any portion of the annual school budget other than those portions providing for the payment of compensation fixed by collective bargaining agreements, it shall communicate such disagreement to the mayor who shall meet with the city-wide advisory committee to discuss the disagreement.

SECTION 44. The George Robert White Fund Schoolboy Stadium, together with the estate upon which it stands, shall be deemed to be a school building and yard and may be repaired, altered, improved and furnished in the same manner as a school building and yard out of funds appropriated for school purposes.

SECTION 45. The superintendent is hereby made a corporation sole by the name of the Boston Public Schools, Incorporated, which shall be deemed successor to the corporation created by chapter fifty-three of the acts of eighteen hundred and seventy-seven, and he and his successors shall continue a body corporate for the purposes hereinafter set forth.

The corporation shall have authority to receive and hold all sums of money and real and personal estate, which may be given, granted, bequeathed or devised to it for the teachers in the public schools of the city of Boston or their families, requiring charitable assistance, or for the benefit of any persons or the families of any persons who have formerly been such teachers, requiring charitable assistance, or for the purpose of purchasing books, pictures, or other educational material for the various classes in such schools and clothing for any needy pupil or pupils attending any class in any school district or districts. It shall have the power to manage and dispose of the same according to its best discretion and to execute any and all trusts according to the tenor thereof which may be created for the purposes aforesaid.

The corporation shall manage the Charlestown School Trust Fund and disburse the income thereof within the limits of the former city of Charlestown according to the tenor of the instruments creating said trust.

The corporation shall take and hold all property hereafter given to it for lectures and other educational purposes, including the property left by Robert C. Waterston, late of Boston, to be known as The Teachers' Waterston Fund; and, conforming to the directions of the givers thereof, shall manage and dispose of all said property or the income thereof according to its best discretion for the purposes aforesaid.

SECTION 46. All persons having the rights of tenure or holding offices for terms of years in the school department of the city of Boston upon the taking effect of this act shall continue to enjoy all the rights and privileges of such positions. No such person shall be reduced in rank or compensation, nor suffer impairment of his civil service, retirement, vacation, holiday or sick-leave rights on account of anything in this act. The incumbents in the office of

secretary of the school committee, business manager of the public schools, and chief schoolhouse custodian shall, upon the taking effect of this act, without nomination or appointment become respectively the secretary of schools, business manager and chief schoolhouse custodian provided for by this act.

SECTION 47. Chapter two hundred and forty-one of the acts of eighteen hundred and seventy-five is hereby repealed.

SECTION 48. Chapter fifty-three of the acts of eighteen hundred and seventy-seven is hereby repealed.

SECTION 49. Chapter two hundred and fifty-three of the acts of eighteen hundred and ninety-three is hereby repealed.

SECTION 50. Chapter four hundred of the acts of eighteen hundred and ninety-eight is hereby repealed.

SECTION 51. Chapter 237 of the acts of 1900 is hereby amended by striking out section 2 and inserting in place thereof the following section: —

Section 2. The superintendent of public schools in the city of Boston, three female teachers and three male teachers, also of said city and holding positions in the public schools as instructors, and four persons appointed by said superintendent, shall constitute the board of trustees. The superintendent of public schools shall hold office in said board *ex officio*, and the other ten members shall be chosen as follows: — At the first annual meeting of the school teachers in the city of Boston who are included in this act, which shall be held on the last Saturday of October in the year nineteen hundred and seventy-five, there shall be elected by ballot one female teacher who shall hold office for a term of one year, one female teacher who shall hold office for a term of two years, one female teacher who shall hold office for a term of three years, one male teacher who shall hold office for a term of one year, one male teacher who shall hold office for a term of two years and one male teacher who shall hold office for a term of three years, and a majority of all the votes cast shall be necessary in each case for an election. Said meeting shall be called by the superintendent of public schools after due notice to all the school teachers in the city of Boston included in this act, at such hour and place as he shall designate. Annually thereafter, at a meeting duly called by said board of trustees on the last Saturday in October, one female teacher and one male teacher shall be elected in the same manner for a term of three years. The superintendent shall appoint four persons each to be a member of said board of trustees for a period of four years, except that, of the appointments first made after the effective date of this act, one shall be for a period of one year, one shall be for a period of two years, one shall be for a period of three years, and one shall be for a period of four years. As the term of each such appointee expires, his successor shall be appointed for a period of four years. Said board shall organize by adopting rules of its own, not inconsistent with this act, and in case of a vacancy in its membership shall have power to fill such vacancy for the unexpired term.

SECTION 52. Section 4 of said chapter 237 is hereby amended by striking out the last sentence, as appearing in chapter 692 of the acts of 1971, and inserting in place thereof the following sentence: — He shall receive such compensation for his services and clerk hire, not exceeding five thousand dollars a year, as the board of trustees shall determine, and the sum so determined shall be appropriated for that purpose by the city of Boston.

SECTION 53. Chapter three hundred and forty-nine of the acts of nineteen hundred and five is hereby repealed.

SECTION 54. Chapters two hundred and thirty-one and three hundred and eighteen of the acts of nineteen hundred and six are hereby repealed.

SECTION 55. Chapters two hundred and ninety-five and three hundred and fifty-seven of the acts of nineteen hundred and seven are hereby repealed.

SECTION 56. Chapter 120 of the acts of 1909 is hereby amended by striking out section 1 and inserting in place thereof the following section: —

Section 1. The superintendent of schools of the city of Boston may prescribe such rules concerning the admission of pupils enrolled in the public schools of said city to secret organizations, except religious organizations, composed wholly or in part of public school pupils, and their continuance therein, as he may deem expedient for the welfare of the public schools, and may exclude from the public schools any pupil not required by law to attend school who neglects or refuses to comply with any rule prescribed in accordance with the provisions of this act.

SECTION 57. The first sentence of section 3 of chapter 486 of the acts of 1909 is hereby amended by striking out, in lines 1 and 2, the words "other than for school purposes".

SECTION 58. Said chapter 486 is hereby further amended by striking out in the first sentence of section 3A, as inserted by section 1 of chapter 604 of the acts of 1941 and as amended by chapter 120 of the acts of 1947, wherever they appear, the words "and the school committee,".

SECTION 59. Section 5 of said chapter 486, as appearing in section 1 of chapter 473 of the acts of 1953, is hereby amended by striking out, in lines 48 to 51, inclusive, the words "the school committee or any board or officer of the school committee or school department, or the board of commissioners of school buildings or the superintendent of construction, or".

SECTION 60. The first sentence of section 9 of said chapter 486 is hereby amended by striking out, in line 4, the words "the school committee and".

SECTION 61. Section 14 of said chapter 486 is hereby amended by striking out, in line 11, the words "the school committee,".

SECTION 62. Section 16A of said chapter 486, inserted by chapter 182 of the acts of 1951, is hereby amended by striking out, in line 4, the words ", and the school committee,".

SECTION 63. The third sentence of section 29 of said chapter

486 is hereby amended by striking out, in line 2, the words "and school committee".

SECTION 64. Chapter one hundred and ninety-five of the acts of nineteen hundred and twelve is hereby repealed.

SECTION 65. Chapter three hundred and thirty-seven of the acts of nineteen hundred and thirteen is hereby repealed.

SECTION 66. Chapter 389 of the acts of 1913 is hereby amended by striking out sections 1 and 2 and inserting in place thereof the following two sections: —

Section 1. There may be established and maintained by the superintendent of schools of the city of Boston an employment office for registering applications of minors residing in the city of Boston who seek employment, and those who desire to employ such minors.

Section 2. The superintendent of schools shall establish regulations respecting the conduct of the office and shall take such action as he deems best to promote the purposes of an employment office for minors, and to bring together such minors seeking employment and those desiring to employ them.

SECTION 67. Sections three and four of chapter two hundred and seventy-four and sections one to seven of chapter seven hundred and thirty-eight of the acts of nineteen hundred and fourteen are hereby repealed.

SECTION 68. Chapter 189 of the Special Acts of 1915 is hereby amended by striking out section 1 and inserting in place thereof the following section: —

Section 1. The superintendent of schools of the city of Boston may conduct courses for the improvement of teachers or others in the service of the public schools, or for the training and qualification of persons who are or may become candidates for positions as teachers in special schools or subjects. The superintendent may employ such persons as he deems expedient in connection with the said courses, and may fix their compensation.

SECTION 69. Sections two, two A, two B and three of chapter two hundred and twenty-four of the acts of nineteen hundred and thirty-six are hereby repealed.

SECTION 70. Chapter two hundred and fifty-six of the acts of nineteen hundred and forty-three is hereby repealed.

SECTION 71. The first sentence of the first paragraph of chapter 351 of the acts of 1943 is hereby amended by striking out, in line 2, the words "school committee" and inserting in place thereof the words: — superintendent of schools.

SECTION 72. Chapter 452 of the acts of 1948 is hereby amended by striking out section 11, as appearing in section 1 of chapter 376 of the acts of 1951, and inserting in place thereof the following section: —

Section 11. There shall be in the city a mayor who shall be the chief executive officer of the city and a city council of nine members which shall be the legislative body of the city.

SECTION 73. Section 11A of said chapter 452, as so appearing,

is hereby amended by striking out, in lines 2 and 3 and in line 11, respectively, the words "or school committeeman".

SECTION 74. Sections eighteen to twenty, inclusive, of said chapter four hundred and fifty-two are hereby repealed.

SECTION 75. Section 55 of said chapter 452, as appearing in section 2 of said chapter 376, is hereby amended by striking out in the Statement of Candidacy, in line 6, the words "or School Committeeman".

SECTION 76. Section 56 of said chapter 452 is hereby further amended by striking out the first two paragraphs, as so appearing, and inserting in place thereof the following two paragraphs: —

The nomination petition shall be signed, in the case of a candidate for mayor, by at least three thousand registered voters of the city qualified to vote for such candidate at the preliminary election, and in the case of a candidate for city councillor, by at least fifteen hundred registered voters of the city qualified to vote for such candidate at such election.

Every voter signing a nomination petition shall sign in person, with his name as registered, or substantially as registered, and shall state his residence on January first preceding, or his residence when registered if subsequent thereto, and the place where he is then living, with the street and number, if any; but any voter who is prevented by physical disability from writing may authorize some person to write his name and residence in his presence. No voter may sign as petitioner more than one nomination petition for the office of mayor, nor more than nine nomination petitions for the office of city councillor. If the name of any voter appears as petitioner on more nomination petitions for an office than prescribed in this section, his name shall, in determining the number of petitioners, be counted, in the case of the office of mayor, only on the nomination petition sheet bearing his name first filed with the election commission, and, in the case of the office of city councillor, only on the nine nomination petition sheets bearing his name first filed with said commission. If the name of any petition more than once, it shall be deemed to appear but once. The signature of any petitioner which is not certified by the circulator of the sheet as provided in the form set forth in section fifty-five A shall not be counted in determining the number of petitioners.

SECTION 77. Said chapter 452 is hereby further amended by striking out section 57C, as so appearing, and inserting in place thereof the following section: —

Section 57C. On the first day, other than a legal holiday or Saturday or Sunday, following the expiration of the time for filing withdrawals and the final disposition of any objections filed, the election commission shall post in a conspicuous place in the city hall the names, residences and wards of the candidates for nomination for mayor under Plan A and for city councillor under Plans A and D who have duly qualified as such candidates, as they are to appear on the official ballots to be used at the preliminary election, except as to the order of the names. If there are so posted

the names of not more than two candidates for the office of mayor under Plan A, the candidate whose names are so posted shall be deemed to have been nominated for said office, and the preliminary election for the purpose of nominating candidates therefor shall be dispensed with; and if there are so posted the names of not more than eighteen candidates for the office of city councillor under Plan A or D, the candidates whose names are so posted shall be deemed to have been nominated for said office, and the preliminary election for the purpose of nominating candidates therefor shall be dispensed with.

SECTION 78. Section 59 of said chapter 452, as so appearing, is hereby amended by striking out the first three sentences and inserting in place thereof the following three sentences: — At every preliminary election, and every regular election, under Plan A, each voter shall be entitled to vote for not more than one candidate for the office of mayor, and not more than nine candidates for the office of city councillor. On the ballots and voting machine ballot labels for use at each of said elections, there shall, as a direction to the voter, be printed in capital letters, near the title of each office to be voted for, the words "VOTE FOR (*here insert in words the number of candidates specified in this section with respect to such office*)". The election commission when drawing under section fifty-eight the position on the ballot of the candidates for nomination at every preliminary election, shall draw the positions of all candidates for mayor, if any are to be drawn, before drawing the position of any candidate for city councillor.

SECTION 79. Section 61 of said chapter 452, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The two persons receiving at a preliminary election under Plan A the highest number of votes for nomination for the office of mayor shall be deemed to have been nominated for said office; and the eighteen persons receiving at such an election under Plan A or D the highest number of votes for nomination for the office of city councillor shall be deemed to have been nominated for said office.

SECTION 80. Chapter two hundred and ninety-one of the acts of nineteen hundred and fifty is hereby repealed.

SECTION 81. Section 1 of chapter 468 of the acts of 1951 is hereby amended by striking out the definition of "Committee" or "school committee" and inserting in place thereof the following definition: —

"Superintendent" or "superintendent of schools", the superintendent of schools of the city.

SECTION 82. Section 2 of said chapter 468 is hereby amended by striking out, in line 1, the words "school committee" and inserting in place thereof the words: — superintendent of schools.

SECTION 83. The first paragraph of section 3 of said chapter 468 is hereby amended by striking out in lines 8 and 9 and 13 and 14, respectively, the words "school committee" and inserting in place thereof the word: — superintendent.

SECTION 84. Said section 3 of said chapter 468 is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

The secretary of schools of the city of Boston shall be the secretary of the trustees and shall have the custody of all records, documents and papers relating to the fund. The trustees shall keep a record of their proceedings and shall annually on the first day of February, or as soon thereafter as may be, make a written report to the superintendent of the amount and condition of the fund and of the income thereof for the preceding fiscal year of the city. All records, documents and papers relating to the fund and all records of the proceedings of the trustees and all securities of the fund shall at all times be subject to the inspection of the superintendent.

SECTION 85. Section 5 of said chapter 468 is hereby amended by striking out, in lines 1 and 2, the words "school committee, by a majority vote of all its members," and inserting in place thereof the word: — superintendent.

SECTION 86. Section 8 of said chapter 468 is hereby amended by striking out, in lines 4 and 5, the words "school committee" and inserting in place thereof the word: — superintendent.

SECTION 87. Section 5 of chapter 642 of the acts of 1966 is hereby amended by striking out, in lines 1 and 2, 7 and 10, respectively, the words "school committee" and inserting in place thereof, in each instance, the words: — superintendent of schools.

SECTION 88. Section 8 of said chapter 642 is hereby amended by striking out, in lines 1 and 2, respectively, the words "school committee" and inserting in place thereof, in each instance, the words: — superintendent of schools.

SECTION 89. Sections forty-seven to eighty-eight, inclusive, of this act shall take effect on the first Monday in January of the year nineteen hundred and seventy-six.

SECTION 90. The first sentence of section 3 of chapter 486 of the acts of 1909 is hereby amended by striking out, in lines 1 and 2, the words "other than for school purposes".

SECTION 91. Sections two, two A, two B and three of chapter two hundred and twenty-four of the acts of nineteen hundred and thirty-six are hereby repealed.

SECTION 92. Chapter 452 of the acts of 1948 is hereby amended by striking out section 11, as appearing in section 1 of chapter 376 of the acts of 1951, and inserting in place thereof the following section: —

Section 11. There shall be in the city a mayor who shall be the chief executive officer of the city, a city council of nine members which shall be the legislative body of the city, and a school committee of eleven members which shall have the powers and duties conferred and imposed by law.

SECTION 93. Said chapter 452 is hereby further amended by inserting after section 11B, inserted by said section 1 of said chapter 376, the following section: —

Section 11C. Before the thirtieth day of March in the year nineteen hundred and seventy-five the city council shall divide the city of Boston into six districts for the election of district school committeemen. If, in the year nineteen hundred and eighty and in every tenth year thereafter, the existing districts do not contain, as nearly as may be ascertained, an equal number of inhabitants, the city council shall in that year redive the city for the purpose aforesaid. Such districts shall be of compact and contiguous territory bounded insofar as possible by the center lines of known streets and ways or by other well-defined limits. In determining district boundaries no precinct shall be divided; each district shall contain, as nearly as may be, an equal number of inhabitants; no district shall contain inhabitants to a number less than ninety-three per cent nor more than one hundred and seven per cent of the average number of inhabitants in all such districts; and recognized neighborhoods, so far as is possible, shall not be divided. From each of the districts created hereunder there shall be elected one district school committeeman. The city council shall cause such districts to be depicted on maps, and the board of election commissioners shall publish lists of all voters who are inhabitants of each district, which lists shall be used for the election of district school committeemen.

SECTION 94. Said chapter 452 is hereby further amended by striking out sections 18 and 19, as so appearing, and inserting in place thereof the following three sections: —

Section 18. At the regular municipal election in the year nineteen hundred and seventy-five, and at every regular municipal election thereafter, there shall be elected eleven school committeemen, each to hold office for the two municipal years following the municipal year in which he is elected. Five shall be elected at large; and of the six other members one shall be elected from each of the six districts established pursuant to section eleven C.

Section 19. It at any time a vacancy occurs in the school committee from any cause, the mayor and president of the city council and the remaining school committeemen shall elect as school committeeman, for the unexpired term, in the case of a vacancy in the seat of a school committeeman at large, whichever of the defeated candidates for the office of school committeeman at large at the regular municipal election at which school committeemen were elected for the term in which the vacancy occurs who are eligible and willing to serve, received the highest number of votes at such election, or, if there is no such defeated candidate eligible and willing to serve, a registered voter of the city duly qualified to vote for the office of school committeeman, and, in the case of a vacancy in the seat of a school committeeman elected from a district, whichever of the defeated candidates for the office of school committeeman from the same district at the regular municipal election at which school committeemen were elected for the term in which the vacancy occurs who are eligible and willing to serve, received the highest number of votes at such election, or, if there is no such

defeated candidate eligible and willing to serve, a registered voter of the district in which the vacancy occurs duly qualified to vote for a candidate for the office of school committeeman from such district. If at a regular municipal election there is a failure to elect a school committeeman or if a person elected school committeeman at such an election resigns or dies before taking office, within fifteen days after the remaining school committeemen take office such school committeemen and the then mayor and the then president of the city council shall meet in joint convention, and choose, as school committeeman for the unexpired term, in the case of a vacancy in the seat of a school committeeman elected at large, whichever of the defeated candidates for the office of school committeeman at large at the regular municipal election at which school committeemen were elected for the term in which the vacancy occurs who are eligible and willing to serve, received the highest number of votes at such election, or, if there is no such defeated candidate eligible and willing to serve, a registered voter of the city duly qualified to vote for the office of school committeeman, and, in the case of a vacancy in the seat of a school committeeman elected from a district, whichever of the defeated candidates for the office of school committeeman from the same district at a regular municipal election at which school committeemen were elected for the term in which the vacancy occurs who are eligible and willing to serve, received the highest number of votes at such election, or, if there is no such defeated candidate eligible and willing to serve, a registered voter of the district in which the vacancy occurs duly qualified to vote for a candidate for the office of school committeeman from such district.

Section 19A. On or before November first in each year the school committee shall prepare and transmit to the mayor, in such detail as he may require, estimates of the income and expenses of the school department during the next fiscal year. Section thirty-four of chapter seventy-one of the General Laws shall not be operative in respect to such estimates, nor otherwise in respect of appropriations for the support of the public schools in the city of Boston.

SECTION 95. The first sentence of section 53 of said chapter 452, as appearing in section 2 of chapter 376 of the acts of 1951, is hereby amended by striking out, in line 3, the words "at large".

SECTION 96. Section 54 of said chapter 452, as so appearing, is hereby amended by adding the words: — ; and provided further, that no person who is a candidate for school committeeman at large shall be a candidate for school committeeman from a district.

SECTION 97. Said chapter 452 is hereby further amended by striking out section 55A, as so appearing, and inserting in place thereof the following section: —

Section 55A. A nomination petition shall be issued by the election commission not later than twelve o'clock noon on the second day (Saturdays, Sundays, and legal holidays excluded) after the subscription of a statement of candidacy, except that no

such petition shall be issued before the eleventh Tuesday preceding the preliminary election. A nomination petition shall not relate to more than one candidate nor to more than one office. A nomination petition may state the elective public offices which the candidate holds or had held under the government of the commonwealth, the county of Suffolk, or the city of Boston or in the congress as a representative or senator from the commonwealth, provided that such statement shall not exceed eight words and shall, with respect to each such office, consist solely of the title, as hereinafter given, of such office, preceded, if the candidate is the then incumbent thereof, by the word "Present", otherwise by the word "Former" and followed, if, but only if, the office is that of city councillor or school committeeman, by the words "at large" or "for district" (here insert district number or numbers in numerals, which shall be counted as one word), as the case may be. For the purposes of such statement the titles of the elective offices which may be stated shall be deemed to be as follows: city councillor, school committeeman, mayor, district attorney, sheriff, register of deeds, register of probate, county clerk of superior (criminal) court, county clerk of superior (civil) court, county clerk of supreme judicial court, state representative, state senator, governor's councillor, attorney general, state auditor, state treasurer, state secretary, lieutenant governor, governor, congressman, and United States senator.

If the candidate is a veteran as defined in section twenty-one of chapter thirty-one of the General Laws, his nomination petition may contain the word "Veteran," which, in the case of a candidate holding or having held elective public office as aforesaid, shall, for the purpose of this section and sections fifty-five, fifty-eight and sixty-two, be counted as a part of the statement concerning the elective public offices held by him, and, in the case of a candidate who does not hold and has never held elective public office as aforesaid, shall, for the purposes of said sections, be deemed to be a statement concerning the elective public offices held by him.

A nominating petition may consist of one or more sheets, but each sheet shall be in substantially the following form:

The Commonwealth of Massachusetts
City of Boston
Nomination Petition

Whereas (name of candidate) residing at (street and number, if any) in Ward (number) of the City of Boston (here insert any lawfully requested statement concerning the elective public offices held by candidate), is a candidate for nomination for the office of (mayor or city councillor or school committeeman from Districts —), the undersigned, registered voters of the City of Boston, duly qualified to vote for a candidate for said office, do hereby request that the name of said (name of candidate) as a candidate for nomination for said office be printed on the official ballot to be used at the preliminary municipal election to be held on Tuesday

Each of the undersigned does hereby certify that he or she has not subscribed (if the petition relates to the office of mayor, here insert "any other nomination petition for said office"; if the petition relates to the office of city councillor, here insert "more than eight other nomination petitions for said office"; if the petition relates to the office of school committeeman at large, here insert "more than four other nomination petitions for said office"; and if the petition relates to the office of school committeeman from a district here insert "any other nomination petitions for said office").

In case the above-named candidate withdraws his name from nomination or is found to be ineligible, or dies, we authorize (names and residences of a committee of not less than five persons) or a majority thereof as our representatives to fill the vacancy in the manner prescribed by law.

Signature of Nominators (To be signed in person with name as registered)	Residence January 1, 19 (If registered after above date, residence when registered)	Wards	Pre- cinct	Present Residence

Commonwealth of Massachusetts

Suffolk, ss.

Boston,

19

The undersigned, being the circulator or circulators of this sheet, severally certify, under the pains and penalties of perjury, that the persons whose names are written upon the lines the numbers of which appear opposite our signatures below, signed the same in person.

Every nomination petition sheet shall, before issuance, be prepared by the election commission by printing or inserting thereon the matter required by the first two paragraphs of the foregoing form. Not more than three hundred nomination petition sheets shall be issued to any candidate for nomination to the office of the Mayor; not more than one hundred and fifty such sheets shall be issued to any candidate for nomination to the office of city councillor; not more than two hundred such sheets shall be issued to any candidate for nomination to the office of school committeeman at large; and not more than one hundred such sheets shall be issued to any candidate for nomination to the office of school committeeman from a district.

No nomination petition sheet shall be received or be valid unless prepared and issued by the election commission; nor shall any such sheet be received or be valid unless the written acceptance of the candidate thereby nominated is endorsed thereon, anything in section three A of chapter fifty of the General Laws to the contrary notwithstanding.

SECTION 98. Section 56 of chapter 452 is hereby amended by striking out the first paragraph, as so appearing, and inserting in place thereof the following paragraph: —

The nomination petition shall be signed, in the case of a candidate for mayor, by at least three thousand registered voters of the city qualified to vote for such candidate at the preliminary election, in the case of a candidate for city councillor, by at least fifteen hundred registered voters in the city qualified to vote for such candidate at such election, in the case of a candidate for school committeeman elected at large, by at least two thousand registered voters of the city qualified to vote for such candidate at such election, and in the case of a candidate for school committeeman elected from a district, by at least five hundred registered voters of that district qualified to vote for such candidate at such election.

SECTION 99. Said chapter 452 is hereby further amended by striking out section 57C, as so appearing, and inserting in place thereof the following section: —

Section 57C. On the first day, other than a legal holiday or Saturday or Sunday, following the expiration of the time for filing withdrawals and the final disposition of any objections filed the election commission shall post in a conspicuous place in the city hall the names, residences, and wards of the candidate for nomination for mayor, city councillor, school committeeman at large, and school committeeman from each district who have duly qualified as such candidates as they are to appear on the official ballots to be used at the preliminary election, except as to the order of names. If there are so posted the names of not more than two candidates for the offices of the mayor, the candidates whose names are so posted shall be deemed to have been nominated for said office and the preliminary election for the purpose of nominating candidates therefor shall be dispensed with; if there are so posted the names of not more than 18 candidates for city councillor, the candidates

whose names are so posted shall be deemed to have been nominated for said office, and the preliminary election for the purpose of nominating candidates therefor shall be dispensed with; if there are so posted the names of not more than ten candidates for the office of school committeeman at large, the candidates whose names are so posted shall be deemed to have been nominated for said office, and the preliminary election for the purpose of nominating candidates therefor shall be dispensed with; and if there are so posted in respect of any district the names of not more than two candidates for school committeeman from that district, the candidates whose names are so posted shall be deemed to have been nominated for said office, and the preliminary election in such district for the purpose of nominating candidates for said office shall be dispensed with.

SECTION 100. Said chapter 452 is hereby further amended by striking out section 59, as so appearing, and inserting in place thereof the following section: —

Section 59. At every preliminary election and at every regular election each voter shall be entitled to vote for not more than one candidate for the office of mayor, not more than nine candidates for the office of city councillor and not more than five candidates for the office of school committeeman at large and not more than one candidate for the office of school committeeman from the district wherein such voter resides.

On the ballots and voting machine ballot labels for use at each of said elections, there shall, as a direction to the voter, be printed in capital letters, near the title of each office to be voted for, the words "Vote for (here insert in words the number of candidates specified in this section with respect to such office). The election commission, when drawing under section forty-eight the position on the ballot of the candidates for nomination at every preliminary election, shall draw the positions of all candidates for mayor, if any are to be drawn, before drawing the positions of all candidates for city councillor or school committeeman, and shall draw the positions of all candidates for city councillor, if any are to be drawn, before drawing the position of any candidate for school committeeman. The election commission shall number consecutively, regardless of office, all candidates drawn; the candidate first drawn being assigned the number one and the candidate last drawn being assigned the last number assigned. No position shall be drawn for, nor shall any number be assigned to any candidate deemed under section fifty-seven C to have been nominated; nor shall any number be assigned to any blank space provided under section sixty-four or to any sticker candidate, so-called; and no vote by sticker, which term shall not be construed to include the slip provided by section fifty-seven B shall be counted if any candidate number appears thereon. The numbers assigned under this paragraph shall be separate and distinct from the alphabetical or numerical code of any voting machine. On the ballots and voting machine ballot labels for use at every preliminary election there shall, as an aid

to the voter, be printed in numerals, before the name of each candidate and with type the same size as the name, the number assigned to the candidate by the election commission under this paragraph.

SECTION 101. Said chapter 452 is hereby further amended by striking out section 61, as so appearing, and inserting in place thereof the following section: —

Section 61. The two persons receiving at a preliminary election the highest number of votes for nomination for the office of mayor shall be deemed to have been nominated for said office; the eighteen persons receiving at such an election the highest number of votes for the office of city councillor shall be deemed to have been nominated for said office; the ten persons receiving at such an election the highest number of votes for the office of school committeeman at large shall be deemed to have been nominated for said office; and the two persons receiving, in respect of each district from which a district school committeeman is to be elected, the highest number of votes for the office of district school committeeman shall be deemed to have been nominated for said office. If a preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie, would entitle a person receiving the same to be deemed to have been nominated, all persons participating in said tie vote shall be deemed to have been nominated, although in consequence there be printed on the official ballot to be used at the regular election names to a number exceeding twice the number to be elected.

SECTION 102. If the question that is placed upon the ballot at the regular state election in the year nineteen hundred and seventy-four is the question set forth in section four of this act, and if said question is answered in the affirmative by a majority of the voters voting thereon, sections eight to sixteen, inclusive, of this act, shall take effect and sections seventeen to one hundred and one, inclusive, shall be inoperative. If the question that is placed upon the ballot at the regular state election in the year nineteen hundred and seventy-four is the question set forth in section five of this act, and if said question is answered in the affirmative by a majority of the voters voting thereon, then sections seventeen to twenty-eight, inclusive, of this act, shall take effect, and sections eight to sixteen, inclusive, and twenty-nine to one hundred and one, inclusive, shall be inoperative. If the question that is placed upon the ballot at the regular state election in the year nineteen hundred and seventy-four is the question set forth in section six of this act, and if said question is answered in the affirmative by a majority of the voters voting thereon, then sections twenty-nine to eighty-nine, inclusive, of this act, shall take effect, and sections eight to twenty-eight, inclusive, and ninety to one hundred and one, inclusive, shall be inoperative. If the question that is placed upon the ballot at the regular state election in the year nineteen hundred and seventy-four is the question set forth in section seven of this act, and if said question is answered

in the affirmative by a majority of the voters voting thereon, then sections ninety, to one hundred and one, inclusive, of this act shall take effect, and sections eight to eighty-nine, inclusive, shall be inoperative. If whichever of the questions placed as aforesaid upon the ballot at the regular state election in the year nineteen hundred and seventy-four is not answered in the affirmative by a majority of the voters voting thereon, then all provisions of this act shall be void and of no further effect.

Approved December 10, 1973.

Chap. 1178. AN ACT ESTABLISHING A DIVISION OF SMALL BUSINESS ASSISTANCE IN THE DEPARTMENT OF COMMERCE AND DEVELOPMENT.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 23A of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 3 of chapter 761 of the acts of 1968, and inserting in place thereof the following sentence: — There shall be in the department the following four divisions: economic development, small business assistance, tourism and planning.

SECTION 2. Said chapter 23A is hereby further amended by adding after section 14, added by section 1 of chapter 1038 of the acts of 1973, the following nine sections: —

Section 15. As used in sections sixteen to twenty-three, inclusive, the following words shall, unless the context requires otherwise, have the following meanings: —

“Commissioner”, the commissioner of the department of commerce and development.

“Deputy Commissioner”, the director of the division of small business assistance.

“Division”, the division of small business assistance.

“Small business”, a business concern which is independently owned and operated, not dominant in its field of operation and, except where based on unique aspects of Massachusetts industry, would be defined as a “small business” under applicable federal law.

Section 16. The division shall provide (1) expertise in product development and marketing, (2) expertise in market trends and analysis, (3) expertise in production and production management, (4) assistance to police departments in applying for grants in aid to said departments for the protection of small businesses in high crime areas and, (5) information of federal programs to assist small business. The division shall not be limited to those areas of expertise set forth herein.

Section 17. The division shall develop and utilize the services, resources and expertise of existing educational, business, industrial and financial institutions and their personnel provided to the bureau on a voluntary basis, and shall work in full cooperation with

said institutions and personnel to fully implement the policies and programs of the division.

There shall be in the department a deputy commissioner who shall be the director of small business assistance knowledgeable in business investment and financing who shall develop and maintain continual liaison and contact with major financial institutions in the commonwealth and who shall be knowledgeable in federal programs to assist small business and have the mandate to develop and maintain the cooperation of federal agencies. Such financial institutions shall include, but not be limited to, banks, savings institutions, brokerage firms, insurance companies, mutual funds and investment corporations. The deputy commissioner shall secure and maintain the cooperation, expertise and assistance of such financial institutions in implementing the intent of this chapter.

There shall be an assistant deputy commissioner who shall be knowledgeable in business administration and management and who shall develop and maintain the cooperation, expertise and assistance of major business and industrial concerns for the purpose of implementing the intent of this chapter.

Section 18. The deputy commissioner shall establish a continuing list of small business within the commonwealth and place the names of such firms on a central public listing. All businesses so classified by the director shall be notified of the services of the department and shall be kept informed of the resources and assistance available to them under the provisions of sections fourteen to twenty-three, inclusive.

Section 19. The deputy commissioner shall establish an information exchange which shall contain, but not be limited to, current and new technical information and data concerning business investment trends and marketing trends within the commonwealth, management techniques, administrative methods, production techniques, product development, any other business news helpful to the small businessman and any federal, state or local governmental action, policies or regulations which have an effect on the small businesses and their operations. For the purposes of the information exchange, the director shall have access to the data bank established within the office of manpower affairs for both input and output of information.

Section 20. The deputy commissioner shall make available individual consultation and technical assistance to any small business which requests this service. Such consultation and assistance may relate to, but shall not be limited to, the areas including procurement of investment capital, management, administration, production, product marketing, and business expansion, renovation and diversification. Wherever possible, such assistance shall be obtained from the staff of the division or from the voluntary cooperation of the staff of other institutions or businesses.

The deputy commissioner may procure the temporary or intermittent services of organizations, experts or consultants who shall not be subject to provisions of chapter thirty-one, subject to the

approval of the secretary of administration and finance. Any person who, upon the request of the deputy commissioner, provides voluntary assistance to the division shall be allowed travel and reasonable and necessary expenses subject to the approval of the secretary of administration and finance.

Section 21. The deputy commissioner shall establish and maintain a liaison with agencies and departments of the federal government and of the governments of other states and municipalities and with any other public or private agency or organization, the purposes and programs of which are relevant to those of the division. The purposes of such a liaison shall be to allow for a coordination of effort, to avoid a duplication of services and to solicit and obtain any available cooperation and any funds or grants available to assist the division in implementing its purposes and programs.

Section 22. The deputy commissioner shall act as an advocate and as an overseer to assure that small businesses are given fair and nondiscriminatory consideration in the letting of bids and granting of contracts or subcontracts under which state monies are to be used in whole or in part, and to assure that small businesses are given fair and equal access to all relevant and needed information relating to the bidding on any contract granted by the state. To aid in the accomplishment of these purposes, the director shall seek and develop the cooperation of other state agencies.

Section 23. The deputy commissioner shall on the second Monday of January each year submit to the governor, to the clerk of the house of representatives and to the clerk of the senate a report of the division's activities and, to the extent practicable, an evaluation of the firms served by the division and the effects of such assistance on both the specific businesses and on the general condition of small businesses within the commonwealth.

Approved December 10, 1973:

Chap. 1179. AN ACT AUTHORIZING THE DEPARTMENT OF COMMUNITY AFFAIRS TO CONTRACT WITH COMMUNITY ACTION AGENCIES FOR CERTAIN SERVICES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the continuation of the services rendered by community action agencies after they are no longer funded by the federal Office of Economic Opportunity, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 23B of the General Laws is hereby amended by adding after section 23 the following section: —

Section 24. As used or referred to in this section the following words shall, unless the context requires otherwise, have the following meanings: — "Community action agency", a public or private

nonprofit agency which has previously been designated by and authorized to accept funds from the federal Office of Economic Opportunity for community action programs under the Economic Opportunity Act of 1964 or such similar agency as is recognized as a community action agency by the division of social and economic opportunity of the department.

The commonwealth, acting by and through the division of social and economic opportunity of the department, may, subject to appropriation, enter into a contract with a community action agency for the provision of services which are determined by the department to be for a public purpose and which are provided by said agency. Not more than one community action agency shall be recognized per municipality or group of municipalities. A contract shall be entered into to continue, in whole or in part, the provision of services by a community action agency for which such federal grant-in-aid had been received and has thereafter been reduced or discontinued, or to commence the provision of services by a community action agency recognized by the division of social and economic opportunity of the department.

Subject to appropriation, contracts with community action agencies under this section shall be in amounts proportioned among the community action agencies authorized to receive monies, based on the level of funding for the preceding fiscal year.

Any cost for services of a community action program which is not met by a contract pursuant to this section may be paid by a municipality, any agency, board, commission or department thereof, any public authority, the federal government or any private organization, in cash or in kind, including but not limited to additional plant and equipment, added services and increases in financial assistance furnished thereby; provided, however, that only such increments in plant and equipment, services and financial assistance furnished thereby, as are used for or in connection with community action programs approved by such municipality or group of municipalities, are funded otherwise than by state financial assistance; provided, however, that the commonwealth service corps volunteers shall be eligible to be counted as nonstate share, and are not general assistance payments may be considered as nonstate contribution under this section.

The division of social and economic opportunity of the department may make available technical assistance to any municipality, group of municipalities, community action agency, or private nonprofit agency for the purposes of planning a community action program. No more than five per cent of any funds appropriated for the purposes of this section shall be allocated to the department for its administrative expenses.

Recognition of a community action agency by the division of social and economic opportunity shall not preclude the agency from receiving grants or contracts from appropriate federal, state, or local agencies to pay the cost of providing services to the poor.

Approved December 10, 1973.

Chap. 1180. AN ACT TO PROVIDE FOR A CAPITAL OUTLAY PROGRAM FOR THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide funds immediately for a capital outlay program for the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for a program of construction, alteration and improvement of various state institutions and properties, and for the purchase of certain property, the sums as set forth in section two of this act, for the several purposes and subject to the conditions in said section two are hereby made available, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

Legislature.

Sergeant-At-Arms.

Item		
8074-01	For the completion of certain renovations and improvements to the house of representatives and related offices, including remodeling of vacated office space in the state house for the house of representatives' use, including furnishings and equipment.	\$800,000
8074-67	For the completion of certain renovations and improvements to the senate and related offices, including remodeling of vacated office space in the state house, furnishings and equipment	230,000

Executive Office of Administration and Finance.

Bureau of State Buildings.

8074-03	For modernizing and converting to automatic operation of certain elevators	\$79,000
8074-04	For a space plan study of the McCormack state office building including a move-in plan and an inventory of furnishings and equipment	125,000
8074-05	For a study of renovations to the Saltonstall building due to relocations in the McCormack building	25,000

Executive Office of Human Services.

Department of Youth Services.

Lyman School for Boys.

8074-07	For certain renovation and repairs to the cafeteria building roof	\$35,000
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Department of Correction.

Correctional Institution at Bridgewater.

8074-08}	For the construction of a four-hundred and fifty-bed hospital, and	
8070-19}	for certain renovations of existing food preparation facilities, including the cost of furnishings and equipment; total project cost not to exceed nine million four hundred and sixty-two thousand dollars; to be in addition to the amount appropriated in item 8070-19 of section two of chapter seven hundred and sixty-seven of the acts of nineteen hundred and sixty-nine	\$725,000
8074-09}	For the construction of a sewerage treatment plant and for renovations and additions to the present sewerage system, to be in addition to the amounts appropriated in item 8071-12 of section two of	
8068-68}		
8071-12}		

Item

chapter six hundred and thirty-three of the acts of nineteen hundred and seventy and in item 8068-68 of section two of chapter eight hundred and thirty-six of the acts of nineteen hundred and sixty-seven \$591,000

Correctional Institution at Concord.

8072-16 Item 8072-16 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by striking out, in lines 2 and 3, the words "a vehicle garage, and the replacement of all temporary towers" and inserting in place thereof the words: — and certain demolition.

8074-69 For the preparation of plans for a medium security unit \$200,000

Correctional Institution at Norfolk.

8074-10} For the preparation of plans and construction of a sewage treatment
8069-16} plant, including improvements to existing filter beds, to be in addition to the amount appropriated in item 8069-16 of section two of chapter four hundred and seventy-six of the acts of nineteen hundred and sixty-eight \$484,000

Department of Public Health.

Pondville Hospital.

8074-64 For air conditioning \$600,000

Department of Mental Health.

8074-18 For the purchase of the Cardinal Cushing college property in the town of Brookline for a therapeutic school for children, including the cost of furnishings and equipment and certain renovations; provided, that no payment shall be made for the purchase of said property until an independent appraisal of the value of the property has been made by a qualified disinterested appraiser; and provided further, that changes in land and structures shall be subject to reasonable regulations of the town of Brookline concerning bulk and height of structures, yards, setbacks, open space, parking and building coverage \$2,500,000

Region One.

Belchertown State School.

8074-19 For certain renovations and improvements, including the cost of furnishings and equipment \$2,600,000

Greenfield Mental Health Center.

8074-20} For the construction of a mental health treatment center, including
8067-45} the cost of furnishings and equipment; as authorized by chapter
8070-21} four hundred and fourteen of the acts of nineteen hundred and sixty-four, to be in addition to the amounts appropriated in item 8067-45 of section two of chapter five hundred and ninety of the acts of nineteen hundred and sixty-six and in item 8070-21 of section two of chapter seven hundred and sixty-seven of the acts of nineteen hundred and sixty-nine, as amended by item 8070-21 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one; total project cost not to exceed one million two hundred thousand dollars \$1,140,000

Pittsfield Mental Health Center.

8074-21} For the construction of a mental health treatment center, including
8066-43} the cost of furnishings and equipment, as authorized by chapter
8067-44} five hundred and seventy-one of the acts of nineteen hundred and
8072-23} sixty-four; to be in addition to the amounts appropriated in item

Item

8066-43 of section two of chapter seven hundred and ninety-one of the acts of nineteen hundred and sixty-five, in item 8067-44 of section two of chapter five hundred and ninety of the acts of nineteen hundred and sixty-six and in item 8072-23 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one; total project cost not to exceed seven million dollars \$6,575,000

Springfield Mental Health Center.

8074-22 } For the construction of a mental health treatment center in the
8064-40 } city of Springfield, including the cost of furnishings and equip-
8068-40 } ment, to be in addition to the amounts appropriated in item
5121-1509 } 8064-40 of section two of chapter six hundred and forty-eight
of the acts of nineteen hundred and sixty-three, in item 8068-40
of section two of chapter six hundred and eighty-two of the acts
of nineteen hundred and sixty-seven and in item 5121-1509 of
section two of chapter four hundred and twenty-seven of the
acts of nineteen hundred and seventy-one; total project cost not
to exceed six million three hundred and eighty-five thousand
dollars \$5,785,000

Joseph P. Gentile School.

8074-70 } Item 8069-24 of section two of chapter four hundred and seventy-six
8072-86 } of the acts of nineteen hundred and sixty-eight, as appearing in
8069-24 } section two of chapter nine hundred and seventy-six of the acts
of nineteen hundred and seventy-one is hereby amended by strik-
ing out, in lines 4 and 5, the words "thirteen million seven hundred
and forty-four thousand" and inserting in place thereof the words:
— twenty-one million.

*Region Two.**Monson State Hospital.*

8074-23 For the renovation of and repair to and improvements of certain
buildings, including the cost of furnishings and equipment, and
for certain site improvements and replacement, and for the demo-
lition and replacement of a certain building; total project cost not
to exceed one million three hundred and eighteen thousand dollars
\$1,318,000

*Region Three.**Walter E. Fernald State School.*

8074-24 For the renovation of and repairs to and improvement of resident
dormitories, dining facilities, laundry room, and the replacement
of certain steam lines, including the cost of furnishings and equip-
ment; total project cost not to exceed one million three hundred
and forty-five thousand dollars \$1,345,000

8074-25 } Item 8072-28 of section two of chapter nine hundred and seventy-
8072-28 } six of the acts of nineteen hundred and seventy-one is hereby
amended by adding the words: — , including provisions for air
pollution abatement control 390,000

8074-26 For the construction of two sixteen-bed dormitory-cottage units, one
thirty-two bed dormitory-cottage unit and an activities building,
including the cost of furnishings and equipment and finished site
improvements, total project costs not to exceed three million
seven hundred and forty thousand five hundred and seventy-five
dollars 3,740,575

*Region Five.**Wrentham State School.*

8074-27 For the renovation of and repairs and improvements to certain

(Item

buildings, tunnel, farm and sewer systems, including the cost of furnishings and equipment; total project cost not to exceed one million three hundred and fifty-five thousand dollars \$1,355,000

Region Six.

Boston State Hospital.

- 8074-28 For certain renovations, replacements and improvements of the plumbing and electrical systems \$500,000
- 8074-29} Item 8072-96 of section two of chapter nine hundred and seventy-
- 8072-96} six of the acts of nineteen hundred and seventy-one is hereby amended by inserting after the word "illness," in line 2, the words: — including furnishings and equipment, —, and by striking out, in line 5, the words "one hundred and five" and inserting in place thereof the words: — three hundred and sixty-one
- 235,000
- 8074-30 For the replacement of two boilers in the power plant 400,000

Region Seven.

Paul A. Dever State School.

- 8074-31 For the renovation of and improvement to and repair of certain buildings, including the cost of furnishings and equipment; total project cost not to exceed one million three hundred and forty thousand dollars \$1,340,000

Brockton Mental Health and Public Health Center.

- 8074-32} Item 8070-25 of section two of chapter seven hundred and sixty-
- 8070-25} seven of the acts of nineteen hundred and sixty-nine is hereby amended by inserting after the word, "Brockton," in line 2, the words: — including the cost of furnishings and equipment, —, and by striking out, in line 3, the words "six hundred and twenty" and inserting in place thereof the words: — eight hundred and sixty \$240,000

New Bedford Mental Health Center.

- 8074-33} For the construction of a community mental health treatment center, including the cost of furnishings and equipment, to be in addition to amounts appropriated in item 8070-26 of section two of chapter seven hundred and sixty-seven of the acts of nineteen
- 8070-26} hundred and sixty-nine and in item 8072-35 of section two of
- 8072-35} chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one; total project cost not to exceed five million four hundred and thirty thousand dollars \$4,335,000

Executive Office of Transportation and Construction.

Bureau of Building Construction.

- 8074-34 For project feasibility studies including all necessary environmental impact reports and for preparation of preliminary plans and descriptive specifications, as authorized by section twenty-eight of chapter six A of the General Laws; provided, that an approved schedule of said studies authorized by the commissioner of administration shall be filed with the house and senate committees on ways and means fifteen days prior to the initiation of any study for feasibility or environmental impact \$200,000
- 8074-35 For fire protection improvements in accordance with the recommendation of the department of public safety to comply with the provisions of section two A of chapter one hundred and forty-three of the General Laws, and for certain other improvements to eliminate fire hazards, including improvements to the electrical distribution systems, to be designated by the director of building construction to the various departments and agencies with the approval of the commissioner of administration 500,000

- Item
8074-36 To cover unexpected contingencies in the costs of projects authorized in section two of this act, other than the acquisition of land, to be allocated by the commissioner of administration with the approval of the governor; provided, that the allocation to any project shall not exceed a percentage of the total amount appropriated for the project in this or any other act, said percentage to be not more than five per cent plus the percentage increase in the cost of building construction as determined for the period involved by the commissioner of administration from available building cost indexes; and, provided further, copies of said allocations shall be filed immediately with the house and senate committees on ways and means, and that any limitation of the total project cost of an item may be increased by an amount not exceeding said allocation to the project as previously determined, for the period involved, by the commissioner of administration \$6,300,925

Executive Office of Educational Affairs.

Department of Education.

Board of Trustees of State Colleges.

Boston State College.

- 8074-38 For plans, repairs, improvements, and renovations to the electrical systems of the Collins, North and Administration buildings \$235,000

Fitchburg State College.

- 8074-39 For the construction of a boiler plant, including a maintenance shop, and additions to the utility systems, to be in addition to the amount appropriated in item 8070-30 of section two of chapter seven hundred and sixty-seven of the acts of nineteen hundred and sixty-nine; total project cost not to exceed one million seven hundred and seventy-five thousand dollars \$1,850,000
- 8074-40 For the acquisition of land, or land with buildings thereon, by purchase or by eminent domain under chapter seventy-nine of the General Laws, for parking including the cost of site improvements 35,000

Framingham State College.

- 8074-41 For certain boiler plant alterations, including the installation of an additional boiler, to be in addition to the amount appropriated in item 8072-43 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one \$163,000
- 8074-42 For the acquisition of certain land, or land with buildings thereon, by purchase or eminent domain under chapter seventy-nine of the General Laws for the further development of the college, and for necessary site clearance and improvement; provided, that no payment shall be made for the purchase of said property until an independent appraisal of the value of the property has been made by a qualified disinterested appraiser 500,000

North Adams State College.

- 8074-43 For the plans and for renovations and improvements to the Mark Hopkins laboratory school; total project cost not to exceed \$275,000
- 8074-44 For the plans and for renovations and improvements to the Murdock Hall classroom building; total project cost not to exceed 245,000
- 8074-45) Item 8071-41 of section two of chapter six hundred and thirty-three
8071-41) of the acts of nineteen hundred and seventy is hereby amended by striking out, in line 1, the word "certain".

Item

Salem State College.

- 8074-46 For the purchase and installation of furnishings and equipment for the new library \$500,000

State College at Westfield.

- 8074-47 For a study and preliminary plans to convert the campus sewerage system to the city of Westfield system \$50,000

Worcester State College.

- 8074-48 For the acquisition of land, or land with buildings thereon, by purchase or by eminent domain under chapter seventy-nine of the General Laws, provided that no payment shall be made for the purchase of said property until an independent appraisal of the value of the property has been made by a qualified, disinterested appraiser; for parking, including site clearance and improvements \$200,000

- 8074-49} Item 8071-49 of section two of chapter six hundred and thirty-three
8071-49} of the acts of nineteen hundred and seventy is hereby amended
by inserting after the word "thereon" in line 1, the words: —
, adjacent to the campus on Candlewood street or Chicopee street.

- 8074-72 For the construction of a student union building, including the cost of furnishings and equipment, to be in addition to the amount appropriated in item 8072-97 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one, and in item 8071-51 of section two of chapter six hundred and thirty-three of the acts of nineteen hundred and seventy, total project cost not to exceed five million nine hundred and fifty dollars 5,699,000

Massachusetts Maritime Academy.

- 8074-66 For the construction of a prefabricated steel maintenance garage \$80,000

- 8074-73 For the preparation of plans and construction for the renovation, conversion, and expansion of the existing classroom building into an oceanography, ocean engineering and fisheries laboratory 1,100,000

Lowell Technological Institute.

- 8074-74 For renovations and repairs of the Southwick, Pasteur, Olney, Ball and Cumnock halls; including furnishings and equipment \$4,500,000

Southeastern Massachusetts University.

- 8074-50 For outside lighting of parking lots and walks and for construction of certain walks \$235,000

- 8072-57 Item 8072-57 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by adding the words: — , including master utility distribution plan.

- 8074-78 For the preparation of plans for the science and engineering building, total project cost not to exceed five million six hundred thousand dollars 23,000

University of Massachusetts Medical School.

- 8074-51} Item 8071-65 of section two of chapter six hundred and thirty-three
8071-65} of the acts of nineteen hundred and seventy, as amended by
section two of chapter nine hundred and seventy-six of the acts
of nineteen hundred and seventy-one is hereby further amended
by adding the following words: — including the cost of furnishings
and equipment.

- Item
 8074-52} *University of Massachusetts Boston.*
 8072-65} Item 8072-65 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by striking out, in line 3, the words "phase II of" and inserting in place thereof the following words: — arts and.

Massachusetts Board of Regional Community Colleges.

Berkshire Community College.

- 8074-53} For the purchase and installation of furnishings and equipment for
 8070-48} a regional community college, including a power plant, library, cafeteria, student center, gymnasium, classrooms, laboratories and administration offices, to be in addition to the amount appropriated in item 8070-48 of section two of chapter seven hundred and sixty-seven of the acts of nineteen hundred and sixty-nine
\$400,000

Bristol Community College.

- 8074-54 For the purchase and installation of certain furnishings and equipment for the phase I development of the college \$475,000

Cape Cod Community College.

- 8074-55 For the purchase and installation of certain equipment and furnishings, provided that expenditures from this item shall be contingent upon the prior approval of the project by the proper federal authorities and assurance by such authorities that the federal allocation for said project shall be not less than one hundred and ten thousand dollars \$65,000
- 8074-56 For furnishings and equipment for the fine arts building 250,000
- 8074-82 For site work 390,000

Greenfield Community College.

- 8074-57} For the construction of a regional community college, phase I, for
 8070-50} fifteen hundred students, including classrooms, student-union, administration building and gymnasium; including the cost of furnishings and equipment; provided, that any expenditures from this item shall be contingent upon prior approval of the project by the proper federal authorities that the federal allocation for the cost of the establishment of said college will be not less than one million six hundred and eighty thousand dollars; total project cost not to exceed twelve million dollars; to be in addition to the amount appropriated in item 8070-50 of section two of chapter seven hundred and sixty-seven of the acts of nineteen hundred and sixty-nine \$1,850,000

Quinsigamond Community College.

- 8074-79 For the preparation of plans for Phase I for the development of the college; total project cost not to exceed eleven million dollars \$500,000

Springfield Technical Community College.

- 8074-58 For the plans and for the construction of the utility distribution systems \$900,000
- 8074-59 For the construction of the biological science building, including the cost of furnishings and equipment; total project cost not to exceed eight million three hundred and ten thousand dollars 8,034,500
- 8074-60} For the preparation of plans for technology building #12, auditorium
 8072-75} building #14, and resource center building #16 in accordance with the approved master plan, to be in addition to the amount appro-

Item

printed in item 8072-75 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one

\$125,000

8074-61 For the preparation of plans for the physical education building

225,000

8074-62 For the preparation of plans for the student-union building

275,000

Middlesex Community College.

8074-80 For the acquisition of land, buildings thereon, educational plans and preliminary construction plans in the towns of Bedford and Billerica; provided, that no payment shall be made for the purchase of said property until an independent appraisal of the value of the property has been made by a qualified, disinterested appraiser

\$2,500,000

Bunker Hill Community College.

8074-63 For the construction of a parking space, including site preparations

\$200,000

South Shore Community College.

8074-81 For the preparation of plans for a new community college, to be in addition to the amount appropriated in item 8072-95 in section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one

\$1,800,000

SECTION 2A. The third paragraph of section 1 of chapter 1105 of the acts of 1971 is hereby amended by striking out, in line 2, the word "two" and inserting in place thereof the word: — three.

SECTION 2B. The first paragraph of section 1 of chapter 725 of the acts of 1970 is hereby amended by striking out, in lines 27 to 29, inclusive, the words "for the construction of a swimming pool and related facilities on land to be conveyed to the commission by the city of Quincy" and inserting in place thereof the words: — for the acquisition, refurbishing and construction of certain park and recreational facilities in the city of Quincy and town of Braintree.

SECTION 2C. Section 1 of chapter 765 of the acts of 1972 is hereby amended by striking out, in line 2, the word "is" and inserting in place thereof the words: — and the metropolitan district commission, hereinafter called the commission, are.

SECTION 2D. Said chapter 765 is hereby further amended by inserting after section 2C the following section: —

Section 2D. Pursuant to the provisions of section one, the commission is hereby authorized and directed to expend a sum, not to exceed forty million dollars, for highway projects of the commission.

SECTION 2E. Chapter 803 of the acts of 1972 is hereby amended by striking out section 19 and inserting in place thereof the following section: —

Section 19. The metropolitan district commission is hereby authorized and directed to expend a sum not exceeding two million dollars to provide for flood control, as deemed necessary or advisable by said commission, along Furnace Brook and Blacks Creek in the city of Quincy, Braintree Dam in the town of Braintree, and

Town Brook, located partly in said Quincy and partly in said Braintree, by constructing any necessary new facilities and by dredging, reconstructing and rehabilitating existing facilities and water courses to alleviate the flooding and control the flow in the areas of these waterways.

SECTION 2F. Section 2 of chapter 1105 of the acts of 1971 is hereby amended by striking out, in line 6, the word "two" and inserting in place thereof the word: — three.

SECTION 3. Any premium or accrued interest received from the sale of bonds and notes payable from the General or Highway Funds shall be credited to the respective fund debt service account and applied respectively without appropriation to the payment of maturities and interest of said bonds and notes; provided, that assessments made under any bond or note authorization payable from the General Fund, wherein it is provided that said assessments shall be credited to the General Fund, shall, beginning July first, nineteen hundred and seventy-three, be credited to the General Fund debt service account; and, provided further, that any other receipts, disposition of which is not provided in the bond or note authorization, shall be credited to the respective fund debt service account.

SECTION 4. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting additional payments, as authorized by section two of this act, and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and seventy-nine. Notwithstanding any provisions of this act, such notes shall be general obligations of the commonwealth.

SECTION 5. To meet the expenditures necessary in carrying out the provisions of section two of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time but not exceeding, in the aggregate, the sum of seventy-seven million two hundred seventy-three thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Loan, Act of 1973, and shall be on the serial payment plan for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts

payable in the several years of the period of amortization other than the final year shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rate as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, nineteen hundred and ninety-nine.

SECTION 6. No agency of the commonwealth receiving an appropriation under section two of this act shall make any expenditure for consultant services, so-called, or services coded in accordance with the expenditures code manual under the subsidiary title "03 services — Nonemployees" unless the rate of compensation for such services shall have been approved by the commissioner of administration. Said commissioner shall, immediately upon the approval of any such rate or rates, file copies of the schedule or schedules of approved rates with the comptroller and with the house and senate committees on ways and means. Every such agency before engaging such consultant services under said subsidiary title "03", as so coded, as "Professional" shall certify to the budget director that funds are available for the purpose and shall then file a statement of intent with the budget director, the comptroller and the house and senate committees on ways and means. Such statement shall include the rate of compensation, the period of time for which the services are to be engaged, or scope of work to be done, and such other pertinent information as may be necessary to establish the maximum limit of the commonwealth's obligation.

SECTION 7. Section one of chapter seven hundred and twenty-five of the acts of nineteen hundred and seventy, as amended by section two C of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one and section two C of chapter four hundred and thirty-nine of the acts of nineteen hundred and seventy-three is further amended by inserting in line 15, after the word "proceeds" the words: — not less than.

(This bill was approved by the Governor December 11, 1973, after prorogation of the General Court, with the following exceptions:

Disapproved.

Item

8074-69

8074-64

8074-18

8074-70

8074-26

8074-40

8074-48

8074-72

8074-66

8074-73

8074-74

8074-78

8074-82

8074-79

8074-59

8074-60

8074-61

8074-62

8074-80

8074-81

and SECTIONS 2A, 2C and 2F.

Item	—	Reduced to:
8074-08	—	\$690,000
8074-36	—	5,000,000
8074-42	—	65,000
8074-63	—	60,000

and the item set forth in SEC-

TION 2D to \$10,000,000

*The remainder of this bill I hereby approve).**Approved December 11, 1973.*

Chap. 1181. AN ACT IN ADDITION TO THE GENERAL APPROPRIATION ACT MAKING APPROPRIATIONS TO SUPPLEMENT CERTAIN ITEMS CONTAINED THEREIN, AND FOR CERTAIN NEW ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and for certain new activities and projects, the sums set forth in section two for the several purposes and subject to the conditions specified therein are hereby appropriated from the General Fund unless specifically designated otherwise in the item, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter four hundred and sixty-six of the acts of the current year, for the fiscal year ending June the thirtieth, nineteen hundred and seventy-four, or for such period as may be specified, the sums so appropriated to be in addition to any amounts at present available for the purposes.

SECTION 2.

Legislature.

Senate.

Item		
0113-0000	For the salary of the chaplain of the senate.....	\$238
0117-0000	For the office of the senate committee on ways and means, prior appropriation continued, including not more than four permanent positions.....	40,000

House of Representatives.

Item		
0125-0010	For expenses of standing and special committees of the house of representatives authorized by order of the house of representatives to sit during the session and recess of the general court, said funds to be allocated to committees only upon written approval of the speaker	\$25,000
0127-0020	For legislative aides to the house of representatives	125,000
0127-0030	For a legislative intern program	20,000

Sergeant-at-Arms.

0136-0101	For the restoration of the Senate Chamber	\$20,000
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Other Expenses.

0143-0000	For the office of legislative service bureau	\$75,000
0142-0000	For the office of the legislative research bureau	8,000
0164-0010	For expenses of joint standing and special committees authorized by joint order to sit and travel during the session and recess of the general court, said funds to be allocated to committees only upon written approval of the president of the senate and the speaker of the house of representatives	64,000
0165-0000	For the annual membership fee of the commonwealth in the national conference of state legislative leaders and the national society of state legislators and the state legislative leaders foundation	5,500
0169-7104	For an investigation and study by a joint special committee on the administration on the feasibility of creating a state land planning office and a Massachusetts land bank and other related matters	20,000

Special Investigations.

0185-0000	For an investigation and study relative to the study of compulsory automobile insurance, as authorized by chapter ninety-seven of the resolves of nineteen hundred and sixty-eight	\$5,000
0185-0001	For an investigation and study by a special commission relative to the modernization of county government, as authorized by chapter fifty-seven of the resolves of nineteen hundred and sixty-nine and most recently revived and continued by chapter one hundred and one of the resolves of the current year	5,000
0185-7001	For an investigation and study by a special commission relative to establishing a collective bargaining commission, as authorized by chapter ninety-seven of the resolves of nineteen hundred and sixty-nine, as most recently revived and continued by chapter forty-two of the resolves of nineteen hundred and seventy-three	4,140
0185-7106	For an investigation and study by a special commission relative to the regulation of the location and operation of electric utility generation and transmission facilities, and related matters, as authorized by chapter seventy-eight of the resolves of nineteen hundred and seventy-one	25,000
0185-7206	For an investigation and study relative to evaluating the adequacy of existing programs in the commonwealth for the care and treatment of children, as authorized by chapter six of the resolves of nineteen hundred and seventy-two	15,000
0185-7302	For an investigation and study relative to the needs of the handicapped, as authorized by chapter eighty-six of the resolves of nineteen hundred and seventy-two	45,000
0185-7401	For an investigation and study relative to certain social welfare problems, and the financial operation of the department of public welfare, as authorized by chapters seventy-seven and ninety-one of the resolves of nineteen hundred and seventy-three	10,000

Item		
0185-7402	For an investigation and study relative to the penalty of driving under the influence of intoxicating liquor or drugs, as authorized by chapter one hundred and thirty of the resolves of nineteen hundred and seventy-three	\$25,000
0185-7403	For an investigation and study relative to state employees with catastrophic illnesses or accidents, as authorized by chapter seventy-one of the resolves of nineteen hundred and seventy-three	10,000
0185-7404	For an investigation and study relative to the restriction of weight of vehicles on public ways, as authorized by chapter eight and chapter fifty-five of the resolves of nineteen hundred and seventy-three	10,000

Judiciary.

Supreme Judicial Court.

0301-0001	For the salaries, travelling allowances and expenses of the chief justice and of the six associate justices	\$24,269
0301-0101	For the salary of the clerk and the assistant clerk for the commonwealth	4,935
0301-0200	For the salaries of the officers and messengers	1,176
0301-0500	For the service of the executive secretary	6,000
0301-0603	For expenses of the mental health legal advisors committee, and for certain programs for the indigent mentally ill as authorized by chapter eight hundred and ninety-three of the acts of nineteen hundred and seventy-three; provided, that no expenditure or commitment made pursuant to this item shall be incurred in excess of funds appropriated herein	44,850
0301-0700	Item 0301-0700 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "four" and inserting in place thereof the word: — six.	

Appeals Court.

0301-3001	For the salaries, travelling allowances and expenses of the chief justice and of the five associate justices	\$18,900
0301-3101	For the salary of the clerk and assistant clerks	8,500
0301-3201	For the salaries of court officers and messengers	131,622

Superior Court.

0302-0001	For the salaries, travelling allowances and expenses of the chief justice and of the forty-five justices	\$60,750
0302-0003	For court expenses	34,000
0302-0401	Item 0302-0401 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the words "ninety-three" and inserting in place thereof the words: — one hundred and seven.	

Probate and Insolvency Courts.

For the salaries of judges of probate, registers of probate, assistant registers and clerical assistance to registers of the several counties:

0305-6011	Barnstable, including not more than eleven permanent positions	\$2,000
0305-6021	Berkshire, including not more than eight permanent positions	5,300
0305-6031	Bristol, including not more than twenty permanent positions	5,200
0305-6041	Dukes, including not more than three permanent positions	475.

Item		
0305-6051	Item 0305-6051 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 1, the word "thirty" and inserting in place thereof the word: — thirty-one	\$1,345
0305-6061	Franklin, including not more than five permanent positions	6,000
0305-6071	Hampden, including not more than thirty-one permanent positions	10,748
0305-6081	Hampshire, including not more than seven permanent positions	7,483
0305-6091	Middlesex, including not more than sixty-four permanent positions	35,000
0305-6101	Nantucket, including not more than three permanent positions	2,296
0305-6111	Item 0305-6111 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 1, the word "thirty-five" and inserting in place thereof the word: — forty-seven	58,683
0305-6121	Item 0305-6121 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 1, the word "seventeen" and inserting in place thereof the word: — twenty	19,786
0305-6131	Suffolk, including not more than seventy-two permanent positions	21,785
0305-6141	Worcester, including not more than twenty-six permanent positions	34,000

Land Court.

0306-0001	For the office of the land court, including not more than sixty-two permanent positions	\$81,145
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Board of Bar Examiners.

0310-0001	For the service of the board, including not more than six permanent positions	\$19,047
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*Executive.**Governor.*

0411-1901	For postage, printing, office and other contingent expenses, including travel of the governor	\$28,244
0411-6000	For the office of intergroup affairs	17,500

Lieutenant Governor.

0412-1000	For the salary of the lieutenant governor and for personal services for the lieutenant governor's office, including not more than seven permanent positions	\$10,800
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Military Division.

Notwithstanding the provisions of chapter thirty of the General Laws, certain military personnel in the military division may be paid salaries according to military pay grades, so called.

Adjutant General.

0431-0010	For the office of the adjutant general, including not more than thirty-nine permanent positions	\$13,000
0431-0200	For compensation for special and miscellaneous duty, for transportation of officers to and from military meetings and drills and for expenses of camps of instruction, including not more than eight permanent positions	1,409

State Quartermaster.

Item

- 0431-1410 For certain storage and maintenance facilities, including not more than thirty-three permanent positions \$30,000

Secretary of the Commonwealth.

- 0511-0000 Item 0511-0000 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "three" and inserting in place thereof the word: — four; — and by inserting after the word "services", in line 3, the words: — , of counsel II and of assistant supervisor of public records \$27,350
- 0514-0000 For the administration of the bureau of corporate organization and registration including not more than thirteen permanent positions 19,113
- 0514-1010 For an integrated data processing unit including not more than five permanent positions 99,587

Securities Division.

- 0525-0000 Item 0525-0000 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 1, the word "eleven" and inserting in place thereof the word: — twelve \$8,890

Massachusetts Historical Commission.

- 0526-0110 For the Old King's Highway regional historic district, as authorized by chapter six hundred and thirty-eight of the acts of nineteen hundred and seventy-three \$15,000

Treasurer and Receiver-General.

- 0610-0000 For the office of the treasurer and receiver-general, provided that there shall be charged against this appropriation certain shortage in the amount of two thousand eight hundred and twenty-two dollars and forty-eight cents determined by the auditor to be the shortage as of February sixth, nineteen hundred and seventy-one, including not more than one hundred and twelve permanent positions \$37,823
- Highway Fund 30.0%
- General Fund 70.0%
- 0611-5000 For compensation to victims of violent crimes 150,000

State Board of Retirement.

- 0612-0100 Item 0612-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "thirty-nine" and inserting in place thereof the word: — forty-seven \$37,051

State Lottery Commission.

- 0640-0000 Item 0640-0000 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in lines 29 and 30, the word "twenty-four" and inserting in place thereof the word: — sixty-two \$531,000

Auditor of the Commonwealth.

- 0710-0000 Item 0710-0000 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "thirty" and inserting in place thereof the words: — forty-one \$170,000

Department of the Attorney General.

Item

0810-0000 For the office of the attorney general, including not more than fifty-three permanent positions, prior appropriation continued \$50,000

Commission on Uniform State Laws.

0830-0100 For the expenses of the commission \$1,000

Executive Office of Administration and Finance.

Office of the Commissioner.

1100-1141 Item 1100-1141 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out the wording and inserting in place thereof the following wording: —

For certain public social services to be performed by state departments and agencies limited to the executive office of elder affairs, the departments of public welfare, youth services, education, correction, mental health, public health inclusive of the division of alcoholism, Massachusetts-rehabilitation-commission, veterans' services, community affairs; the commission for the blind and the secretary of education, pursuant to contracts entered into between any such department or agency with the department of public welfare; provided, that any expenditure from this item shall be contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure, as authorized under Titles I, IV-A and XIV of the Social Security Act of nineteen hundred and sixty-seven, shall be not less than seventy-five per cent of such expenditures.

Fiscal Affairs Division.

1101-2100 For the administration of the division, including not more than one hundred and sixty-two permanent positions \$212,000

Highway Fund 30.0%

General Fund 70.0%

1101-2400 For the expenses of an in-service training program for engineering employees, as authorized by section twenty-eight A of chapter seven of the General Laws, to be in addition to any amounts paid by cities or towns for the purpose 16,000

Highway Fund 100.0%

Central Services Division.

1102-3310 For the administration of the bureau of state buildings and for the maintenance of the state house; provided, that there shall be paid from this item certain salaries of prior years earned but not paid, including not more than one hundred and ninety-two permanent positions \$3,707

1102-3410 For the maintenance of the Leverett Saltonstall building, including not more than seventy-three permanent positions 15,000

Comptroller's Division.

1103-5010 Item 1103-5010 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "fifty-eight" and inserting in place thereof the word: — fifty-nine.

Purchasing Agent's Division.

1104-1000 For the administration of the division, provided that there shall be paid from this item certain salaries of prior years earned but not paid, including not more than ninety-three permanent positions \$4,597

Rate Setting Commission.

- Item
1106-1000 Item 1106-1000 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 5, the word "fifty-three" and inserting in place thereof the word: — fifty-seven.

Massachusetts Commission Against Discrimination.

- 1150-5100 Item 1150-5100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in lines 3 and 4, the word "fifty-nine" and inserting in place thereof the word: — sixty.
- 1150-5110 For administration of the Springfield office \$453
1150-5130 For administration of the Worcester office 732

Retirement Law Commission.

- 1180-1000 For the administration of the commission, including not more than two permanent positions \$15,500

Department of Corporations and Taxation.

- 1201-1100} From the unencumbered balance remaining in item 1201-0100 of
1201-0100} section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three the sum of one hundred and ninety thousand dollars is hereby transferred and made available for the purpose of item 1201-1000.

Bureau of Local Taxation.

- 1233-1000 For reimbursing cities and towns for loss of taxes on land used for state institutions and certain other state activities
\$11,470,212.87

Miscellaneous.

- 1599-0004 For the payment of claims for unpaid checks, with the approval of the state treasurer and certification by him to the comptroller of the amount due, where payment has otherwise been prevented as a result of the application of section thirty-two of chapter twenty-nine of the General Laws \$2,000

Deficiencies.

For deficiencies in certain appropriations for previous years, based upon schedules approved by the joint committee on ways and means:

- 1599-0013 General Fund \$112,782
1599-0017 Highway Fund 26,114
1599-0058 For the payment of a certain judgement entered in the Suffolk superior court, docket number 659397 9,131

*Unassigned Accounts.**Unforeseen Emergencies.*

- 1599-2004 For a reserve to meet the increased cost of food, provided that the governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated herein to other items of appropriation for the fiscal year nineteen hundred and seventy-four where the amounts otherwise available are insufficient for the purpose; and, provided further, that the governor, upon recommendation of the commissioner of administration, is further authorized to allocate the amounts of such transfer to the several state or other funds to which such items of appropriation are charged
\$1,500,000

Item

- 1599-2008 For a reserve to meet the increased cost of fuel and power; provided, that the governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated to other items of appropriation for the fiscal year nineteen hundred and seventy-four where the amounts otherwise available are insufficient for the purpose; and, provided further, that the governor, upon recommendation of the commissioner of administration, is further authorized to allocate the amounts of such transfer to the several state or other funds to which such items of appropriation are charged
\$2,000,000
- 1599-2009 For a reserve to meet the increased cost of gasoline and other automotive supplies and the increased cost of postage and telephone; provided, that the governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated to other items of appropriation for the fiscal year nineteen hundred and seventy-four where the amounts otherwise available are insufficient for the purpose; and, provided further, that the governor, upon recommendation of the commissioner of administration, is further authorized to allocate the amounts of such transfer to the several state or other funds to which such items of appropriation are charged
1,250,000
- 1599-2015 Item 1599-2015 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out the wording and inserting in place thereof the following: —
For a reserve to meet the cost of certain salary adjustments, including cost-of-living increases as authorized by chapters four hundred and twenty-six, seven hundred and seventy-two and eight hundred and fifty-six of the acts of nineteen hundred and seventy-three; and for salary adjustments as authorized by chapter four hundred and twenty-eight of the acts of nineteen hundred and seventy-three, including the cost of all said increases and adjustments for the period from December thirty-first, nineteen hundred and seventy-two, to June thirtieth, nineteen hundred and seventy-three, inclusive; provided, that the governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated to other items of appropriation for the current fiscal year, which are available in whole or in part for personal services, such amounts as are necessary to meet the cost of said adjustments where the amounts otherwise available are insufficient for the purpose, to be in addition to amounts otherwise appropriated for said services for said fiscal year; and, provided further, that the governor, upon recommendation of the commissioner of administration, is further authorized to allocate the cost of such salary adjustments to the several state or other funds to which such items of appropriation are charged
3,000,000
- 1599-2016 For a reserve to meet the cost of such cost-of-living increases as may be determined and established for the period beginning December the thirtieth, nineteen hundred and seventy-three, in accordance with the requirements of section forty-six of chapter thirty of the General Laws, as amended; provided, that the governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated to other items of appropriation for the fiscal year nineteen hundred and seventy-four, which are available in whole or in part for personal services, such amounts as are necessary to meet the cost of said adjustments where the amounts otherwise available are insufficient for the purpose, to be in addition

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to amounts otherwise appropriated for said services for said fiscal year; and, provided further, that the governor, upon recommendation of the commissioner of administration, is further authorized to allocate the cost of such salary adjustments to the several state or other funds to which such items of appropriation are charged \$18,000,000

Executive Office of Environmental Affairs.

Office of the Secretary.

- 2000-0200 For the administration and review of environmental impact reports pursuant to section two of chapter seven hundred and eighty-one of the acts of nineteen hundred and seventy-two, including not more than four permanent positions \$25,000
- | | |
|--------------------------------------|-------|
| General Fund | 16.0% |
| MDC Water District Fund | 20.0% |
| MDC Sewerage District Fund | 15.0% |
| MDC Parks District Fund | 14.0% |
| State Recreation Areas Fund | 6.0% |
| Marine Fisheries Fund | 3.0% |
| Inland Fisheries and Game Fund | 2.0% |
| Public Access Fund | 1.0% |
| Agricultural Purposes Fund | 1.0% |
| Highway Fund | 22.0% |

World War II Memorial Commission.

- 2200-1000 For the administration and maintenance of a certain World War II memorial, as provided in section one hundred and twenty-four of chapter six of the General Laws \$35,000

Metropolitan District Commission.

Notwithstanding any other provision of any general or special law to the contrary, the salaries of all officers and employees of the commission shall be charged in full to appropriations authorized under this heading:

Metropolitan Water System.

- 2420-1100 For engineering services, including necessary plans and specifications for a water fluoridation program \$100,000
- | | |
|-------------------------------|--------|
| MDC Water District Fund | 100.0% |
|-------------------------------|--------|
- 2420-1200 For the furnishing of certain corrosion control equipment, including the preparation of plans and specifications 125,000
- | | |
|-------------------------------|--------|
| MDC Water District Fund | 100.0% |
|-------------------------------|--------|
- 2425-9014 For the structural reinforcement of the Old Stone church, so-called, located on the shore of the Thomas basin of the Wachusett reservoir in West Boylston 75,000
- | | |
|-------------------------------|--------|
| MDC Water District Fund | 100.0% |
|-------------------------------|--------|

Metropolitan Sewerage District.

- 2430-0100 For the maintenance and operation of a system of sewage disposal for the metropolitan sewerage district, including payments to the state retirement system under the provisions of the General Laws, and including not more than five hundred and sixty-three permanent positions \$262,000
- | | |
|----------------------------------|--------|
| MDC Sewerage District Fund | 100.0% |
|----------------------------------|--------|

Metropolitan Parks District.

- 2440-0010 For the maintenance of boulevards and parkways, including Bunker hill and the adjacent property, and for the maintenance of parks, reservations and the Charles River basin, and for the payment of damages caused by defects in boulevards and parkways under the control of the commission with the approval of

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	the attorney general, including payments to the state retirement system under the provisions of the General Laws; provided, that, notwithstanding any provisions of chapter thirty-one of the General Laws, members of the metropolitan district commission police force may be temporarily allocated to special secondary ratings in accordance with the schedule approved by the joint committees on ways and means, a copy of which is on file with the director of personnel and standardization; including not more than one thousand four hundred and eleven permanent positions	\$744,000
	Highway Fund	60.0%
	MDC Parks District Fund	39.0%
	General Fund	1.0%
2444-9003	For certain payments for the use of facilities of the museum of science	60,000
	MDC Parks District Fund	100.0%
2444-9007	For certain recreation repairs and renovations at Foss park	37,500
	MDC Parks District Fund	100.0%
2444-9013	For the construction of a recreation facility, including the cost of equipment, as authorized by chapter five hundred and fifty-eight of the acts of nineteen hundred and fifty-five, to be in addition to any other federal or state funds or assistance which may be made available for the purposes of said chapter five hundred and fifty-eight, prior appropriation continued	625,000
	MDC Parks District Fund	100.0%
2444-9033	For the construction of a recreation facility, including the cost of equipment, as authorized by chapter five hundred and sixty-four of the acts of nineteen hundred and fifty-nine, to be in addition to any other federal or state funds or assistance which may be made available for the purposes of said chapter	475,000
	MDC Parks District Fund	100.0%
2444-9038	For the reconstruction and refurbishing of the George Hall pool in the town of Stoneham, including but not limited to the installation of a new filtering system	150,000
	MDC Parks District Fund	100.0%
2444-9039	For the enclosing of the Everett skating rink in Everett	275,000
	MDC Parks District Fund	100.0%
2444-9040	For the furnishings and equipment of an administrative office at Kosciusko circle	15,000
	MDC Parks District Fund	100.0%
2444-9041	For the reconstruction, renovation and repairs of the Devine skating rink, including the enclosing of the rink	275,000
	MDC Parks District Fund	100.0%
2444-9052	For the purchase of certain ice resurfacing equipment	120,000
	MDC Parks District Fund	100.0%
2450-1000	For the personal services and expenses of employees previously paid from highway bond funds	105,000
	Highway Fund	100.0%
Department of Agriculture.		
<i>Division of Poultry and Poultry Products.</i>		
2513-1000	For the office of the division, including not more than six permanent positions	\$12,070
<i>Division of Animal Health.</i>		
2515-1000	For the office of the division, including not more than twenty-eight permanent positions	\$1,160
	Agricultural Purposes Fund	100.0%

Item		
2515-3000	For the reimbursement of owners of diseased cattle slaughtered, prior appropriation continued	\$25,000
	<i>Division of Markets.</i>	
2516-1000	Item 2516-1000 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 1, the word "twelve" and inserting in place thereof the word: — thirteen	\$9,000
2516-7000	For a program of improving roadside marketing; provided, that the sum appropriated herein shall be expended with at least an equivalent amount of federal grants for said programs	1,000
	<i>Division of Fairs.</i>	
2518-1021	For certain prizes	\$26,000
	Agricultural Purposes Fund	100.0%
	<i>State Reclamation Board.</i>	
	<i>For the expenses of the following mosquito control projects:</i>	
2520-0900	Suffolk county	\$109,500
	Mosquito and Greenhead Fly Control Fund	100.0%
2520-1000	Central Massachusetts	169,000
	Mosquito and Greenhead Fly Control Fund	100.0%
	<i>Department of Natural Resources.</i>	
2600-0100	For the office of the commissioner, including the expenses of the natural resources board, and including not more than forty-four permanent positions; provided, that the position of deputy commissioner shall not be subject to the provisions of chapter thirty-one of the General Laws	\$26,900
	General Fund	77.8%
	Public Access Fund	2.3%
	State Recreation Areas Fund	16.5%
	Marine Fisheries Fund	3.0%
	Inland Fisheries and Game Fund	0.4%
2600-1492	From the unencumbered balance remaining in item 2600-1492 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three, the sum of fifty-four thousand dollars is hereby transferred and made available in the amount of twenty-five thousand dollars for the purpose of item 2600-1491 of said section two of said chapter four hundred and sixty-six and in the amount of \$29,000 for the purpose of item 2600-1495 of said section two of said chapter four hundred and sixty-six.	
2600-1491		
2600-1495		
	<i>Division of Forests and Parks.</i>	
2610-1000	For the office of the division, including not more than fourteen permanent positions	\$2,000
	General Fund	50.0%
	State Recreation Areas Fund	50.0%
2611-0200	For the purchase of certain equipment	74,000
	Public Access Fund	100.0%
2611-1400	For the maintenance of Scusset beach, including not more than one permanent position	21,742
	State Recreation Areas Fund	100.0%
2611-2100	For the administration and maintenance of swimming pools and skating rinks; provided, that the provisions of chapter thirty-one of the General Laws shall not apply to this item	125,000
	State Recreation Areas Fund	100.0%
2611-2121	For certain repairs and renovations to the Veteran's Memorial skating rink in Haverhill	100,000
	State Recreation Areas Fund	100.0%

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2612-9002 Item 2612-9002 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out the word "thirteen" and inserting in place thereof the word: — "fifteen" \$17,497

2613-0001 Item 2613-0001 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out the wording and inserting in place thereof the following wording: —

For the office of the state fire warden and for expenses of the northeastern interstate forest fire protection commission and for compensation of commissioners; provided, that federal funds not exceeding fifteen thousand dollars may be expended for the purpose of this item, said federal funds to be subject to transfer and allotment and to be in addition to the amount herein appropriated; including not more than sixty-one permanent positions.

Division of Law Enforcement.

2620-0100 Item 2620-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "seven" and inserting in place thereof the words: — eight \$4,816

Division of Fisheries and Game.

Federal funds received as reimbursements for expenditures from the following items shall be credited as income to the Inland Fisheries and Game Fund:

2670-0001 For the office of the division, including expenses of the fish and game board; including not more than twenty permanent positions \$1,000

Inland Fisheries and Game Fund 100.0%

2670-2300 For the administration of the fish hatcheries and for the improvement and management of lakes, ponds and rivers, including not more than fifty-two permanent positions 20,000

Inland Fisheries and Game Fund 100.0%

2670-2401 For the administration of game farms and for wildlife research and management, including not more than forty-eight permanent positions 4,500

Inland Fisheries and Game Fund 100.0%

Division of Water Resources.

2681-0502 For the administration of the Connecticut river valley flood control commission and for reimbursement for loss of taxes; provided, that certain tax losses due for the calendar year nineteen hundred and seventy-two may be paid from this item \$13,100

2681-0503 For the administration of the Merrimack river valley flood control commission; provided, that a certain tax loss due for the calendar year nineteen hundred and seventy-two may be paid from this item 34,288

Division of Water Pollution Control.

2685-0010 Item 2685-0010 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in lines 3 and 4, the word "thirty-seven" and inserting in place thereof the word: — forty-nine \$345,565

Executive Office of Communities and Development.

Department of Commerce and Development.

9091-0100 Item 3600-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three, as amended by section six B of chapter six hundred and fifty-nine

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of the acts of nineteen hundred and seventy-three, is hereby further amended by striking out, in line 2, the word "eighty-nine" and inserting in place thereof the word: — ninety-four.
Tourism and Industrial Promotion Fund

100.0%

Division of Tourism.

- 9091-0200 Item 3622-1000 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three, as amended by section six B of chapter six hundred and fifty-nine of the acts of nineteen hundred and seventy-three, is hereby further amended by striking out, in line 4, the word "six" and inserting in place thereof the word: — nine \$20,000
Tourism and Industrial Promotion Fund

100.0%

Massachusetts Science and Technology Foundation.

- 9091-2000 For the expenses of the Massachusetts Science and Technology Foundation; provided, that the foundation shall reimburse the commonwealth for appropriation made herein; and provided, further, that the sum of not less than sixty thousand dollars shall be for the purposes authorized by chapter eight hundred and fifty-two of the acts of nineteen hundred and seventy-three \$60,000

*Department of Community Affairs.**Division of Community Development.*

- 3722-9005 Item 3722-9005 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by inserting after the word "rentals", in line 2, the words: — in housing for the elderly and handicapped, pursuant to sections thirty-two and thirty-eight to forty-one, inclusive, of chapter one hundred and twenty-one B of the General Laws.
- 3722-9006 Item 3722-9006 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out the wording and inserting in place thereof the following wording: "For reimbursement to housing authorities for deficiencies caused by certain reduced rentals in housing for veterans and relocation housing pursuant to sections thirty-two and thirty-four to thirty-seven, inclusive, of chapter one hundred and twenty-one B of the General Laws; provided, that no payment shall be made from this item until said deficiencies have been certified by the state comptroller."
- 3735-9012 For the expenses of the housing appeals committee; provided, that, notwithstanding any law to the contrary, expenditures may be made from this appropriation to reimburse any member of the committee for attendance at appeals hearings at a rate of fifty dollars per session. This provision shall not apply to the departmental member appointed under the provision of the statute \$67,200
- 3722-9201 For an interest subsidy program; provided, that, notwithstanding any other provisions of law to the contrary, expenditures made hereunder shall be subject to the approval of the commissioner of community affairs 2,000,000

Division of Community Services.

- 3743-2010 For the commonwealth's share of community action programs in certain cities and towns; provided, that the commonwealth's share shall not exceed seventy per cent of the total grant, the remainder being provided by other sources in accordance with regulations promulgated by the commissioner; and provided that the commonwealth's share shall be reduced by the amount that is available from federal funds for such projects; and, further

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provided, that no expenditures or commitment made pursuant to this item shall be incurred in excess of funds which have been appropriated herein \$4,000,000

Executive Office of Human Services.

Office of the Secretary.

4000-1505 For the administration of the health facilities appeals board established under the provisions of section one hundred and sixty-six of chapter six of the General Laws, including expenses of the prior year \$15,000

Office for Children.

4130-0001 Item 4130-0001 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "fifty" and inserting in place thereof the word: — fifty-one \$99,815

Region One.

4131-1000 For administration, including not more than ten permanent positions \$18,500

Region Two.

4132-1000 For administration, including not more than ten permanent positions \$37,000

Region Three.

4133-1000 For administration, including not more than ten permanent positions \$20,000

Region Four.

4134-1000 For administration, including not more than ten permanent positions \$20,000

Region Five.

4135-1000 For administration, including not more than ten permanent positions \$20,000

Region Six.

4136-1000 For administration, including not more than ten permanent positions \$19,000

Region Seven.

4137-1000 For administration, including not more than ten permanent positions \$24,000

Other.

Commissioner of Veterans' Services.

4170-0010 For the office of the commissioner; provided, that the amount of four hundred and twenty-one dollars and twenty cents shall be allowed and paid from this item for a certain salary earned but not paid for the period from January twenty-fourth, nineteen hundred and seventy-two, to September thirtieth, nineteen hundred and seventy-two; including not more than ninety permanent positions.

4170-0425 For reimbursing the town of Medway for certain monies expended for veterans benefits, as directed by chapter two hundred and fifty-nine of the acts of nineteen hundred and seventy-three \$55,555

Soldiers' Home in Massachusetts.

4180-0100 Item 4180-0100 of section two of chapter four hundred and sixty-

Item

six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "twenty-four" and inserting in place thereof the word: — sixty \$68,000

Soldiers' Home in Holyoke.

- 4190-0100 Item 4190-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "six" and inserting in place thereof the word: — seven \$6,000
- 4190-9025 For certain improvements to the drainage system 70,000

Department of Youth Services.

- 4202-0021 For certain care programs, residential or non-residential; provided, that no expenditure shall be made for residential care under this item unless the rate setting commission, in accordance with the procedure established by section thirty L of chapter seven of the General Laws, shall have approved the rate of compensation for said residential care. The rate setting commission shall immediately upon approval of said rates file a schedule of the approved rates with the comptroller and the house and senate committees on ways and means \$1,490,000

Bureau of After-care, Delinquency Prevention and Community Services.

- 4250-1100 For the commonwealth's share of delinquency prevention programs through grants-in-aid to cities and towns and to other public agencies, and through purchases of services from private nonprofit agencies; provided, that expenditures from this item shall be contingent upon the prior approval of such programs by the commissioner of administration and shall be expended with at least an equivalent amount of city, town, county, federal or private funds; and provided, further, that no expenditure or commitment made pursuant to this item shall be incurred in excess of funds which have been appropriated herein \$35,000

Department of Correction.

- 4311-0001 For administration; provided, that the persons employed under the division of classification of prisoners shall not be subject to the civil service law and rules; and, provided further, that, notwithstanding any provision of law to the contrary, the director of civil service shall certify to the commissioner of correction, on receipt of permanent requisitions, names of correction officers to fill permanent vacancies, and the salaries of such employees for the official training period shall be paid from this item; including not more than seventy-three permanent positions \$255,300

For the maintenance of and for certain improvements at the following institutions under the control of the department of correction:

- 4312-0001 Correctional institution at Bridgewater, including not more than five hundred and eighty-six permanent positions \$199,500
- 4313-0001 Correctional institution at Walpole, including not more than three hundred and twenty-six permanent positions 34,150
- 4314-2001 Correctional institution at Concord, industries, including not more than fifteen permanent positions 45,000
- 4315-9001 For the repair and replacement of a certain ceiling, including the replacement of two refrigerators 21,000
- 4316-2001 Correctional institution at Norfolk, industries, including not more than thirty-one permanent positions 146,000
- 4343-0001 For a pre-release center at Shirley, including not more than twenty-seven permanent positions 444,000

Item

Department of Public Welfare.

- 4400-1000 For the office of the commissioner; provided that any provisional or temporary employee shall be appointed from a civil service list; provided further, that the appropriations for the food commodity distribution program in this act shall not be expended for certain rentals of space; provided further, that the position of director of food distribution programs shall not be subject to chapter thirty-one of the General Laws; provided further, that the commissioner shall report in writing to the governor the total expenditures of his department for each month within thirty days after the end of each month, and said report shall be available to the public; provided further, that, notwithstanding the provisions of section five of chapter eighteen of the General Laws, the consolidation of welfare service offices is hereby suspended; and provided further, that applications for all federal subventions and grants shall be subject to prior approval of the commissioner of administration and the house and senate committees on ways and means; and provided further, that the amount of four hundred and four dollars and eighty-six cents shall be allowed and paid from this item for a certain salary earned but not paid for the period from July first, nineteen hundred and seventy, to January eighth, nineteen hundred and seventy-one; including not more than five thousand one hundred and ninety-eight permanent positions

\$4,000,000

- 4400-1011} Item 4400-1011 of section two of chapter four hundred and sixty-
4400-1003} six of the acts of the current year is hereby amended by striking out the number 4400-1011 and inserting in place thereof the number: — 4400-1003.

Grove Hall Project.

- 4400-2000 For administration of a demonstration project, linking, integrating, and strengthening services in a neighborhood service center program; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund

\$200,000

- 4401-2000 For tuition in the public schools, including transportation to and from school, of children boarded by the department for the twelve months of the prior fiscal year

\$350,000

- 4402-5000 For a medical assistance program; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund; and provided further, that no expenditure or commitment made pursuant to this item or to any agreements authorized by chapter eight hundred of the acts of nineteen hundred and sixty-nine, for the purpose of complying with the provisions of Public Law 89-97, Title XIX shall be incurred in excess of available funds which have been appropriated therefor

\$25,000,000

- 4403-2000 For a program of aid to families with dependent children; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund

\$7,000,000

Department of Public Health.

Bureau of Administration.

- 4510-0175 For a program of surveillance and control of the eastern equine encephalitis virus in connection with the recent outbreak of the disease in humans

\$600,300

- 4510-0700 For the administration of the medical assistance unit

\$145,486

- 4510-0770 For the expenses of the registration of practitioners, health facilities and researchers pursuant to section seven of chapter ninety-four C of the General Laws

\$31,304

Item *Bureau of Environmental Sanitation.*

4511-9011 For the expenses of a rodent control program; provided, that any federal funds received for this purpose shall be credited to the General Fund \$100,000

4511-0100 Item 4511-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 1, the word "seventy-six" and inserting in place thereof the word: — seventy-seven.

Bureau of Chronic Disease Control.

4512-0160} From the unencumbered balance remaining in item 4512-0160 of
4512-0120} section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three the sum of one hundred and fifty thousand dollars is hereby transferred and made available for the purposes of item 4512-0120 of said section two of said chapter four hundred and sixty-six.

4512-0600 For a study of equine encephalitis \$5,269

Bureau of Health Services.

4513-1000 Item 4513-1000 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 1, the word "sixty-four" and inserting in place thereof the word: — eighty-one.

4513-1100 For certain expenses of prior fiscal years for the handicapped children and premature infant program \$1,383,075

4513-2110 Item 4513-2110 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by adding the words: — prior appropriation continued; provided, that certain bills for prior years in the amount of one hundred and forty-nine dollars and seventy cents shall be paid from this item.

4513-2400 For the high risk for deafness program 110,000

4513-3053 For a study of women and their offsprings who have been exposed to teratogenic or carcinogenic agents including diethylstilbestrol 36,000

Institute of Laboratories.

4516-0100 Item 4516-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "sixty-seven" and inserting in place thereof the word: — seventy-three \$201,505

Bureau of Consumer Products Protection.

4517-0150 Item 4517-0150 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out the line reading "Marine Fisheries Fund 100.0%".

For the maintenance of and for certain improvements at the following institutions under the control of the department of public health:

4531-0001 Item 4531-0001 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out the wording and inserting in place thereof the following wording: —

Lakeville hospital; provided, that there shall be allowed and spent from this item not less than nine hundred thousand dollars for a renal dialysis program, including not more than three hundred and forty-six permanent positions.

4531-9011 For the renovation or improvements or replacement of the operating room suite, power plant and cooling tower \$245,000

4532-9008 For certain fire and safety equipment 200,000

4532-9009 For certain renovations and improvements to the Lemuel Shattuck

Item		
	Hospital for a psychiatric unit and related services; provided, that any expenditures from this item shall be contingent upon prior approval of the project by the proper federal authorities and assurance by such authorities that the federal allocation will not be less than twenty-six thousand nine hundred and three dollars; total project cost not to exceed sixty-four thousand dollars	\$37,097
4533-0001	Item 4533-0001 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "thirty-seven" and inserting in place thereof the word: — thirty-eight	17,000
4533-9011	For the renovation and repair of the roofing at the school building, library and auditorium; appropriation expires June thirtieth, nineteen hundred and seventy-five	192,000
4534-9011	For the replacement or improvement to existing incinerator including, provision for air pollution abatement control; appropriation expires June thirtieth, nineteen hundred and seventy-five	70,000
4535-9011	For certain emergency repairs to the main entrance roadway including necessary repairs and renovations to existing utility lines and appurtenances; appropriation expires June thirtieth, nineteen hundred and seventy-five	165,000
4536-0001	Tewksbury Hospital, including not more than eight hundred and thirty-six permanent positions	67,000
4536-9011	For the replacement or improvement to existing incinerator including provision for air pollution control; appropriation expires June thirtieth, nineteen hundred and seventy-five	70,000
5011-0702	For a program to plan the upgrading of medical, dental, nutritional, and habilitative services for the mentally retarded, including not more than six permanent positions	75,000
5013-0100	Item 5013-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "seventeen" and inserting in place thereof the word: — eighteen.	

Department of Mental Health.

Region One.

5121-0000	Item 5121-0000 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "eighty-four" and inserting in place thereof the words: — one hundred and five.	
5191-0000	Item 5191-0000 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by inserting after the word "hospital," in line 1, the words: — provided, that, notwithstanding the provisions of section eight A of chapter twenty-nine of the General Laws, the sum of twelve thousand four hundred and ninety-nine dollars shall be allowed and paid for the installation of certain equipment; —, and by striking out, in line 2, the word "twenty-two" and inserting in place thereof the word: — eleven.	
5191-0000 } 5121-0000 }	From the unexpended balance remaining in item 5191-0000 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three the sum of fifty-six thousand four hundred and seventy-five dollars is hereby transferred and made available for the purposes of item 5121-0000 of said section two of said chapter four hundred and sixty-six.	

Region Two.

5261-0000	For the maintenance of the Gardner-Atchaf mental health center; provided, that federal funds not exceeding four hundred sixteen thousand and five hundred and twenty dollars may be expended	
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Item

	for the purposes of this item, said federal funds to be in addition to the amount transferred or appropriated; including not more than five permanent positions.	
5261-0000}	From the unencumbered balance remaining in item 5291-0000 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three the sum of forty-four thousand nine hundred and seventy-two dollars is hereby transferred and made available for the purposes of item 5261-0000 of section two of this act.	
5291-0000}		
5281-0000	For the maintenance of the Shrewsbury mental health center, including not more than two hundred and seventy-nine permanent positions	\$500,000
5281-0000}	From the unencumbered balance remaining in item 5292-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three the sum of one million dollars is hereby transferred and made available for the purposes of item 5281-0000 of section two of this act.	
5292-0100}		
5291-0000	Item 5291-0000 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "fifty-nine" and inserting in place thereof the word: — fifty four.	
5292-0100	Item 5292-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the words "five hundred and eighty-seven" and inserting in place thereof the words: — four hundred and twenty-six.	
5292-0100}	From the unencumbered balance remaining in item 5292-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three, the sum of ninety-two thousand dollars is hereby transferred and made available for the purposes of item 5221-0000 of section two of this act.	
5221-0000}		
5294-0100	Item 5294-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by inserting after the word "hospital," in line 1, the words: — including compensation of the Catholic and Protestant Chaplains of said hospital in the year nineteen hundred and seventy-three	11,632

Region Three.

5321-0000	For mental health and retardation services, including not more than one hundred and thirty-six permanent positions	\$100,000
5381-0001	For a research project of the Tay-Sachs disease, appropriation expires June thirtieth, nineteen hundred and seventy-five	75,000
5391-0000	For the maintenance of the Metropolitan state hospital, including not more than eight hundred and thirty-five permanent positions	15,000

Region Four.

5421-0000	Item 5421-0000 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "six" and inserting in place thereof the word: — "twelve"	\$43,000
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Region Five.

5521-0000	For mental health and retardation services, including not more than one hundred and twenty-four permanent positions	\$43,650
5593-0100	For the maintenance of the Cushing hospital, including not more than six hundred and eighty-nine permanent positions	205,000

Item

Region Six.

5611-0000	For administration, including not more than thirteen permanent positions	\$14,000
5621-0000	Item 5621-0000 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "seventy-nine" and inserting in place thereof the word: — ninety-nine	104,670
5661-0000	For the maintenance of the Massachusetts mental health center, including not more than three hundred and thirty-five permanent positions	10,000
5663-0100	For the maintenance of the Erich Lindemann mental health center, including not more than one hundred and ninety-three permanent positions	167,568
5691-0000	For the maintenance of the Boston state hospital, including not more than one thousand two hundred and fifty-five permanent positions	133,000

Region Seven.

5721-0000	For mental health and retardation services, including not more than one hundred and four permanent positions	\$15,443
5740-0010	For the maintenance of the Brockton multi-service center, including not more than seven permanent positions	285,000

Executive Office of Transportation and Construction.

Office of the Secretary.

6000-0100	For the office of the secretary of transportation and construction, including not more than five permanent positions	\$7,300
	Highway Fund	96.0%
	General Fund	4.0%
6006-0003	For the administration of the commission, including not more than ten permanent positions	6,250

Massachusetts Aeronautics Commission.

6006-0051	Item 6006-0051 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by adding the words: — ; provided, that federal funds not exceeding ninety thousand dollars may be expended for the purposes of this item, said federal funds to be in addition to the amount appropriated; appropriation expires June thirtieth, nineteen hundred and seventy-five.	
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Department of Public Works.

Highway Activities.

Personal Services.

6010-0001	For personal services; provided, that the salaries of all officers and employees of the department engaged in projects or activities related to highways shall, except for services provided for in item 6020-1900, be charged in full to this item; provided, that, notwithstanding the provisions of section four of chapter sixteen of the General Laws, the commissioner may appoint four additional assistants who shall serve at the pleasure of the commissioner and shall not be subject to chapter thirty-one of the General Laws and may also appoint a deputy chief counsel (counsel III) who shall not be subject to chapter thirty-one of the General Laws; including not more than four thousand six hundred and eighty-five permanent positions	\$291,550
	Highway Fund	100.0%

Item		<i>Administrative and Engineering Expenses.</i>	
6020-2401	For the purchase of all administrative and engineering equipment		\$51,000
	Highway Fund	100.0%	
6020-2501	For certain administrative and engineering expenses of the commission, the office of the public works commissioner and the divisions of administrative services, highway engineering, highway maintenance, highway construction and the district and other highway activity offices		126,966
	General Fund8%	
	Highway Fund	99.2%	
6020-3002	For certain repairs and renovations to the maintenance depot buildings in Wellesley		170,000
	Highway Fund	100.0%	
6020-3003	For certain electrical improvements in the public works building including the replacement of wiring and electrical control panels		75,000
	Highway Fund	100.0%	
6020-3004	For certain repairs and renovations to the research and materials laboratory		66,000
	Highway Fund	100.0%	

Maintenance and Operation of State Highways and Bridges.

Appropriations under this heading may be expended for traffic safety and control on certain city or town ways:

6030-7401	For the purchase of materials and supplies for the maintenance and operation of state highways and bridges, excluding those specifically provided for in items 6030-7201 and 6030-7301		\$1,696,783
	Highway Fund	100.0%	
6030-7501	For the purchase of all equipment to be used directly for the maintenance and operation of state highways and bridges		695,000
	Highway Fund	100.0%	
6030-7603	For the maintenance, repair, reconstruction, replacement and removal of vehicular bridges over railroads pursuant to chapter six hundred and thirty-four of the acts of nineteen hundred and seventy-one		1,700,000
	Highway Fund	100.0%	
6031-0131	For a property management program		20,000
	Highway Fund	100.0%	

Waterways Activities.

The salaries of all officers and employees of the department engaged in projects or activities authorized by bond issue or otherwise shall be charged in full to appropriations authorized hereunder.

Division of Waterways.

6032-2012	For the replacement of the roof at the Fall River state pier, including certain repairs and renovations, to be in addition to the amount appropriated in item 6032-2012 of section two of chapter four hundred and fifty-two of the acts of nineteen hundred and sixty-nine.		\$27,500
6032-2020	For an investigation and study of methods of control flooding in and about Congamond lake, a great pond in the town of Southwick, and Bliss pond, a great pond in the town of Ludlow, appropriation expires June thirtieth, nineteen hundred and seventy-five		30,000

Construction, Reconstruction and Betterments.

The following appropriations are for the costs of projects which come within the purposes of appropriations of the accelerated highway program and are to be in addition to sums appropriated therefor:

Item		
6033-1007	Item 6033-1007 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by adding the words: — ; and provided further, that sums herein appropriated may be used in addition to the sum appropriated under Item 6033-1024 of chapter eight hundred and thirty-three of the acts of nineteen hundred and seventy.	
6999-0006	To provide for the reimbursement to the town of Plympton for the repair of damage caused by rains and floods of March seven-teenth, nineteen hundred and sixty-eight	\$30,000
	Highway Fund	100.0%

Executive Office of Educational Affairs.

Office of the Secretary.

7000-0100	For the office of the secretary, including not more than five permanent positions	\$14,045
7000-0111	Massachusetts Intern Program Administration	44,137
7000-0112	Massachusetts Intern Program Stipends	48,000

George Fingold Library.

7000-0601	Item 7000-0601 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by inserting after the word "library," in line 1, the words: provided, that the sum of twenty-seven thousand, seven hundred and fifty-two dollars shall be paid from this item for certain salary expenditures of the prior year.	
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New England Board of Higher Education.

7000-0811	For payments to medical or dental schools on acceptance of certain Massachusetts students	\$17,500
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Department of Education.

Board of Education.

Board of Education and Commissioner's Office.

7010-0007	For certain payments for the use of the facilities of the U.S.S. Massachusetts Memorial Committee, Inc.; provided, that children sixteen years of age or under shall be admitted without charge	\$25,000
7010-0014	For the administration of the advisory council for experimental schools and the operation of one such school, including not more than eighteen permanent positions	65,000
7010-0016	Item 7010-0016 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by inserting after the word "program", in line 1, the words: — , including certain expenses for prior years	15,000

Division of Special Education.

No payments shall be made from appropriations made under the following items until the following provisions have been complied with and notification of such compliance filed with the senate and house ways and means committees on or before January fifteenth, nineteen hundred and seventy-four; the department of education shall, with the concurrence with the executive offices of educational affairs and administration and finance, notify each school involved, in writing, listing the

students for whom the commonwealth will pay, the dates from which they are to be paid and the rate of a payment; payments for students attending schools prior to the effective date of this act shall be made only after the department, in concurrence with said executive offices, shall have developed and stipulated a policy regarding such payments; all such payments shall be made in accordance with section twenty-six of chapter sixty-nine and sections forty-six I, forty-six K and forty-six L of chapter seventy-one of the General Laws. Notwithstanding any provision of law to the contrary, retroactive payments may be made for qualified children in placement or for children who may be qualified.

Item		
7028-0301	For the educational expenses of certain emotionally disturbed children, as defined in section forty-six I of chapter seventy-one, of the General Laws, including expenses for the prior fiscal year	\$1,287,000
7028-0701	Item 7028-0701 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 3, the word "year" and inserting in place thereof the word: — years	897,056
7028-0901	Item 7028-0901 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by adding the words: — ; provided, that the sum of four thousand eight hundred and forty-five dollars shall be allowed and paid from this item for certain expenses of prior years	457,700
7028-2802	For the expenses of conducting a learning impairment program, as authorized by section forty-six L of chapter seventy-one of the General Laws, including necessary reimbursement of cities and towns	1,084,460

Division of Curriculum and Instruction.

7030-0110	Item 7030-0110 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "five" and inserting in place thereof the word: — ten.	
7032-0202	For the expenses and the services of an educational television program	\$314,799
7035-0004	For reimbursement of certain cities and towns and regional school districts for the transportation of pupils	12,767,587

Division of Research and Development.

7044-1801	For certain payments for the use of facilities of the museum of science	\$60,000
	State Recreation Areas Fund	100.0%

Board of Higher Education.

7070-0001	For the office of the board, including the salary of the chancellor and including not more than twenty-two permanent positions	\$40,000
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Board of Trustees of State Colleges.

For the administration and maintenance of and for certain improvements at state colleges and the boarding halls attached thereto and the Massachusetts maritime academy with the approval of the board of trustees:

7101-0001	Item 7101-0001 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 1, the word "forty-four" and inserting in place thereof the word: — forty-six	\$20,000
7108-0100	State college at Boston, including not more than five hundred and seventy-two permanent positions	230,000

Item	
7108-9003	For furnishings and equipment for the Harvard building \$450,000
7109-0100	Item 7109-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the words "sixty-nine" and inserting in place thereof the words: — eighty-seven 47,000
7113-0100	Item 7113-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "seven" and inserting in place thereof the word: — eight 7,000
7109-9104	For the paving and improvement of certain parking lots 20,000
7112-9001	For renovations and repairs of the Governor Allen building 100,000
7117-0100	Massachusetts college of art, including not more than one hundred and twenty-six permanent positions 111,538
7118-0100	Massachusetts maritime academy and ship, including not more than one hundred and forty permanent positions 33,896
7118-9704	For dredging and related repairs to docking facilities 100,000
	Harbor and Inland Waters Fund 100.0%
7130-0100	For the cost of utilities and other services furnished to projects constructed by the Massachusetts State Colleges Building Authority during the fiscal years nineteen hundred and seventy, nineteen hundred and seventy-one, nineteen hundred and seventy-two and nineteen hundred and seventy-three; provided, that no expenditures from this item shall be made until there is deposited in the state treasury by the board of trustees of the state colleges the sum of two hundred and forty thousand dollars; and provided further, that the following provisions of the appropriation acts relative to the transfer of the estimated cost of utilities by the said building authority are hereby repealed: section two of chapter three hundred and seventy of the acts of nineteen hundred and seventy; section two A of chapter four hundred and eighty of the acts of nineteen hundred and seventy; section two A of chapter eight hundred and thirty-three of the acts of nineteen hundred and seventy; section two A of chapter seven hundred and nineteen of the acts of nineteen hundred and seventy-one and section two A of chapter five hundred and fourteen of the acts of nineteen hundred and seventy-two 240,000

Lowell Technological Institute.

7210-0000	For the maintenance of the institute, with the approval of the trustees; provided, that said institute is hereby authorized to conduct a summer school at no expense to the commonwealth, and for said purpose the institute may receive and expend income derived therefrom; including not more than five hundred and forty-seven permanent positions \$150,000
7210-9002	For an environmental and economic impact study for an oil refinery site in the Lowell-Dracut area 350,000
	Highway Fund 100.0%
8072-56	Item 8072-56 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by adding at the end thereof, the words: — " ; provided, that the amount of three hundred thousand dollars is hereby transferred from the unallotted balance of item 8072-54'".

Southeastern Massachusetts University.

7310-0000	For the maintenance of the university, with the approval of the trustees; provided, that the university is hereby authorized to conduct a summer school at no expense to the commonwealth,
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Item

and for said purpose the university may receive and expend income derived therefrom; including not more than five hundred and sixty-seven permanent positions \$104,229

University of Massachusetts.

- 7400-0014 For a general court staff fellowship program \$11,000
- 7400-9704 Item 7400-9704 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by adding the following two lines: —
- Agricultural Purposes Fund 50.0%
- General Fund 50.0%
- 7410-0000 For the maintenance of the university, with the approval of the trustees; provided, that the trustees may, in addition to the sums appropriated, receive and expend as university trust funds under section eleven of chapter seventy-five of the General Laws, at no expense to the commonwealth, without appropriation, funds received from the operation of the boarding halls and from university health services; provided further, that there shall be transferred from the receipts of said boarding halls the sum of two hundred and forty-five thousand dollars to the General Fund to meet the estimated cost of heat, light, power and rental of facilities at present available for the purpose and the estimated cost of certain employee fringe benefits to be furnished by the commonwealth; provided further, that the commonwealth shall furnish heat, light, power and necessary repairs to the infirmary building and pay the commonwealth's share of the cost of employee fringe benefits of the university health services trust fund; and, provided further, that the university health services trust fund shall furnish, without charge, health services required by law to be furnished at the university by the commonwealth; including not more than three thousand six hundred and eighty-two positions 200,000
- 7410-9002 For certain repairs to Tobin hall, appropriation expires June thirtieth, nineteen hundred and seventy-four 80,000
- 7414-1002 For expenses in connection with research projects for which the commonwealth shall be fully reimbursed, prior appropriation continued; provided, that on and after the effective date of this act the trustees may receive and expend, at no expense to the commonwealth, funds for such research projects without further appropriation.
- 7416-1001 For the maintenance of the facilities of the university in the city of Boston; provided, that the administrative expenses may be incurred for this operation, with the approval of the trustees, from the amounts appropriated for the maintenance of the university at Amherst; including not more than nine hundred and sixty-seven permanent positions 950,000

Massachusetts Board of Regional Community Colleges.

For the administration and maintenance of and for certain improvements of community colleges with the approval of the board of regional community colleges:

- 7502-0100 Berkshire community college, including not more than one hundred and fifty-nine permanent positions \$99,500
- 7503-0100 Item 7503-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "seventy-four" and inserting in place thereof the words: — seventy-five 6,000
- 7504-0100 Cape Cod community college; provided, that there shall be allowed and paid from this item the sum of three thousand, nine hundred and forty-four dollars for certain salaries earned, but not paid for the period August thirtieth, nineteen hundred and

Item		
	seventy to June thirtieth, nineteen hundred and seventy-two, including not more than one hundred and forty-nine permanent positions	\$55,500
7505-0100	Greenfield community college, including not more than one hundred and twenty-five permanent positions	61,000
7505-9102	For the expenses in moving the present facilities to the new campus, appropriation expires June thirtieth, nineteen hundred and seventy-five	35,000
7506-9001	For expenses in moving the present facilities to the new campus, appropriation expires June thirtieth, nineteen hundred and seventy-five	35,000
7507-7001	Elizabeth Seton school in Wellesley	169,849
7508-0100	Item 7508-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "fifty-eight" and inserting in place thereof the word: — sixty-two	36,000
7509-0100	Mount Wachusett community college, including not more than one hundred and eighteen permanent positions	30,152
7510-0100	Item 7510-0100 of Section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by inserting after the word "college," in line 1, the words: — provided, that certain prior years bills in the amount of forty-eight thousand five hundred dollars shall be paid from this item;	100,500
7511-0100	North Shore community college, including not more than one hundred and eighty-two permanent positions	10,000
7512-0100	Quinsigamond community college, including not more than one hundred and ninety permanent positions	32,948
7516-0100	Middlesex community college, including not more than one hundred permanent positions	90,000
7518-0100	Item 7518-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 2, the word "twenty-five" and inserting in place thereof the word: — thirty-three	130,500
7800-0001	For the development of an open university	100,000

Executive Office of Public Safety.

Department of Public Safety.

8311-1000	For the administration of the department, including not more than one hundred and fourteen permanent positions	\$8,000
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Division of State Police.

8312-0100	Item 8312-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out in line five the word "sixty-one" and inserting in place thereof the word: — "seventy-two"	\$470,348
8312-5000	For L.E.A.A. hard cash match	143,008

Division of Fire Prevention.

8314-1000	For the administration of the division, including not more than twenty-five permanent positions	\$23,000
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Division of Inspection.

8315-1000	For the administration of the division; provided, that the position of examiner of elevator operators and the position of tramway license examiner shall not be subject to the provisions of chapter thirty-one of the General Laws; including not more than eighty-four permanent positions	\$10,000
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Item

Registry of Motor Vehicles.

8400-0001	Item 8400-0001 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 6, the word "eighteen" and inserting in place thereof the word: — thirty-three	\$300,000
8400-0002	Item 8400-0002 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 3, the word "twenty-nine" and inserting in place thereof the word: — thirty.	
8400-0029}	For the acquisition of land, or land with buildings thereon by purchase or by eminent domain under chapter seventy-nine of the General Laws; provided, that no payment shall be made for the acquisition of said property until at least an independent appraisal of the value thereof has been made by a qualified, disinterested appraiser; and, provided further, that the cost of such appraisal, or appraisals, shall be charged to this item; and for the preparation of plans and the construction of a registry building in Beverly, including the cost of furnishings and equipment to be in addition to the amount appropriated in item 6111-0029 of section two of chapter three hundred and forty-six of the acts of nineteen hundred and seventy-two	
6111-0029}		205,000
	Highway Fund	100.0%
8400-0035	For the acquisition of land in the city of Haverhill for a branch office for the registry, or land with a building thereon; provided, that no payment shall be made for the purchase of such property until an independent appraisal of the value of the property has been made by a qualified, disinterested appraiser; and either for the construction of a building or for the alteration and renovation of existing building thereon, including the cost of necessary furnishings and equipment	400,000
	Highway Fund	100.0%
8400-0036	For plans for expansion at the Woburn registry branch office	25,000
	Highway Fund	100.0%

Division of Marine and Recreational Vehicles.

8420-0001	Item 8420-0001 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by adding the following line: — Recreational Vehicle Fund	100.0%
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Executive Office of Manpower Affairs.

Department of Labor and Industries.

9020-1001	For general administration of the department, including not more than fourteen permanent positions	\$1,600
	<i>For the personal services and expenses of the following agencies of the department:</i>	
9020-2001	Item 9020-2001 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in lines 1 and 2, the word "seventy-nine" and inserting in place thereof the word: — ninety-four	\$229,556
9020-3001	Item 9020-3001 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by striking out, in line 1, the word "fifteen" and inserting in place thereof the word: — twenty-one	127,000
9020-7001	Board of conciliation and arbitration, including not more than fourteen permanent positions	1,800

Division of Industrial Accidents.

9050-3000	For the compensation of certain public employees for injuries	
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Item

sustained in the course of their employment, including previous fiscal years \$210,000

Highway Fund	35.0%
General Fund	65.0%

Executive Office of Consumer Affairs.

State Racing Commission.

9210-0001 For the office of the commission; provided, that fees paid to veterinarians for services in connection with horse racing shall not exceed forty-five dollars per diem and in connection with dog racing shall not exceed thirty-five dollars per diem, including not more than nineteen permanent positions \$20,159

Agricultural Purposes Fund	7.5%
General Fund	92.5%

Consumers' Council.

9214-0001 For the administration of the council, including not more than nine permanent positions \$125,000

Department of Banking and Insurance.

Division of Insurance.

9222-0100 Item 9222-0100 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by adding the following two lines: —

Highway Fund	30.0%
General Fund	70.0%

Division of Registration.

For the services of the following agencies in the division:

9230-1300 Item 9230-1300 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three is hereby amended by inserting after the word "electricians," in line 1, the words: — provided, that a certain salary in the amount of one hundred and sixty-eight dollars earned but not paid in nineteen hundred and seventy-two shall be paid from this item; \$168

9230-1700 Board of registration of barbers, including not more than ten permanent positions 500

Department of Public Utilities.

Commercial Motor Vehicle Division.

9272-0001 For the office of the division, including not more than thirty-nine permanent positions \$40,000

SECTION 3. Chapter 446 of the acts of 1973 is hereby amended by striking out section 18 and inserting in place thereof the following section: —

Section 18. No department of the commonwealth shall occupy, or make any expenditure for the maintenance of, any land, buildings or other state-owned or state-occupied facilities or other property other than that under its control or jurisdiction; and no department of the commonwealth shall authorize or otherwise allow the use by any private agency of such land, buildings or facilities under its control or jurisdiction unless such use or expenditure shall have been approved by the house and senate committees on ways and means after recommendation by the commissioner of

administration; provided, that any present usage of a portion or portions of the said land, buildings, or facilities is hereby approved to January thirty-first, nineteen hundred and seventy-four. After this date any continuation of said use must be explicitly authorized in accordance with this section.

SECTION 4. Section 1 of chapter seven hundred and twenty-five of the acts of nineteen hundred and seventy as most recently amended by section 2C of chapter four hundred and thirty-nine of the acts of nineteen hundred and seventy-three is hereby amended by inserting after the word "Roxbury", in line 26, the words: — "and the enclosing of the Walter D. Bryan Memorial Rink in West Roxbury".

SECTION 5. The governor shall immediately implement the provisions of section one hundred and sixty-three of chapter six of the General Laws, establishing a board to be known as the Management Engineering Task Force.

SECTION 6. Section 16D of chapter 514 of the acts of 1972 is hereby amended by adding the words: — ; provided, that those recipients determined by the commissioner of public welfare to be ambulatory shall receive an additional fifteen dollars monthly.

I disapprove Item 0125-0010; Item 0127-0030; Item 0136-0101; Item 0143-0000; Item 0142-0000; Item 0169-7104; Item 0185-0000; Item 0185-0001; Item 0185-7001; Item 0185-7106; Item 0185-7206; Item 0185-7401; Item 0185-7403; Item 0302-0401; Item 0305-6091; Item 0305-6111; Item 0305-6121; Item 0514-1010; Item 0611-5000; Item 0612-0100; Item 0710-0000; Item 1233-1000; Item 1599-0058; Item 2425-9014; Item 2444-9003; Item 2444-9013; Item 2444-9033; Item 2444-9039; Item 2444-9041; Item 2515-1000; Item 2516-1000; Item 2516-7000; Item 2518-1021; Item 2611-0200; Item 2612-9002; Item 9091-0200; Item 4170-0425; Item 4180-0100; Item 4190-0100; Item 4190-9025; Item 4511-9011; Item 4513-3053; Item 4517-0150; Item 4531-0001; Item 4532-9008; Item 4532-9009; Item 4536-0001; Item 5381-0001; Item 5621-0000; Item 6020-2401; Item 6032-2020; Item 7035-0004; Item 7044-1801; Item 7101-0001; Item 7108-9003; Item 7109-0100; Item 7109-9104; Item 7112-9001; Item 7113-0100; Item 7118-0100; Item 7118-9704; Item 7210-0000; Item 7210-9002; Item 8072-56; Item 7310-0000; Item 7503-0100; Item 7506-9001; Item 7508-0100; Item 7518-0100; Item 8400-0002; Item 8400-0035; Item 8400-0036; Item 9214-0001;

I reduce Item 0185-7302 to \$25,000;

I reduce Item 0305-6141 to \$17,753;

I reduce Item 0306-0001 to \$45,000;

I reduce Item 3743-2010 to \$2,000,000;

I reduce Item 4250-1100 to \$.00;

I reduce Item 4513-2400 to \$30,000;

I reduce Item 6030-7501 to \$535,000;

I reduce Item 7108-0100 to \$30,000;

I reduce Item 7502-0100 to \$8,000;

I reduce Item 7504-0100 to \$20,000;

*I reduce Item 7509-0100 to \$20,719;
I reduce Item 8312-0100 to \$275,348;
I reduce Item 8400-0001 to \$175,000;
I reduce Item 9020-3001 to \$62,977;
I reduce Item 3722-9201 to \$1,250,000.
The remainder of this bill I hereby approve.*

Approved December 11, 1973.

Chap. 1182. AN ACT EXTENDING THE TIME WITHIN WHICH THE ELIGIBLE LIST FOR REGISTRY OF MOTOR VEHICLES EXAMINER SHALL BE EFFECTIVE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for the extension of the effective time of the eligible list for Registry of Motor Vehicles Examiner, therefore it is hereby declared to be an emergency law, necessary for the preservation of the public convenience.

Be it enacted, etc., as follows:

The present existing eligible civil service list for appointment as registry of motor vehicles examiner is hereby extended until such time as a new list is established and certified.

Approved December 11, 1973.

Chap. 1183. AN ACT FURTHER REGULATING CREDITABLE SERVICE UNDER THE CONTRIBUTORY RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES FOR CERTAIN VETERANS.

Be it enacted, etc., as follows:

Paragraph (j) of subdivision (1) of section 5 of chapter 32 of the General Laws, as appearing in chapter 889 of the acts of 1967, is hereby amended by inserting after the word "fifty-five", in line 3, the words: — or between August fifth, nineteen hundred and sixty-four, and January twenty-eighth, nineteen hundred and seventy-three.

Approved December 11, 1973.

Chap. 1184. AN ACT PERMITTING THE NATIONAL LANCERS TO RECEIVE WITHOUT CHARGE SURPLUS EQUIPMENT, GOODS AND MATERIALS FROM THE COMMONWEALTH AND THE FEDERAL GOVERNMENT.

Be it enacted, etc., as follows:

Section 4A of chapter 33 of the General Laws, inserted by section 2 of chapter 722 of the acts of 1964, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — Said organization may use land and stable facilities belonging to the commonwealth for its activities, equipment

and exercises without charge and may receive from the commonwealth, its departments, divisions or bureaus or the federal government, without charge, any surplus equipment, goods, or other materials, as are available, provided that all such equipment, goods and materials remain the property of the commonwealth and are accounted for as such.

Approved December 11, 1973.

Chap. 1185. AN ACT RELATIVE TO THE METHOD OF PAYMENT OF COST-OF-LIVING ADJUSTMENTS FOR RETIRED PUBLIC EMPLOYEES.

Be it enacted, etc., as follows:

Section 102 of chapter 32 of the General Laws is hereby amended by striking out paragraph (d), as appearing in section 7 of chapter 793 of the acts of 1972, and inserting in place thereof the following paragraph: —

(d) One quarter of any payment due under the provisions of section two of chapter six hundred and sixty-one of the acts of nineteen hundred and sixty-six, as amended by section one of chapter four hundred and eight of the acts of nineteen hundred and sixty-seven, and any supplemental payment provided for in this section shall become due and payable on March thirty-first, July first, September thirtieth, and December thirty-first of each year during the continuance of such pension, retirement allowance or annuity; subject, however, to paragraph (b) of this section and to any future upward or downward change provided in this section, and shall be paid only to such living former employees or widows or other beneficiaries, as had received their full regular pension, retirement allowance or annuity payment for the month of February, May, August and November in each such year.

Approved December 11, 1973.

Chap. 1186. AN ACT AUTHORIZING THE ESTABLISHMENT OF OUT-OF-HOSPITAL DIALYSIS UNITS UNDER THE SUPERVISION OF THE DEPARTMENT OF PUBLIC HEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 4H of chapter 111 of the General Laws, as most recently amended by chapter 498 of the acts of 1968, is hereby further amended by adding at the end thereof the following: — The department may enter into agreements with out-of-hospital dialysis units licensed under the provisions of section fifty-one A for the care and treatment of persons suffering from renal disease; provided, that said units are licensed and operated pursuant to the rules and regulations of the department relative to out-of-hospital dialysis units; and, provided further, that any such agreement with an out-of-hospital dialysis unit be made in conjunction with a facility operated by the department which provides in-patient care and treatment for persons suffering from renal disease. Any pay-

ment made by the department or any other agency of the commonwealth to an out-of-hospital dialysis unit with which an agreement has been made in accordance with the provisions of this section shall be subject to the provisions of sections thirty K to thirty P, inclusive, of chapter seven and shall in no case be in excess of any applicable rate determined by the rate setting commission or any successor agency.

SECTION 2. Said chapter 111 is hereby further amended by inserting after section 51 of the following section: —

Section 51A. The department shall establish rules and regulations for the licensing of out-of-hospital dialysis units not operated as a part of a hospital licensed under this chapter. The department shall issue for a term of two years and renew for a like term, a license to maintain an out-of-hospital dialysis unit to any person whom it deems responsible and suitable to establish and maintain such a unit; provided, that said person presents evidence satisfactory to the department that said person has and maintains a written agreement with a hospital licensed under this section which maintains a chronic dialysis unit for supportive services deemed necessary by the department through regulation. Any license so granted shall be deemed an original license. Said licenses shall be subject to suspension, revocation, or refusal to renew for cause, subject to the provisions of this section. The fee for issue or renewal of said license shall be twenty-five dollars.

SECTION 3. Section 52 of said chapter 111, as most recently amended by section 2 of chapter 891 of the acts of 1967, is hereby further amended by adding the following paragraph: —

"Out-of-hospital dialysis unit", a unit, however named, maintained separately from a hospital or a license issued thereto, whether conducted for charity or for profit for the purpose of providing dialysis treatment to persons suffering from renal disease. It shall not include a dialysis unit maintained as part of a hospital.

SECTION 4. Section 53 of said chapter 111, as most recently amended by section 3 of said chapter 891, is hereby further amended by inserting after the fifth sentence the following sentence: — The department shall promulgate rules and regulations for the conduct of out-of-hospital dialysis units, which rules and regulations shall include requirements for the care and treatment of patients, the keeping of proper medical records, provisions for the referral of patients to the unit, provisions for the referral of patients to other modes of treatment, including kidney transplant and home dialysis and provisions of in-hospital and other supportive services as deemed necessary by the department through regulation.

SECTION 5. Section 54 of said chapter 111, as most recently amended by section 4 of said chapter 891, is hereby further amended by inserting after the word "mothers", in lines 3 and 7, in each instance, the words "out-of-hospital dialysis units".

SECTION 6. Any person who upon the effective date of this act is operating an out-of-hospital dialysis unit, under the approval of the department of public health, in conjunction with and under the

license of a hospital may apply for, and shall be issued, a license for a term of two years which shall, wherever applicable in section fifty-one A of chapter one hundred and eleven of the General Laws, inserted by section two of this act, be deemed a renewal license, and not an original license. *Approved December 11, 1973.*

Chap. 1187. AN ACT CONFERRING ALL THE POWERS OF A REGIONAL SCHOOL DISTRICT UPON THE NORTH SHORE REGIONAL VOCATIONAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

Section 6 of chapter 545 of the acts of 1972 is hereby amended by adding after clause (m) the following clause: —

(n) To exercise all the powers of a regional school district organized under chapter seventy-one of the General Laws.

Approved December 11, 1973.

Chap. 1188. AN ACT CORRECTING AN ERROR MADE IN THE DETERMINATION OF THE AREA OF CERTAIN STATE-OWNED LAND IN THE TOWN OF LYNNFIELD.

Be it enacted, etc., as follows:

In order to correct an error in the determination of the area of land owned by the commonwealth and used as a state military camp within the town of Lynnfield, for the purposes of sections thirteen to twenty-eight B of chapter fifty-eight of the General Laws, beginning January first, nineteen hundred and seventy-two, the state tax commission shall determine said land area to be three hundred and twenty-three and seven tenths acres and shall determine the reimbursement due said town under said chapter fifty-eight upon said acreage in lieu of the determination made by the state tax commission in calendar year nineteen hundred and seventy-two.

Approved December 11, 1973.

Chap. 1189. AN ACT AUTHORIZING VIETNAM VETERANS TO ATTEND SUMMER SESSIONS AND EVENING CLASSES CONDUCTED BY COMMUNITY COLLEGES WITHOUT CHARGE FOR TUITION.

Be it enacted, etc., as follows:

SECTION 1. Section 39 of chapter 15 of the General Laws, inserted by section 1 of chapter 737 of the acts of 1964, is hereby amended by adding the following two sentences: — Vietnam veterans whose service was credited to the commonwealth may attend such summer sessions and evening classes tuition free, if academically qualified. The cost of instruction for each Vietnam veteran who attends such sessions and classes shall be borne by the commonwealth.

SECTION 2. Chapter 73 of the General Laws is hereby amended by inserting after section 8 the following section: —

Section 8A. Vietnam veterans whose service was credited to the commonwealth may attend summer sessions and evening classes at any state college tuition free, if academically qualified.

SECTION 3. Any Vietnam veteran eligible for federal funds as reimbursement, either in whole or in part, for tuition fees incurred for attendance at such summer sessions or evening classes, shall be assessed a tuition fee, by such institution, equal to the amount of federal reimbursement available for such tuition fees.

Approved December 11, 1973.

Chap. 1190. AN ACT RELATIVE TO THE LAW PROVIDING FOR THE REGULATION OF DRUGS AND CONTROLLED SUBSTANCES.

Be it enacted, etc., as follows:

SECTION 1. Clause (b) of the definition of "Administer" in section 1 of chapter 94C of the General Laws, as appearing in section 1 of chapter 1071 of the acts of 1971, is hereby amended by striking out, in line 1, the words "registered nurse or licensed practical".

SECTION 2. The definition of "Immediate precursor" in said section 1 of said chapter 94C, as so appearing, is hereby amended by striking out, in line 2, the word "the" and inserting in place thereof the word: — a.

SECTION 3. The definition of "Manufacture" in said section 1 of said chapter 94C, as so appearing, is hereby amended by striking out clause (b) and inserting in place thereof the following two clauses: —

(b) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale, or

(c) by a pharmacist in the course of his professional practice.

SECTION 4. Said section 1 of said chapter 94C is hereby further amended by inserting after the definition of "Narcotic drug", as so appearing, the following definition: —

"Nurse", a nurse registered or licensed pursuant to the provisions of section seventy-four or seventy-four A of chapter one hundred and twelve, a graduate nurse as specified in section eighty-one of said chapter one hundred and twelve or a student nurse enrolled in a school approved by the board of registration in nursing.

SECTION 5. Said section 1 of said chapter 94C, as so appearing, is hereby further amended by striking out the definitions of "Practical nurse" and "Registered nurse".

SECTION 6. The definition of "Ultimate user" in said section 1 of said chapter 94C, as so appearing, is hereby amended by inserting after the word "household", in line 2, the words: — or for the use of a patient in a facility licensed by the department.

SECTION 7. Subsection (a) of section 7 of said chapter 94C, as so appearing, is hereby amended by striking out, in line 1, the word "distributes," and inserting in place thereof the words: — distributes or.

SECTION 8. Subsection (d) of said section 7 of said chapter 94C, as so appearing, is hereby amended by inserting after the word "possess", in line 2, the words: — and distribute.

SECTION 9. Said section 7 of said chapter 94C, as so appearing, is hereby further amended by inserting after subsection (f) the following subsection: —

(g) The commissioner may by regulation authorize the registration for a specific activity or activities requiring registration under this section of such persons as he determines to be qualified for such registration.

SECTION 10. Subsection (a) of section 9 of said chapter 94C, as so appearing, is hereby amended by striking out, in line 12, the words "registered nurse or licensed practical".

SECTION 11. Subsection (b) of said section 9 of said chapter 94C, as so appearing, is hereby amended by striking out, in line 5, the words "registered nurse or licensed practical".

SECTION 12. Subsection (c) of said section 9 of said chapter 94C, as so appearing, is hereby amended by striking out, in line 1, the words "registered nurse or licensed practical".

SECTION 13. Subsection (d) of said section 9 of said chapter 94C, as so appearing, is hereby amended by inserting after the word "commissioner", in line 3, the words: — or by his specially authorized agent.

SECTION 14. Section 10 of said chapter 94C, as so appearing, is hereby amended by striking out, in line 2, the word "applicant" and inserting in place thereof the word: — registrant.

SECTION 15. Subsection (a) of section 27 of said chapter 94C, as so appearing, is hereby amended by inserting after the word "supplies", in line 5, the words: — , student engaged in an activity necessary to a course prescribed by a school of medicine, dentistry, podiatry, veterinary medicine, nursing or embalming approved under the provisions of chapter one hundred and twelve — , and by inserting after the word "hospital", in line 8, the words: — or other facility licensed by the department.

SECTION 16. Subsection (b) of said section 27 of said chapter 94C, as so appearing, is hereby amended by inserting after the word "supplies", in line 6, the words: — , a student enrolled in a course for which such possession is necessary and prescribed at an approved school of medicine, dentistry, podiatry, veterinary medicine, nursing or embalming — , and by inserting after the word "hospital", in line 11, the words: — , clinic, nursing home, rest home or detoxification facility licensed by the department.

SECTION 17. Subsection (e) of said section 27 of said chapter 94C, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — No person except a manufacturer of or dealer in surgical supplies, a manufacturer of or dealer in embalming supplies, a pharmacist or wholesale druggist, which pharmacist or wholesale druggist is licensed under the provisions of chapter one hundred and twelve, shall sell, offer for sale, deliver, or have in possession with intent to

sell hypodermic syringes, hypodermic needles or any instrument adapted for the administration of controlled substances by injection, unless licensed so to do by the department.

Approved December 11, 1973.

Chap. 1191. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN AND THE DUKES COUNTY PLANNING AND ECONOMIC DEVELOPMENT COMMISSION TO EXPEND MONEY FOR TRAVEL.

Be it enacted, etc., as follows:

SECTION 1. Chapter 425 of the acts of 1963 is hereby amended by striking out section 1, as most recently amended by chapter 30 of the acts of 1973, and inserting in place thereof the following section: —

Section 1. The county commissioners of the county of Franklin may, for the purpose of protecting the interests of said county and to provide for land use planning and the economic development thereof, expend such sums, not exceeding in the aggregate, twenty thousand dollars, as may be appropriated therefor, provided that any monies expended for travel expenses shall be allocated from the voluntary contributions, either public or private, which were deposited in said treasury for the purposes of said commission. For the purposes of this act, the county may accept gifts, donations, and contributions, and expend such sums providing they have been deposited with the county treasurer. Said commissioners may expend such sums, whether they are appropriated or otherwise received, for research, and planning such use of the land and water areas of said county, as, in their judgment, will accomplish the purposes of this act, including travel within and without the commonwealth, and may advertise, prepare, print and distribute books, maps, charts, and pamphlets and take any other action, which in their judgment, will further the purposes of this act.

SECTION 2. Section 2 of chapter 690 of the acts of 1966 is hereby amended by inserting after the word "required", in line 8, the words: — and may expend money for travel within and without the commonwealth in accordance with such policy guidelines as are issued by the commission.

SECTION 3. Section 3 of said chapter 690 is hereby amended by inserting after the word "dollars", in line 4, the words: — , provided that any monies expended for travel expenses shall be allocated from the voluntary contributions, either public or private, which were deposited in said treasury for the purposes of this commission.

Approved December 11, 1973.

Chap. 1192. AN ACT FURTHER REGULATING THE DUTIES AND SALARIES OF THE COMMISSIONERS OF THE DEPARTMENT OF LABOR AND INDUSTRIES, AND IMPLEMENTING THE MINIMUM WAGE LAW, SO CALLED.

Be it enacted, etc., as follows:

SECTION 1. Chapter 23 of the General Laws is hereby amended by striking out section 2, as most recently amended by chapter 768 of the acts of 1973, and inserting in place thereof the following section: —

Section 2. Upon the expiration of the term of office of a commissioner, an assistant commissioner or an associate commissioner, his successor shall be appointed by the governor for a term coterminous with that of the governor. The commissioner shall receive a salary of twenty thousand six hundred and seventy dollars, the associate commissioner who is appointed to serve as chairman of the board of conciliation and arbitration shall receive a salary of twenty thousand dollars while he is serving as such chairman, the assistant commissioner shall receive a salary of fifteen thousand dollars and the other associate commissioner shall receive a salary of twelve thousand three hundred and thirty-four dollars.

SECTION 2. Said chapter 23 is hereby further amended by striking out section 7, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 7. The associate commissioners shall constitute the board of conciliation and arbitration, and shall have the powers and perform the duties given them by chapter one hundred and fifty relative to conciliation and arbitration of industrial disputes. The governor shall designate, from time to time, one of the commissioners to serve as chairman, who shall be executive head of the board.

SECTION 3. Chapter 150 of the General Laws is hereby amended by striking out section 10, as so appearing, and inserting in place thereof the following section: —

Section 10. The chairman of the board of conciliation and arbitration shall make an annual report of the actions of the board.

SECTION 4. Chapter 151 of the General Laws is hereby amended by striking out section 1, as most recently amended by section 1 of chapter 752 of the acts of 1972, and inserting in place thereof the following section: —

Section 1. It is hereby declared to be against public policy for any employer to employ any person in an occupation in this commonwealth at an oppressive and unreasonable wage as defined in section two, and any contract, agreement or understanding for or in relation to such employment shall be null and void. A wage of less than one dollar and eighty-five cents per hour in any occupation, as defined in this chapter, or a rate established by the federal government, whichever is greater, shall be conclusively presumed to be oppressive and unreasonable, whenever the term "minimum wage" is used in this chapter; provided that the commissioner may expressly approve the establishment and payment of a lesser wage under the provision of sections seven and nine.

SECTION 5. Section 2 of said chapter 151 is hereby amended by striking out the definitions of "Commission" and "Wage board",

as appearing in section 1 of chapter 432 of the acts of 1947.

SECTION 6. Sections four, five and six of said chapter one hundred and fifty-one are hereby repealed.

SECTION 7. Said chapter 151 is hereby further amended by striking out section 7, as most recently amended by section 2 of chapter 752 of the acts of 1972, and inserting in place thereof the following section: —

Section 7. The commissioner may, and upon the petition of fifty or more citizens of the commonwealth shall, undertake such investigation as may be required to ascertain whether any substantial number of persons in any occupation are receiving oppressive and unreasonable wages, as defined in section one. The commissioner may, subsequent to such investigation, differentiate and classify employments in any occupation according to the nature of the service rendered and recommend appropriate minimum fair wage rates for different classes of employment. The commissioner may establish minimum fair wage rates varying with localities if in its judgement conditions make such local differentiation proper and will not cause unreasonable discrimination against any locality. The commissioner may establish a suitable scale of rates for learners and apprentices in any occupation or occupations, which scale of learners' and apprentices' rates may be less than the regular minimum fair wage rates established for experienced persons in such occupation or occupations, provided that in a retail, merchandising or laundry establishment such scale of learners' and apprentices' rates shall apply only to the first eighty hours during which such learner or apprentice is employed.

The commissioner shall not establish minimum fair wage rates below one dollar and eighty-five cents per hour, except for learners and apprentices, and except for ushers, ticket sellers and ticket takers whose minimum fair wage rates shall not be below one dollar and twenty-five cents, and except for service people who customarily and regularly receive more than twenty dollars a month in tips and in determining whose minimum fair wage rates the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of forty per cent of the applicable minimum wage rate provided in section one, except that in the case of an employee who, by himself or through his representative, shows to the satisfaction of the commissioner that the actual amount of tips received by him was less than the amount determined by the employer as the amount by which the wage paid him was deemed to be increased under this provision, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount, and except for janitors and caretakers of residential property, who, when furnished with living quarters, shall be paid a wage of not less than thirty-six dollars per week, and except for services as golf caddies.

The commissioner may establish overtime rates for all hours

worked in excess of forty hours in any week.

SECTION 8. Section eight of said chapter one hundred and fifty-one is hereby repealed.

SECTION 9. Said chapter 151 is hereby amended by striking out section 9, as most recently amended by chapter 272 of the acts of 1961, and inserting in place thereof the following section: —

Section 9. For any occupation within the scope of the minimum fair wage law, the commissioner may cause to be issued to an employer of any learner, or of an employee under an approved apprentice training program, or of an employee whose earning capacity is impaired by age or physical or mental deficiency or injury, or of an employee who is certified by the secretary of human services or his designee as a handicapped person, a special certificate authorizing employment at such wages, less than the established minimum fair wage rates, and for such period of time, as shall be fixed by the commissioner and stated in the certificate.

SECTION 10. Said chapter 151 is hereby amended by striking out section 10, as most recently amended by section 7 of chapter 558 of the acts of 1952, and inserting in place thereof the following section: —

Section 10. After the commissioner has established a fair wage in any occupation in accordance with sections seven and nine, it shall be unlawful for any employer in such occupation to employ persons for less than such rate of wages. The commissioner shall send by mail so far as is practicable to each employer in the occupation in question a copy of the wage rate and related regulations and each employer shall be required to post a copy of said wages and regulations in each room in which persons affected by such wages and regulations are employed.

SECTION 11. Said chapter 151 is hereby further amended by striking out section 11, as most recently amended by section 8 of said chapter 558, and inserting in place thereof the following section: —

Section 11. If the commissioner has reason to believe that any employer is not paying a fair wage or not observing other minimum wage regulations, the commissioner may, on fifteen days notice, summon such employer to show cause why the name of such employer should not be published as having committed such violation. After a hearing and a finding of nonobservance, the commissioner may cause to be published in such newspaper or newspapers within this commonwealth or in such other manner as he may deem appropriate, the name of such employer or employers. Neither the commissioner nor any authorized representative of the commissioner nor any newspaper publisher, proprietor, editor or employee thereof shall be liable to an action for damages for publishing the name of any employer as provided herein unless guilty of wilful misrepresentation.

SECTION 12. Sections twelve and thirteen of said chapter one hundred and fifty-one are hereby repealed.

SECTION 13. Said chapter 151 is hereby further amended by striking out section 14, as most recently amended by chapter 123 of the acts of 1959, and inserting in place thereof the following section: —

Section 14. Any person aggrieved by any decision of the commissioner may bring a petition in the superior court praying that such decision of the commissioner may be reviewed by the court, and after such notice to the commissioner as the court deems necessary, it shall review such decision, hear the evidence and make such order approving, in whole or in part, or setting aside, in whole or in part, the decision appealed from as justice may require, and may refer any matter or issue arising in the proceedings to the commissioner for further consideration. The filing of the petition shall not stay proceedings upon the decision appealed from, but the court may, on application, after notice to the commissioner and for cause shown, grant a restraining order. Upon any such petition the court may take evidence without being bound by any technical rules of evidence or procedure, to the end that any evidence may be received which the court considers probative.

If any part of any minimum fair wage regulation is severable therefrom and if such part is held to be invalid or unconstitutional the remaining parts of said regulation shall not be affected thereby, but shall continue in effect as if the part determined to be invalid or unconstitutional had not been included therein.

SECTION 14. Section 16 of said chapter 151 is hereby amended by striking out the third sentence, as appearing in section 1 of chapter 432 of the act of 1947, and most recently amended by section 15 of chapter 760 of the acts of 1970, and inserting in place thereof the following sentence: — The commissioner may require each employer in any occupation subject to this chapter to post rules which apply to such employer's employees, in such reasonable way or ways and for such length of time as he may direct.

SECTION 15. Section eighteen of said chapter one hundred and fifty-one is hereby repealed.

SECTION 16. Said chapter 151 is hereby further amended by striking out section 19, as most recently amended by section 17 of chapter 760 of the acts of 1970, and inserting in place thereof the following section: —

Section 19. (1) Any employer and his agent, or the officer or agent of any corporation who discharges or in any other manner discriminates against any employee, including any employee in the domestic service of any family or person at his home for not less than sixteen hours per week, because such employee has complained of a violation of the provisions of this chapter, or has testified or is about to testify in any investigation or proceeding under or related to this chapter, or because such employer believes that said employee or individual may complain of a violation of the provisions of this chapter, shall be punished by a fine of not less than fifty and not more than two hundred dollars, and shall be liable for damages which shall not be less than one month's wages nor more than two

month's wages of such individual, and the costs of the suit, including a reasonable attorney's fee.

(2) Any employer or the officer or agent of any corporation who knowingly pays or agrees to pay to any employee less than the rates applicable to such employee under a regulation minimum fair wage established by the commissioner, or who pays or agrees to pay to any employee less than one dollar and eighty-five cents per hour in any occupation not covered by a minimum wage regulation shall be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not less than ten nor more than ninety days, or by both such fine and imprisonment, and each week in any day of which such employee is paid less than the rate applicable to him under a minimum fair wage regulation and each employee so paid less, shall constitute a separate offense.

(2A) Any employer or the officer or agent of any corporation who knowingly pays or agrees to pay to any employee in agriculture and farming less than one dollar and sixty cents per hour shall be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not less than ten nor more than ninety days, or by both such fine and imprisonment, and each week in any day in which such employee is paid less shall constitute a separate offense.

(3) Any employer or the officer or agent of any corporation who fails to keep the records required under this chapter or to furnish such records to the commissioner, or any authorized representative of the commissioner upon request, or who falsifies such records, or who fails to comply with any requirement of the commissioner under the last sentence of section sixteen, or who hinders or delays the commissioner or any authorized representative of the commissioner in the performance of his duties, or who refuses to admit, or locks out, such commissioner, or such authorized representative from any place of employment, other than places of employment of persons engaged in domestic service in the home of the employer, which he is authorized to inspect, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and each day of such failure to keep such records or to furnish to the commissioner or any authorized representative of the commissioner such records or other information as may be required for the proper enforcement of this chapter shall constitute a separate offense.

(4) No person shall, for the purpose of evading this chapter, establish any arrangement or organization in his business, by contract, lease or agreement, whether written or oral, whereby a person who would otherwise be his employee does not have the status of such an employee. If the commissioner is of the opinion that any person has established an arrangement or organization in violation of this paragraph, after a public hearing, due notice whereof shall have been given, and at which a reasonable opportunity to be heard has been afforded to such person, he may order such person to cease and desist from such violation; and such an order shall be subject

to review under section fourteen in the same manner and to the same extent as any decision of the commissioner under this chapter. Any person so ordered to cease and desist who fails to comply therewith for thirty days after such order has been served upon him shall be punished by a fine of not less than one hundred dollars or by imprisonment for not less than ten nor more than ninety days, or by both such fine and imprisonment.

(5) Whoever directly or indirectly solicits, demands, requests or accepts from any employee any return of a portion of his wages, which would result in such employee retaining less than the rate of wages required by this chapter, or whoever threatens, coerces or intimidates any employee who has wages due under this chapter, for the purpose of causing such person to accept as payment in full a lesser sum than the full amount of the wages so due, shall be punished by a fine of not less than fifty nor more than one thousand dollars, or imprisonment for not less than ten nor more than ninety days, or by both such fine and imprisonment, and each employee so solicited or threatened shall constitute a separate offense.

SECTION 17. Said chapter 151 is hereby further amended by striking out section 20, as most recently amended by sections 1 and 2 of chapter 399 of the acts of 1962, and inserting in place thereof the following section: —

Section 20. If any person is paid by an employer less than the minimum fair wage to which such person is entitled under or by virtue of a minimum fair wage regulation, or less than one dollar and eighty-five cents per hour in any manufacturing occupation or in any other occupation not covered by a minimum fair wage regulation; such person may recover in a civil action the full amount of such minimum wage less any amount actually paid to him or her by the employer, together with costs and such reasonable attorney's fees as may be allowed by the court, and any agreement between such person and the employer to work for less than such wage shall be no defence in such action. At the request of any employee paid less than the minimum wage to which he or she is entitled the commissioner may take an assignment of such wage claim in trust for the assigning employee and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court. The commissioner shall not be required to pay a filing fee in connection with any such action.

SECTION 18. The provisions of chapter one hundred and fifty-one of the General Laws, as amended by this act, shall take effect with respect to employees engaged in the manufacturing occupations in the commonwealth, whether engaged in the production of goods for interstate or intrastate commerce, when the minimum wage rates under the Federal Fair Labor Standards Act of 1938, as amended, for employees engaged in commerce or in the production of goods for commerce under said Act are equal to or higher than those provided under said chapter one hundred and fifty-one, as so amended.

Approved December 11, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 18, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 1192 of the Acts of 1973, entitled "AN ACT FURTHER REGULATING THE DUTIES AND SALARIES OF THE COMMISSIONERS OF THE DEPARTMENT OF LABOR AND INDUSTRIES, AND IMPLEMENTING THE MINIMUM WAGE LAW, SO CALLED," and the enactment of which received my approval on December 11, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is essential that the provisions of this Act be made effective immediately in order to promptly strengthen the Board of Conciliation and Arbitration and to provide more effective enforcement of the statutes governing minimum wage rates.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 18, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at two o'clock and forty minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter one thousand one hundred and ninety-two of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 1193. AN ACT INCREASING THE SALARIES OF MEMBERS OF THE INDUSTRIAL ACCIDENT BOARD, AND THE APPELLATE TAX BOARD.

Be it enacted, etc., as follows:

SECTION 1. The second sentence of the first paragraph of section 15 of chapter 23 is hereby amended by striking out the words "twenty-thousand seven hundred and eighty-five", inserted by section 33 of chapter 426, and inserting in place thereof the words: — twenty-five thousand, — and by striking out the words "nineteen thousand five hundred and twenty-nine", as so inserted, and inserting in place thereof the words — twenty-three thousand.

SECTION 2. The fourth sentence of the first paragraph of section 1 of chapter 58A of the General Laws is hereby amended by striking out the words "twenty-two thousand seven hundred and twenty-seven", inserted by section 43 of chapter 426, and inserting in place thereof the words: — twenty-five thousand, — and by striking out the words "eighteen thousand two hundred and seventy-three", as so inserted, and inserting in place thereof the words: — twenty-three thousand.

Approved December 11, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 18, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 1193 of the Acts of 1973, entitled "AN ACT INCREASING THE SALARIES OF MEMBERS OF THE INDUSTRIAL ACCIDENT BOARD, AND THE APPELLATE TAX BOARD." and the enactment of which received my approval on December 11, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

In order to alleviate the inequities of the present salary structure.

Sincerely,

FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 18, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at two o'clock and forty minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter one thousand one hundred and ninety-three of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 1194. AN ACT FURTHER PROVIDING FOR THE SAFETY AND CARE OF CHILDREN IN CLINICAL NURSERY SCHOOLS.

Be it enacted, etc., as follows:

The fourth paragraph of section 27 of chapter 19 of the General Laws, as appearing in section 3 of chapter 888 of the acts of 1970, is hereby amended by inserting after the word "schools", in line 9,

the words: — and such services which may be necessary on a continuing part-time basis shall be performed by persons who are state employees allocated to a job group in the salary schedule as may be determined by the director of personnel and standardization.

Approved December 11, 1973.

Chap. 1195. AN ACT AUTHORIZING THE REAL PROPERTY BOARD OF THE CITY OF BOSTON FOR THE PURPOSE OF DEVELOPING PUBLIC OFF-STREET PARKING FACILITIES TO UTILIZE THE POWER OF EMINENT DOMAIN TO ACQUIRE ANY PROPERTY EXCEPT PROPERTY PRIVATELY HELD AND OPERATED AS A PARKING GARAGE.

Be it enacted, etc., as follows:

Section 1 of chapter 474 of the acts of 1946 is hereby amended by striking out clause (a), as amended by section 11 of chapter 338 of the acts of 1962, and inserting in place thereof the following:

(a) The power to acquire by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws or by purchase, gift, devise or otherwise, but not by lease, and to hold, property, real or personal, or any interest therein except a leasehold estate for the purposes of this act; provided, that the board shall have no power to acquire, except by gift or devise, any property privately held and operated as a parking garage which term shall not be construed to include a parking space; provided, further, that the board shall have no power to acquire by eminent domain or by purchase any real estate other than that which the board, with the approval of the commissioner of traffic and parking of the city and the Boston Redevelopment Authority shall have determined should be devoted to the purpose of this act; and provided, further, that no purchase and no award, settlement or agreement for judgment in eminent domain proceedings hereunder shall be made by the city or in its behalf, unless the terms of the proposed purchase, award settlement or agreement, together with all pertinent facts, shall first have been submitted to the Boston Finance Commission not less than ten days before such purchase, award, settlement or agreement;

Approved December 11, 1973.

Chap. 1196. AN ACT MAKING TEXT BOOKS USED IN PUBLIC SCHOOLS AVAILABLE TO PUPILS IN PRIVATE SCHOOLS.

Be it enacted, etc., as follows:

Section 48 of chapter 71 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding the following paragraph: —

The committee, at the individual request of a pupil in a private school which has been approved under section one of chapter seventy-six, shall lend free of charge to him text books which shall

be the same as those purchased by the committee for use in the public schools. Such text books shall be loaned free to such pupils subject to such regulations as the committee may prescribe.

Approved December 11, 1973.

Chap. 1197. AN ACT RELATIVE TO THE PHYSICAL EXAMINATION OF PUPILS IN CERTAIN PRIVATE SCHOOLS.

Be it enacted, etc., as follows:

Section 57 of chapter 71 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 1 of chapter 502 of the acts of 1951, and inserting in place thereof the following sentence: — The committee, or the board of health in those municipalities where school health services are the responsibility of the board of health, shall cause every child in the public schools, and at the individual request of a parent or guardian of a pupil in a private school which has been approved under section one, cause such pupil to be separately and carefully examined in such manner and at such intervals, including original entry, as may be determined by the department of public health after consultation with the department of education and the medical profession, to ascertain defects in sight or hearing, and other physical defects tending to prevent his receiving the full benefit of his school work, or requiring a modification of the same in order to prevent injury to the child or to secure the best education results, and ascertain defects of the feet which might unfavorably influence the child's health or physical efficiency, or both, during childhood, adolescence and adult years, and shall require a physical record of each child to be kept in such forms as prescribed by the provisions of chapter eleven, section one hundred and eighty-five A.

Approved December 11, 1973.

Chap. 1198. AN ACT EXCLUDING FROM THE DEFINITION OF "MOTOR VEHICLES" CERTAIN MOBILE CONSTRUCTION CRANES AND FURTHER REGULATING THE REGISTRATION OF SUCH CRANES.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 90 of the General Laws is hereby amended by inserting after the definition of "Manufacturer", the following definition: —

"Mobile construction crane", any motor vehicle having a construction type crane which exceeds its dimensions or weight limits imposed by section nineteen or weight limits imposed by section thirty of chapter eight-five.

SECTION 2. Said chapter 90 is hereby further amended by striking out section 5, as most recently amended by chapter 871 of the acts of 1973, and inserting in place thereof the following section: —

Section 5. Every manufacturer, dealer, repairman, owner-re-

pairman, transporter, farmer, dealer in both recreational vehicles and recreational vehicle trailers, and dealer in both boats and boat trailers, instead of registering each motor vehicle, trailer or mobile construction crane owned or controlled by him, may make application for a general distinguishing number or mark, and the registrar, if satisfied of the facts stated in the application, may issue to the applicant a certificate of registration containing the name and business address of the applicant and the general distinguishing number or mark assigned to him and made in such form and containing such further information as the registrar may determine. All motor vehicles, trailers, or mobile construction cranes owned or controlled by such manufacturer, dealer, repairman, dealer in both recreational vehicles and recreational vehicle trailers or dealer in boats and boat trailers, and all trucks except those used in the regular delivery substantially on a daily schedule for sale of farm products or the delivery of flowers or for distances in excess of a radius of fifty miles from the farm, and all tractors, trailers or self-propelled agricultural implements, owned or controlled by a farmer, and equipped with rubber tires, shall be regarded as registered under the general distinguishing number or mark assigned to him until sold, or let for hire, or loaned for a period of more than five successive days, except that any vehicle owned or controlled by a farmer shall be deemed to be registered under the provisions of this section only when it is operated within the commonwealth, and all motor vehicles, trailers or mobile construction cranes owned by such owner-repairman which are in the process of being repaired, altered, equipped or transferred from one location to another and which are not being used during such time in the operation of the principal business of said owner-repairman shall be regarded as registered under the general distinguishing number or mark assigned to him, and all mobile construction cranes owned or controlled by such owner-repairman shall be permitted on the public way under the general distinguishing number or mark assigned to them, and all motor vehicles which are under the control of but not owned by such transporter while being delivered by him under their own power shall be regarded as registered under the general distinguishing number or mark assigned to him; provided, that number plates, furnished as hereinafter provided, are properly displayed thereon. Such plates issued to a dealer in both recreational vehicles and recreational vehicle trailers or a dealer in boats and boat trailers may be used only in connection with the business of said trailers but this should not be construed to limit the use of plates issued to dealers in other trailers. The registrar shall, upon payment of the fee provided in section thirty-three, furnish at his office to every manufacturer, dealer, repairman, owner-repairman, transporter, farmer or dealer in both recreational vehicles and recreational vehicle trailers and dealer in both boats and boat trailers, whose vehicles are registered in accordance with this section, such number of number plates as he may request in writing of suitable design having displayed upon them the register number which is assigned to the vehicles of such

manufacturer, dealer, repairman, owner-repairman, transporter, farmer or dealer in both recreational vehicles and recreational vehicle trailers or dealer in both boats and boat trailers, with a different letter or letters or mark on each number plate, and, in addition, the registrar shall furnish to every transporter with each number plate a corresponding certificate of registration. The word "dealer", for the purposes of the registration of motor vehicles, trailers or mobile construction cranes under any provision of this chapter, may include, in the discretion of the registrar, a person who is engaged in the business of financing the purchase of or insuring motor vehicles, but only in respect to such vehicles as such person may take in possession by foreclosure or subrogation of title and all the provisions of this chapter relating to certificates of registration of dealers shall apply to certificates issued to such a person under this provision. Vehicles owned or controlled by a farmer which are registered under a general distinguishing mark as provided herein shall not in any civil action for damages be deemed a trespasser on the highway by reason of the fact that at the time of the accident the said vehicle was at a greater distance than a radius of fifty miles from the farm.

Approved December 11, 1973.

Chap. 1199. AN ACT VALIDATING THE CONVEYANCE OF CERTAIN PARK LAND FROM THE CITY OF QUINCY TO THOMAS G. WALDIE OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The city of Quincy is hereby authorized to convey to Thomas G. Waldie of said city for such consideration as the city council and mayor may determine, a certain parcel of land in said city being a section of park land shown on the assessors' plans of the city of Quincy for the year nineteen hundred and fifty-four as Lot 4, Plot 78, Plan 1058 — Lakeside Avenue.

SECTION 2. The conveyance of the park land described in section one of this act to said Thomas G. Waldie and recorded on February fourth, nineteen hundred and fifty-five, at the Norfolk Registry of Deeds is hereby validated in all respects as if said section one were in effect at the time of said conveyance.

Approved December 11, 1973.

Chap. 1200. AN ACT RELATIVE TO CERTAIN APPOINTMENTS IN THE MASSACHUSETTS TURNPIKE AUTHORITY.

Be it enacted, etc., as follows:

The provisions of section forty-eight of chapter four hundred and twenty-six of the acts of nineteen hundred and seventy-three shall not apply to the appointment to an office referred to in section three of chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two and section four of chapter five hundred and

ninety-eight of the acts of nineteen hundred and fifty-eight which was made between January first, nineteen hundred and seventy-three and the effective date of this act.

Approved December 11, 1973.

Chap. 1201. AN ACT AUTHORIZING THE SOLEMNIZATION OF MARRIAGES BY THE IMAM OF THE ORTHODOX ISLAMIC RELIGION.

Be it enacted, etc., as follows:

Section 38 of chapter 207 of the General Laws, as appearing in chapter 668 of the acts of 1970, is hereby amended by inserting after the word "The", in line 7, the word: — United — , and by inserting after the word "Leader", in line 24, the words: — ; and it may be solemnized by the Imam of the Orthodox Islamic religion.

Approved December 11, 1973.

Chap. 1202. AN ACT PROVIDING FUNDS FOR RENTAL ASSISTANCE FOR FORMER RESIDENTS OF THE AREA AFFECTED BY THE FIRE IN THE CITY OF CHELSEA.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide funds for rental assistance to tenants displaced by the fire of October, nineteen hundred and seventy-three in the city of Chelsea, therefore it is hereby declared to be an emergency law necessary for the preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any provision of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three or any special or general law to the contrary, there is hereby appropriated two hundred thousand dollars for the fiscal year nineteen hundred and seventy-four, for a program of rental assistance pursuant to chapter one hundred and twenty-one B of the General Laws, for the purpose of providing one hundred units of rental assistance housing to certain residents affected by the fire of October nineteen hundred and seventy-three in the city of Chelsea.

Approved December 12, 1973.

Chap. 1203. AN ACT PROVIDING PLANNING ASSISTANCE TO THE CITY OF CHELSEA.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide fourthwith for planning assistance for the city of Chelsea devastated by the fire of October, nineteen hundred and seventy-three, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The department of community affairs is hereby directed to provide planning assistance in the form of staff services to the city of Chelsea to help determine solutions for specific needs and problems that have been identified by city officials and are determined to be within the department's jurisdiction. To the extent possible, said department shall assist in planning activities as deemed necessary by said city and through such planning activities shall make such recommendations for the physical, social or economic improvements of said city as will be in the best interest of the inhabitants of said city. Such planning activities and recommendations may concern, among other things, the general re-use of the fire devastated area, including land use, public utilities, public facilities, parks, recreational areas, housing, urban renewal and such other matters as in the opinion of the city will be beneficial and will promote with the greatest efficiency and economy the coordinated redevelopment of the city and the general welfare and prosperity of its people. Said department is further directed to provide assistance to said city in seeking planning assistance from federal agencies and in the preparation of any and all grant-in-aid applications submitted to such agencies.

Approved December 12, 1973.

Chap. 1204. AN ACT DIRECTING THE DEPARTMENT OF COMMUNITY AFFAIRS TO PAY CERTAIN FUNDS TO THE CITY OF CHELSEA FOR THE MURRAY INDUSTRIAL PARK URBAN RENEWAL PROJECT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to accelerate the payment of federal funds to the city of Chelsea for the Murray Industrial Park Project by authorizing the immediate payment of state funds for said project, therefore it is hereby declared to be an emergency law necessary for the preservation of the public convenience:

Be it enacted, etc., as follows:

Notwithstanding any provisions of section fifty-five of chapter one hundred and twenty-one of the General Laws or of any other special or general law to the contrary, the department of community affairs is hereby authorized and directed to pay to the city of Chelsea in one payment, the state and local share of the contribution required to be paid by said city under the federal capital grant contract for the Murray Industrial Park Urban Renewal Project.

Said payment shall be based on the estimate of the cost of said project but shall not exceed five million dollars.

If said estimated cost exceeds the actual cost of said project, said city shall reimburse the commonwealth in the amount of any additional funds received under this act.

Approved December 12, 1973.

Chap. 1205. AN ACT EXEMPTING CERTAIN PROPERTY OWNERS IN THE CITY OF CHELSEA FROM PAYING INTEREST ON CERTAIN UNPAID TAXES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any special or general law to the contrary, owners of certain property in the city of Chelsea located in the section of said city affected by the fire of October fourteenth, nineteen hundred and seventy-three, and designated as a disaster area, shall not be required to pay any interest accruing from October first, nineteen hundred and seventy-three on property taxes due and owing to said city and unpaid after November sixth, nineteen hundred and seventy-three.

SECTION 2. This act shall take effect upon its passage.

Approved December 12, 1973.

Chap. 1206. AN ACT RELATIVE TO THE ALLEVIATION OF THE FINANCIAL BURDEN IMPOSED ON THE CITY OF CHELSEA BY THE FIRE OF NINETEEN HUNDRED AND SEVENTY-THREE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide funds immediately for the costs of those public services destroyed by the fire of October, nineteen hundred and seventy-three in the city of Chelsea, therefore it is hereby declared to be an emergency law necessary for the immediate preservation of the public safety.

Be it enacted, etc., as follows:

SECTION 1. To provide for the purpose of disaster relief and to meet the expense of restoring and providing police, fire, public works and other public services destroyed by fire in the city of Chelsea, the sum of five hundred thousand dollars is hereby made available for transfer by the secretary of administration to the mayor of said city.

SECTION 2. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments authorized by section one of this act, and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and eighty-eight.

SECTION 3. To meet the expenditures necessary in carrying out

the provisions of section one of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of five hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, City of Chelsea, Disaster Relief Loan, Act of 1973, and shall be on the serial payment plan for such maximum term of years, not exceeding ten years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be arranged so that the amounts payable in the several years of the period of amortization other than the final year shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rate as the state treasurer, with the approval of the governor shall fix.

The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, nineteen hundred and eighty-eight.

SECTION 4. No funds available under section one of this act shall be utilized for purposes which would deny the availability of federal financial assistance pursuant to the Disaster Relief Act (Public Law 91-606) or any other applicable disaster relief legislation. The mayor of the city of Chelsea may utilize funds authorized by section one of this act for purposes for which said city may be requesting federal financial assistance pursuant to said Disaster Relief Act or any other applicable disaster relief legislation, provided, however, that upon the receipt of such federal funds to meet the purposes of section one of this act, the city of Chelsea shall reimburse the commonwealth for any funds received under this act. The mayor of the city of Chelsea shall submit a monthly accounting of all expenditures authorized under section one of this act to the secretary of administration and to the general court. Said mayor, together with the director of civil defense, shall also submit a monthly report on the status of all applications for federal financial assistance under the provisions of said Disaster Relief Act or any other applicable disaster relief legislation.

Approved December 12, 1973.

Chap. 1207. AN ACT RELATIVE TO THE ALLEVIATION OF THE FINANCIAL BURDEN IMPOSED ON THE CITY OF CHELSEA BY THE NINETEEN HUNDRED AND SEVENTY-THREE FIRE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide full compensation for certain property destroyed by disaster in nineteen hundred and seventy-three and to be acquired, therefore it is hereby declared to be an emergency law, necessary for the preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 79 of the General Laws is hereby amended by inserting after Section 12 the following section:

Section 12A. Where property is to be acquired through eminent domain or otherwise in an area which has been declared to be a disaster area by the President of the United States pursuant to Section 102 of the Disaster Relief Act of 1970, 42 USC 4402, and which is located within the boundaries of an existing urban renewal project area, a proposed urban renewal project area, or an urban renewal project area created subsequent to and as a result of the disaster, the amount of physical damage resulting from said disaster, which is not compensated for by insurance or otherwise, shall be excluded in determining fair market value, provided that there has been no change of ownership between the date of the disaster and the date of the order of taking.

SECTION 2. This act shall take effect as of October fourteenth, nineteen hundred and seventy-three.

Approved December 12, 1973.

Chap. 1208. AN ACT REGULATING THE STORAGE AND USE OF SNOW REMOVAL CHEMICALS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for immediate regulation of storage and reporting the use of certain chemicals for snow and ice removal, therefore, it is hereby declared to be an emergency law necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 85 of the General Laws is hereby amended by inserting after section 7 the following section: —

Section 7A. No person shall store sodium chloride, calcium chloride or chemically treated abrasives or other chemicals used for the removal of snow or ice on roads in such a manner or place as to subject a water supply or ground-water supply to the risk of contamination. The department of public health, hereinafter called the department, in consultation with the department of public works, may issue regulations as to place or manner of storage of such chemicals and may, by specific order, in a particular case regulate the place where such chemicals may be used for such purpose. Any violation of this section or any regulation or order issued hereunder shall be punished by a fine not to exceed fifty dollars per day. Any person who uses more than one ton of such chemicals in any calendar year shall report annually to the department on November first, and at such other times as prescribed, the amount of such chemicals used in the previous twelve months specified by road section or other location and the amount of chemicals on hand. Copies of such reports shall be made available upon the request of any concerned state or municipal agency or commis-

sion. The department may require studies by competent professional personnel of the probable impact of proposed new or improved highways and the maintenance thereof by use of such chemicals upon reservoirs, ponds, streams, lakes, wetlands and the groundwater aquifers associated with both public and private water sources. Estimates of such chemicals to be applied on proposed roads and other paved areas shall be based upon the most recent records of chemicals actually applied as reported under the provisions of this section. The word "person" as used in this section shall include surveyors of highways, road commissioners, superintendents of streets in towns, commissioners of public works in cities and towns, the chief engineer of the state department of public works, the chief engineer of the Massachusetts Turnpike Authority, the chief administrative officer of state agencies and private persons, including corporations.

SECTION 2. The commissioner of the department of public health shall issue guidelines for the reporting of the amount of chemicals used in snow and ice removal, as required by section seven A of chapter eighty-five of the General Laws, inserted by section one of this act, prior to the effective date of this act.

Approved December 12, 1973.

Chap. 1209. AN ACT FURTHER REVISING THE LAW RELATING TO FOREIGN CORPORATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make a change in the law relating to foreign corporations effective January first, nineteen hundred and seventy-four, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 181 of the General Laws is hereby amended by striking out section 3, as appearing in section 1 of chapter 844 of the acts of 1973, and inserting in place thereof the following section: —

Section 3. Every foreign corporation which does business in the commonwealth or which has a usual place of business in the commonwealth, or which owns or leases real estate or tangible personal property therein without having such a usual place of business, or which is engaged therein, permanently or temporarily, and with or without a usual place of business therein, in the construction, erection, alteration or repair of a building, bridge, railroad, railway or structure of any kind, or in the construction or repair of roads, highways or waterways, or in any other activity requiring the performance of labor, shall be considered to be doing business in the commonwealth for the purposes of this chapter unless its activities within the commonwealth consist of no more than one or more of the following: (a) maintaining bank accounts; (b) main-

taining or appointing trustees, depositaries, or agencies for the holding, transfer, exchange or registration of its securities; (c) holding meetings of its directors or shareholders; (d) participating or appearing in any action or suit or any administrative or arbitration proceeding, or in the settlement thereof or the settlement of claims or disputes; or (e) performing activities subject to regulations under chapter one hundred and sixty-seven or chapter one hundred and seventy-five, if the foreign corporation has complied with the provisions of the applicable chapter or chapters.

SECTION 2. This act shall take effect on January first, nineteen hundred and seventy-four. *Approved December 12, 1973.*

Chap. 1210. AN ACT PROVIDING CERTAIN AID TO AGED, BLIND AND DISABLED PERSONS AND FURTHER REGULATING THE MEDICAL ASSISTANCE PROGRAM.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prepare the commonwealth for the Supplemental Security Income Program of the federal government in order to obtain for the commonwealth the benefits of that program, and to increased benefits for the aged, blind and disabled as provided under Title XVI of the Social Security Act, as amended, to the Intermediate Budget level of the Bureau of Labor Statistics, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 129 of chapter 6 of the General Laws, as appearing in section 2 of chapter 535 of the acts of 1966, is hereby amended by striking out, in lines 8 to 11, inclusive, the words "and in the administration of Titles ten, eighteen and nineteen of the Social Security Act and amendments thereto relative to public assistance basic maintenance for the blind and public assistance medical care for the blind respectively,".

SECTION 2. The second paragraph of section 130 of said chapter 6, as appearing in section 2 of said chapter 535, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — The commissioner may ameliorate the condition of the blind by devising means to facilitate the circulation of books, by promoting visits among the aged or helpless blind in their homes, by aiding individual blind persons in accordance with sections one hundred and thirty-one to one hundred and thirty-one E, inclusive, or by other means as he may deem expedient.

SECTION 3. Said section 130 of said chapter 6 is hereby further amended by striking out the third paragraph.

SECTION 4. The fourth paragraph of said section 130 of said chapter 6, as appearing in chapter 775 of the acts of 1971, is hereby amended by striking out, in line 4, the word "five" and inserting in place thereof the word: — nine.

SECTION 5. Said chapter 6 is hereby further amended by striking out section 131, as appearing in section 2 of chapter 535 of the acts of 1966, and inserting in place thereof the following eleven sections: —

Section 131. The commission shall administer a program of financial assistance for blind persons who reside within the commonwealth. Such assistance, which shall be called state supplementary payments, shall be based on need and granted in supplementation of benefits granted by the federal government to blind individuals, under the provisions of title XVI of the federal Social Security Act and amendments thereto. Such assistance shall be granted to persons who, on account of blindness, qualify for supplemental security income granted pursuant to said title XVI and may, based on need, be granted to individuals who would, but for their income, be eligible for such supplemental security income.

No assistance under this section shall be granted to an applicant who, at any time within two years immediately prior to the filing of an application for such assistance, has made an assignment or transfer or who has mortgaged or otherwise encumbered property so as to render himself eligible for such assistance.

The commissioner shall establish, subject to the approval of the secretary of the executive office of human services, standard levels for state supplementary payments for the blind. Such payments may vary by marital status and by living arrangements to the extent allowed by said title XVI and the regulations promulgated thereunder.

Section 131A. State supplementary payments for the blind shall be maintained at levels which increase annually at the same rate as state supplementary payments for the aged and disabled under section two of chapter one hundred and eighteen A.

Section 131B. The commissioner shall enter into an agreement with the Secretary of the United States Department of Health, Education and Welfare, under which said Secretary shall, on behalf of the commonwealth, administer the program of state supplementary payments for the blind authorized by section one hundred and thirty-one. Such agreement shall be in the form of and satisfy the requirements for the agreement which, under section three of chapter one hundred and eighteen A, the commissioner of public welfare shall execute for the administration of state supplementary payments for the aged and disabled.

Section 131C. An application to the Social Security Administration of the United States Department of Health, Education and Welfare for supplemental security income benefits on account of blindness pursuant to title XVI of the federal Social Security Act shall be deemed an application for state supplementary payment provided for the blind. Eligibility for assistance under section one hundred and thirty-one of an individual or couple meeting federal qualifications for more than one category of assistance shall be determined in accordance with federal law.

Section 131D. There shall be advanced from the state treasury

to the Secretary of the United States Department of Health, Education and Welfare prior to the first day of each month an amount equal to said Secretary's estimate of state supplementary payments for the blind for such month. The commissioner shall conduct, once in each fiscal year, an audit of such payments made by said Secretary on behalf of the commonwealth.

Section 131E. The commission shall administer a program of medical assistance for blind persons who reside in the commonwealth which shall in all respects be consistent with title XIX of the federal Social Security Act and amendments thereto, and with chapter one hundred and eighteen E and the state medical care plan and regulations established thereunder. The benefits of the program shall be available to all persons eligible for supplemental security income payments on account of blindness under the provisions of title XVI of the federal Social Security Act or for assistance under section one hundred and thirty-one. Such benefits shall be available to all others who would be eligible for financial assistance under either of the foregoing provisions but for income or resources, provided they meet the requirements of financial eligibility established pursuant to said chapter one hundred and eighteen E.

Section 131F. All person or institution which knowingly makes a false representation to the commissioner or his agents, for the purpose of causing any persons, including the person making such representations, to be supported in whole or in part by the commonwealth, or for the purpose of procuring a payment under this chapter, or by fraudulent means obtains any such payment, shall be punished by a fine of not less than two hundred nor more than five hundred dollars or by imprisonment for not more than one year.

Section 131G. All vouchers submitted by a vendor under the medical assistance program authorized by section one hundred and thirty-one E shall be signed under the penalties of perjury; provided, however, that an institution, as defined in clause (d) of section two of chapter one hundred and eighteen E, may, in lieu of this requirement, agree in writing with the commissioner that its books and records will be available for inspection at all reasonable times by the commissioner with respect to services rendered under said assistance program.

Section 131H. Any vendor procuring a payment under the medical assistance program authorized by section one hundred and thirty-one E who violates any of the provisions of section one hundred and thirty-one F shall be ineligible to participate further in the program for a period of three years next subsequent to the date of said violation. However, a vendor shall not be considered in violation of section one hundred and thirty-one F upon submission of proof, to the satisfaction of the commissioner, that such violation was due solely to a clerical or administrative error.

Section 131I. Any recipient or vendor who receives any payment under this chapter to which he is not entitled, shall return such payment to the commonwealth by paying the same to the state treasurer as soon as demand is made upon him.

Section 131J. The commission shall promulgate such rules and regulations as are necessary or desirable for the administration of sections one hundred and twenty-nine to one hundred and forty-nine, inclusive.

SECTION 6. Section 135 of said chapter 6, as so appearing, is hereby amended by striking out the third sentence.

SECTION 7. Said chapter 6 is hereby further amended by striking out section 137, as so appearing, and inserting in place thereof the following section: —

Section 137. Upon receipt of an application for medical assistance from a blind individual who does not qualify for cash assistance under the provisions of section one hundred and thirty-one, the commission shall determine whether said individual meets the definition of — “blind” in title XVI of the federal Social Security Act and the regulations established thereunder.

SECTION 8. Section one hundred and fifty of said chapter six is hereby repealed.

SECTION 9. Said chapter 6 is hereby further amended by inserting after section 166 the following section: —

Section 166A. There shall be within the executive office of human services a commission on supplemental security income, hereinafter called the commission, consisting of the commissioner of public welfare or his designee, who shall serve as chairman, the commissioner of the blind or his designee, the secretary of the executive office of human services or his designee, the secretary of the executive office of elder affairs or his designee, the secretary of the executive office for administration and finance or his designee, the commissioner of veterans' services, three representatives to be appointed by the speaker of the house, two senators to be appointed by the president of the senate, and six recipients of payments under chapter one hundred and eighteen A or section one hundred and thirty-one of chapter six, to be appointed by the governor. The commission shall review, monitor and evaluate generally the effects of the supplemental security income program, and specifically the effects of section two of chapter one hundred and eighteen A and of section one hundred and thirty-one A.

SECTION 10. Section 16 of chapter 6A of the General Laws, as appearing in section 3 of chapter 704 of the acts of 1969, is hereby amended by inserting after the word “department” the first time it appears in line 9, the words: — ; the commission on supplemental security income.

SECTION 11. Section 6 of chapter 18 of the General Laws, as most recently amended by section 7 of chapter 885 of the acts of 1969, is hereby further amended by striking out, in lines 4 to 6, inclusive, the words “under chapter one hundred and eighteen A, two of whom shall be recipients under chapter one hundred and eighteen, two of whom shall be recipients under chapter one hundred and eighteen D” and inserting in place thereof the words: — account of age under chapter one hundred and eighteen A, two of whom shall be recipients of assistance on account of disability under

said chapter one hundred and eighteen A, two of whom shall be recipients under chapter one hundred and eighteen.

SECTION 12. Section 7 of said chapter 18, as most recently amended by section 8 of said chapter 885, is hereby further amended by striking out, in lines 8 to 11, inclusive, the words "under chapter one hundred and eighteen A, two of whom shall be recipients of assistance under chapter one hundred and eighteen, two of whom shall be recipients of assistance under chapter one hundred and eighteen D" and inserting in place thereof the following words: — on account of age under chapter one hundred and eighteen A, two of whom shall be recipients of assistance on account of disability under said chapter one hundred and eighteen A, two of whom shall be recipients of assistance under chapter one hundred and eighteen.

SECTION 13. Section 14 of said chapter 18, inserted by section 1 of chapter 658 of the acts of 1967, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — The department is hereby further authorized to enter into reciprocal agreements with other states to provide for the support and care of persons receiving aid under chapter one hundred and eighteen or corresponding provisions of law in such other states; during the period of change of residence between states, as provided by section four A of said chapter one hundred and eighteen.

SECTION 14. Section 15 of said chapter 18, as so inserted, is hereby amended by striking out, in lines 9 and 10, and in lines 15 and 16, respectively, the words "one hundred and eighteen A or one hundred and eighteen D".

SECTION 15. Section 22 of said chapter 18, as appearing in section 12 of chapter 885 of the acts of 1969, is hereby amended by striking out, in lines 8 to 11, inclusive, the words "In the case of a recipient of assistance under chapter one hundred and eighteen D, such visits shall be made at least once in every six month period. (c)".

SECTION 16. Section 14A of chapter 19 of the General Laws, inserted by section 2 of chapter 888 of the acts of 1970, is hereby amended by striking out, in lines 17 and 18, the words "one of chapter one hundred and eighteen D" and inserting in place thereof the words: — two of chapter one hundred and eighteen E.

SECTION 17. Clause (20) of section 5 of chapter 40 of the General Laws, as most recently amended by chapter 79 of the acts of 1966, is hereby further amended by striking out, in lines 3 and 4, the words "in section thirteen of chapter one hundred and eighteen A" and inserting in place thereof the words: — under section two of chapter one hundred and eighteen E.

SECTION 18. The fifteenth paragraph of section 71 of chapter 111 of the General Laws, as most recently amended by chapter 686 of the acts of 1968, is hereby further amended by striking out, in line 14, the words "in section thirteen of chapter one hundred and eighteen A" and inserting in place thereof the words: — under section two of chapter one hundred and eighteen E.

SECTION 19. The fourth paragraph of section 3 of chapter 117

of the General Laws, as appearing in chapter 908 of the acts of 1971, is hereby amended by striking out, in line 2, the words "or one hundred and eighteen D,".

SECTION 20. Section 10 of said chapter 117, as so appearing is hereby amended by striking out, in line 3, the words "old age assistance" and inserting in place thereof the words: — assistance on account of age.

SECTION 21. The fourth paragraph of section 3 of chapter 118 of the General Laws, as most recently amended by section 20 of chapter 885 of the acts of 1969, is hereby further amended by striking out, in line 5, the words "or one hundred and eighteen D".

SECTION 22. The first paragraph of section 11 of said chapter 118, as appearing in chapter 487 of the acts of 1961, is hereby amended by striking out, in lines 2 and 3, the words "thirteen of chapter one hundred and eighteen A" and inserting in place thereof the words: — two of chapter one hundred and eighteen E.

SECTION 23. The General Laws are hereby amended by striking out chapter 118A and inserting in place thereof the following chapter: —

CHAPTER 118A.

ASSISTANCE TO THE AGED AND DISABLED.

Section 1. The department of public welfare, in this chapter called the department, shall administer a program of financial assistance for aged and disabled persons who reside within the commonwealth. Such assistance, which shall be called state supplementary payments, shall be based on need and granted in supplementation of benefits granted by the United States government to aged and disabled individuals, under the provisions of title XVI of the federal Social Security Act and amendments thereto, in this chapter called title XVI. Such assistance shall be granted to persons who, on account of age or disability, qualify for supplemental security income granted pursuant to title XVI and may, based on need, be granted to individuals who would, but for their income, be eligible for such supplemental security income.

The department shall establish, subject to the approval of the secretary of the executive office of human services, standard levels for state supplementary payments for the aged and disabled. Such payments may vary by category, by marital status, and by living arrangements to the extent allowed by title XVI and the regulations promulgated thereunder.

No assistance under this section shall be granted to an applicant who, at any time within two years immediately prior to the filing of an application for such assistance, has made an assignment or transfer or who has mortgaged or otherwise encumbered property so as to render himself eligible for such assistance.

Section 2. Effective July first of every year, the level of any state supplementary payment authorized by section one plus the level of federal supplemental security income in effect at such time shall be increased by a percentage amount equal to the percentage

rise in the United States Consumer Price Index for January first of that year over the level of said Index for January first of the previous year plus such additional percentage amount as is recommended annually by the department and appropriated by the general court. In determining said additional percentage amount, consideration shall be given to the goal of reaching, within a reasonable time, a total income level equal to or consistent with the current budget at the intermediate level of living for a retired couple established by the United States Department of Labor, Bureau of Labor Statistics, for the metropolitan Boston area, or, taking into

If, on January first of any year, the level of any state supplementary payment, taking into account the federal supplemental security income benefits, is equal to or exceeds the annual budget at the intermediate level of living for a retired couple as most recently established by the United States Department of Labor, Bureau of Labor Statistics, for the metropolitan Boston area, or, taking into account variances in category, marital status and living arrangements as established by the department, is not inconsistent with said annual budget, the increase granted on July first next following shall be limited to said percentage rise in said Index.

Section 3. The commissioner of public welfare, in this chapter called the commissioner, shall enter into an agreement with the Secretary of the United States Department of Health, Education and Welfare, under which said Secretary shall, on behalf of the commonwealth, administer the program of state supplementary payments authorized by section one. Such agreement shall contain all requirements for and limitations and qualifications on state supplementary payments which title XVI or regulations adopted thereunder make necessary in order to qualify the commonwealth for administration by said Secretary of state supplementary payments. Such agreement may include, but need not be limited to: provision for varying categories of assistance for state supplementation; a maximum of five living arrangements in any one category which may receive differing state supplementary payments; procedures for making payments to said Secretary and limitations on such payments; limits on state supplementary payments for inmates of public institutions or patients in health care facilities; ineligibility for state supplementary payments of certain individuals who are ineligible for supplemental security income; provision for recoupment of overpayments, or payments unlawfully procured, of state supplementary payments and adjustments against future state payments on account of such recoupment, and any other fiscal and quality control provisions deemed advisable by the commissioner; and provision for a hearing before said Secretary or his designee for any person aggrieved by a determination made pursuant to the agreement concerning any state supplementary payment.

Section 4. An application to the Social Security Administration of the United States Department of Health, Education and Welfare for supplemental security income benefits pursuant to title XVI of

the federal Social Security Act shall be deemed an application for state supplementary payment for the category of assistance for which said application is filed. Eligibility for any one category of assistance of an individual or couple shall be determined in accordance with federal law.

Section 5. There shall be advanced from the state treasury to the Secretary of the United States Department of Health, Education and Welfare, prior to the first day of each month, an amount equal to said Secretary's estimate of state supplementary payments authorized under this chapter for such month. The department shall conduct, once in each fiscal year, an audit of such payments made by said Secretary on behalf of the commonwealth.

Section 6. No disclosure or use of information concerning applicants or recipients of assistance under this chapter shall be made by the department except for purposes directly connected to the administration of this chapter.

Section 7. The department shall provide to aged and disabled residents of the commonwealth under this chapter a program of social services as enumerated under section two of chapter eighteen. In addition to the other benefits authorized by this chapter, the department may provide to such recipients grants of assistance in cases of fire, flood, or other disaster. The department may pay a sum not exceeding three hundred dollars for the burial of a recipient providing the cost of burial does not exceed nine hundred dollars and there are insufficient resources to pay for the cost of such burial. Any resources of a recipient shall be deducted from the maximum cost of the burial allowable hereunder and the difference, subject to the limitation set forth in this paragraph, may be paid by the department.

Section 7A. The department may provide to any recipient under this chapter who resides in a rest home which has a rate established pursuant to section thirty L of chapter seven a special grant whenever the aid provided under this chapter is insufficient to meet said rate established for such rest home. The department may pay such grant either to the recipient or to the rest home.

Section 8. The department shall promulgate such rules and regulations as are necessary or desirable for the administration of this chapter.

SECTION 24. Chapter one hundred and eighteen D of the General Laws is hereby repealed.

SECTION 25. Section 1 of chapter 118E of the General Laws, as appearing in section 1 of chapter 800 of the acts of 1969, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

The benefits of the program shall be available to all persons eligible for financial assistance under the provisions of chapter one hundred and eighteen and to all persons who are eligible for supplemental security income payments on account of age or disability under the provisions of title XVI of the federal Social Security Act or for assistance under the provisions of chapter one hundred and

eighteen A. The benefits of the program shall also be available to all others who would be eligible for financial assistance under any of the foregoing provisions but for income or resources, provided they meet the requirements of financial eligibility under the program hereinafter set forth, and to all persons under twenty-one years of age whose income and resources are insufficient to meet the costs of their medical care as determined by the financial eligibility requirements of said program.

SECTION 26. Section 5 of said chapter 118E, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — Upon receipt of an application for medical assistance from a disabled individual who does not qualify for cash assistance under the provisions of chapter one hundred and eighteen A, the department shall determine whether said individual meets the definition of "disabled" in title XVI of the federal Social Security Act and the regulations established thereunder.

SECTION 27. Section 9 of said chapter 118E, as so appearing, is hereby amended by adding the following paragraph: —

The department may enter into an agreement with the Secretary of the United States Department of Health, Education and Welfare, or with any federal or private agency, whereby said Secretary or agency shall determine on behalf of the department the eligibility for assistance under this chapter of all or certain applicants for such assistance.

SECTION 28. Said chapter 118E is hereby further amended by striking out section 14, as so appearing, and inserting in place thereof the following section: —

Section 14. When the department determines that an applicant is eligible for medical assistance, it shall pay for eligible care and service furnished on or after the date of application. The date of application for medical assistance of an individual who has applied for financial assistance under the provisions of chapter one hundred and eighteen A or section one hundred and thirty-one of chapter six, shall be deemed to be the date of application for such financial assistance, whether or not such financial assistance is granted. If consistent with title XIX of the federal Social Security Act and the regulations established thereunder, the department shall pay for eligible care and services furnished to an eligible applicant during the three months immediately prior to the month in which he filed his application: provided, however, that, at the time such care or services are furnished to him, such applicant upon application would have been eligible for medical assistance pursuant to this chapter.

Said chapter 118E is hereby amended by striking out section 25 and inserting in place thereof the following section: —

Section 25. To the extent feasible the department may contract with one or more federal agencies or corporations authorized to do business in the commonwealth, including nonprofit hospital and medical service corporations, to carry out the necessary adminis-

trative functions of the medical assistance program established under the provisions of this chapter. The department may contract for the underwriting of all or any part of the medical assistance program with such corporation or federal agency.

SECTION 30. The first paragraph of section 16 of chapter 195 of the General Laws, as most recently amended by section 12A of chapter 888 of the acts of 1970, is hereby further amended by striking out, in lines 9 and 10, the words "one hundred and eighteen A or one hundred and eighteen D" and inserting in place thereof the words: — or one hundred and eighteen A.

SECTION 31. Persons receiving financial assistance under section one hundred and thirty of chapter six of the General Laws or under chapter one hundred and eighteen A or one hundred and eighteen D of the General Laws on December thirty-first, nineteen hundred and seventy-three, shall, if eligible, receive benefits under section one hundred and thirty-one of said chapter six, inserted by section five of this act, or chapter one hundred and eighteen A, inserted by section twenty-three of this act, without filing an application for supplemental security income with the Social Security Administration of the Department of Health, Education and Welfare.

SECTION 32. The commissioner of public welfare and the commissioner of the blind shall, either as part of the agreements authorized by section one hundred and thirty-one B of chapter six and section three of chapter one hundred and eighteen A of the General Laws, inserted by sections five and twenty-three of this act, or by separate agreements, agree with the Secretary of the United States Department of Health, Education and Welfare to provide state supplementary payments to certain persons eligible to receive supplementary security income under Title XVI of the federal Social Security Act, to the extent required by federal law to qualify the commonwealth to receive federal reimbursement for medical assistance pursuant to Title XIX of said Social Security Act.

SECTION 33. The commissioner of public welfare and the commissioner of the blind may enter into agreements with the Secretary of the United States Department of Health, Education and Welfare to administer on behalf of said Secretary, a portion of the supplemental security income program or of the programs authorized by section one hundred and thirty-one of chapter six of the General Laws and chapter one hundred and eighteen A of the General Laws, inserted by sections five and twenty-three of this act. No such agreement shall remain in effect after June thirtieth, nineteen hundred and seventy-five.

SECTION 34. On or before January first, nineteen hundred and seventy-six, the commission on supplemental security income, established pursuant to section one hundred and sixty-six A of chapter six of the General Laws, inserted by section nine of this act, shall submit a detailed report on its findings, including recommendations for legislative action, to the governor, the speaker of the house, and the president of the senate.

SECTION 35. The state supplementary payments effective on January first, nineteen hundred and seventy-four, for persons receiving assistance under section one hundred and thirty-one of chapter six of the General Laws, inserted by section five of this act, shall be at levels sufficient so that when combined with federal supplemental security income they shall amount to at least a level of two hundred and forty-two dollars and fifty cents a month for an individual and four hundred and eighty-five dollars a month for a couple. Said levels of combined income for persons receiving assistance under section one of chapter one hundred and eighteen A of the General Laws, inserted by section twenty-three of this act, shall be for persons receiving assistance on account of age at least two hundred and twenty-three dollars and fifty cents for an individual living alone or with dependents in his own household unit and shall be at least three hundred and forty dollars and thirty cents for a couple in a similar living arrangement; for persons receiving assistance on account of disability levels of assistance shall be at least two hundred and fourteen dollars and ninety cents for an individual living alone or with dependents in his own household unit and shall be at least three hundred and twenty-seven dollars and forty cents for a couple in a similar living arrangement. The levels of state supplemental assistance may vary by living arrangement to the extent allowed by Title XVI of the Federal Social Security Act and amendments thereto.

SECTION 36. Effective March first, nineteen hundred and seventy-four, the level of the state supplementary payment authorized by section one of chapter one hundred and eighteen A of the General Laws, inserted by section twenty-three of this act, plus the level of federal supplemental security income in effect at such time shall be increased by a percentage amount equal to ten per cent. The level of state supplementary payment authorized by section one hundred and thirty-one of chapter six of the General Laws, inserted by section five of this act, plus the level of the federal supplemental security income shall be increased by the same rate.

SECTION 37. No officer or employee of the commission for the blind or the department of public welfare who, immediately prior to the effective date of this act, either holds a permanent appointment in a position classified under chapter thirty-one of the General Laws or has tenure in his position by reason of section nine A of chapter thirty of the General Laws, shall have his employment terminated, his position reduced in grade or his civil service status, seniority, retirement or other rights impaired as a result of the implementation of section one hundred and thirty-one B of chapter six of the General Laws, inserted by section five of this act, or of section three of chapter one hundred and eighteen A of the General Laws, inserted by section twenty-three of this act.

Nothing in this section shall be construed to confer upon any officer or employee any rights not held immediately prior to said effective date or to prohibit any reduction of salary or grade, trans-

fer, reassignment, suspension, discharge, layoff, or abolition of position not prohibited prior thereto.

All questions regarding the identification of such officers and employees shall be determined by the secretary of the executive office for administration and finance.

SECTION 38. The provisions of this act are severable and, if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions. If any of the provisions of this act shall be in violation of the provisions of the federal Social Security Act as in effect on the effective date of this act, such provision shall be null and void and the department of public welfare or the commission for the blind, as applicable, shall, in that event, take such action as is necessary to continue participation by the commonwealth in the program authorized by Title XVI of said Social Security Act. If any of the provisions of this act shall be in violation of any amendment to said Social Security Act which shall take effect subsequent to the effective date of this act, the commission on supplemental income shall recommend to the general court legislation which is necessary or desirable to conform the laws of the commonwealth to such amendments.

SECTION 39. This act shall take effect on January first, nineteen hundred and seventy-four, except that sections thirty-one and thirty-two of this act and sections one hundred and thirty-one B and D of chapter six of the General Laws, inserted by section five of this act, and sections three and five of chapter one hundred and eighteen A of the General Laws, inserted by section twenty-three of this act, shall take effect upon their passage and section two of said chapter one hundred and eighteen A shall take effect on July first, nineteen hundred and seventy-four.

Approved December 12, 1973.

Chap. 1211. AN ACT RELATIVE TO PENSIONS OF CERTAIN JUDGES.

Be it enacted, etc., as follows:

SECTION 1. The paragraph defining "Employee" in section 1 of chapter 32 of the General Laws is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences: —

"Employee", as applied to persons whose regular compensation, except in the case of any register of probate, is paid by any political subdivision of the commonwealth, except the metropolitan district commission, shall mean any person who is regularly employed in the service of any such political subdivision, including members of the police and fire departments, teachers, and employees of any free public library or any public museum maintained in any city or town, to the support of which said city or town contributes not less than one half of the cost, employees of a school lunch program as authorized under the provisions of chapter five hundred and

forty-eight of the acts of nineteen hundred and forty-eight, employees of a mosquito control project authorized under the provisions of section five A of chapter two hundred and fifty-two, members of the judiciary appointed on or after January second, nineteen hundred and seventy-five, and also including officials and public officers so paid whether employed, appointed or elected by popular vote for stated terms or otherwise. "Employee", as applied to persons who regular compensation is paid by the commonwealth or the metropolitan district commission, as the case may be, shall mean any person whether employed or appointed for a stated term or otherwise, who is engaged in duties which require that his time be devoted to the service of either such governmental unit in each year during the ordinary working hours of regular and permanent employees, and who is regularly and permanently employed in such service, including employees of the general court, members of the judiciary, state officials, constitutional officers, member of the general court or other persons elected by popular vote, but excluding members of the judiciary appointed thereto prior to January second, nineteen hundred and seventy-five, and excluding any person whose compensation for service rendered to the commonwealth is derived from the subsidiary account 03 of the appropriation of any department, agency, board or commission of the commonwealth.

SECTION 2. Paragraph (a) of subdivision (2) of section 3 of said chapter 32 is hereby amended by inserting after clause (xiii), added by section 6 of chapter 1003 of the acts of 1973, the following clause: —

(xix) Any person who is appointed as a member of the judiciary on or after January second, nineteen hundred and seventy-five, shall become a member subject to the provisions of section sixty-five D.

SECTION 3. Said chapter 32 is hereby further amended by striking out sections 65A to 65C, inclusive, and inserting in place thereof the following four sections: —

Section 65A. A chief justice or any associate justice of the supreme judicial court, the appeals court, the superior court, or the municipal court of the city of Boston, any judge of a housing court, other than the housing court of the city of Boston, any judge or associate judge of the land court, any judge of probate and insolvency, a justice of any district court other than the municipal court of Boston, or a justice of a juvenile court, who was appointed to any such judicial office prior to January second, nineteen hundred and seventy-five, and who shall be retired under Article LVIII of the Amendments to the Constitution shall thereupon be entitled to receive pension for life at an annual rate equal to three fourths of the annual rate salary payable to him at the time of such retirement, to be paid from the same source and in the same manner as the salaries of like judicial officers of his court are paid.

A chief justice, justice, associate justice, judge, or associate judge of any such court or courts appointed to any judicial office prior to January second, nineteen hundred and seventy-five, who after

having served in any such office or offices at least fifteen years continuously, notwithstanding that this continuous service may involve one or more appointments made subsequent to January second, nineteen hundred and seventy-five, and having attained the age of sixty-five years but not having attained the age of seventy years, shall retire from or resign his office, shall thereupon be entitled to receive a pension for life at an annual rate equal to three fourths of the annual rate of salary payable to him at the time of such resignation or retirement, to be paid from the same source and in the same manner as the salaries of like judicial officers of his court are paid. A chief justice, justice, associate justice, judge or associate judge of any such court who does not qualify for a pension under any of the foregoing provisions of this section upon his retirement under Article XCVIII of the Amendments to the Constitution at age seventy shall thereupon be entitled to receive a pension for life at an annual rate equal to ten per cent of three fourths of the salary of the office from which he retired at the time of such retirement or resignation multiplied by the number of years not exceeding ten, and fractions thereof consisting of a month or more which he has served in such office, or offices, to be paid from the same source and in the same manner as the salaries of like judicial officers of his court are paid. For the purposes of this paragraph a year of previous service as a special justice shall be computed by dividing the number of days of actual sittings in such capacity by two hundred and sixty, whether or not such sittings occurred in one calendar or fiscal year. A chief justice, justice, associate justice, judge or associate judge or any such court or courts shall be deemed to have served continuously, although a period not in excess of thirty days shall have intervened between the holding of one judicial office and the holding of another judicial office.

A justice of a district court who is retired under Article LVIII of the Amendments to the Constitution or who resigns in accordance with the provisions of this section, and who has served continuously for ten years prior to such retirement or resignation in the appellate division of a district court or in the superior court under the provisions of sections fourteen B to fourteen E of chapter two hundred and twelve, or corresponding provisions of earlier laws, or as a member of the administrative committee of the district courts, shall, in addition to all other amounts received under the provisions of this section, be entitled to receive a pension for life equal to three fourths of the average annual compensation paid him for such service during the ten years next preceding such retirement or resignation.

Section 65B. A special justice of a district court, including the municipal court of the city of Boston, and a special justice of a juvenile court, who shall be retired under Article LVIII of the Amendments to the Constitution, or a special justice thereof sixty-five years of age or over who shall resign his office after having served as a special justice for at least ten years, shall be entitled to receive a pension or retirement allowance for life at an annual rate

equal to three fourths of his average yearly earnings as a special justice for any three years of service in said office, whether consecutive or not, for which such earnings were the highest.

A special judge of probate and insolvency who shall be retired under Article LVIII of the Amendments to the Constitution or a special judge of probate who is sixty-five years of age or over and shall resign his office after having served as a special judge of probate for at least ten years shall be entitled to receive a pension or retirement allowance for life at an annual rate equal to three fourths of his average yearly earnings as special judge of probate during the period of ten years next preceding such retirement or resignation or at an annual rate equal to three fourths of his average yearly earnings as such special judge of probate during the entire period of his service in said office, whichever is the higher rate, but not exceeding in any event an annual rate equal to three fourths of the annual rate of salary of the judge of probate for the county in which he was appointed.

A special justice of a district court, including the municipal court of the city of Boston, and a special justice of a juvenile court or a special judge of probate and insolvency who has served three years or more but who has not served ten years upon his retirement under Article XCVIII of the Amendments to the Constitution at age seventy shall thereupon be entitled to receive a pension or retirement allowance for life at an annual rate equal to ten per cent of three fourths of his average yearly earnings as a special justice for any three years of service in said office, whether consecutive or not, for which such earnings were the highest multiplied by the number of years and fractions thereof consisting of a month or more which he has served in such office or offices.

Said special justices appointed on or after January second, nineteen hundred and seventy-five shall be subject to the requirements of paragraphs (a) and (b) of section sixty-five D provided that any such special justice who, upon resignation or retirement, does not meet retirement requirements set forth in this section shall have returned to him all funds previously withheld and deducted under the provisions of paragraph (b) of said section sixty-five D plus interest, within thirty days of such retirement or resignation.

Pensions under this section shall be paid from the same source and in the same manner as the salaries of the justices of the court from which the special justice was retired or resigned, provided that in the case of special justices subject to the requirements of paragraphs (a) and (b) of section sixty-five D the payment of retirement allowances, annuities, pensions and refunds shall be made pursuant to the provisions of paragraph (h) of said section sixty-five D.

Section 65C. A chief justice, justice, associate justice, judge, associate judge, or special justice, hereinafter in this section called judge, who is retired or who resigns and who is entitled to a pension or retirement allowance for life under provisions of section sixty-five A, sixty-five B, or sixty-five D may elect to receive, in lieu

thereof, a pension or retirement allowance for life at a lesser annual rate with provision that upon his death, leaving as a survivor a surviving spouse who was his spouse at the time of his retirement or resignation, two thirds of such pension or retirement allowance for life at a lesser annual rate shall be paid to such surviving spouse. Such lesser annual rate shall be determined so that the value, on the date of such retirement or resignation, of the prospective payments to such judge and to such surviving spouse shall be the actuarial equivalent of the value of the pension or retirement allowance for life to which such judge is entitled under the provisions of section sixty-five A, sixty-five B or sixty-five D, as the case may be. Such election shall be in writing on a prescribed form and filed with the appropriate retiring authority at the time of retirement or resignation or within thirty days thereafter. The computation of said actuarial equivalent shall be subject to supervision and verification in accordance with the provisions of section twenty-one by the actuary appointed by the commissioner of insurance.

If a judge, who would be entitled, upon resigning, to a pension or retirement allowance for life under sections sixty-five A, sixty-five B or sixty-five D, dies before resigning, the judge's surviving spouse shall receive a pension or retirement allowance for life of two thirds of such pension or retirement allowance for life at a lesser annual rate to which such judge would have been entitled had he, as of the date of death, resigned and had such pension or retirement allowance for life at a lesser annual rate been computed under the first paragraph.

If a judge forty-five years of age or over but under age seventy who would be entitled, upon resigning, to a pension or retirement allowance for life under sections sixty-five A or sixty-five D, except for not having attained age seventy, or if a judge forty-five years of age or over but under age sixty-five, who would be entitled upon resigning to a pension or retirement allowance under said section sixty-five A or sixty-five D, except for not having attained age sixty-five, or if a judge fifty-five years of age or over but under age sixty-five, would be entitled upon resigning to a pension or retirement allowance for life under section sixty-five B, except for not having attained age sixty-five dies before resigning, the judge's surviving spouse shall receive a pension or retirement allowance for life computed as provided in the second paragraph except that, in making such computation the proportion of the annual rate of salary payable to a judge under section sixty-five A or sixty-five D, or the proportion of the average yearly earning for the required years of service payable to a judge under section sixty-five B shall be reduced by one per cent for each year or part thereof by which the date of death precedes the attainment of the age at which the judge would have received, upon resigning, his pension or retirement allowance for life under section sixty-five A, sixty-five B or sixty-five D respectively.

Pensions under this section payable to surviving spouses shall

be paid from the same source and in the same manner as the salaries of like judicial officers of the court from which the judge was retired or resigned or of which he was a judge at the time of his death are paid. Retirement allowances under this section payable to surviving spouses of judges subject to the requirements of paragraphs (a) and (b) of section sixty-five D shall be paid pursuant to the provisions of paragraph (h) of section sixty-five D.

The provisions of the second and third paragraph shall not apply unless such surviving spouse and such deceased judge were living together at the time of such judge's death or, if living apart, they were living apart, in the opinion of the appropriate retiring authority, for justifiable cause other than desertion or moral turpitude on the part of such surviving spouse. Payments under said second and third paragraph shall terminate upon the remarriage of such surviving spouse.

In determining whether a judge who was appointed prior to January second, nineteen hundred and seventy-five, has served in any office or offices at least ten years continuously and would be for the purposes of the second or third paragraphs of this section, entitled to a pension for life under section sixty-five A or sixty-five B the period, not exceeding one year, of his wartime service as defined in section twenty-one of chapter thirty-one, whether before or after his appointment as a judge, shall be added to and deemed continuous with the period of his service in any such office or offices.

In determining whether a judge who was appointed prior to January second, nineteen hundred and seventy-five, has served in any such office or offices at least ten years continuously and would be, for the purposes of the second or third paragraph of this section, entitled to a pension for life under section sixty-five A or sixty-five B, each three years spent by him in the service of the commonwealth or of any county, city or town thereof shall count as one year or creditable service and each such year so credited, but in no event to exceed more than four years of such creditable service, shall be added to and deemed continuous with the period of his service in any such office or offices.

If a judge subject to the provisions of paragraphs (a) and (b) of section sixty-five D dies before resigning or before retiring and if the surviving spouse is not entitled to a pension or retirement allowance under the provisions of this section, or if a judge subject to the provisions of paragraphs (a) and (b) of said section sixty-five D dies before resigning or before retiring and if there is no surviving spouse who is eligible to receive a pension or retirement allowance under the provisions of this section, all funds previously withheld and deducted under the provisions of paragraph (b) of said section sixty-five D plus interest shall be returned to the estate of the deceased.

Section 65D. A chief justice or any associate justice of the supreme judicial court, the appeals court, the superior court, or the municipal court of the city of Boston, any judge of a housing court, other than the housing court of the city of Boston, any judge

or associate judge of the land court, any judge of probate and insolvency, a justice of any district court other than the municipal court of the city of Boston, or a justice of a juvenile court, hereinafter referred to as judges, appointed on or after January second, nineteen hundred and seventy-five, and who is not included under sections sixty-five A or sixty-five B by way of previous appointment to judicial office, shall be subject to the following retirement provisions. No other retirement provisions shall be applicable to judges first appointed on or after January second, nineteen hundred and seventy-five.

(a) Any such judge appointed on or after January second, nineteen hundred and seventy-five shall be subject to this section within ninety days of his appointment.

(b) There shall be deducted and withheld from the salary of each judge appointed on or after January second, nineteen hundred and seventy-five, a sum equal to seven per cent of the salary of such judge. The amounts so deducted and withheld from the salary of each such judge shall, in accordance with such procedures as may be prescribed by the retirement board of the retirement system established for the particular governmental unit from which such judge receives his regular compensation, be deposited to the credit of a fund to be known as the "judges retirement fund". The amounts so deducted shall be credited to the individual accounts of the respective members for whom such deductions have been made in such manner as may be prescribed by the retirement board.

(c) Each such judge first appointed to judicial office on or after January second, nineteen hundred and seventy-five and who (1) shall be retired under Article LVIII of the Amendments to the Constitution, or (2) shall have served in such office or offices for at least fifteen years continuously and has attained the age of sixty-five years but not having attained the age of seventy, and shall resign his office, shall thereupon be entitled to receive a retirement allowance for life at an annual rate equal to three fourths of the annual rate of salary payable to him at the time of such retirement or resignation. For the purpose of clause (2), a year of service as a special justice shall be computed by dividing the number of days of actual sittings in such capacity by two hundred and sixty, whether or not such sittings occurred in one calendar or fiscal year, provided that such judge deposits into the judges' retirement fund an amount equal to seven per cent of the compensation received by him during such period of service as a special justice plus regular interest to the date of such deposit. A judge shall be deemed to have served continuously, although a period not in excess of thirty days shall have intervened between the holding of one judicial office and the holding of another judicial office.

(d) Any such judge who does not qualify for a retirement allowance under the provisions of paragraph (c) upon his retirement under Article XCVIII of the Amendments to the Constitution at age seventy shall thereupon be entitled to receive a retirement

allowance for life at an annual rate equal to ten per cent of three fourths of the salary of the office from which he retired at the time of such retirement multiplied by the number of years not exceeding ten, and fractions thereof consisting of a month or more which he has served in such office or offices. For the purpose of this paragraph, a year of service as a special justice shall be computed by dividing the number of days of actual sittings in such capacity by two hundred and sixty, whether or not such sittings occurred in one calendar or fiscal year, provided that such judge deposits into the judges' retirement fund an amount equal to seven per cent of the compensation received by him during such period of service as a special justice plus regular interest to the date of such deposit. A judge shall be deemed to have served continuously, although a period not in excess of thirty days shall have intervened between the holding of one judicial office and the holding of another judicial office.

(e) A justice of a district court who is retired under Article LVIII of the Amendments to the Constitution or who resigns in accordance with the provisions of this section, and who has served continuously for ten years prior to such retirement or resignation in the appellate division of a district court or in the superior court under the provisions of sections fourteen B to fourteen E of chapter two hundred and twelve, or corresponding provisions of earlier laws, or as a member of the administrative committee of the district courts, shall, in addition to all other amounts received under the provisions of this section, be entitled to receive a retirement allowance for life equal to three fourths of the average annual compensation paid him for such services during the ten years next preceding such retirement or resignation, provided that such justice deposits into the judges' retirement fund an amount equal to seven per cent of the compensation received by him during such period of service plus regular interest to the date of such deposit.

(f) If any such judge resigns from office and does not meet the requirements for retirement or resignation set forth in paragraph (c) or (d) of this section the amount credited to his individual account plus interest shall be returned to him within thirty days of such resignation.

(g) The provisions of section sixty-five C, shall apply to those judges first appointed on or after January second, nineteen hundred and seventy-five.

(h) The payment of pensions, annuities, retirement allowance and refunds to the various judges who are retired or who resign under the provisions of this section, to the various judges subject to the provisions of the fourth paragraph of section sixty-five B, and to the surviving spouses of such judges under the provisions of section sixty-five C shall be made from the judges' retirement fund, provided that any amount needed for the payment of such pensions, annuities, retirement allowances or refunds in excess of the amount on deposit in the judges' retirement fund shall be paid from the same source from which the salaries of like judicial officers of the

courts of such various judges are paid.

SECTION 4. Paragraph (a) of section 102 of said chapter 32, as appearing in section 7 of chapter 793 of the acts of 1972, is hereby amended by inserting after the word "county", in line 12, the words: — , including members of the judiciary first appointed on or after January second, nineteen hundred and seventy-five.

SECTION 5. Notwithstanding the provisions of section sixty-five A of chapter thirty-two of the General Laws, amended by section three of this act, a chief justice or any associate justice of the supreme judicial court, the appeals court, the superior court or the municipal court of the city of Boston, any judge of a housing court, other than the housing court of the city of Boston, any judge or associate judge of the land court, any judge of probate and insolvency, a justice of any district court other than the municipal court of the city of Boston, or a justice of a juvenile court who was an incumbent of such office on January fourth, nineteen hundred and seventy-three and who is or has been retired under the provisions of Article XCVIII of the Amendments to the Constitution upon attaining the age of seventy shall thereupon be entitled to receive a pension for life at an annual rate equal to three-fourths of the annual rate of salary payable to him at the time of such retirement, to be paid from the same source and in the same manner as the salaries of like judicial officers of his court are paid.

Any such judge who is retired and who is entitled to a pension for life under the foregoing provision may elect to receive, in lieu thereof, a pension for life at a lesser annual rate with the provision that upon his death, leaving as a survivor a surviving spouse who was his spouse at the time of his retirement, two-thirds of such pension for life at a lesser annual rate shall be paid to such surviving spouse. Such lesser annual rate shall be determined so that the value, on the date of such retirement, of the prospective payments to such judge and to such surviving spouse shall be the actuarial equivalent of the value of the pension for life to which such judge is entitled under the provisions of the first paragraph. Such election shall be in writing on a prescribed form and filed with the appropriate retiring authority at the time of retirement or within thirty days after becoming eligible for such pension or within thirty days after passage of this act whichever comes later. The computation of said actuarial equivalent shall be subject to supervision and verification in accordance with the provisions of section twenty-one of chapter thirty-two of the General Laws by the actuary appointed by the commissioner of insurance.

If any such judge forty-five years of age or over but under age seventy dies while in office as a justice or judge of any such court leaving as a survivor a surviving spouse who was his spouse at the time of death, the judge's surviving spouse shall receive a pension for life computed as provided in the second paragraph except that in making such computation the proportion of the annual rate of salary payable to such judge under the first paragraph shall be reduced by one per cent for each year or part thereof by which the

date of death precedes the attainment of age seventy.

SECTION 6. Any justice or judge who has resigned his position to become chief justice or an associate justice of the appeals court prior to the effective date of section three of this act shall be deemed to have served continuously for the purposes of said section.

SECTION 7. Notwithstanding any provisions of section three of this act to the contrary, the provisions of sections sixty-five A, sixty-five B, and sixty-five C of chapter thirty-two of the General Laws in effect immediately prior to the effective date of said section three shall remain in effect and apply to appointments to the offices referred to therein which are made on or after said effective date and prior to January second, nineteen hundred and seventy-five.

SECTION 8. Notwithstanding any provisions of section sixty-five C of chapter thirty-two of the General Laws; amended by section three of this act to the contrary, those special justices of the district courts who were retired on January fourth, nineteen hundred and seventy-three under Article XCVIII of the Amendments to the Constitution shall have thirty days after the passage of this act to make the election provided for in said section sixty-five C.

SECTION 9. This act shall take effect upon its passage, except as to those special justices of the district courts who were retired under Article XCVIII of the Amendments to the Constitution on January fourth, nineteen hundred and seventy-three, and as to them, this act shall take effect as of January fourth, nineteen hundred and seventy-three, and section five of this act shall also take effect as of said January fourth, nineteen hundred and seventy-three.

Approved December 12, 1973.

Chap. 1212. AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE MAINTENANCE OF CERTAIN COUNTIES, THEIR DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A SUPPLEMENTAL COUNTY TAX FOR SAID COUNTIES.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the current appropriation act for each of the following counties, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal period from January first, nineteen hundred and seventy-three, to June thirtieth, nineteen hundred and seventy-four.

BERKSHIRE COUNTY.

Item	Sub-Total	Total
14. For district courts		
District Court of Central Berkshire		\$9,000. 00
1. Personal services	\$9,000. 00	

Item	Sub-Total	Total
27. For unpaid bills of previous year		\$ 807 22
Total amount of appropriations		\$9,807 22
And the county commissioners of Berkshire county are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter 396 of the acts of the current year, the sum of		
		\$9,807 22

BRISTOL COUNTY.

8. For Registry of deeds, salaries and expenses		
Southern District		\$550 60
1. Personal services	\$550 60	
12. For superior court costs		3,000 00
1. Personal services	3,000 00	
13. For civil expenses in probate court		7,000 00
1. Personal services	7,000 00	
14. For district courts		
First District Court of Bristol		9,000 00
1. Personal services	9,000 00	
Third District Court of Bristol		24,000 00
1. Personal services	24,000 00	
Juvenile Court of Bristol		6,000 00
1. Personal services	6,000 00	
Total amount of appropriations		\$49,550 60
And the county commissioners of Bristol County are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter 523 of the acts of the current year, the sum of		
		\$49,550 60

ESSEX COUNTY.

12. For superior court costs		\$4,000 00
1. Personal services	\$4,000 00	
14. For district courts		
District Court of Eastern Essex		9,000 00
1. Personal services	9,000 00	
District Court of Southern Essex		12,000 00
1. Personal services	12,000 00	
District Court of Peabody		9,000 00
1. Personal services	9,000 00	
Total amount of appropriations		\$34,000 00
And the county commissioners of Essex County are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter 525 of the acts of the current year, the sum of		
		\$34,000 00

HAMPDEN COUNTY.

12. For superior court costs		\$20,000 00
1. Personal services	\$20,000 00	
14. For district courts		
District Court of Eastern Hampden		14,000 00
1. Personal services	14,000 00	
District Court of Springfield		33,000 00
1. Personal services	33,000 00	
Total amount of appropriations		\$67,000 00

Item	Sub-Total	Total
And the county commissioners of Hampden County are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter 444 of the current year, the sum of		\$87,000 00
HAMPSHIRE COUNTY.		
14. For district courts		
District Court of Hampshire		\$9,000 00
1. Personal services	\$9,000 00	
Total amount of appropriations		\$9,000 00
And the county commissioners of Hampshire County are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter 309 of the acts of the current year, the sum of		\$9,000 00
MIDDLESEX COUNTY.		
12. For superior court costs		\$14,000 00
1. Personal services	\$14,000 00	
14. For district courts		
Third District Court of Eastern Middlesex		24,000 00
1. Personal services	24,000 00	
Fourth District Court of Eastern Middlesex		6,000 00
1. Personal services	6,000 00	
First District Court of Northern Middlesex		12,000 00
1. Personal services	12,000 00	
First District Court of Southern Middlesex		6,000 00
1. Personal services	6,000 00	
District Court of Central Middlesex		12,000 00
1. Personal services	12,000 00	
Total amount of appropriations		\$74,000 00
And the county commissioners of Middlesex County are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter 623 of the acts of the current year, the sum of		\$74,000 00
NORFOLK COUNTY.		
12. For superior court costs		\$22,000 00
1. Personal services	\$22,000 00	
14. For district courts		
District Court of East Norfolk		24,000 00
1. Personal services	24,000 00	
District Court of Southern Norfolk		9,000 00
1. Personal services	9,000 00	
Total amount of appropriations		\$55,000 00
And the county commissioners of Norfolk County are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter 443 of the acts of the current year, the sum of		\$55,000 00
PLYMOUTH COUNTY.		
12. For superior court costs		\$1,500 00
1. Personal services	\$1,500 00	

Item	Sub-Total	Total
14. For district courts		
District Court of Brockton		\$15,000 00
1. Personal services	15,000 00	
Third District Court of Plymouth		15,000 00
1. Personal services	15,000 00	
Total amount of appropriations		\$31,500 00
And the county commissioners of Plymouth County are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter 593 of the acts of the current year, the sum of		\$31,500 00
WORCESTER COUNTY.		
12. For superior court costs		\$7,000 00
1. Personal services	\$7,000 00	
14. For district courts		
Central District Court of Worcester		12,000 00
1. Personal services	12,000 00	
Second District Court of Eastern Worcester		2,500 00
1. Personal services	2,500 00	
First District Court of Southern Worcester		9,000 00
1. Personal services	9,000 00	
Total amount of appropriations		\$30,500 00
And the county commissioners of Worcester County are hereby authorized to levy as the county tax of said county for the current fiscal period, in the manner provided by law, in addition to the tax previously authorized by chapter 622 of the acts of the current year, the sum of		\$30,500 00

SECTION 2. This act shall take effect upon its passage.

Approved December 12, 1973.

Chap. 1213. AN ACT PROVIDING TENURE OF OFFICE FOR THE INCUMBENT OF THE POSITION OF DIRECTOR OF PLANT FACILITY OF THE CITY OF QUINCY.

Be it enacted, etc., as follows:

SECTION 1. The tenure of office of the incumbent of the position of director of plant facility in the school department of the city of Quincy shall, on the effective date of this act, be unlimited, subject, however, to the civil service law and rules. Said incumbent shall be subjected to a qualifying examination by the division of civil service, and, if he passes said examination, he shall be certified for said position and shall be deemed to be permanently appointed thereto without being required to serve any probationary period. If he fails to pass said examination, he may continue to serve in said position but shall not be subject to the civil service laws and rules.

SECTION 2. This act shall take effect upon its passage.

Approved December 12, 1973.

Chap. 1214. AN ACT FURTHER REGULATING THE LICENSING OF PROFESSIONAL BOXERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to grant to the state boxing commission discretion immediately to permit an amateur boxer under the age of eighteen but over the age of sixteen to box in the commonwealth as a professional boxer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 35 of chapter 147 of the General Laws, as most recently amended by chapter 199 of the acts of 1948, is hereby further amended by inserting after the word "age", in line 19, the words: — , except as otherwise provided in section thirty-nine.

SECTION 2. Section 39 of said chapter 147, as most recently amended by chapter 377 of the acts of 1972, is hereby further amended by inserting after the second sentence the following sentence: — At the discretion of the commission an amateur boxer who has reached his sixteenth birthday but has not yet reached his eighteenth birthday may be licensed as a professional boxer.

Approved December 12, 1973.

Chap. 1215. AN ACT PROVIDING FOR INCREASED ASSISTANCE TO THE ELDERLY AND PROVIDING FOR ADDITIONAL ASSISTANCE TO CITIES AND TOWNS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. This act may be referred to as the Urban Betterment and Elderly Housing Act of 1973.

SECTION 2. Chapter 23B of the General Laws is hereby amended by inserting after section 10 the following section: —

Section 10A. The department may enter into a contract with a local housing authority for the purpose of assisting housing development by expending such monies as may be appropriated for the purpose of making non-interest bearing advances to housing authorities organized under the provisions of chapter one hundred and twenty-one B to enable them to construct low rent housing projects, as defined in said chapter one hundred and twenty-one B, provided the department shall, pursuant to regulations made by it, make the following findings: (1) there is a reasonable anticipation that financing arrangements satisfying the requirements of chapter one hundred and twenty-one B will be obtained for said project, and, (2) the project site is suitable, the need for housing of the type proposed in the area to be served is demonstrated, and the likelihood that the project will provide low-income housing is great. The proceeds of such advances may be used only to defray the development costs of such project incurred prior to initial advance funds in accordance with the provisions of said chapter one hundred

and twenty-one B. Such costs may include, but shall not be limited to (a) payments for options to purchase properties on the proposed housing project site, deposits on contracts of purchase, or with prior approval, payment for the purchase of such properties; (b) legal and organizational expenses including payment of attorney's fees, project manager and clerical staff salaries, office rent and other incidental studies; advances for planning, engineering and architectural work; and, (c) such other expenses incurred by the authority as the department may deem appropriate to effectuate the purposes of this section. The housing authority shall reimburse the commonwealth for all monies advanced under this section from the proceeds of any bonds or notes issued under sections thirty-four or forty-one of said chapter one hundred and twenty-one B of the General Laws.

Any monies so reimbursed shall be credited to the General Fund.

SECTION 3. Section 1 of chapter 60 of the General Laws, as most recently amended by chapter 37 of the acts of 1943, is hereby amended by inserting after the introductory paragraph the following: —

"Abandoned Property", property that is unused, unoccupied, and in such a deteriorated condition as to be uninhabitable or a danger to life or limb. As used in the above sentence unoccupied shall mean without lawful occupants.

SECTION 4. Section 45 of said chapter 60, as most recently amended by section 2 of chapter 716 of the acts of 1971, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: — No sale hereafter made shall give to the purchaser any right to possession of the land until the right of redemption is foreclosed, as hereinafter provided.

SECTION 5. Section 65 of said chapter 60, is hereby amended by striking out the first sentence, as inserted by section 1 of chapter 716 of the acts of 1971, and inserting in place thereof the following sentence: — Except as provided in section sixty-two, whoever then holds the title to land acquired by a sale or taking for taxes may bring a petition in the land court for the foreclosure of all rights of redemption of said land either after six months from the sale or taking, or in case of a city or town, at any time following the sale or taking if the buildings thereon have been found to be abandoned property pursuant to section eighty-one A; provided, however, a petition for the foreclosure of all rights of redemption may be filed at any time following the consent in writing of the record owner.

SECTION 6. Section 79 of said chapter 60, as most recently amended by chapter 353 of the acts of 1968, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — After ninety days from the taking or purchase by a town of any parcels of land for non-payment of taxes, the commissioner may, and on written application of the town treasurer shall, inquire into the value of such parcels and the validity of tax titles held thereon.

SECTION 7. Said chapter 60 is hereby further amended by inserting, after section 81, the following section: —

Section 81A. Whenever a city or town shall have purchased or taken land for non-payment of taxes under section forty-three or fifty-three, respectively, and the treasurer of said city or town has reason to believe that the buildings located thereon are unoccupied, he shall forthwith request the inspector of buildings, or such other person designated by the mayor or board of selectmen to perform the duties of the inspector of buildings as defined in section six of chapter one hundred and forty-three, to inspect the buildings. Said inspection may be in addition to and need not be in conjunction with the inspection as performed by the inspector of buildings pursuant to said section six, and shall not preclude a city or town from taking any action prescribed in said chapter one hundred and forty-three, relative to said land.

If the inspector of buildings determines that said buildings are abandoned property he shall notify the record owner, and, if appropriate, the mortgagee in possession or lessee, of his finding. Such notice shall include a statement that the inspection was conducted at the request of the local treasurer and that the failure of the record owner, or other interested party, to correct the conditions described in the notice within thirty days of receipt or publication of the notice will result in proceedings to foreclose the record owner's right of redemption. Such notice may be served in the manner required by law for the service of subpoenas on witnesses in civil cases or may be published. The inspector of buildings shall also, at the time of service or publication, post a copy of the notice in two or more convenient public places.

If at the expiration of the thirty-day period, the inspector of buildings is of the opinion that action has not been initiated to correct the conditions described in the notice, he shall forthwith notify the local treasurer in writing, under penalties of perjury, that the buildings on the land have been found to be abandoned property. Such written notice shall include therein the facts and circumstances which formed the basis of his findings, and a copy of the notice served on the record owner, or if service was by publication, an account of the steps taken to locate the record owner and a copy of the published notice.

Upon receipt of such written notice the treasurer shall immediately notify the commissioner in writing, under the penalties of perjury, of such finding. Said notice to the commissioner shall include a copy of the notice filed by the inspector of buildings, such information appearing in the records of the assessors and of the collector and tending to establish the validity of the tax title on such land, and any further information that the commissioner may deem appropriate.

If the commissioner is of the opinion that the facts and circumstances as found by the inspector of buildings are sufficient to establish that the buildings on the land so taken or purchased are abandoned property and that the facts essential to the validity of the tax title on such land have been adequately established, he shall make an affidavit of such finding which shall be recorded in the

registry of deeds for the district wherein the land lies.

The commissioner shall incorporate in his affidavit the statements of the inspector of buildings and the treasurer, or such portions thereof as the commissioner finds pertinent, and when recorded, shall be prima facie evidence of such facts.

Upon the recording of the affidavit the treasurer shall bring a petition in the land court pursuant to section sixty-five for the foreclosure of all rights of redemptions of said land.

SECTION 8. Chapter 121B of the General Laws is hereby amended by inserting after section 26 the following section: —

Section 26A. The department shall have all the powers of a housing authority under this chapter and be subject to all the limitations on such powers, provided for in this chapter, in order to provide housing for the elderly and for families of low income in any city or town where no housing authority has been organized.

Upon the organization of a local housing authority in such city or town, or of a regional housing authority under section three A, which includes such city or town, all the rights, required or exercised by the department or exercised by the department with respect to such housing shall immediately vest in such local or regional housing authority and the department shall enter into a contract for financial assistance with such local or regional housing authority provided for in this chapter.

The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purpose of meeting payments as authorized by this section, and may issue and renew from time to time notes and bonds of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer, provided that the annual payment for any one project shall not exceed eight per cent of the project cost, as determined by the department.

To finance the costs of any projects undertaken under section twenty-six, and annual contributions by the commonwealth, as provided for under this chapter, the state treasurer shall, upon request of the governor, issue and sell at public or private sale, notes or bonds of the commonwealth, in an amount to be specified by the governor from time to time, but not exceeding in the aggregate the difference between the amounts authorized, in section forty-one with respect to elderly persons of low-income and in section thirty-four with respect to families of low-income, and the amount of notes or bonds of a housing authority guaranteed by the commonwealth issued to finance the cost of project. The provisions and limitations relating to such notes and bonds, as provided for under this chapter shall apply to such notes and bonds in the same manner and to the same extent as if such notes or bonds had been issued by a local housing authority.

The department shall not exercise its powers herein granted without the approval of the city or town in which such a project is planned in the same manner as would be required if a local or regional housing authority were to exercise its authority.

SECTION 9. The second sentence of the first paragraph of section 29 of said chapter 121B, as amended by section 3 of chapter 851 of the acts of 1970, is hereby further amended by striking out, in line 2, the word "may" and inserting in place thereof the word: — shall.

SECTION 9A. The fourth sentence of said first paragraph of said section 29 of said chapter 121B, as appearing in chapter 751 of the acts of 1969, is hereby amended by striking out, in line 13, the word "may" and inserting in place thereof the word: — shall.

SECTION 10. The second sentence of subparagraph (b) of section 31 of said chapter 121B is hereby amended by striking out clause (ii), as amended by chapter 851 of the acts of 1973, and inserting in place thereof the following clause: —

(ii) the total combined number of units of the proposed project and any low rent housing project which is in existence or has been approved or is before the department for approval and is located adjacent to or within one-eighth of a mile of the site of the proposed project shall not exceed one hundred, other than those to be used specifically for elderly persons of low income. This provision shall not apply to sites for projects approved or being approved under the preceding paragraph (a);.

SECTION 11. Said chapter 121B is hereby further amended by striking out section 34 and inserting in place thereof the following section: —

Section 34. The commonwealth, acting by and through the department, may enter into a contract or contracts with a housing authority for state financial assistance in the form of a guarantee by the commonwealth of notes or bonds or both of the housing authority issued to finance the cost of a housing project or projects, and annual contributions by the commonwealth. The guarantee by the commonwealth of the notes and bonds of a housing authority shall be executed on each note and bond by the commissioner or by the deputy commissioner designated by the commissioner. It shall be sufficient if the signature of said commissioner or said deputy commissioner upon such instrument is an engraved, printed or stamped facsimile signature, provided that he has, by a writing bearing his written signature and filed in the office of the commissioner of community affairs, authorized his facsimile signature to be placed thereon. The facsimile signature of said commissioner or said deputy commissioner so engraved, printed or stamped thereon shall have the same validity and effect as his written signature. If any such commissioner or deputy commissioner shall cease to be such officer before the delivery of such instruments, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery.

Each such contract shall contain such limitations as to the development cost of the project and administrative and maintenance costs, and such other provisions, as the department may require. Each project shall be based upon a separate application made to the department and shall be planned to conform, as nearly

as possible, to the existing published requirements of the federal government for low-rent or other housing projects, except such requirements as are based upon the cost limitations set forth in federal legislation. A project so planned shall be deemed to provide adequate performance as set forth in section three J of chapter one hundred and forty-three. A housing authority may, with the approval of the department, acquire under the provisions of clause (d) of section eleven for the purposes of a project under this section or section thirty-five any land acquired by a city or town under the provisions of chapter three hundred and seventy-two of the acts of nineteen hundred and forty-six, as amended; provided, that such city or town has not completed construction of a housing project on such land. Each project developed under this section and section thirty-five shall be administered for occupancy in accordance with section thirty-two, except clause (c), and except that for each completed project the authority shall create, beginning in the first year immediately succeeding its issuance of any bonds, a reserve for principal and interest equal to one twelfth of the largest principal and interest payments which will be due on such bonds in any one year thereafter and shall maintain such reserve and increase the same by a similar amount for each of the eleven succeeding years thereafter and maintain each such increase; provided, however, that whenever the amount of the reserve shall equal at least fifty per cent of the total amount so required to be provided, the department may authorize extension of the time for creating such reserve to a period of twenty-four years from the issuance of any bonds and any such reserve shall be maintained and thereafter increased by equal amounts annually during the remaining portion of the twenty-four years; provided, however, that in the event a project is refinanced, there shall be appropriate adjustments made in the reserves required by the foregoing provisions to reflect any change in amounts of principal and interest payable to the end that twelve years after the date of the issuance of the original bonds, or, as soon thereafter as may be practicable, there will have been created and thereafter maintained a reserve equal to the largest amount of principal and interest due in any subsequent year on account of the outstanding bonds issued to finance the project, and except that each such project shall be occupied, except as hereinafter provided by veterans and their families, and priority shall be given first to veterans of World War II of low income and to veterans of low income who have served in the active armed forces of the United States at any time between June the twenty-fifth, nineteen hundred and fifty and January the thirty-first, nineteen hundred and fifty-five, both dates inclusive; then to veterans of low income, such low income to be determined from time to time by the department; then to a person without regard to family status who is a veteran and who is fifty years of age or over; then to elderly persons qualifying for housing under the provisions of section forty; then, without regard to family status, to a person of low income who is permanently and totally disabled and

eligible for assistance under chapter one hundred and eighteen O, or blind, then to other persons of low income living in substandard housing, and a housing authority may remodel or reconstruct parts of projects erected under this section to make the same available for occupancy by elderly persons qualifying for housing under the provisions of section forty and such remodeled or reconstructed apartments shall be available for occupancy by eligible elderly persons of low income only to the extent that no eligible veterans apply for such units; provided, that if no eligible veterans or elderly persons of low income apply for such remodeled or reconstructed units, the units shall be made available to other persons of low income living in substandard housing. Notwithstanding the requirement that each project shall be based upon a separate application made to the department, the department may consolidate two or more projects of the same housing authority, for which projects applications have been seasonably made under this section and which projects shall have been approved by the department, into a single project, and may make on behalf of the commonwealth a contract with the housing authority for state financial assistance in respect of such consolidated project superseding any such contract made in respect of any of the constituent projects, and may determine the date of completion of the consolidated project superseding any such date determined in respect of any of the constituent projects and such consolidated project shall be constructed, financed and managed as a single project; provided, that nothing contained in this sentence shall affect the rights of the holders of any notes or bonds outstanding in respect of any of the constituent projects at the time of such consolidation.

If federal assistance for low-rent housing becomes available in any form not applicable to projects under this chapter, the department shall immediately report the circumstances to the general court together with such recommendations for legislation as may be necessary to enable such projects to qualify for such assistance. Upon the availability of federal financial assistance for low-rent housing projects under this section, each housing authority having a contract for state financial assistance shall, upon receipt or written notice from the department, immediately enter into negotiations with the federal government to arrange for federal assistance with respect to any project developed hereunder and for the termination, in whole or in part, of state financial assistance. For any such project the department may order any housing authority (1) to apply for federal financial assistance and (2) upon obtaining the approval of the federal government; to enter into a contract or contracts for federal assistance, and to make such arrangements as are possible to terminate, reduce or subordinate the obligation of the commonwealth to render financial assistance in such amount as is provided by federal assistance. No order of the department shall in any way affect any outstanding obligations of a housing authority or the rights of any holders of notes or bonds. The amount of federal payments shall be used to the fullest allowable extent to meet the

payment of principal and interest on all notes or bonds guaranteed by the commonwealth.

After March the thirty-first, nineteen hundred and fifty-three, or such later date as the department shall determine that an acute shortage of housing for veterans constituting a public exigency, emergency or distress no longer exists in a particular city or town, any project, or a part of any project with the land appurtenant thereto, constructed under this section may, with the approval of the department, be sold for the fair market value thereof as determined by the department, but not less than the total of the outstanding obligations of the housing authority with respect to such project if the whole is sold or not less than that percentage of the total outstanding obligations of the authority with respect to such project which the cost of the part sold bears to the total cost of the entire project if a part is sold. Upon the expiration of the period for which the commonwealth is obliged to furnish state financial assistance, and provided the federal government has not become obligated to furnish federal financial assistance, any such project shall be offered for sale and disposed of as soon as is consistent with sound business judgment; provided, that any such sale shall be approved by the department. The Housing Authority Bonds Sinking Fund is hereby established and the state treasurer is hereby designated custodian thereof and he shall administer such fund in accordance with the provisions of chapter twenty-nine. So long as any notes or bonds or both issued by a housing authority to finance the cost of a project under this section or section thirty-five and guaranteed by the commonwealth are outstanding, the proceeds of any sale of such project shall be paid by the housing authority into such fund and shall be expended from time to time by the state treasurer to pay interest and principal of any notes or bonds or both issued by such housing authority to finance such project.

The proceeds of any sale of such project in excess of the total of all obligations of the housing authority with respect to such project shall, after the payment of all notes or bonds or both issued by the housing authority to finance the cost of such project, be paid to the city or town in which such project is located and to the commonwealth. The respective payments to such city or town and the commonwealth shall be proportional to the contributions theretofore made by such city or town and the commonwealth toward the development and maintenance of such project, as determined by the department. In determining the contributions of a city or town, the department shall include the amounts which the city or town would have received if such project had not been exempt from taxes, betterments and special assessments, less any amounts paid by the housing authority to the city or town in lieu of such taxes, betterments and special assessments. Payments to the commonwealth hereunder shall be paid into the state treasury and shall be credited to the General Fund.

The provisions of sections one to forty-four, inclusive, except section thirty-three shall, as far as apt, be applicable to projects

developed under this section and under section thirty-five and to housing authorities while engaged in developing and administering such projects; provided, that whenever the phrases "federal government" or "federal legislation" are used in said sections one to forty-four, inclusive, they shall also mean the commonwealth or laws of the commonwealth, as the case may be; and that whenever the words "low-rent housing project" or "projects" are used in said sections they shall also mean a state-aided project under this section and section thirty-five.

The following provisions shall be applicable to each contract for state financial assistance under this section and section thirty-five:

(a) A housing authority may sell temporary notes or bonds or both to finance a project; provided, that the total amount outstanding at any one time, exclusive of any notes or bonds or both which may be issued for refunding purposes, shall not be in excess of the cost of the project as approved by the department. Any such notes or bonds, whether original or refunding, may at any time be refunded through the issue and sale of notes or bonds hereunder but in no event for a term more than forty years after completion of the project, as determined by the department.

Notwithstanding the provisions of section seventeen the payment of the principal of, and interest on, all such notes or bonds or both shall be guaranteed by the commonwealth, and the full faith and credit of the commonwealth is hereby pledged for any such guarantee; provided, that the total amount of notes or bonds or both so guaranteed shall not exceed two hundred and forty-five million dollars, in the aggregate, for all projects constructed under this section and section thirty-five, exclusive of any such notes or bonds or both which may be issued for refunding purposes.

No housing authority shall sell or offer for sale any such notes or bonds without receiving from the department approval of the amount, the term, the time of sale, the amortization schedule and other conditions of sale which the department may deem relevant in connection with the sale of such notes or bonds. Except as otherwise provided in this paragraph, the amortization schedule for any bonds issued hereunder shall provide for payment of principal and interest combined in substantially equal amounts during each year that any of said bonds remain outstanding. Bonds may be issued for a maximum period of forty years from the completion of the project as determined by the department or for any portion of such period as may remain at the time of issue of said bonds. Bonds may be issued for less than the maximum period permitted hereunder an amortization schedule which provides for the payment of a larger amount of principal and interest in the last year any such bonds remain outstanding than in the prior years, in which event the amortization schedule for such bonds shall provide (1) for payment of principal and interest combined during each year except the last in amounts which are not less than the amounts which would be required by an amortization schedule for bonds bearing the same rate of interest and issued for the maximum period

permitted; and (2) for the payment of the entire balance of such bonds in such last year. In the event bonds are issued for less than the maximum period permitted hereunder with a large amount of principal and interest payable in the last year as hereinbefore provided, the amount of principal and interest payable in said last year shall be disregarded in computing the requirements for the reserve under the first paragraph of this section. In the event notes are issued to finance or refinance a completed project, such notes shall be payable not later than twenty-four months after such issuance and (1) such notes shall be permanently retired at the maturity thereof in an amount at least equivalent to the amount of retirement of bonds which would have been required by an amortization schedule for bonds issued for the maximum period permitted hereunder and bearing interest at the rate of two and one half per cent per annum, adjusted to the nearest month where notes are issued for a period other than one year; and (2) a reserve for principal and interest shall be created and maintained beginning in the first year immediately succeeding the issuance of such notes, equal to one twelfth of the largest principal and interest payments which would become due in any one year thereafter, if such bonds had been issued, and such reserve shall be increased by a similar amount for each succeeding year; provided, however, that after June the fourteenth, nineteen hundred and sixty-three, all such reserves whether theretofore or thereafter created, and the maintenance and increase thereof, shall be governed in all respects solely by the provisions of the first paragraph of this section as if such bonds had been issued. Anything herein to the contrary notwithstanding, the failure of any amortization schedule of bonds or retirements of notes approved by the department to meet the foregoing requirements shall not affect the validity of bonds or notes issued hereunder.

(b) Each contract for financial assistance or supplementary state financial assistance shall provide that the commonwealth will pay to the housing authority annual contributions; provided, however, that the total amount of annual contributions contracted for by the commonwealth for any one year shall not exceed nineteen million six hundred thousand dollars. Each such annual contribution by the commonwealth to the housing authorities shall be paid by the commonwealth upon approval and certification by the department to the state comptroller.

Each such contract shall contain a provision that the annual contributions shall be used for the payment of interest on, and principal of, notes or bonds or both of the housing authority. The annual contributions for any one project shall be payable in an amount not exceeding eight per cent of the cost of the project, as determined by the department, and for the fixed period during which the notes or bonds or both issued to finance the cost of the project or any refunding notes or bonds or both remain outstanding but in no event for more than forty years after the completion of the project, as determined by the department. Each such contract shall provide that whenever in any year the receipts of a housing

authority in connection with a project exceed its expenditures for that project, including debt service, payments in lieu of taxes, administration, establishment of reserves and other costs, as determined by the department, an amount equal to such excess, or, in the case of projects under section thirty-five, an amount equal to such portion of the excess as the department shall prescribe, shall be applied, or set aside for application, to purposes which shall effect a reduction in the amount of subsequent annual contributions. The full faith and credit of the commonwealth is hereby pledged to the payment of all annual contributions contracted for by the commonwealth.

In addition to the provisions set forth in the preceding two paragraphs which shall apply to projects completed on or before July the first, nineteen hundred and sixty-six, this paragraph and the following paragraph shall apply to those projects which are completed after that date. Each contract for state financial assistance or for supplementary state financial assistance shall provide that the commonwealth will pay to the housing authority annual contributions; provided, however, that the total amount of such additional contributions contracted for by the commonwealth for any one year shall not exceed four million six hundred thousand dollars.

Each such annual contribution by the commonwealth to the housing authorities shall be paid by the commonwealth upon approval and certification by the department to the state comptroller.

Each such contract shall contain a provision that the annual contributions shall be used for the payment of interest on, and principal of, notes or bonds or both, of the housing authority. The annual contributions for any one project shall be payable in an amount not exceeding eight per cent of the cost of the project, as determined by the department, and for the fixed period during which the notes or bonds or both issued to finance the cost of the project or any refunding notes or bonds or both remain outstanding, but in no event for more than forty years after the completion of the project, as determined by the department. Each such contract shall provide that whenever in any year the receipts of a housing authority in connection with a project exceed its expenditures for that project, including debt service, payments in lieu of taxes, administration, establishment of reserves and other costs, as determined by the department, an amount equal to such excess, or, in the case of projects under section thirty-five, an amount equal to such portion of the excess as the department shall prescribe, shall be applied, or set aside for application, to purposes which shall effect a reduction in the amount of subsequent annual contributions. The full faith and credit of the commonwealth is hereby pledged to the payment of all contributions contracted for by the commonwealth.

(c) The department may enforce any of its orders, rules or regulations or the provisions of any contract between the commonwealth and a housing authority by a bill in equity filed in the

superior court or by a petition for a writ of mandamus filed under the provisions of section five of chapter two hundred and forty-nine. In the event of a breach by a housing authority of any provisions of contract between it and the commonwealth relating to a project, the commonwealth, acting by the department, may take immediate possession of the project and retain possession and operate the project in the place and stead of the housing authority, with all the rights and powers of the housing authority, and subject to all of its obligations respecting the possession and operation of the project and the revenues therefrom, until such time as such breach shall have been corrected to the satisfaction of the department.

(d) A housing authority which sells bonds or notes to finance a project under authority of this section, or which has received funds from a city or town under authority of chapter three hundred and seventy-two of the acts of nineteen hundred and forty-six as amended, shall cause an audit to be made of its accounts annually at the close of a fiscal year by the department of the state auditor and a copy of the report of said audit shall be filed promptly with the department.

(e) Any type of housing including one, two and three family dwellings may be constructed under this section notwithstanding the provision that each project shall conform as nearly as possible to the existing published requirements of the federal government for low-rent or other housing projects. In offering for sale residences constructed under this section, preference to potential buyers shall be given whenever reasonably possible as follows: (1) veterans tenants of such residences; (2) all other World War II veterans, as defined in section seven of chapter four; (3) surviving widows and mothers of said veterans of World War II; (4) all other United States war veterans; (5) all other resident citizens of the city or town in which said residences are located; (6) all other citizens of the commonwealth; (7) an urban redevelopment corporation; and (8) all others. The provisions of this paragraph shall not apply to projects completed after July first, nineteen hundred and sixty-six.

(f) Whenever a housing authority shall determine that land acquired by it under clause (d) of section eleven for the purposes of this section is in excess of or no longer required for such purposes it may, upon approval by the department, sell or otherwise dispose of such land by deed or instrument approved as to form by the attorney general. Funds received from a sale of land as herein provided shall be paid into the Housing Authority Bonds Sinking Fund as provided in this section.

(g) Whenever a housing authority shall determine that any gas, electric or heating distribution system which has been built or acquired for the purposes of this section is no longer required for such purposes, it may, upon approval by the department, sell or otherwise dispose of such gas, electric or heating distribution system, or any part thereof, by deed or instrument approved as to form by the attorney general. Funds received from a sale of a gas, electric or heating distribution system or any part thereof, as here-

in provided, shall be paid into the Housing Authority Bonds Sinking Fund as provided in this section.

(h) The department shall promulgate rules and regulations relative to uniform standards for tenant selection which shall establish the order of priority governing the selection of tenants, and a housing authority thereafter shall be bound by such standards in its selection of tenants.

Notwithstanding any of the provisions of sections thirty-five to thirty-seven, inclusive, any housing authority having a contract for state financial assistance may, with respect to any project developed hereunder, and in accordance with the provisions of section fourteen and section thirty, contract with the federal government for financial assistance in accordance with the provisions of federal legislation.

SECTION 12. Section 40 of said chapter 121B is hereby amended by striking out subsection (e) and inserting in place thereof the following subsection: —

(e) Rents for dwelling units in projects or parts of projects constructed for elderly persons of low income shall be computed as provided in section thirty-two; provided that in the case of persons receiving old age assistance under chapter one hundred and eighteen A, directly or indirectly in whole or in part, from the commonwealth, dwelling units in projects or parts of projects constructed under section thirty-nine shall be deemed to be adequate housing for elderly persons and shall qualify for and rent at the maximum rental allowance under the old age assistance laws, regulations, and policies. Notwithstanding any provision of law to the contrary no elderly person of low income shall be required to pay more than twenty per cent of his or her income without utilities or twenty-five per cent with utilities for rent for dwellings units in projects or parts of projects constructed or leased or purchased under this chapter. Any deficiency in the budget of a housing authority caused by such reduced rental shall be reimbursed by the commonwealth and paid to the housing authority in an amount equal to the difference between the tenant's rent and prorated cost of operating that unit. The prorated cost of operations shall be computed by the department with provision for a full operating reserve.

SECTION 13. Section forty-one of chapter 121B of the General Laws as most recently amended by chapter 1114 of the acts of 1971 is hereby amended by striking said section forty-one and inserting in place thereof the following new section: —

Section 41. The commonwealth, acting by and through the department, may enter into a contract or contracts with a housing authority for state financial assistance in the form of a guarantee by the commonwealth of bonds and notes, or either bonds or notes, of the housing authority issued to finance the cost of a project or projects or a part or parts of a project or projects to provide housing for elderly persons of low income. The amount of bonds and notes, or bonds or notes, guaranteed by the commonwealth under this section shall not exceed five hundred and ten million dollars. Each

contract for state financial assistance shall provide that the commonwealth will pay to the housing authority annual contributions; provided, however, that the total amount of annual contributions contracted for by the commonwealth for any one year shall not exceed forty million eight hundred thousand dollars. Each such annual contribution by the commonwealth shall be paid by the commonwealth upon approval and certification by the department to the state comptroller. The provisions of sections thirty-four and thirty-five shall, so far as apt, be applicable to contracts for state financial assistance under this section.

SECTION 14. The second paragraph of section 43 of said chapter 121B is hereby amended by striking out the second sentence, added by section 7 of chapter 1114 of the acts of 1971, and inserting in place thereof the following sentence: — The department may enter directly into leases and exercise all other rights and duties of housing authorities under the rental assistance program in cities and towns where no local housing authority exists or where the department finds that the local housing authority has not carried out the provisions of the rental assistance program.

SECTION 15. Section 1 of chapter 708 of the acts of 1966 is hereby amended by striking out paragraph (d) and inserting in place thereof the following paragraph: —

(d) "Low income persons or families" shall mean those persons and families whose annual income is equal to or less than the maximum amount which would make them eligible for units owned or leased by the housing authority in the city or town in which the project is located or, in the event that there is no housing authority, that amount which is established as the maximum for eligibility for low-rent units by the department of community affairs.

SECTION 15A. Section 1 of chapter 121B as most recently amended by chapter 812 of the acts of 1970 is hereby further amended by striking the definition of "Elderly persons of low income" and inserting in place thereof the following definition:

"Elderly persons of low income," persons having reached the age of sixty-five or over whose annual net income is less than the amount necessary to enable them to maintain decent, safe and sanitary housing, except that where there exists a surplus of housing units the age requirement may be reduced by the housing authority to age sixty-two provided the oldest of the applicants between sixty-two and sixty-five is given preference on this new list.

SECTION 16. Paragraph (d) of section 5 of said chapter 708 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: —

"Total project cost" shall include construction costs including job overhead and a builder's and sponsor's profit and risk fee, architectural, engineering, legal and accounting costs, organizational expenses, operating reserves, replacement reserves, land value, interest and financing charges paid during construction, the cost of landscaping and offsite improvements, whether or not such costs have been paid in cash or in a form other than cash.

SECTION 17. Paragraph (b) of section 8 of said chapter 708 is hereby amended by inserting after the third sentence the following sentence: —

The principal of and interest on any bonds or notes issued by the MHFA may be secured by the full faith and credit of the MHFA, by a pledge of any revenues and receipts of the MHFA, by a mortgage or other instrument covering all or any part of any and all projects, including any additions, improvements, extensions to or enlargements of any projects thereafter made, or by any one or more of the foregoing, all as the MHFA may determine in the resolution authorizing the issue of such bonds or notes.

SECTION 18. Said paragraph (b) of said section 8 of said chapter 708 is hereby amended by striking out the last sentence, as most recently amended by chapter 971 of the acts of 1971, and inserting in place thereof the following sentence: —

The aggregate principal amount of notes and bonds of the MHFA outstanding at any one time shall not exceed the sum of one billion two hundred and fifty million dollars of which one hundred fifty million dollars shall be used only to make mortgage loans in cities or towns which have been found to have a rate of unemployment of at least six per centum in the issue of "Area Trends in Employment and Unemployment" published by the United States Department of Labor for the October preceding the making of any such loan.

SECTION 19. Of the increased amount of notes and bonds which the MHFA is authorized to issue under subsection (b) of section eight of chapter seven hundred and eight of the acts of nineteen hundred and sixty-six, as amended by section twenty-one of this act, two million dollars shall be expended within the city of Chelsea, and two hundred and fifty units of housing for the elderly, as provided for in section forty of chapter one hundred and twenty-one B of the General Laws, and one hundred units of low income housing, as provided for under section thirty-four of said chapter one hundred and twenty-one B, shall be constructed within said city.

SECTION 20. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Approved December 12, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 13, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in

my opinion the immediate preservation of the public convenience requires that the law being Chapter 1215 of the Acts of 1973 entitled "AN ACT PROVIDING FOR INCREASED ASSISTANCE TO THE ELDERLY AND PROVIDING FOR ADDITIONAL ASSISTANCE TO CITIES AND TOWNS OF THE COMMONWEALTH." and the enactment of which received my approval on December 12, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is essential that the provisions of this Act take effect forthwith in order that the Comptroller may approve the appropriate warrants as required.

Sincerely,

FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 14, 1973:

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at twelve o'clock and ten minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter one thousand two hundred and fifteen of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 1216. AN ACT AUTHORIZING THE COMMISSIONER OF PUBLIC HEALTH TO CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF TEWKSBURY AND TO GRANT CERTAIN EASEMENTS OVER CERTAIN LAND IN SAID TOWN TO THE TOWN OF TEWKSBURY.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of public health, in the name of and on behalf of the commonwealth is hereby authorized and directed to execute and record a deed conveying to the town of Tewksbury a parcel of land, located in said town, bounded and described as follows:

A certain parcel of land situated on the northerly side of East Street, Tewksbury, Middlesex County, Commonwealth of Massachusetts, and being shown as a lot of land on a plan entitled "Plan of Land in Tewksbury, Mass., Taken for Sewer Purposes, as Ordered by Board of Sewer Commissioners, Emmons, Fleming & Bienvenu, Inc., Engineers & Surveyors, Billerica, Mass., Sheets 1, 2 and 3," to be recorded with the Middlesex Northern District Registry of Deeds and bounded and described as follows:

SOUTHERLY by East Street, in two courses, 48.30 feet and 351.70 feet;

WESTERLY by other land, now or formerly, of the Commonwealth of Massachusetts, 200.00 feet;

NORTHERLY, by other land, now or formerly, of the Commonwealth of Massachusetts, 139.05 feet;

NORTHEASTERLY by land, now or formerly, of Walter Doucette, 353.36.

Containing 1.274 acres of land, more or less, as shown on said Plan.

The premises are conveyed together with the parcel of land located between the above described parcel of land and East Street as shown on the aforesaid mentioned plan.

Said land shall be used for the purpose of erecting a sewerage pumping station thereon and for sewerage purposes. If said land shall cease to be used for the purposes hereinbefore provided, the town of Tewksbury shall execute and record a deed reconveying title to such land to the commonwealth.

SECTION 2. The commissioner of public health, in the name of and on behalf of the commonwealth is hereby authorized and directed to execute and record a deed granting to the board of sewer commissioners of the town of Tewksbury and its agents and employees a permanent easement right, twenty feet in width as shown on sheets one and two of three sheets of a plan entitled "Plan of Easements in Tewksbury, Mass. for Sewer Main Construction and Maintenance, as ordered by the Board of Sewer Commissioners, Emmons and Bienvenu, Inc., Engineers and Surveyors, Billerica, Mass." said plan being recorded in Middlesex North District Registry of Deeds, and shown on said plan as a permanent easement area.

Such easement shall be to allow the board of sewer commissioners of the town of Tewksbury and its agents and employees to construct, maintain and replace on, over or under the land included in such easement, a sanitary sewer system, tributary connections and necessary appurtenant work, in, on or over said land, including the right to pass and repass in order to clean, repair, replace and maintain such sewer facilities.

SECTION 3. The commissioner of public health, in the name of and on behalf of the commonwealth, is hereby authorized and directed to execute and record a deed granting to the board of sewer commissioners of the town of Tewksbury, and its agents and employees, an easement right to, two fifteen feet wide areas of land located on either side of and adjacent to the twenty foot easement described in section two, and shown as two temporary easement rights, fifteen feet wide on sheets one and two of the plan referred to in said section two.

Such easement shall be to allow the board of sewer commissioners of the town of Tewksbury and its agents and employees the right to pass and repass over said area during the period of installation of the sanitary sewer system authorized in said section two.

Approved December 12, 1973.

Chap. 1217. AN ACT FURTHER REGULATING THE DISPOSAL OF SOLID WASTE.

Be it enacted, etc., as follows:

SECTION 1. Section 19 of chapter 16 of the General Laws, as appearing in section 1 of chapter 834 of the acts of 1969, is hereby amended by striking out the third sentence, — and by inserting after the fourth sentence the following three sentences: — The department may contract with users, public and private, including agencies of the commonwealth and its political subdivisions, to dispose of solid waste. The department may lease any land acquired under this section for solid waste disposal to any person, firm or corporation for the purpose of constructing, operating and maintaining a privately owned solid waste processing, disposal or related facility, including facilities related to the processing, marketing, or manufacture of materials recovered from solid waste. The department of public health, on a continuing basis, shall review and make recommendations to the department on the manner of operation and adequacy from a public health standpoint of any solid waste disposal facility planned, established or operated under the provisions of sections eighteen to twenty-four, inclusive, and the department shall implement such recommendations, subject to appropriations.

SECTION 2. Section 20 of said chapter 16, as so appearing, is hereby amended by adding the following five sentences: —

Said bureau shall conduct research and demonstration projects and shall encourage improved methods of solid waste disposal including recycling. The administrative cost of operating said bureau shall be paid and the cost of such projects and grants shall be paid from the general fund. The department may hire such experts, engineers, and other personnel, from such funds as shall be appropriated, as it deems necessary for the operation of the bureau. The department may, subject to the provisions of chapter thirty A, promulgate rules and regulations relating to the storage, collection, transportation, transfer, and disposal of solid waste with respect to facilities established pursuant to sections eighteen to twenty-four, inclusive.

SECTION 3. Section 21 of said chapter 16, as so appearing, is hereby amended by adding the following five sentences: — The department shall, with the cooperation of the department of public health and the department of natural resources, develop and maintain a comprehensive statewide master plan for solid waste disposal subject to the approval of the governor, including any necessary provisions to meet eligibility requirements under any federal program for financial aid in solid waste disposal. A solid waste disposal district shall wherever practicable consist of a single town, or a part thereof, or two or more contiguous cities or towns, or cities and towns, or parts thereof, provided that no city or town, or part thereof, shall be included in more than one said district. Each district shall have an advisory committee comprised of one member from

each city or town in such district, who shall be appointed by the city manager in a city having a city manager, by the mayor in any other city, by the selectmen in a town having selectmen, and by the town council in any other town. The members of such committee may be elected officials of such cities or towns and shall serve at the pleasure of their appointing authority. Unless otherwise approved by the governor, unburned solid waste shall not be disposed of in a landfill established under the provisions of sections eighteen to twenty-four, inclusive, unless such unburned solid waste was generated within the district where such landfill is located, provided, however, that solid waste or by-products thereof, may be freely transported throughout the commonwealth for the purposes of recycling, reclamation and resource recovery.

SECTION 4. Said chapter 16 is hereby further amended by striking out sections 22 and 23, as so appearing, and inserting in place thereof the following two sections: —

Section 22. The department shall, after hearing, determine the amount which shall be assessed upon each city or town which is included in a district established under the provisions of section twenty-one to meet the costs, including capital costs, of operating such district. The amount so assessed shall be based upon the amount and category of solid waste originating within such city or town, or the part thereof included in such district, which is disposed of at a facility established under the provisions of this chapter in proportion to the total amount of solid waste originating within such district which is so disposed.

Cities or towns or parts thereof designated as new members of such a solid waste disposal district subsequent to the establishment of such a district will not be assessed costs under this section until such disposal service is actually rendered to that member. Assessments under this section will include a fair and equitable share of capital costs incurred by the district provided such costs can currently be allocated to such member under accepted cost accounting practices. The proportion in which each participating city and town shall annually pay money into the treasury of the commonwealth to meet expenses incurred under sections eighteen through twenty-four, inclusive, and any deficiency in the amounts previously paid in shall reflect appropriate adjustments which take into account fees paid by users other than cities and towns.

Section 23. Money received by the department relative to solid waste disposal, including but not limited to funds received from assessments in cities and towns as provided in sections twenty-two and twenty-four shall be credited on the books of the commonwealth to a fund to be known as the Solid Waste Disposal Fund which shall be expended, subject to appropriation and the laws relating to state finance, for the purposes of management, maintenance and operation of solid waste disposal facilities established under sections eighteen through twenty-four, and expenses incidental thereto, including without limitation expenses of contracts with an individual, a corporation, or public agency, including

agencies of the commonwealth and its political subdivisions, to dispose of solid wastes at said facilities, and for the debt and interest cost relating to any bonds issued to meet the expenditures necessary to carry out the provisions of sections eighteen through twenty-four, inclusive.

SECTION 5. Section 24 of said chapter 16, as so appearing, is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences: — The department shall maintain records of the cost of carrying out the provisions of sections eighteen to twenty-three, inclusive, and shall notify the state treasurer of the estimated amounts of money due the commonwealth from the various municipalities served, and such amounts shall be assessed by the state treasurer and included and made a part of the sum charged to such city or town and shall be paid by such city or town into the state treasury as provided by section twenty of chapter fifty-nine provided that any such city or town may in any year anticipate in whole or in part its assessment and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. Privately owned solid waste facilities located on land leased from the commonwealth under the authority of section nineteen shall be subject to taxation in the same manner as if such facilities were not located on land of the commonwealth.

SECTION 6. Section 150A of chapter 111 of the General Laws, as most recently amended by chapter 839 of the acts of 1970, is hereby further amended by inserting after the second paragraph the following paragraph: —

If such facility is a landfill owned or operated by any person other than a town or an agency of the commonwealth, such person shall pay to the town where the facility is located a fee of fifty cents for each ton of solid waste from outside such town which is disposed of in such landfill. On or before the twentieth day of each month every such person shall file a return subscribed under the penalties of perjury with the board of health of the town in which such facility is located, on such form as the commissioner of public health shall prescribe, giving such information as the commissioner shall require for the determination of the fee imposed by this paragraph. Said fee shall be due and payable on or before the due date of the return.

SECTION 7. So much of the provisions of section one hundred and fifty A of chapter one hundred and eleven of the General Laws, as are inserted by section six of this act, shall apply only to a facility at a location where there has been no facility assigned under the provisions of said section one hundred and fifty A at any time prior to the effective date of this act.

Approved December 12, 1973.

Be it enacted, etc., as follows:

Chapter 30 of the General Laws is hereby amended by striking out section 42, as most recently amended by section 1A of chapter 1050 of the acts of 1973, and inserting in place thereof the following section: —

Section 42. The state librarian, the attorney general, the state comptroller, the commissioner of administration, the supervisor of public records and the chief of the archives division in the department of the state secretary, hereinafter called the archivist, or persons designated by them, shall act as a board, to be known as the records conservation board, of which board the archivist shall be secretary.

The board, after consultation with the executive head of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth or of any authority established by the general court to serve a public purpose or a person designated by such executive head may, either by its own motion or on the request of said executive head, sell or destroy, from time to time, all records in accordance with disposal schedules which shall have been submitted to said board and either approved or modified by said board or the board may authorize such sale or destruction. Until such action shall have been taken, all such records shall remain the property, as the case may be, of the commonwealth or an authority including an authority established by the general court to serve a public purpose.

The board shall have power to require all departments of the commonwealth to report to it what series of records they hold, to set standards for the management and preservation of such records, and to establish schedules for the destruction, in whole, or in part, and transfer to the archives, in whole or in part, of records no longer needed for current business.

Nothing in this section shall affect judicial or legislative records, lessen the existing powers of the executive office for administration and finance, or compel any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth or of any authority established by the general court to serve a public purpose to surrender records it deems of current use.

Records may be kept in the archives under reasonable restrictions as to access, for a reasonable length of time; provided, that such restrictions are in writing and accepted by the records conservation board at a meeting at which the attorney general, or his designee, is present. At least thirty days before selling or destroying any records so kept in the archives, the board may publish in a daily newspaper in Boston a notice of its intention to do so, containing a brief description of the articles to be sold or destroyed, and it shall give such other and further notice as it deems advisable to historical societies or persons interested in the matter.

The board may, before selling or destroying any particular records, books, vouchers or documents, give a public hearing to all

persons interested, and ten days' notice of such hearing shall be given in a daily newspaper published in Boston.

The proceeds, if any, of a sale by the board of any records shall be paid to the state treasurer or to the treasurer of an authority, including an authority established by the general court to serve a public purpose, whose records were the subject of the sale.

As used in this section, the words "records" shall mean all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth or of any authority established by the general court to serve a public purpose.

Any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth or of any authority established by the general court to serve a public purpose in doubt as to whether certain materials are records shall make inquiry thereof in writing to the records conservation board which shall determine the question. *Approved December 12, 1973.*

Chap. 1219. AN ACT IMPOSING AN ADDITIONAL SURTAX ON DOMESTIC LIFE INSURANCE COMPANIES AND EXEMPTING FOREIGN LIFE INSURANCE COMPANIES FROM PAYMENT OF ANY SURTAX.

Be it enacted, etc., as follows:

SECTION 1. In addition to the taxes levied under the provisions of sections twenty and twenty-two of chapter sixty-three of the General Laws and taxes levied under the provisions of chapter five hundred and thirty-one of the acts of nineteen hundred and forty-three and the surtax levied under the provisions of section eighteen of chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine, every domestic life insurance company, as defined by section one hundred and eighteen of chapter one hundred and seventy-five of the General Laws, authorized to transact business in the commonwealth shall pay annually an additional tax equal to forty-four per cent of the taxes levied under the provisions of said sections twenty and twenty-two of chapter sixty-three of the General Laws upon premiums, other than considerations for annuity contracts, and taxes levied under the provisions of said chapter five hundred and thirty-one of the acts of nineteen hundred and forty-three. All provisions of said chapters, acts and sections relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, shall, so far as pertinent, be applicable to the taxes imposed by this section.

The additional taxes imposed by this section shall not apply in the case of any domestic life insurance company if forty per cent or more of its premiums, other than annuity considerations, are

allocable to this commonwealth, as shown on Schedule T of the National Association of Insurance Commissioners' Annual Statement for said company for the applicable calendar year.

SECTION 2. Notwithstanding the provisions of section eighteen of chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine, the surtax imposed by said section shall not apply to taxes imposed upon foreign life insurance companies by sections twenty and twenty-three of chapter sixty-three of the General Laws so long as section one of this act is in effect.

SECTION 3. This act shall apply with respect to taxable years commencing after December thirty-first, nineteen hundred and seventy-two and before January first, nineteen hundred and seventy-five.

Approved December 12, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 13, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 1219 of the Acts of 1973 entitled "AN ACT IMPOSING AN ADDITIONAL SURTAX ON DOMESTIC LIFE INSURANCE COMPANIES AND EXEMPTING FOREIGN LIFE INSURANCE COMPANIES FROM PAYMENT OF ANY SURTAX." and the enactment of which received my approval on December 12, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is essential that the provisions of this Act take effect forthwith in order to preclude retaliation by other states against the affected companies for the year 1973.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 14, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at twelve o'clock and ten minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter one thousand two hundred and nineteen of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 1220. AN ACT FURTHER REGULATING THE REGISTRATION OF PHARMACIES AND WHOLESALE DRUGGISTS UNDER THE CONTROLLED SUBSTANCES ACT.

Be it enacted, etc., as follows:

Section 7 of chapter 94C of the General Laws is hereby amended by striking out paragraph (a), as amended by section 13 of chapter 684 of the acts of 1972, and inserting in place thereof the following paragraph: —

(a) Except in the case of a pharmacy or wholesale druggist, every person who manufactures, distributes, dispenses, or possesses with intent to manufacture, distribute, or dispense any controlled substance within the commonwealth shall upon payment of a fee of ten dollars register with the commissioner, in accordance with his regulations, said registration to be effective for one year from the date of issuance. Every wholesale druggist shall register with the board of registration in pharmacy in accordance with its regulations. Such registration shall be effective until July first, nineteen hundred and seventy-four, if such registration is issued prior to July first, nineteen hundred and seventy-four. Such registration shall be effective until January first, nineteen hundred and seventy-six, if such registration is issued between July first, nineteen hundred and seventy-four, and January first, nineteen hundred and seventy-six. Such registration shall be effective until the end of the calendar year in which said registration is issued if registration is issued subsequent to December thirty-first, nineteen hundred and seventy-five; provided, that such wholesale druggist shall pay a registration fee of twenty-five dollars for any initial registration issued prior to July first, nineteen hundred and seventy-four, and shall pay any registration fee of thirty-seven dollars and fifty cents for a registration which is issued between July first, nineteen hundred and seventy-four, and January first, nineteen hundred and seventy-six. Such wholesale druggist shall, commencing January first, nineteen hundred and seventy-six, pay an annual registration fee of twenty-five dollars for each year or any part thereof. For the purposes of this section, "wholesale druggist" shall mean any person who distributes controlled substances at wholesale. Every pharmacy shall register with the said board in accordance with its regulations. Such registration shall be effective until July first, nineteen hundred and seventy-four, if any registration is issued prior to July first, nineteen hundred and seventy-four. Such registration shall be effective until January first, nineteen hundred and seventy-six, if such registration is issued between July first, nineteen hundred and seventy-four, and January first, nineteen hundred and seventy-six. Such registration shall be effective until the end of the first uneven numbered year following the date of issuance of such registration if such registration is issued subsequent to December thirty-first, nineteen hundred and seventy-five; provided, that such pharmacy shall pay a registration fee of twenty-five dollars for an initial registration issued prior to midnight of July first, nineteen hun-

dred and seventy-four, and shall pay a registration fee of thirty-seven dollars and fifty cents for any registration issued between July first, nineteen hundred and seventy-four, and January first, nineteen hundred and seventy-six, and shall, commencing January first, nineteen hundred and seventy-six, pay a biennial registration fee of twenty-five dollars for every two years, or any part thereof.

Approved December 12, 1973.

Chap. 1221. AN ACT REQUIRING INCLUSION OF ALCOHOLISM TREATMENT IN GROUP HEALTH INSURANCE POLICIES, EMPLOYEES HEALTH AND WELFARE FUNDS, GROUP HOSPITAL SERVICE CONTRACTS AND GROUP MEDICAL SERVICE CONTRACTS.

Be it enacted, etc., as follows:

SECTION 1. Section 110 of chapter 175 of the General Laws is hereby amended by inserting after subdivision (G) the following subdivision: —

(H) Any blanket or general policy of insurance described in subdivision (A), (C) or (D) of this section, which is delivered or issued for delivery in the commonwealth and any employee health and welfare fund which is promulgated or renewed to any person or group of persons in the commonwealth shall, if so elected by the policyholder or the employees health and welfare fund, provide for benefits for expense arising from treatment of alcoholism which are at least equal to the following minimum requirements:

(a) In the case of benefits based upon confinement as an in-patient in an accredited or licensed hospital or in any other public or private facility thereof providing services especially for the detoxification or rehabilitation of intoxicated persons or alcoholics and which is licensed by the department of public health for those services, such benefits shall be at least thirty days in any calendar year.

(b) In the case of out-patient benefits these shall cover to the extent of five-hundred dollars over a twelve-month period, services furnished by (1) an accredited or licensed hospital, or by (2) any public or private facility or portion thereof providing services especially for the rehabilitation of intoxicated persons or alcoholics and which is licensed by the department of public health for those purposes. Consultant or treatments sessions furnished by a facility in this clause shall be rendered by a physician or psychotherapist fully licensed under the provisions of chapter one hundred and twelve who devotes a substantial portion of his time treating intoxicated persons or alcoholics. For the purposes of this clause "psychotherapist" shall mean a person fully licensed to practice medicine under the provisions of said chapter one hundred and twelve and who devotes a substantial portion of his time to the practice of psychiatry.

SECTION 2. Section 110 of chapter 175 of the General Laws is

hereby amended by inserting after subdivision (G) the following subdivision: —

(H) Any blanket or general policy of insurance described in subdivision (A), (C), or (D) of this section, which is delivered or issued for delivery in the commonwealth and any employees health and welfare fund which is promulgated or renewed to any person or group of persons in the commonwealth shall provide for benefits for expense arising from treatment of alcoholism which are at least equal to the following minimum requirements:

(a) In the case of benefits based upon confinement as an in-patient in an accredited or licensed hospital or in any other public or private facility thereof providing services especially for the detoxification or rehabilitation of intoxicated persons or alcoholics and which is licensed by the department of public health for those services, such benefits shall be at least thirty days in any calendar year.

(b) In the case of out-patient benefits these shall cover, to the extent of five-hundred dollars over a twelve-month period, services furnished by (1) an accredited or licensed hospital, or by (2) any public or private facility or portion thereof providing services especially for the rehabilitation of intoxicated persons or alcoholics and which is licensed by the department of public health for those purposes. Consultants or treatment sessions furnished by a facility in this clause shall be rendered by a physician or psychotherapist fully licensed under the provisions of chapter one hundred and twelve who devotes a substantial portion of his time treating intoxicated persons or alcoholics. For the purposes of this clause "psychotherapist" shall mean a person fully licensed to practice medicine under the provision of said chapter one hundred and twelve and who devotes a substantial portion of this time to the practice of psychiatry.

SECTION 3. Section 10 of chapter 176A of the General Laws is hereby amended by inserting after the second paragraph the following paragraph: —

Any contract (except contracts providing supplemental coverage to Medicare or other governmental programs) between a subscriber and the corporation under an individual or group hospital service plan which shall be delivered or issued or renewed in this commonwealth shall provide as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, if so elected by the subscriber or group, for expense for treatment for alcoholism as hereinafter set forth:

(a) In the case of benefits based upon confinement as an in-patient in an accredited or licensed hospital or in any other public or private facility thereof providing services especially for the detoxification or rehabilitation of intoxicated persons or alcoholics and which is licensed by the department of public health for those services, such benefits shall be at least thirty days in any calendar year.

(b) In the case of out-patient benefits these shall cover, to the extent of five-hundred dollars over a twelve-month period, services furnished by (1) an accredited or licensed hospital, or by (2) any public or private facility or portion thereof providing services especially for the rehabilitation of intoxicated persons or alcoholics and which is licensed by the department of public health for those purposes. Consultations or treatment sessions furnished by a facility in this clause shall be rendered by a physician or psychotherapist fully licensed under the provisions of chapter one-hundred and twelve who devotes a substantial portion of his time treating intoxicated persons or alcoholics. For the purposes of this clause "psychotherapist" shall mean a person fully licensed to practice medicine under the provisions of said chapter one-hundred and twelve and who devotes a substantial portion of his time to the practice of psychiatry.

SECTION 4. Section 10 of chapter 176A of the General Laws is hereby amended by inserting after the second paragraph the following paragraph: —

Any contract (except contracts providing supplemental coverage to Medicare or other governmental programs) between a subscriber and the corporation under an individual or group hospital service plan which shall be delivered or issued or renewed in this commonwealth shall provide as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, for expense for treatment for alcoholism as hereinafter set forth:

(a) In the case of benefits based upon confinement as an in-patient in an accredited or licensed hospital or in any other public or private facility thereof providing services especially for the detoxification or rehabilitation of intoxicated persons or alcoholics and which is licensed by the department of public health for those services, such benefits shall be at least thirty days in any calendar year.

(b) In the case of out-patient benefits these shall cover, to the extent of five-hundred dollars over a twelve-month period, services furnished by (1) an accredited or licensed hospital, or by (2) any public or private facility or portion thereof providing services especially for the rehabilitation of intoxicated persons or alcoholics and which is licensed by the department of public health for those purposes. Consultations or treatment sessions furnished by a facility in this clause shall be rendered by a physician or psychotherapist fully licensed under the provisions of chapter one-hundred and twelve who devotes a substantial portion of his time treating intoxicated persons or alcoholics. For the purposes of this clause "psychotherapist" shall mean a person fully licensed to practice medicine under the provisions of said chapter one hundred and twelve and who devotes a substantial portion of his time to the practice of psychiatry.

SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after section 4 thereof the following section: —

Section 4A. Any subscription certificate under an individual or group medical service agreement (except certificates which provide supplemental coverage to Medicare or other governmental programs) which shall be delivered or issued or renewed in this commonwealth shall provide as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, if so elected by the subscriber or group, for expense for treatment for alcoholism as hereinafter set forth:

(a) In the case of benefits based upon confinement as in-patient in an accredited or licensed hospital or in any other public or private facility thereof providing services especially for the detoxification or rehabilitation of intoxicated persons or alcoholics and which is licensed by the department of public health for those services, such benefits shall be at least thirty days in any calendar year.

(b) In the case of out-patient benefits these shall cover, to the extent of five-hundred dollars over a twelve-month period, services furnished by (1) an accredited or licensed hospital, or by (2) any public or private facility or portion thereof providing services especially for the rehabilitation of intoxicated persons or alcoholics and which is licensed by the department of public health for those purposes. Consultations or treatment sessions furnished by a facility in this clause shall be rendered by a physician or psychotherapist fully licensed under the provision of chapter one-hundred and twelve who devotes a substantial portion of his time treating intoxicated persons or alcoholics. For the purposes of this clause "psychotherapist" shall mean a person fully licensed to practice medicine under the provisions of chapter one-hundred and twelve and who devotes a substantial portion of his time to the practice of psychiatry.

SECTION 6. Chapter 176B of the General Laws is hereby amended by inserting after section 4 thereof the following section: —

Section 4A. Any subscription certificate under an individual or group medical service agreement (except certificates which provide supplemental coverage to Medicare or other governmental programs) which shall be delivered or issued or renewed in this commonwealth shall provide as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, for expense for the treatment of alcoholism as hereinafter set forth:

(a) In the case of benefits based upon confinement as an in-patient in an accredited or licensed hospital or in any other public or private facility thereof providing services especially for the detoxification or rehabilitation of intoxicated persons or alcoholics and which is licensed by the department of public health for those services, such benefits shall be at least thirty days in any calendar year.

(b) In the case of out-patient benefits these shall cover, to the extent of five-hundred dollars over a twelve month period, services

furnished by (1) an accredited or licensed hospital, or by (2) any public or private facility or portion thereof providing services especially for the rehabilitation of intoxicated persons or alcoholics and which licensed by the department of public health for those purposes. Consultations or treatment sessions furnished by a facility in this clause shall be rendered by a physician or psychotherapist fully licensed under the provisions of chapter one-hundred and twelve who devotes a substantial portion of his time treating intoxicated persons or alcoholics. For the purposes of this clause "psychotherapist" shall mean a person fully licensed to practice medicine under the provisions of said chapter one-hundred and twelve who devotes a substantial portion of his time to the practice of psychiatry.

SECTION 7. Sections one, three and five of this act shall apply to all policies, contracts and certificates referred to therein issued on or after January first, nineteen hundred and seventy-four. Said sections shall cease to be operative as of December thirty-first, nineteen-hundred and seventy-five. Sections two, four and six of this act shall apply to all policies, contracts and certificates referred to therein issued on or after January first, nineteen-hundred and seventy-six.

Approved December 12, 1973.

Chap. 1222. AN ACT PLACING CERTAIN FIRE WARDENS IN GROUP 4 OF THE CONTRIBUTORY RETIREMENT LAW.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws is hereby amended by striking out the definition of *Group 2*, as most recently amended chapter 725 of the acts of 1973, and inserting in place thereof the following definition: —

Group 2. Capitol police, public works building police, permanent watershed guards and permanent park police, university of Massachusetts police, employees of the Massachusetts Port Authority, comprising guards, guard sergeants, head guard and chief of waterfront police, conservation officers paid as such, coastal wardens in the department of natural resources, officials and employees of the department of public safety having police powers, employees of a municipal department who are employed as fire or police signal operators or signal maintenance repairmen, ambulance attendants of a municipal department who are required to respond to fires and perform duties assigned to them, employees of a city or town who are employed as licensed electricians and elevator maintenance men employed by a county and employees of the commonwealth or employees of any county, regardless of any official classification, whose regular and major duties require them to have the care, custody, instruction or other supervision of prisoners, and employees of the commonwealth or of any county whose regular and major duties require them to have the care, custody, instruction or other supervision of parolees or persons who are mentally ill or mentally de-

fective or defective delinquents or wayward children; provided, that no member who attains age sixty-five while classified in *Group 1* may thereafter be classified in *Group 2*, irrespective of change of employment.

SECTION 2. Said paragraph (g) of said subdivision (2) of said section 3 of said chapter 32 is hereby further amended by striking out the definition of *Group 4*, as most recently amended chapter 609 of the acts of 1973 and inserting in place thereof the following definition: —

Group 4. Division of law enforcement, department of natural resources; officials and employees of the registry of motor vehicles appointed by the registrar under section twenty-nine of chapter ninety, members of the state police detectives appointed under section six of chapter twenty-two, serving in any division of the department of public safety, members of the police force of the metropolitan district commission, employees of the Massachusetts Port Authority at the General Edward Lawrence Logan International Airport, comprising permanent crash crewmen, fire control men, assistant fire control men, members of police and fire departments not classified in *Group 1*, any police officer of the Massachusetts Bay Transportation Authority, employees whose regular compensation is paid by the United States from funds allocated to the Massachusetts National Guard and who are regularly and permanently employed under the control of the military department of the commonwealth and whose duties in such employment require substantially all normal working hours and whose continued employment is based upon federal recognition in the Massachusetts National Guard, employees of a municipal gas or electric plant who are employed as linemen, electric switchboard operators, electric maintenance men, steam engineers, boiler operators, firemen, oilers, mechanical maintenance men and supervisors of said employees and employees of the department of correction who are employed at any correctional institution or prison camp under the control of said department and who hold the position of correction officer, female correction officer, industrial instructor, recreation officer, assistant industrial shop manager, industrial shop manager, assistant to the supervisor of industries, supervisor of industries, senior correction officer, senior female correction officer, supervising correction officer, supervising female correction officer, prison camp officer, senior prison camp officer, supervising prison camp officer, assistant deputy superintendent, supervising identification agent, employees who hold the position of state hospital steward in the department of correction and the chief fire warden and district fire wardens in the department of natural resources.

Approved December 12, 1973.

Chap. 1223. AN ACT PROVIDING FOR ADDITIONAL ASSISTANT CLERKS IN CERTAIN DISTRICT COURTS AND IN THE BOSTON JUVENILE COURT.

Be it enacted, etc., as follows:

Chapter 218 of the General Laws is hereby amended by striking out section 10 and inserting in place thereof the following section: —

Section 10. The clerk of a district court may, subject to the approval of the justice, appoint one or more assistant clerks, and in courts having one or more assistant clerks he may designate one as the first assistant clerk, who shall be removable at his pleasure or at the pleasure of the court, for whose official acts the clerk shall be responsible and who shall be paid by him unless salaries payable by the county are authorized in this section or in section fifty-three. An assistant clerk with salaries payable by the county may be appointed in: —

- second district court of Barnstable,
- district court of central Berkshire,
- first district court of Bristol,
- fourth district court Bristol,
- municipal court of Brookline,
- district court of Chicopee,
- district court of eastern Essex,
- district court of Fitchburg,
- district court of Franklin,
- district court of eastern Hampden,
- district court of western Hampden,
- first district court of northern Middlesex,
- district court of southern Norfolk,
- third district court of Plymouth,
- fourth district court of Plymouth,
- first district court of eastern Worcester,
- first district court of northern Worcester,
- first district court of southern Worcester, and

in courts the judicial districts of which have, according to national or state census last preceding, a population of sixty thousand or more.

Two assistant clerks with salaries payable by the county may be appointed in: —

- second district court of Bristol,
- district court of Chelsea,
- first district court of Essex,
- district court of central Middlesex,
- district court of western Norfolk, and
- district court of Peabody.

Three assistant clerks with salaries payable by the county may be appointed in: —

- first district court of Barnstable,
- municipal court of the Brighton district,
- district court of Brockton,
- district court of Hampshire,
- first district court of eastern Middlesex,
- second district court of eastern Middlesex,

fourth district court of eastern Middlesex,
district court of Newton,
district court of northern Norfolk,
second district court of Plymouth, and
district court of Somerville.

Four assistant clerks with salaries payable by the county may be appointed in: —

third district court of Bristol,
East Boston district court,
municipal court of the South Boston district,
municipal court of the Charlestown district,
central district court of northern Essex,
district court of southern Essex,
district court of Lawrence, and
district court of Lowell.

Six assistant clerks with salaries payable by the county may be appointed in: —

first district court of southern Middlesex,
district court of East Norfolk, and
municipal court of the West Roxbury district.

Seven assistant clerks with salaries payable by the county may be appointed in: —

municipal court of the Dorchester district, and
central district court of Worcester.

Nine assistant clerks with salaries payable by the county may be appointed in: —

municipal court of Roxbury, and
district court of Springfield.

Ten assistant clerks with salaries payable by the county may be appointed in: —

third district court of eastern Middlesex.

In the following courts, one of the assistant clerks shall be designated in charge of six-man jury sessions and shall receive the same salary as the first assistant clerk: —

third district court of eastern Middlesex, and
district court of Lowell.

In the central district court of Worcester the clerk may designate one of his assistant clerks as assistant clerk in charge of the remand list; said list being for the trial of all cases transferred to said court from the superior court under the provisions of section one hundred and two C of chapter two hundred and thirty-one. The salary of said assistant clerk shall be equal to eighty-seven and one half per cent of the maximum salary of the clerk of said court.

Assistant clerks appointed under authority of this section, who are paid by the county, and who have held said appointment for three consecutive years, shall hold office during good behavior, but subject to applicable retirement laws, and may be removed by the justice or clerk for cause shown, subject, however, to a review by a justice of the superior court.

Approved December 12, 1973.

Chap. 1224. AN ACT PROVIDING FOR THE PAYMENT OF CERTAIN EXPENSES OF THE ATTORNEY GENERAL AND THE DEPARTMENT OF PUBLIC UTILITIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 6A of the General Laws is hereby amended by inserting after section 9, as appearing in the Tercentenary Edition, the following two sections: —

Section 9A. The secretary of consumer affairs is hereby authorized to make an annual assessment against each electric, gas, telephone and telegraph company doing business in the commonwealth and subject to the supervision of the department of public utilities and against each insurance company doing business in the commonwealth and subject to the division of insurance within the department of banking and insurance, based upon intrastate operating revenues of each of such companies derived from sales of electric, gas, telephone and telegraph service and insurance policies or premiums, respectively, as shown on the annual report or annual statement of each said companies filed with the supervising agency. Said assessment shall be in such amounts as shall be determined and certified annually by the secretary of consumer affairs as sufficient to produce two hundred and fifty thousand dollars in revenue to the commonwealth and shall be assessed proportionately against each such company on the basis of said intrastate operating revenues of each such company; provided, however, that if the attorney general fails to expend in any fiscal year the total amount of two hundred and fifty thousand dollars for the purposes set forth under the provisions of section eleven E of chapter twelve, any amount unexpended in such fiscal year shall be credited against the assessment to be made in the following year and the assessment in such following year shall be reduced by such unexpended amount.

Assessments made under this section may be credited to the normal operating costs of each such company and shall be utilized by the attorney general solely for the purposes set forth under the provisions of section eleven E of chapter twelve.

Section 9B. On or before the first day of October of the year in which an assessment is made pursuant to the provisions of section nine A, the secretary of consumer affairs shall certify to the commissioner of corporations and taxation the amount of the assessment to be made and the name and address of each company against whom such assessment is made. Such assessments shall be collected by the commissioner of corporations and taxation in accordance with applicable provisions of chapter sixty-three; provided, however, that each company shall pay the amount assessed against it within thirty days from the receipt of notice of assessment from the commissioner of corporations and taxation. The amount so collected shall be credited to the general fund.

SECTION 2. Chapter 12 of the General Laws is hereby amended

by inserting after section 11D, added by section 1 of chapter 781 of the acts of 1972, the following section: —

Section 11E. The attorney general is hereby authorized to intervene in administrative or judicial proceedings held in the commonwealth on behalf of any group of consumers in connection with any matter involving the rates, charges, prices or tariffs of an electric, gas, telephone or telegraph company doing business in the commonwealth and subject to the jurisdiction of the department of public utilities, and in connection with any matters involving the rates, charges, premiums and prices charged by any insurance company doing business in the commonwealth and subject to the division of insurance within the department of banking and insurance.

For the purposes of such intervention the attorney general may expend such funds as may be appropriated therefor; provided, however, that such expenditures shall not exceed annually the amount assessed against such electric, gas, telephone and telegraph and insurance companies under the provisions of section nine A of chapter six A.

The attorney general shall have no authority to expend any of such funds whenever the expenditure thereof shall conflict with the duties imposed upon him under the provisions of section three of this chapter.

SECTION 3. Chapter 25 of the General Laws is hereby amended by striking out section 17 and inserting in place thereof the following section: —

Section 17. The commission is hereby authorized to make an assessment against each electric, gas, telephone and telegraph company under the jurisdictional control of the department, based upon the intrastate operating revenues of each of said companies derived from sales within the commonwealth of electric, gas, telephone and telegraph service respectively, as shown in the annual report of each of said companies to the department. Said assessments shall be made at a rate not exceeding one fourth of one tenth of one per cent as shall be determined and certified annually by the commission as sufficient to produce two hundred and fifty thousand dollars in revenue to the commonwealth; provided, however, that if the department shall fail to expend in any fiscal year the total amount of two hundred and fifty thousand dollars for the purposes set forth in this section, any amount unexpended in such fiscal year shall be credited against the assessment to be made in the following year and the assessment in the following year shall be reduced by such unexpended amount. Assessments under this section may be credited to the normal operating cost of each company. The funds produced by said assessments shall be used by the department, in addition to other funds appropriated, to assist in the defraying the general operating expenses of the department and may be used to compensate consultants in hearings on rate petitions filed by companies subject to assessment under this section.

Approved December 12, 1973.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 14, 1973

The Honorable JOHN F. X. DAVOREN, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Francis W. Sargent, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 1224 of the Acts of 1973, entitled "AN ACT PROVIDING FOR THE PAYMENT OF CERTAIN EXPENSES OF THE ATTORNEY GENERAL AND THE DEPARTMENT OF PUBLIC UTILITIES," and the enactment of which received my approval on December 12, 1973, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

It is in the public interest that the assessment mechanism set forth in this Act be made effective forthwith.

Sincerely,
FRANCIS W. SARGENT,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 14, 1973.

I, John F. X. Davoren, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at twelve o'clock and ten minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter one thousand two hundred and twenty-four of the acts of nineteen hundred and seventy-three.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Chap. 1225. AN ACT DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO ACQUIRE CERTAIN REAL PROPERTY IN THE WEST ROXBURY SECTION OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized and directed to acquire for conservation, natural water storage of flood waters, historic, scenic and passive recreational purposes, approximately one hundred and seventy-nine acres of land adjacent to the Charles river in the West Roxbury section of the city of Boston, known as the Sawmill Brook valley and Brook farm.

Said property, currently owned by the Lutheran Service Organi-

zation of New England, Inc., is described in a deed given by Lauraria E. Munae to Gottlieb F. Burkhardt dated the eighth day of December, eighteen hundred and seventy and recorded at the registry of deeds, Norfolk County, Book 401, page 98, which deed contains a complete description of the property.

SECTION 2. The metropolitan district commission shall also acquire a pedestrian right-of-way from the area known as Brook farm to the Memorial reservation known as John Elliot's Pulpit Rock, property of the Roxbury Historical Society. Said commission is hereby authorized to negotiate with the Holyhood Cemetery Association for access from the Sawmill Brook valley to the Veterans of Foreign Wars parkway owned by the commission, and may enter into an agreement, approved as to form by the attorney general, to exchange land for said purpose.

SECTION 3. The existing cemetery area, Gethsemane Cemetery, so-called, consisting of approximately fifteen acres shall be excluded from the acquisition. For maintenance of perpetual care purposes an additional maximum of fifteen acres of cemetery land currently under cemetery permit but as not yet developed for cemetery use may be also excluded from the acquisition. Various support facilities essential to cemetery operation shall also be excluded from the acquisition. Appropriate right-of-ways shall be provided for cemetery use.

SECTION 4. To meet the expenditures necessary in carrying out the provisions of section one, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount specified by the governor from time to time, but not exceeding, in the aggregate, the sum of two million two hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Sawmill Brook Valley and Brook Farm Conservation Loan, Act of 1973, and shall be on the serial payment plan for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization, other than the final year, shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semi-annually at such rate as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, nineteen hundred and ninety-nine. All interest payments and payments on account of principal of such bonds shall be paid from the Metropolitan Parks District Fund to be assessed by methods fixed by law.

SECTION 5. The metropolitan district commission is hereby authorized to accept funds from public and private sources and may make application for federal and state assistance in carrying out the

projects authorized by this act. Any such funds or assistance made available to the metropolitan district commission for the projects authorized by this act shall, if the bonds have not been sold, be used to reduce the amount of the bonds so authorized, and if the bonds have been sold, said funds or assistance when received shall be used to meet the payment of maturities and interest on the bonds issued under this act.

SECTION 6. No expenditure shall be made from funds authorized by this act for consultant services, so called, or services coded in accordance with the expenditure code manual under the subsidiary title "03 Services — Nonemployees" unless the rate of compensation for such services shall have been approved by the commissioner of administration. Said commissioner shall, immediately upon the approval of any such rate or rates, file copies of the schedule or schedules of approved rates with the comptroller and with the house and senate committees on ways and means. Before engaging such consultant services under said subsidiary title "03", as so coded, as "Professional," the department shall certify to the budget director that funds are available for the purpose and shall then file a statement of intent with the budget director, the comptroller, and the house and senate committees on ways and means. Such statement shall include the rate of compensation, the period of time for which the services are to be engaged or scope of work to be done, and such other pertinent information as may be necessary to establish the maximum limit of the commonwealth's obligation.

SECTION 7. Any land or land with buildings thereon for the acquisition of which an appropriation is made in this act shall be acquired by purchase or by eminent domain under chapter seventy-nine of the General Laws; provided, that no payment shall be made for the purchase of any such property until at least one independent appraisal of the value thereof has been made by a qualified disinterested appraiser; and, provided further, that the cost of such appraisal or appraisals shall be charged to said item of appropriation.

Approved December 12, 1973.

Chap. 1226. AN ACT FURTHER REGULATING THE AFFIXING OF NAMES OF PERSONS OR OFFICERS OF ORGANIZATIONS RESPONSIBLE FOR CERTAIN POLITICAL ADVERTISEMENTS.

Be it enacted, etc., as follows:

Section 39 of chapter 56 of the General Laws, as appearing in section 11 of chapter 537 of the acts of 1946, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences: — No person shall publish or cause to be published in a newspaper or other periodical any paid advertisement designed or tending to aid, injure, or defeat any candidate for public office or any question submitted to the voters, unless the name of the chairman or secretary or the names of two officers of the political or other organization inserting the same, or the name

of one or more registered voters who are responsible therefor, with the residence and the street and number thereof, of each such voter appears therein in the nature of a signature; provided, that each such voter has signed his name in the presence of a witness to the following statement authorizing the insertion of such advertisement. The statement shall be retained by the newspaper or periodical for not less than one year, shall be available to any person upon request, and shall be in substantially the following form:

I hereby authorize the affixing of my name to the attached political advertisement on behalf of or in opposition to
 candidate for _____ in the election to be held in the current
 year, or on behalf of or in opposition to a question being submitted
 to the voters in the election in the current year.

Witness:

Signature:

Address:

Address:

Date:

Approved December 12, 1973.

Chap. 1227. AN ACT ESTABLISHING IN THE DEPARTMENT OF PUBLIC HEALTH A PROGRAM FOR THE CARE OF PERSONS SUFFERING FROM HEMOPHILIA, PROVIDING FOR AN ADVISORY COMMITTEE IN CONNECTION THEREWITH, AND DESIGNATING POWERS AND DUTIES IN RELATION THERETO.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by inserting after section 6 the following three sections: —

Section 6A. The department shall establish a program for the care and treatment of persons suffering from hemophilia. For the purposes of this and sections six B and six C, hemophilia shall mean a bleeding tendency resulting from a genetically determined deficiency of a clotting factor in the blood. This program shall assist persons who require continuing treatment with blood and blood derivatives to avoid crippling, extensive hospitalization and other effects associated with this condition, but who are unable to pay for the entire cost of such services on a continuing basis.

Section 6B. The commissioner shall appoint a Hemophilia Advisory Committee, hereafter referred to as the committee, to consult with the department in the administration of this act. The committee shall be composed of five persons representing hospitals, the Massachusetts Blood Bank Association, voluntary agencies interested in hemophilia, medical specialists in hemophilia patient care and the general public.

The commissioner shall appoint one member as chairman. Each member shall hold office for a term of four years and until his successor is appointed and qualified. The committee shall meet as frequently as the chairman deems necessary, but not less than once each year.

The committee members shall serve without compensation but shall be reimbursed for actual expenses incurred in carrying out their official duties.

Section 6C. The department shall: —

(a) With the advice of the committee, develop standards for determining eligibility for and the nature of treatment under this program;

(b) Extend financial assistance to persons suffering from hemophilia in obtaining blood, blood derivatives and concentrates, and other efficacious agents for treatment of hemophilia in hospital, medical and dental facilities, and at home;

(c) Assist in the development and expansion of programs for the care and treatment of persons suffering from hemophilia, including self-administration, prevention, and home care and other medical and dental procedures and techniques designed to provide maximum control over bleeding episodes typical of this condition;

(d) Institute and carry on educational programs among physicians, dentists, hospitals, public health departments, and the public concerning hemophilia, including dissemination of information and the conducting of educational programs concerning the methods of care and treatment of persons suffering from this condition; and

(e) Promulgate all rules and regulations necessary to effectuate the purposes of this section and sections six A and six B.

Approved December 12, 1973.

Chap. 1228. AN ACT CHANGING THE NAME OF THE MASSACHUSETTS POLICE TRAINING COUNCIL TO THE MASSACHUSETTS CRIMINAL JUSTICE TRAINING COUNCIL AND CREATING THE LAW ENFORCEMENT AND CRIMINAL JUSTICE TRAINING FUND.

Be it enacted, etc., as follows:

SECTION 1. Chapter 6 of the General Laws is hereby amended by striking out section 116, as most recently amended by chapter 252 of the acts of 1969, and inserting in place thereof the following section: —

Section 116. There shall be a Massachusetts criminal justice training council, hereinafter called the council, to consist of the director of civil service, the commissioner of public safety, the commissioner of corrections, the commissioner of probation, the chairman of the parole board in the department of corrections, the commissioner of police of the city of Boston, or their respective

designees, the special agent in charge of the Boston office of the Federal Bureau of Investigation, if consent is given by the director of said bureau, who shall act in an advisory capacity but shall have no vote, the commissioner of education, or his designee, who shall act in an advisory capacity but shall have no vote, and the chairman of the criminal law committee of the Massachusetts Bar Association, or his designee, who shall act in an advisory capacity but shall have no vote, and five members to be appointed by the governor, one of whom shall be an administrator of a city or town, three of whom shall be chiefs of police who shall be selected from a list of six nominees submitted by the board of directors of the Massachusetts Chiefs of Police Association, Inc., and one of whom shall be a member of the Massachusetts Police Association, who shall be selected from two nominees submitted by the board of directors of said association. The chairman of the council shall be designated from time to time by the governor. The members appointed by the governor shall serve for terms of two years. Upon the expiration of the term of a member his successor shall be appointed, in the same manner, for a like term.

SECTION 2. Chapter 280 of the General Laws is hereby amended by inserting after section 6 the following section: —

Section 6A. Before imposing a fine of forfeiture as a punishment or part punishment for a crime, the court or justice shall levy as a special cost assessment an amount equal to twenty-five per cent of the fine or forfeiture; provided, however, that, if the fine or forfeiture is imposed for an offense relating to the operation of a motor vehicle, the special cost assessment shall be ten per cent of the fine or forfeiture, except that no special cost assessment shall be levied on fines or forfeitures for motor vehicle offenses related to parking.

When a fine is suspended, in whole or in part, the special cost assessment shall be computed on the fine remaining to be paid. In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the court or justice may in his discretion waive all or any part of said cost assessment the payment of which would work a hardship on the person convicted or his immediate family.

Said cost assessment shall be accounted for by the clerk of the court and forwarded to the state treasurer who shall deposit such assessments in the state treasury in a special fund to be known as the Law Enforcement and Criminal Justice Training Fund which shall, as allocated by the Massachusetts criminal justice training council and not subject to appropriation, be used as follows: 1. for the establishment and operation of training schools for municipal, county and state employees whose duties involve police, correction, probation, parole or court functions; 2. for the conduct of training programs under direction of municipal, county or state agencies having personnel engaged in police, correction, probation, parole or court functions; and 3. for the establishment and operation of a law enforcement and criminal justice training institute.

Approved December 12, 1973.

Chap. 1229. AN ACT REORGANIZING THE RATE SETTING COMMISSION PROVIDING FOR A CONSUMER PROVIDER ADVISORY COUNCIL, AND REQUIRING THE ESTABLISHMENT OF CURRENT RATES FOR PROVIDERS OF CERTAIN HEALTH AND OTHER SERVICES FOR THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 16 of chapter 6A of the General Laws, is hereby amended by inserting after the words "health facilities appeal board," inserted by section 2 of chapter 776 of the acts of 1972, the words "the rate setting commission established by section thirty-two".

SECTION 2. Said chapter 6A is hereby further amended by adding the following six sections:

Section 31. As used in sections thirty-two to thirty-six inclusive, unless the context requires, otherwise clearly the following words shall have the following meanings:

"commission", the rate setting commission appointed under section thirty-two of chapter six A.

"eligible person", a person who qualifies for financial assistance from a governmental unit in meeting all or part of the cost of general health supplies, care, social, rehabilitative or educational services and accommodations.

"general health supplies, care, social, rehabilitative or educational services and accommodations", all supplies, care and services of medical, optometric, dental, surgical, podiatric, psychiatric, therapeutic, diagnostic, rehabilitative, educational, supportive or geriatric nature, including inpatient and outpatient hospital care and services, and accommodations in hospitals, sanatoria, infirmaries, convalescent and nursing homes, rest homes, facilities established, licensed, or approved pursuant to the provisions of chapter one hundred and eleven B, and similar institutions including those providing treatment, training, instruction and care of children and adults.

"governmental unit", the commonwealth, any department, agency, board or commission of the commonwealth, and any political subdivision of the commonwealth.

"provider of health care services", any person, corporation, partnership, governmental unit, state institution and other entity which furnishes general supplies, care, services and accommodations to an eligible person.

"state institution", any hospital, sanatorium, infirmary, clinic and other such facility owned, operated or administered by the commonwealth or by any department, agency, board or commission of the Commonwealth, which furnishes general health supplies, care, social rehabilitative or educational services and accommodations.

Section 32. There shall be a rate setting commission, hereinafter called the commission, which shall have the sole responsibility for establishing fair, reasonable and adequate rates to be paid providers of health care services by governmental units, including the

division of industrial accidents in the department of labor and industries, and for establishing fair and adequate charges, to be used by state institutions for general health supplies, care, social, rehabilitative or educational services and accommodations, which charges shall be based on the actual costs of each state institution reasonably related, in the circumstances of each institution, to the efficient production of such services in said institution. The commission shall consist of three members appointed by the governor with the advice of the secretary of the executive office of human services. They shall be residents of the commonwealth at the time of their appointment and shall be appointed for a term of three years. Each member shall hold office until the appointment and qualification of his successor. The commission shall consist of a Chairman who shall have administrative experience and an advanced degree in the field of business administration, public administration or law, and two other members of whom one shall be a certified public accountant and one shall be a person experienced in the field of medical economics. No more than two of such members shall be members of the same political party. The governor may with the advice of the secretary of the executive office of human services remove any member for cause, and, with like advice, shall fill any vacancy for the unexpired term. Each of said members shall devote full time to the duties of his office and shall not participate on or with any board, commission, committee or otherwise that would conflict with the fair, impartial, prudent and efficient full-time conduct of his office. The commission shall make an annual report to the secretary of the executive office of human services and to the general court the first Wednesday in November specifying the management of its affairs, a detailed analysis of its reimbursement policy for each class of providers of services and for state institutions, the coordination of its rate making function with the rule making functions of the departments of the commonwealth regulating said providers and institutions, and its recommendations for legislation, if any.

Each member shall receive a salary of thirty thousand dollars and his necessary expenses incurred in the discharge of his official duties.

The commission: (1) shall determine, after public hearing, at least as often as annually, the rates to be paid by each governmental unit to providers of health care service; (2) shall determine, after public hearing, at least as often as annually, the rates to be charged by each state institution for general health supplies, care, social rehabilitative or educational services and accommodations; (3) shall certify to each affected governmental unit the rates so determined; (4) shall determine, after public hearing, at least as often as annually, and certify to the division of industrial accidents of the department of labor and industries rates of payment for general health supplies, care, social, rehabilitative or educational services and accommodations, which rates shall be paid for services under the workmen's compensation act; (5) shall upon request of the commissioner of insurance assist him in performance of his

duties as set forth in section four of chapter one hundred and seventy-six B; (6) may establish for rest homes, nursing homes and convalescent homes, fair and reasonable classifications upon which any rates may be based. Said rates for nursing homes and rest homes, as defined under section seventy-one of chapter one hundred and eleven, shall be established as of July first of each year to reflect costs of a nursing home or rest home for the most recently reported fiscal year adjusted for the twelve months succeeding said July first. Notwithstanding any other law or regulation to the contrary, each governmental unit shall pay to a provider of services and each state institution shall charge as a provider of health care services as the case may be, the rates for general health supplies, care, social, rehabilitative and educational services and accommodations determined and certified by the commission.

In determining rates to be paid by governmental units to providers of services, the commission shall include as an operating expense of a provider of services any contribution made in lieu of taxes by such provider of services to a city or town, and shall establish by regulation those expenses treated as business deductions under the Internal Revenue Code which shall be included as allowable operating expenses in determining rates of reimbursement.

The commission shall establish rates on a prospective basis, subject to rules and regulations promulgated by the commission whenever possible, provided however that, whenever the commission by regulation provides that a final rate for a reporting period shall be computed on the actual cost of a provider of services, or a state institution, for such period, it shall establish an interim rate for said provider or institution within twenty-one days of the beginning of said reporting period, from which interim rate said provider may appeal as provided under section thirty-six of this chapter.

The commission shall also adopt regulations to enable each provider or institution to secure adjustment in said interim rate from time to time to meet current reasonable costs. Said provider or institution shall have the right at any time to petition the commission for an increase in said interim rate. A petition for an adjustment in an interim rate shall include a certified statement that such a petition is not interposed for delay, a detailed explanation, under oath, of the basis upon which said increase is sought, together with a sworn statement of an independent licensed accountant or independent certified public accountant that he has examined the pertinent data relative to the accounts forming the basis of the petition and that in his opinion, said accounts are as represented by the petitioner. The petitioner shall provide such other information as the Commission shall require. The commission subject to such rules and regulations as it may establish may waive the required independent audit for non-institutional providers whenever the commission determines that such audit would create a financial hardship on such provider. The director of the appropriate bureau shall report in writing his recommendations to the commis-

sion and to the petitioner, giving his reasons therefore in detail, and the petitioner shall have ten days to file objections, arguments and comments to the commission. The commission shall thereupon make a rate determination which shall become effective when filed with the state secretary. No appeal under section thirty-six of this chapter shall be allowed from an interim rate determined under this paragraph.

Whenever a final rate for a filing period is to be determined after the end of said period, the commission shall calculate a preliminary final rate within sixty-days after receipt of a satisfactory financial and operating cost report from a provider of services or state institution for such filing period. If said reports provide all the information required by the commission and are attested to by an independent licensed accountant or an independent certified public accountant in such a manner and form as the commission may require the commission may, prior to a field audit establish said preliminary final rate on the basis of said information submitted. No appeal may be taken from said preliminary final rate. Ninety per cent of the difference between the interim rate and said preliminary final rate shall become payable by or to governmental units when certified to the state secretary. Said preliminary final rate may be promulgated as the final rate of a provider of services or state institution if the commission is satisfied with a provider's report. In the event that a final rate is determined without a field audit the commission shall institute such procedures, including random field audits, as are required to assure accurate reporting by providers of health care services and state institutions. If the commission is not satisfied with the provider's report, the commissions shall within six months and after a field audit promulgate a different rate of payment.

Except as otherwise provided in this section any person aggrieved by any rate determination made under this section shall have a right of appeal as provided under section thirty-six.

Each rate established by the commission shall be deemed a regulation and shall be reviewable as hereinafter provided. The commission shall promulgate rules and regulations for the administration of its duties and the determination of rates are herein required subject to the procedures prescribed by chapter thirty A. Every rate, classification and other regulation established by the commission shall be consistent where applicable with the principles of reimbursement for provider costs in effect from time to time under Titles XVIII and XIX of the Social Security Act governing reimbursements or grants available to the commonwealth, its departments, agencies, boards, commissions or political subdivisions for general health supplies, care, social, rehabilitative and educational services and accommodations. The commission shall, prior to the establishment of any rate, classification or other regulation herein referred to, file a copy of the same with the budget director and with house and senate committees on Ways and Means and the joint legislative committee on post audit and oversight.

In the performance of its duties, the commission may enter into such contracts or agreements with the federal government, a political subdivision of the commonwealth, or any public or private corporation or organization, as it deems necessary; provided, however, that the commission shall not enter into any contract or agreement with a private corporation or organization to furnish information and statistical data to be used by said commission as its sole basis for setting rates, if such private corporation or organization is to make or receive payments based upon the rates so set.

Section 33. The commission, subject to appropriation, shall establish such bureaus as may be necessary to carry out its duties as set forth in this chapter, including but not limited to a bureau of hospitals and clinics, a bureau of long-term care facilities, a bureau of community and home health agencies, a bureau of non-institutional medical providers and a bureau of educational and social services. Each of said bureaus shall be under the direction of a director, appointed by the commission, who shall be responsible for the operation of said bureau and shall report directly to the commission. Each director shall devote full time to the duties of his position and shall not participate in or with any board, commission, committee or otherwise which would conflict with the fair, impartial, prudent and efficient full-time conduct of his position. Said directors shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty.

The commission shall appoint an executive secretary whose duties shall be specified by the commission and who shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty, and may, subject to appropriation, appoint such other employees as may be necessary to efficiently administer its responsibilities. All employees so appointed, other than the directors of bureaus, the executive secretary, and attorneys appointed to serve as counsel to the commission, shall be subject to the provisions of chapter thirty-one and section nine A of chapter thirty. The commission may, subject to appropriation, use such resources, personnel and facilities as are available to it and as are necessary for the administration of its responsibilities.

Any person appointed under this section to a position which is not subject to the provisions of chapter thirty-one or section nine A of chapter thirty who, at the time of such appointment, was serving in a position which is classified under chapter thirty-one or in which he has tenure by reason of section nine A of chapter thirty, shall, upon termination of his service in said unclassified position, be restored to the position in which he was serving immediately prior to such appointment, if he so desires. Such restoration shall be made without impairment of civil service status or tenure under section nine A of chapter thirty and without loss of seniority, retirement or other rights to which said person would have been entitled had his service in the classified position been uninterrupted. Any such person so appointed shall during the term of his appointment, be eligible to take any competitive promotional examination to which

he would have been entitled while in the classified position. If, however, the service of a person so appointed to an unclassified position is terminated for cause, then the rights to restoration granted under this paragraph shall be determined by the civil service commission in accordance with the standards applied by said commission in administering chapter thirty-one.

From time to time upon request of the commission, each governmental unit shall advise the commission of the general health supplies, care, social, rehabilitative and educational services and accommodations which it must provide, procure or for which it must pay.

Each governmental unit shall cooperate with the commission at all times in the furtherance of the commission's purposes. Each state institution shall permit the commission or any designated representatives thereof, to examine its books and accounts and shall file with the commission from time to time or upon request such data, statistics, schedules or other information as the commission may reasonably require.

Section 34. There shall be an advisory council to the commission, consisting of the chairman of the commission, the commissioner of the department of public welfare, the commissioner of the department of public health, the commissioner of education, the secretary of the executive office of human services, the secretary of the executive office of elder affairs, the secretary of the executive office for administration and finance or their respective designees and sixteen members to be appointed by the commission for terms of three years. The commission shall fill any vacancy of members so appointed which may occur in the council for the remainder of the unexpired term. Of the appointed members, eight shall be providers, or representative of provider organizations, whose rates of reimbursement are determined by the commission and eight shall be non-providers who have demonstrated experience in the field of consumer advocacy and who have no financial interest in any provider of services whose rates of reimbursement are determined by the commission.

Said provider shall be appointed to reflect the interests and concerns of all providers rendering services for which rates of reimbursement are established by the commission. No one provider group, organization of providers, or class of provider shall have more than one representative on said council unless each provider group or class of provider is represented on the council. Two of the non-provider members shall be selected from recommendations by state-wide organizations representing the interests of the elderly and two non-provider members shall be selected from recommendations made by state-wide labor organizations; provided however, that one of the two non-provider members so selected from recommendations made by state-wide labor organizations shall be selected from recommendations made by the state labor council AFL-CIO. All appointed members shall be reimbursed for their necessary travel expenses incurred in the performance of their duties.

The council shall meet at least three times annually and upon call of the chairman or on written application to the chairman by any eight members. The council shall annually elect a chairman from among its non-provider members. The council shall appoint at least one subcommittee for each of the bureaus of the commission, provided that at all times there are at least four council members on each subcommittee, two of whom are providers and two of whom are non-providers and provided that at all times the total subcommittee membership consists of equal numbers of providers and non-providers. The council may form such other subcommittees from time to time as it deems desirable.

The subcommittees shall from time to time make recommendations to the commission on matters of policy and operation of the commission and its various bureaus.

The subcommittees shall advise and consult with the directors of bureaus on matters of policy and operation of the bureaus, shall consider agenda items recommended by the directors of bureaus and any other matters proposed by the chairman of the council or a majority of the council members. The director of a bureau shall consult with the subcommittee which advises said bureau, and shall meet from time to time with said subcommittee to explain, discuss or review any matter of policy or operation relating to said bureau.

The subcommittees shall report to the council following each subcommittee meeting on its deliberations, communications, and recommendations, if any. The council shall remand all matters coming before it which relate to a specific bureau of the commission to the subcommittee advising that bureau for its review, comment and recommendations, if any. The council shall take final action on all matters coming before it and on any requests or recommendations of a subcommittee.

The council shall advise on the overall operation and policy of the commission and its bureaus, shall consider any item recommended by the commission, the chairman of the council, a majority of the council members or by a subcommittee of the council and shall have the right to at least sixty days prior review and comment on any proposed rule or regulation of the commission or any of its bureaus, with the exception of regulations promulgated on an emergency basis. The council shall be notified at least ten days in advance of any public meeting or hearing scheduled by the commission or any of its bureaus.

Section 35. Any provider of health care services which receives reimbursement or payment from any governmental unit for general health supplies, care, social, rehabilitative and educational services and accommodations shall, as a condition of the receipt of such reimbursement or payment: (1) permit the commission, or any designated representative thereof, to examine such books and accounts as may reasonably be required for it to perform its duties; (2) file with the commission from time to time or on request, such data, statistics, schedules or other information as it may reasonably require; (3) accept reimbursement or payment at the rates estab-

lished by the commission, subject to a right of appeal under section thirty-six, as discharging in full any and all obligations of an eligible person and the governmental unit to pay, reimburse or compensate the provider of health care services in any way for general health supplies, care, social, rehabilitative and educational services or accommodations provided.

Any provider of health care services which knowingly fails to file with the commission data, statistics, schedules or other information required pursuant to this section or by any regulation promulgated by the commission or which knowingly falsifies the same shall be punished by a fine of not less than one hundred nor more than five hundred dollars.

If, upon application by the commission or its designated representative, the superior court upon summary hearing determines that a provider of health care services has without justifiable cause refused to permit any examination or to furnish information, as required in this section, it shall issue an order directing all governmental units to withhold making payment for general health supplies, care, social, rehabilitative and educational services and accommodations to such provider of services until further order of the court.

In addition, the appropriate licensing authority may suspend or revoke, after an adjudicatory proceeding in accordance with chapter thirty A, the license of any provider of services which knowingly fails to file with the commission data, statistics, schedules or other information required by this section or by any regulation of the commission or which knowingly falsifies the same.

Section 36. Any person, corporation or other party aggrieved by an interim rate or a final rate established by the commission, or by failure of the commission to set a rate or to take other action required by law and desiring a review thereof shall, within thirty days after said rate is filed with the state secretary or may, at any time, if there is a failure to determine a rate or take any action required by law, file an appeal with the division of hearings officers established by section four H of chapter seven. Any appeal filed under this section shall be accompanied by a certified statement that said appeal is not interposed for delay. On appeal, the rate determined for any provider of services shall be adequate, fair and reasonable for such provider, based, among other things, on the costs of such provider.

On an appeal from an interim rate or a final rate the division of hearings officers shall conduct an adjudicatory proceeding in accordance with chapter thirty A, and said division shall file with the commission and the state secretary within thirty days after the conclusion of the hearing its decision.

Said decision shall contain a statement of the reasons therefore, including a determination of each issue of fact or law on which the decision was based. If said decision results in a recommendation for a rate different from that certified, the commission shall based upon statement of reasons establish a new rate. If the commission

determines that the statement of reasons is inadequate to determine a fair, reasonable and adequate rate, it may remand the appeal to the hearing officer for further investigation. Any party aggrieved by a decision of the commission may, within thirty days of the receipt of such decision, file a petition for review in superior court for the county of Suffolk, which shall have exclusive jurisdiction thereof.

A provider may appeal as an aggrieved party in accordance with the provisions of the preceding sentence in the event that a remand by the Commission to a hearing officer does not result in a final decision by the Commission within twenty-one days of the date of remand.

The petition shall set forth the grounds upon which the decision of the division should be set aside. The aggrieved party shall within seven days after the petition for review is filed, notify the division and all the parties to the appeal before said division that a petition for review has been filed by sending each a copy thereof. Within forty days after the petition for review is filed, or within such further time as the court may allow, the division of hearings officers shall file in court the original or a certified copy of the record under review. The court may affirm, modify or set aside the decision of the division in whole or in part, remand the decision to the division for further proceedings, or enter such other order as justice may require. Nothing herein shall prevent the Commission from granting temporary relief if, in its discretion, the same is justified nor, from informally adjusting or settling controversies with the consent of the parties.

Judicial review by the court shall be governed by section fourteen of chapter thirty A to the extent not inconsistent with the provisions of this section.

SECTION 3. Chapter 7 of the General Laws is hereby amended by inserting after section 4G the following section: —

Section 4H. There shall be within the executive office for Administration and Finance a division of hearings officers under the direction of a chief hearings officer who shall be appointed by the secretary of the executive office for Administration and Finance with the approval of the governor. Said chief hearings officer, shall be a resident of the commonwealth at the time of his appointment, shall be a person with substantial experience as a trial attorney, shall devote full time to the duties of his office, and shall have no financial interest in any provider of services on which he shall make a rate determination. He shall hear, or assign for hearing, appeals filed pursuant to section thirty-six of chapter six A and such other appeals as may be filed with the division from time to time pursuant to other provisions of the General Laws.

It shall be the responsibility of said chief hearings officer to organize his division to provide speedy and fair disposition of all appeals and to establish policies that will encourage and aid parties in limiting and consolidating issues and pleadings to the superior court. Subject to appropriation he may employ such persons as may be required to discharge the responsibilities of the division including

hearings officers who shall be members of the bar of the Commonwealth and who shall have had trial experience.

No hearings officer, including the chief hearings officer, shall be subject to the provisions of chapter thirty-one or section nine A of chapter thirty.

The division may summon witnesses, administer oath and require the production of books, records and papers at any hearing before the division, upon any matter within its jurisdiction. Witnesses may be summoned by any party to the proceeding in the same manner, be paid the same fees and be subject to the same penalties as witnesses in civil cases before the courts of the commonwealth.

Any justice of the superior court may, upon application by the division or a party to an appeal proceeding before the division issue an order to compel the attendance of witnesses summoned as aforesaid and the giving of testimony under oath before the division in furtherance of any matter into which the division may inquire in the performance of its duties. In addition thereto, in the conduct of adjudicatory proceedings, the division shall have all the powers set forth in section twelve of chapter thirty A.

SECTION 4. Sections 30K to 30P, inclusive, of said chapter 7 are hereby repealed.

SECTION 4A. Section 62M of chapter 111 of the General Laws, as most recently amended by section 4 of chapter 492 of the acts of 1968, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — The charges for the support of the children who are of sufficient ability to pay for the same, or have persons or kindred bound by law to maintain them, shall be paid by such children, such persons or such kindred at a rate determined by the rate setting commission established under chapter six A.

SECTION 4B. The first paragraph of section 67C of said chapter 111, as most recently amended by section 5 of said chapter 492, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — If he or they are unable to pay, such expenses, in accordance with rates established by the rate setting commission under chapter six A, shall in the case of such an infant born to an unwed mother be paid by the commonwealth, subject to notice as hereinafter provided, and in the case of any other such infant by the board of health of the town wherein the mother of such infant resides, subject to notice and reimbursement as hereinafter provided.

SECTION 4C. Section 69H of said chapter 111, as appearing in section 6 of said chapter 492, is hereby amended by striking out, in line 3, the words "section 30L of chapter seven" and inserting in place thereof the following words: — chapter six A.

SECTION 4D. The fifth sentence of section 78 of said chapter 111, as appearing in section 7 of said chapter 492, is hereby amended by striking out, in lines 5 and 6, the words "sections 30K to 30P, inclusive, of chapter seven" and inserting in place thereof the following words: — chapter six A.

SECTION 4E. The third sentence of section 78A of said chapter 111, as appearing in section 8 of said chapter 492, is hereby amended by striking out, in lines 4 and 5, the words "sections thirty K to thirty P, inclusive, of chapter seven" and inserting in place thereof the following words: — chapter six A.

SECTION 4F. The third sentence of section 79 of said chapter 111, as appearing in section 9 of said chapter 492, is hereby amended by striking out, in lines 4 and 5, the words "sections thirty K to thirty P, inclusive, of chapter seven" and inserting in place thereof the following words: — chapter six A.

SECTION 4G. The first sentence of section 80 of said chapter 111, as appearing in section 10 of said chapter 492, is hereby amended by striking out, in lines 6 and 7, the words "sections thirty K to thirty P, inclusive, of chapter seven" and inserting in place thereof the following words: — chapter six A.

SECTION 4H. The sixth sentence of section 82 of said chapter 111, as appearing in section 11 of said chapter 492, is hereby amended by striking out, in lines 4 and 5, the words "sections thirty K to thirty P, inclusive, of chapter seven" and inserting in place thereof the following words: — chapter six A.

SECTION 4I. The last sentence of section 88 of said chapter 111, as appearing in section 12 of said chapter 492, is hereby amended by striking out, in lines 7 and 8, the words "sections thirty K to thirty P, inclusive, of chapter seven" and inserting in place thereof the following words: — chapter six A.

SECTION 4J. Section 5 of chapter 111B of the General Laws, as appearing in section 1 of chapter 1076 of the acts of 1971, is hereby amended by striking out, in lines 7 and 8, the words "sections thirty K to thirty P, inclusive, of chapter seven" and inserting in place thereof the following words: — chapter six A.

SECTION 4K. Section 14 of chapter 122 of the General Laws, as most recently amended by section 15 of chapter 492 of the acts of 1968, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence: — Persons or kindred bound by law to support such needy persons, not eligible for public assistance, shall be assessed in accordance with rates established by the rate setting commission under chapter six A.

SECTION 4L. Section 24(a) of chapter 123 of the General Laws, as appearing in section 4 of chapter 888 of the acts of 1970, is hereby amended by striking out, in lines 8 and 9, the words "sections thirty K to thirty P, inclusive, of chapter seven" and inserting in place thereof the following words: — chapter six A.

SECTION 4M. Section 13 of chapter 152 of the General Laws, as appearing in section 18 of chapter 492 of the acts of 1968, is hereby amended by striking out, in lines 5 and 6, the words, "in accordance with sections thirty K to thirty P, inclusive, of chapter seven" and inserting in place thereof the following words: — under chapter six A, — by striking out, in lines 8 and 9, the words "general health services, supplies, care, services, and accommodations" and inserting in place thereof the following words: — health care services, as

defined in chapter six A, — and by striking out, in line 10, the words “section thirty O of said chapter seven” and inserting in place thereof the following words: — chapter 6A.

SECTION 4N. Section 4J of chapter 111 of the General Laws, inserted by section 1 of chapter 1084 of the acts of 1971, is hereby amended by striking out, in line 23, the words “sections thirty K to thirty P, inclusive, of chapter seven” and inserting in place thereof the words: — chapter six A.

SECTION 4O. Section 72 of said chapter 111, as amended by section 10 of chapter 891 of the acts of 1967, is hereby further amended by striking out, in lines 12 and 13, the words “section thirty L of chapter seven” and inserting in place thereof the words: — chapter six A.

SECTION 4P. Section 24A of chapter 117 of the General Laws, as most recently amended by section 16 of chapter 885 of the acts of 1969, is hereby further amended by striking out, in line 8, the words “section thirty L of chapter seven” and inserting in place thereof the words: — chapter six A.

SECTION 4Q. Section 32 of chapter 123 of the General Laws, as appearing in section 4 of chapter 888 of the acts of 1970, is hereby amended by striking out, in line 3, the words “under sections thirty K to thirty P, inclusive, of chapter seven” and inserting in place thereof the words: — chapter six A.

SECTION 4R. Section 33 of said chapter 123, as so appearing, is hereby amended by striking out, in lines 30 and 31, the words “sections thirty K to thirty P of chapter seven” and inserting in place thereof the words: — chapter six A, — and by striking out, in lines 36 and 37, the words “sections thirty K to thirty P, inclusive, of chapter seven” and inserting in place thereof the words: — chapter six A.

SECTION 4S. Clause (4) of section 43 of said chapter 123, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words “sections thirty K to thirty P, inclusive, of chapter seven” and inserting in place thereof the words: — chapter six A.

SECTION 4T. Section 54 of said chapter 123, as so appearing, is hereby amended by striking out, in lines 5 and 6, and in lines 14 and 15, the words “sections thirty K to thirty P, inclusive, of chapter seven” and inserting in place thereof, in each instance, the words: — chapter six A.

SECTION 5. All tuition rates and fees established for the community colleges, state colleges, universities, and educational demonstration programs which are under the direction of the department of education shall be exempt from the provisions of this act.

SECTION 6. In making his initial appointments to the rate setting commission under section thirty-two, of chapter six A of the General Laws, as appearing in section two of this act, the governor shall make three appointments for terms of one, two and three years respectively, as he may designate. Upon the expiration of the term of any such member, his successor shall be appointed in the manner

and for the term set forth in said section thirty-two of said chapter six A.

SECTION 7. In making their initial appointments to the advisory council established by section thirty-four of chapter six A of the General Laws as added by section two of this act, the rate setting commission shall appoint three members who are providers and three members who are nonproviders for a term of one year, three members who are providers and three members who are nonproviders for a term of two years and two members who are providers and two members who are nonproviders for a term of three years as they may designate. Upon the expiration of the term of any member of a council his successor shall be appointed in a manner and for the term set forth in said section thirty-four of chapter six A.

SECTION 8. All employees of the rate setting commission who immediately prior to the effective date of this act held positions classified under section 31 of the General Laws or had tenure in their positions by reason of section 9A of chapter 30 of the General Laws are hereby transferred to the services of the new rate setting commission established by this act; every such transfer shall be without impairment of civil service status, seniority, retirement and other rights of the employee, without interruption of his services within the meaning of said chapter 31 of said section 9A of said chapter 30, and without reduction in his compensation and salary grade, notwithstanding any change in his title or duties made as a result of such transfer.

Nothing in this chapter, shall be construed to confer upon any officer or employee any rights not held immediately prior to said effective date, or to prohibit any reduction of salary or grade transfer, reassignment, suspension, discharge, layoff, or abolition of position not prohibited heretofore.

SECTION 9. Any employee of the rate setting commission now serving in a position not subject to the provisions and limitations of chapter thirty-one of the General Laws who has at least five years of continuous creditable service with the rate setting commission, shall be subjected to a qualifying examination by the division of civil service, and, if he passes an examination he shall be certified for said position and shall be deemed to be permanently appointed thereto without being required to serve any probationary period.

SECTION 10. All books, papers, records, documents, plans and property in the custody of the rate setting commission immediately prior to the effective date of this act shall thereafter be within the custody of the rate setting commission established by this act. The unexpended balances of appropriations heretofore made to the rate setting commission shall be transferred and made available to the rate setting commission established by this act for the purposes of this act upon its effective date.

All rates, classifications and other regulations pertaining or relating to general health supplies, care, services and accommodations as defined in section 30K to 30P, inclusive of chapter seven of the

General Laws repealed by this act, promulgated by departments, boards, commissions, or political subdivisions of the commonwealth in effect immediately prior to the effective date of this act shall remain in full force and effect until changed or repealed by the new rate setting commission established by this act.

All petitions, hearings and other proceedings, duly pending before and all prosecutions and legal and other proceedings duly commenced by or against the rate setting commission prior to the effective date of this act shall be turned over to and may be completed by the new rate setting commission or the divisions of hearings officers established by this act.

All duly existing contracts, leases and obligations of the rate setting commission in effect immediately prior to the effective date of this act shall continue in full force and effect. This act shall not affect any renewal provision or option to renew contained in any such lease on the effective date of this act.

SECTION 11. The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 12. For one year from the effective date of this act, the term "general health supplies, care, social, rehabilitative, or educational services and accommodations" shall not include any services and accommodations rates of payment for which were not subject to approval by the rate setting commission in effect immediately prior to the effective date of this act, except that said term shall apply to services and accommodations provided by home care agencies purchased by the executive office of elder affairs.

SECTION 13. This act shall take effect on July first, nineteen hundred and seventy-four.

Approved December 12, 1973.

Chap. 1230. AN ACT PROVIDING FOR THE EXERCISE OF CERTAIN FISCAL AND PERSONNEL MANAGEMENT POWERS BY THE EXECUTIVE OFFICES OF THE COMMONWEALTH PURSUANT TO REGULATIONS OF THE COMMISSIONER OF ADMINISTRATION.

Be it enacted, etc., as follows:

SECTION 1. Section 10 of chapter 6 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the last sentence.

SECTION 2. Section 2C of chapter 29 of the General Laws is hereby amended by striking out the fourth paragraph, as amended by section 28 of chapter 704 of the acts of 1969, and inserting in place thereof the following paragraph: —

All applications and reapplications for grants shall be subject to the prior approval of the commissioner of administration and all such application and reapplications made on behalf of any department, institution, board, commission, agency or employee within

any of the executive offices established by chapter six A shall also be subject to the prior approval of the secretary having charge of such executive office. Any transfer within such grants shall be subject to like approval. Forthwith upon his approval of each such application and reapplication, the said commissioner shall certify to the house and senate committees on ways and means and the joint legislative committee on post audit and oversight such information regarding the proposed grant as shall be prescribed from time to time by the said committees or any of them. No grant in excess of one million dollars shall be received by the commonwealth, or by a corporation or other organization established as an affiliate of any agency or institution operated by the commonwealth, or by an individual employed by the commonwealth, authorized to expend such funds in conjunction with services rendered by the commonwealth, except with the approval of the house and senate committees on ways and means; but, unless otherwise provided by the said committees, all grants so received may be expended without specific appropriation under the terms and conditions provided in rules and regulations established by the commissioner of administration and if such expenditures are otherwise in accordance with law. All such grants shall be reported in full by the head of the agency directly rendering the services mentioned above to the budget director, to the comptroller, to the house and senate committees on ways and means, and to the joint legislative committee on post audit and oversight. The report shall include such itemization as required in accordance with state and federal regulations. All federal subventions and grants available to the commonwealth under any act of Congress and not otherwise authorized to be received shall be paid into the treasury of the commonwealth. All expenditures of grants shall be subject to the audit of the state auditor.

SECTION 3. Section 3 of said chapter 29 is hereby amended by striking out the first sentence, as amended by section 29 of said chapter 704, and inserting in place thereof the following two sentences: — Every officer having charge of any office, department or undertaking which receives a periodic appropriation from the commonwealth, including periodic appropriations to be met by assessments, shall, annually, on or before a date set by the commissioner of administration, submit to the budget director statements showing in detail the amounts appropriated for the preceding and the current fiscal years, the interchanges during the preceding fiscal year between the subsidiary accounts prescribed in accordance with section twenty-seven, and estimates of the amounts required for ordinary maintenance for the ensuing fiscal year, with an explanation of any increased appropriations recommended and with citations of the statutes relating thereto, and statements showing in detail the revenue of the office, department or undertaking in his charge for the last completed fiscal year, and the revenue and estimated revenue thereof for the current fiscal year, and his estimate of the revenue from the same or any additional sources for the ensuing fiscal year, with his recommendations as to any changes in

the management, practices, rules, regulations or laws governing the office, department or undertaking in his charge which would effect an increase or cause a decrease in revenue from operations, fees, taxes or other sources, or which would facilitate its collection, together with such other information on the expenditures, revenues, activities, output or performance of any such office, department or undertaking as may be required by rule or regulation of the commissioner of administration, and together with any other information required at any time by the budget director; and such statements, estimates, recommendations and other information relating to an office, department or undertaking within any of the executive offices established by chapters six A and seven, and except in the case of an officer having charge of a public institution of higher learning, shall at the same time be submitted to the secretary having charge of such executive office who shall review the same and advise the budget director of such additions thereto, deletions therefrom and modifications therein as such secretary deems appropriate. Said secretary shall furnish, to the house and senate committees on ways and means and the joint legislative committee on post audit and oversight of the general court copies of all such statements, estimates, recommendations, and other information and of all such additions, deletions, and modifications.

SECTION 4. Said chapter 29 is hereby further amended by striking out section 4, as most recently amended by section 31 of said chapter 704, and inserting in place thereof the following section: —

Section 4. Officers and heads of departments who, in their annual reports or otherwise, recommend or petition for the expenditure of money by the commonwealth from any source of revenue, including expenditures to be met by assessments or the issue of notes or bonds, for any purpose not covered by the estimates required to be submitted under section three shall, annually, on or before a date to be set by the commissioner of administration, submit detailed estimates thereof to the budget director, together with any other information required by him; provided, that, except in the case of a public institution of higher learning, before any such estimates and other information relating to an office, department or undertaking within any of the executive offices established by chapters six A to seven, inclusive, have been so submitted to the budget director, they shall first be submitted to the secretary having charge of such executive office on or before a date set by him, and said secretary shall review the same and make such additions thereto, deletions therefrom and modifications therein as he deems appropriate.

SECTION 5. Section 6 of said chapter 29 is hereby amended by striking out the third sentence, as appearing in section 7 of chapter 242 of the acts of 1945, and inserting in place thereof the following sentence: — The budget shall be submitted by the governor to the general court annually within three weeks after the general court convenes in regular session, and it shall embody all estimates, re-

quests and recommendations for appropriations or other authorizations for expenditures by the commonwealth, and prior-year appropriations and expenditures, made, respectively, by each officer having charge of any office, department, or undertaking which receives a periodic appropriation from the commonwealth, including periodic appropriations to be met by assessments, the secretary having charge of the executive office within which such office, department, or undertaking shall be, and the governor.

SECTION 6. Said chapter 29 is hereby further amended by inserting after section 27 the following two sections: —

Section 27A. Amounts appropriated to any subsidiary account set up, as provided by the preceding section, for maintenance, repair, replacement, alteration or purchase of equipment, other than motor vehicles, shall be expended only in accordance with the priority order established by schedules approved by the house and senate committees on ways and means of the general court, a copy of which shall be deposited with the budget director; provided, however, that, in accordance with rules and regulations established by the commissioner of administration, an exception to or deviation from such schedules may be made by an officer authorized to expend such appropriated amounts upon certification by him to the budget director that such exception or deviation is necessary to meet an emergency, and, in the case of a department, office, agency, board, commission or institution within any of the executive offices established by chapters six A and seven, upon the prior written approval of the secretary having charge of such executive office. Such certification shall include a statement of the details of such emergency and of the probable consequences if such exception or deviation should not be made. Whenever such secretary shall so approve any such exception or deviation, he shall furnish to the house and senate committees on ways and means and the joint legislative committee on post audit and oversight of the general court copies of the certification supporting the approved exception or deviation.

Section 27B. No state agency, excepting the departments of the attorney general, state auditor, state secretary, and state treasurer, shall initiate any encumbrance or make any expenditure of funds, whether appropriated or not, for the lease or purchase of data processing or reproduction equipment or systems unless:

(1) if appropriated funds are to be used, a prior request therefor has been made to the budget director under sections three or four;

(2) the officer in charge of the agency has certified that funds are specifically available for the purpose;

(3) in the case of a department, office, commission, board or institution within any of the executive offices established by chapters six A and seven, the secretary having charge of such executive office has approved in writing the encumbrance or expenditure, and

(4) the commissioner of administration has approved in writing said encumbrance or expenditure.

The commissioner of administration shall establish rules and

regulations governing the lease or purchase of data processing or reproduction equipment or systems and the procedure for requesting approval thereof as required by this section.

The commissioner of administration shall notify the house and senate committees on ways and means and joint legislative committee on post audit and oversight of the general court of any approval granted by him under this section.

SECTION 7. Said chapter 29 is hereby further amended by striking out section 29, as most recently amended by section 35 of chapter 704 of the acts of 1969, and inserting in place thereof the following section: —

Section 29. Excepting the account entitled "01 Salaries, Permanent Positions", any subsidiary account set up as prescribed in the schedules referred to in section twenty-seventy, on the books of any department, office, commission or institution, receiving an appropriation from the commonwealth, may be increased or decreased by interchange with any other such subsidiary account within the same appropriation account by the officer in charge of such department, office, commission or institution upon his certification to the budget director that such interchange is required to meet unforeseen emergencies where funds are otherwise not available to protect the public interest, and, in the case of a department, office, commission or institution within any executive office established by chapters six A and seven, upon the prior written approval of the secretary having charge of such executive office. Every such certification shall include a statement of the details of the said emergency and of the probable consequences if the said interchange should not be made. An officer making any such certification or giving any such approval shall file forthwith a copy thereof with the comptroller, the house and senate committees on ways and means, and the joint legislative committee on post audit and oversight.

The comptroller may accept affidavits that expenditures are in accordance with the purpose of such appropriation or subsidiary accounts and do not exceed the unencumbered balances of the amounts provided therefor. The comptroller shall refuse to permit a disbursement or the incurring of an obligation if funds or allotments of funds under an appropriation account or subsidiary account under an appropriation account, sufficient to cover such disbursement or obligation are not available and shall immediately give notice of such refusal to the department, office, commission or institution proposing the expenditure, and, in the case of a department, office, commission or institution within any of the executive offices established by chapters six A and seven to the secretary having charge of such executive office.

The commissioner of administration shall establish rules and regulations governing the interchange of funds under this section.

SECTION 8. Said chapter 29 is hereby further amended by striking out section 29A, inserted by chapter 676 of the acts of 1963, and inserting in place thereof the following section: —

Section 29A. The commissioner of administration shall make,

and may from time to time amend, rules and regulations governing the use of consultants in all departments, offices, boards, agencies, commissions and institutions. Such rules and regulations shall establish, after recommendations by the director of personnel and standardization, the rate of compensation of such services and shall provide for the prior approval by the said director of the rate for any such service for which no rate has previously been established by such regulation. Such rules and regulations shall be open to public inspection in the bureau of personnel, and copies thereof shall be made available to any person upon request. Such rules and regulations shall not be subject to the provisions of chapter thirty A. Such rules and regulations shall also include, but need not be limited to the following requirements none of which shall be waived: (1) a request therefor on a form prescribed by the commissioner of administration specifically setting forth the need for such services; (2) the period of time for which the services are to be engaged or the scope of work to be done and such other information as shall be required to establish the maximum limit of the commonwealth's obligation for the services; (3) a written contract specifically setting forth the duties and responsibilities of the parties; (4) a resume setting forth the qualifications of the proposed consultant as they relate to the terms of the aforementioned contract; (5) a disclosure statement setting forth any other income derived by the proposed consultant from the commonwealth or any of its political subdivisions; (6) a statement setting forth the names and addresses of all persons with any interest in the said contract. No department, office, agency, board, commission or institution within any of the executive offices established by chapters six A and seven shall contract for the provisions of any such services without the prior written approval of such contract by the secretary having charge of such executive office. No payment shall be made to any consultant for any services provided prior to the date upon which the form requesting said services as required by clause (1) has been approved by the secretary having charge of such executive office and a copy of the same has been filed with the comptroller. As used in this section the word "consultant" shall mean any person who, as a non-employee of the commonwealth, gives advice or service regarding matters in the field of his knowledge or training and whose compensation is payable from a subsidiary account coded under "03" in the expenditure code manual. No person employed by the commonwealth as a consultant so-called shall directly or indirectly supervise another temporary or permanent employee of the commonwealth. The commissioner of administration shall submit copies of said approved forms within thirty days after receipt to the house and senate committees on ways and means and the joint legislative committee on post audit and oversight of the general court.

SECTION 9. Said chapter 29 is hereby further amended by inserting after section 64 the following section: —

Section 65. The secretary having charge of any of the executive offices established by chapters six A and seven may by rule or regu-

lation not inconsistent with the law delegate to one officer within the office of the secretary, in whole or in part, the authority to exercise in his name any power, or to discharge in his name any duty conferred upon such secretary by the provisions of sections twenty-seven A, twenty-seven B, twenty-nine, and twenty-nine A; sections twenty-four C, twenty-five B, thirty-six and paragraph (5A) of section forty-six of chapter thirty; and section fifteen, section fifteen F, section sixteen A, and section sixteen B of chapter thirty-one.

The commissioner of administration shall from time to time make a random examination of approvals granted and actions taken by such secretary or his designee under the provisions of the aforementioned sections, in order to determine the extent of compliance with the provisions of such sections and the rules or regulations established thereunder. Following any such examination, the commissioner of administration may, after consultation with the secretary, by order transfer from such officer to the commissioner of administration, for such period of time as said commissioner deems appropriate, the authority to give such approvals or to take such actions. Upon making such order, the commissioner of administration shall forthwith file a copy of said order with the budget director, the comptroller, the house and senate committees on ways and means, and the joint legislative committee on post audit and oversight of the general court, specifying the scope of the authority so transferred and the duration of said transfer.

SECTION 10. Section 7 of chapter 30 of the General Laws is hereby amended by striking out the last sentence, as appearing in chapter 376 of the acts of 1947, and inserting in place thereof the following sentence: — Such appointment shall be in accordance with the provisions of sections forty-five to fifty, inclusive, and shall be exempt from the provisions of sections nine A and nine B of chapter thirty and from the provisions of chapter thirty-one.

SECTION 11. Said chapter 30 is hereby further amended by inserting after section 22 the following section: —

Section 22A. Any officer in charge of an executive or administrative department or agency or any division, bureau, or other administrative unit thereof established by law, who is paid a salary and is required by law to devote his full time during business hours to the duties of his office, shall report under the penalties of perjury, annually, to the commissioner of administration on forms he shall prescribe, and in accordance with rules and regulations established by him, any other compensations received for services performed and paid from any source whatsoever. Said forms shall include the name of the employer or the source of compensation, the date and extent of services performed, and the signature of the person so employed. The commissioner of administration shall submit copies of said reports within thirty days after receipt to the house and senate committees on ways and means and the joint legislative committee on post audit and oversight of the general court.

SECTION 12. Said chapter 30 is hereby further amended by in-

serting after section 24B the following section: —

Section 24C. No compensation shall be paid to any employee of the commonwealth for overtime services except upon the prior written approval of such overtime by the appointing authority, and, in the case of a department, office, commission, board of institution within any of the executive offices established by chapters six A and seven, upon the prior written approval of the secretary having charge of such executive office, in accordance with regulations established under section twenty-eight of chapter seven.

SECTION 13. Said chapter 30 is hereby further amended by inserting after section 25A the following section: —

Section 25B. No officer or employee of the commonwealth may travel out of state at public expense except in accordance with rules and regulations established by the commissioner of administration for the expenditure of funds for travel out of state by employees of the commonwealth, and except with the prior written approval of his appointing authority, and, in the case of a department, office, commission, board, or institution within any of the executive offices established by chapters 6A and seven upon the prior written approval of the secretary having charge of such executive office. The officer approving such out-of-state travel shall forthwith file notification of such approval with the budget director and the comptroller.

SECTION 14. Said chapter 30 is hereby further amended by striking out section 36, as amended by section 1 of chapter 584 of the acts of 1948, and inserting in place thereof the following two sections: —

Section 36. The commissioner of administration shall establish and enforce regulations governing the use and marking of motor vehicles owned by the commonwealth. Every office, department, board, commission or institution of the commonwealth shall keep such a record of the use of such vehicle, and shall make such reports in relation thereto, as may be prescribed by such regulations. Every such vehicle shall be plainly and conspicuously marked in such manner and place as shall be prescribed by such regulations. No such vehicle shall be used for providing transportation for state officers and employees between their domiciles and places of employment nor shall any expense be incurred for the garaging of such vehicles except with the prior written approval of the officer having charge of the agency operating such vehicle, and, in the case of a department, office, commission, or institution within any of the executive offices established by chapters six A and seven upon the prior written approval of the secretary having charge of such executive office, and in accordance with such regulations.

The commissioner of administration is authorized to transfer a motor vehicle from one agency or department to another and may transfer any such vehicles to the executive office of administration and finance to be maintained, serviced, repaired and garaged thereby and assigned to departments or agencies on such basis and for such duration as the commissioner may deem appropriate.

The registrar of motor vehicles shall furnish for each motor vehicle owned by the commonwealth a distinctive number plate bearing such arrangement of letters or number or both, as will distinguish the particular vehicle, and in the discretion of said registrar, as will distinguish the officer, department, board, commission or institution by which the vehicle is operated.

Section 36A. Motor vehicles to be purchased from sums appropriated by the general court shall be authorized by the purchasing agent in accordance with schedules filed by the budget director with the house and senate committees on ways and means of the general court prior to the passage of the act making such appropriation; provided, that the commissioner of administration may authorize the replacement of other motor vehicles with similar models from available funds when he determines that the replacement is necessary because the cost of necessary repairs would not be economical; and, provided further, that no expenditure in excess of three hundred dollars shall be authorized for the repair of a motor vehicle by any department or agency in a garage or shop other than one maintained and operated by such department or agency or by the executive office of administration and finance without the prior written approval of the commissioner of administration.

SECTION 15. Section 46 of said chapter 30 is hereby amended by striking out paragraph (5A), inserted by section 9 of chapter 729 of the acts of 1956, and inserting in place thereof the following paragraph: —

(5A) In accordance with regulations established by the director of personnel and standardization, with the approval of the commissioner of administration, designating certain classes as professional classes, an appointing authority may, in the initial appointment of a person to a position in such class, recruit such person at a rate above the minimum and within the grade to which the position is allocated, upon certification by said appointing authority to the director that the person to be employed has served satisfactorily in a comparable position for a period of time equivalent to the period required by the general salary schedule had such service been entirely in the service of the commonwealth, and, in the case of an office in or position with any department, agency, board, commission or institution within any of the executive offices established by chapters six A and seven, upon the prior written approval of the secretary having charge of such executive office. For the purpose of such regulations, professional classes shall include, but shall not be limited to classes including positions for registered nurses and persons employed in medical or technical positions in hospitals and clinics, including the administration thereof, persons employed for the instruction of students, and engineers and chemists. Nothing in this section shall be construed to limit the recruitment of personnel under the provisions of section fourteen of chapter seventy-five. No person may be recruited under this section if he has held a personal services contract with or been in the service of the commonwealth within a twelve-month period

immediately prior to the date of proposed recruitment.

SECTION 16. The first paragraph of section 15 of chapter 31 of the General Laws is hereby amended by striking out the second sentence, as appearing in section 1 of chapter 720 of the acts of 1964, and inserting in place thereof the following sentence: — If there is no such list, or if the director is unable to comply with a requisition, he may, or in the case of any department, board, commission, institution, or other agency within any of the executive offices established by chapters six A and seven, the secretary having charge of such executive office may, subject to section twenty-five, authorize a provisional appointment.

SECTION 17. Said section 15 of said chapter 31 is hereby further amended by striking out the second paragraph, as appearing in section 1 of chapter 281 of the acts of 1970.

SECTION 18. The third paragraph of said section 15 of said chapter 31, as appearing in section 2 of chapter 232 of the acts of 1971, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Upon authorization of a provisional appointment, as provided by this section, whether to a permanent or a temporary position, the director shall proceed to conduct an examination as he determines necessary; provided that for any office or position in the commonwealth or any agency or political subdivision thereof where compliance with the federal standards of a merit system of personnel administration is a condition for the granting of federal funds, such examination shall be held and an eligible list established within a year from the date of the approval of the provisional authorization.

SECTION 19. The sixth paragraph of said section 15 of said chapter 31, as most recently amended by chapter 214 of the acts of 1971, is hereby further amended by striking out the first and second sentences and inserting in place thereof the following four sentences: — Except as otherwise provided by this chapter, where there is no suitable eligible list, no person shall be appointed to an office or position by the appointing authority, and no provisional appointment to fill such an office or position, permanent or temporary shall be authorized until the appointing authority has filed with the director and, in the case of an office or position in the classified civil service in any department, board, commission, institution or other agency within any of the executive offices established by chapters six A and seven, with the secretary having charge of such executive office, a notification, in such form as the director shall prescribe, containing the following information: (1) a statement of the information the appointing authority believes necessary to conduct an examination, including: the duties of the office or position, the knowledges, skills and abilities necessary to perform said duties, and the entrance requirements of the office or position; (2) a certification to the director that in his opinion the person proposed to be provisionally appointed meets said qualifications and requirements; (3) a substantiating statement showing how the proposed appointee meets the entrance

requirements; and (4) a proposal as to the type of examination to be held. The director or secretary having charge of an executive office, as the case may be, shall review the statements, certification and proposal and if he determines them satisfactory may authorize a provisional appointment. If at any time the director shall determine that the appointee under any provisional appointment so authorized by the director does not in fact meet the said qualifications and requirements, the director shall terminate such appointment; and any provisional appointment so authorized by any such secretary shall be terminated by the secretary or the director if either shall determine that the appointee shall not in fact meet the said qualifications and requirements. Every provisional appointment made after such authorization shall be reported by the appointing authority to the director and the director of personnel and standardization.

SECTION 20. Paragraph D of said section 15 of said chapter 31 is hereby amended by inserting after the word "director", in line 5, as appearing in section 2 of chapter 580 of the acts of 1965, the words: — or the secretary having charge of an executive office established by chapters six A or seven, as the case may be, — and by striking out, in line 7, as so appearing, the word "he" and inserting in place thereof the words: — the director.

SECTION 21. Section 15F of said chapter 31 is hereby amended by adding the following paragraph: —

No provisional promotion shall be made under this section without the prior approval of the director; provided, however, that provisional promotions to any office or position in the classified civil service in any department of the commonwealth, as defined by section one of chapter twenty-nine, and in any board, commission, institution or other agency within any of the executive offices established by chapters six A and seven may be authorized by the secretary having charge of such executive office without further authorization or approval by the director upon submission of notification of such provisional promotion to the director, in such form as he shall prescribe, and subject to all applicable provisions of this chapter and the rules and regulations established thereunder. If at any time the director shall determine that any provisional promotion authorized by any such secretary shall have been made in violation of any such provision, or that the person provisionally appointed shall fail to meet the qualifications and requirements established by the director for the position, the director shall terminate such promotion. Every provisional promotion made after such authorization shall be reported by the appointing authority to the director and the director of personnel and standardization.

SECTION 22. Section 16A of said chapter 31 is hereby amended by inserting after the second paragraph the following paragraph: —

Without the consent of the director; but otherwise subject to the requirements of the two preceding paragraphs, a transfer from an office or position within a department of the commonwealth, as defined by section one of chapter twenty-nine, within any of the

executive offices established by chapters six A and seven to another office or position within the same department may be authorized by the secretary having charge of such executive office upon submission of notification of such transfer to the director in such form as he shall prescribe, and subject to all applicable provisions of this chapter and the rules and regulations established thereunder; provided, however, that the duration of any such transfer to a temporary position shall be subject to the approval of the director of personnel and standardization. If at any time the director shall determine that any such transfer so authorized by any such secretary shall have been made in violation of any such provision, the director shall terminate such transfer.

SECTION 23. Section 16B of said chapter 31 is hereby amended by adding the following paragraph: —

Without the approval of the director but otherwise subject to the requirements of the preceding paragraph, a transfer of any officer or employee from a position in the official service within a department, as defined by section one of chapter twenty-nine, or other agency within any of the executive offices established by chapters six A and seven to an office or position in the labor service of the same department or agency may be authorized by the secretary having charge of such executive office upon submission of notification of such transfer to the director in such form as he shall prescribe, and subject to all applicable provisions of this chapter and the rules and regulations established thereunder. If at any time the director shall determine that any such transfer so authorized by any such secretary shall have been made in violation of any such provision, the director shall terminate such transfer.

SECTION 24. Section 25 of said chapter 31, as most recently amended by chapter 502 of the acts of 1969, is hereby further amended by inserting after the word "director", in line 2, the words: — or secretary having charge of an executive office established by chapters six A and seven, as the case may be.

SECTION 25. Section 19A of chapter 33 of the General Laws, inserted by section 29 of chapter 704 of the acts of 1969, is hereby amended by striking out, in lines 14 and 15, the words "nine B and twenty-nine of chapter twenty-nine" and inserting in place thereof the words: — four, nine B, twenty-seven A, twenty-seven B, twenty-nine and twenty-nine A of chapter twenty-nine; sections twenty-four C, twenty-five B, thirty-six and paragraph (5A) of section forty-six of chapter thirty; and section fifteen, section fifteen F, and section sixteen A and sixteen B of chapter thirty-one.

SECTION 26. Section 6 of chapter 466 of the acts of 1973 is hereby amended by striking out the first two paragraphs.

SECTION 27. Said chapter 466 is hereby amended by striking out section 7 and inserting in place thereof the following section: —

Section 7. Amounts included for permanent positions in sums appropriated in section two for personal services are based upon schedules of permanent positions and salary rates as approved by the house and senate committees on ways and means of the general

court, and, except as otherwise shown by the files of said committees, a copy of which shall be deposited with the bureau of personnel, no part of sums so appropriated in section two shall be available for payment of salaries of any additional permanent position, or for payments on account of reallocations of permanent positions, or for payments on account of any change of salary range or compensation of any permanent position, notwithstanding any special or general act to the contrary; provided, that no vacancy occurring in any classified permanent position included in said schedules of permanent positions may be filled in any manner except upon approval as required by rules and regulations established under the provisions of paragraph (6) of section forty-five of chapter thirty of the General Laws.

SECTION 28. Section 8 of said chapter 466 is hereby amended by striking out the first paragraph.

SECTION 29. Sections eleven, twelve, twenty, twenty-one, twenty-two, twenty-three and twenty-six of said chapter four hundred and sixty-six are hereby repealed.

SECTION 30. Section 29 of said chapter 466 is hereby amended by striking out, in lines 1 and 2, the words "sections fourteen and twenty to twenty-three, inclusive," and inserting in place thereof the words: — section fourteen, — and by striking out, in line 10, the words "or section eight".

SECTION 31. The provisions of sections two, six, seven, eight, twelve, thirteen and fourteen of this act shall not apply to any public institution of higher learning within the commonwealth; provided, however, that any report, statement, estimate, recommendation or activity referred to in said sections two, six and seven shall be reported by said institution forthwith to the house and senate committees on ways and means and the joint legislative committee on post audit and oversight.

Approved December 12, 1973.

Chap. 1231. AN ACT PROVIDING FOR THE ELIGIBILITY OF CERTAIN ADDITIONAL SCHOOL CONSTRUCTION GRANTS AND OTHER BENEFITS FOR THE TOWN OF RUTLAND.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of law, the town of Rutland shall be eligible, relative to Project Number 1843, for sixty-five per cent of the approved cost of school construction and any other benefits authorized by chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, as most recently amended by section fourteen of chapter seven hundred and sixty-six of the acts of nineteen hundred and seventy-two.

Approved December 12, 1973.

Chap. 1232. AN ACT PROVIDING FOR THE PRESERVATION AND ENHANCEMENT OF THE ENVIRONMENT IN CONJUNCTION WITH THE SITING AND OPERATION OF ELECTRIC POWER FACILITIES AND FOR THE PROMOTION OF A RELIABLE, ADEQUATE AND ECONOMICAL ENERGY SUPPLY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 164 of the General Laws is hereby amended by inserting after section 69F the following twelve sections: —

Section 69G. As used in section sixty-nine H to section sixty-nine R, inclusive, the following words shall have the following meanings: —

“Applicant”, a person or persons who submit a long-range plan to the council, or applies to the council for a certificate of environmental compatibility and public need.

“Construction”, any placement, assembly, or installation of facilities or equipment, including contractual obligations to purchase such facilities or equipment, at the premises where such equipment will be used, including preparation work at such premises.

“Council”, the Electric Power Facilities Siting Council established under the provisions of section sixty-nine H.

“Department”, the department of public utilities as established under the provisions of section two of chapter twenty-five.

“Local government”, any political subdivision of the commonwealth, including any county, city, town, district agency or regional agency.

“Long-range forecast”, a plan filed with the council under the provisions of sections sixty-nine I and sixty-nine J, inclusive.

“Certificate”, a certificate of environmental impact and public need, as provided for in section sixty-nine K.

“Facility”, (1) any bulk electric generating unit, including associated buildings and structures, designed for, or capable of, operating at a gross capacity of one hundred (100) megawatts or more; (2) any new electric transmission line having a design rating of sixty-nine (69) kilovolts or more and which is one mile or more in length except reconductoring or rebuilding of existing transmission lines at the same voltage; and (3) any ancillary structure which is an integrated part of the operation of any electric generating unit or transmission line which is a facility.

“Electric company”, (1) an electric company as defined in section one; (2) a corporation organized under the laws of the commonwealth empowered to generate, transmit, distribute or sell electricity for ultimate use by fifty or more persons; (3) a foreign corporation empowered under the laws of its state of incorporation to generate, transmit, distribute or sell electricity for ultimate use by fifty or more persons and qualified to do business in the commonwealth; and (4) a municipal corporation empowered to operate a municipal lighting plant under the provisions of section thirty-five or section thirty-six.

“Significant portion of his income”, ten per cent of gross personal

income for a calendar year, except that it shall mean fifty per cent of gross personal income for a calendar year if the recipient is over sixty years of age and is receiving such portion pursuant to retirement, pension, or similiar arrangement. Income includes retirement benefits, consultants fees, and stock dividends. Income is not received directly or indirectly from permit holders or applicants for a permit where it is derived from mutual fund payments or from other diversified investments over which the recipient does not know the identity of the primary sources of income.

"National pollutant discharge elimination system permit", a permit issued in conformance with the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, et seq.

Section 69H. There is hereby established the Electric Power Facilities Siting Council which shall be responsible for implementing the energy policies contained in sections sixty-nine H to sixty-nine R, inclusive, to provide a necessary power supply for the commonwealth with a minimum impact on the environment at the lowest possible cost.

Said council shall be composed of the secretary of consumer affairs, the secretary of communities and development, the secretary of environmental affairs, and the secretary of human services, or their respective designees, and three persons to be appointed by the governor for terms of three years, one of whom shall be experienced in matters relating to the electric power industry, one of whom shall be experienced in the conservation and protection of the environment, and one of whom shall be a professional engineer registered under the provisions of chapter one hundred and twelve, provided that the council shall not include as a member any person who receives, or has during the previous two years received, a significant portion of his income directly or indirectly from a holder of, or an applicant for, a national pollutant discharge elimination system permit. If either the secretary of consumer affairs, the secretary of communities and development, the secretary of environmental affairs or the secretary of human services is thereby personally disqualified, he shall appoint a designee in his stead. Upon the resignation or termination of the term of any appointed member, his successor shall be appointed in a like manner for the unexpired portion of the term. No person shall be appointed to serve more than two consecutive terms. The governor shall appoint from time to time a chairman from among the members of the council. An appointed member of the council shall receive fifty dollars per diem for his services, and shall be reimbursed by the commonwealth for all reasonable expenses actually and necessarily incurred in the performance of his official duties.

The council shall meet at such time and place as the chairman may designate. Four members shall constitute a quorum.

In carrying out its functions, the council shall cooperate with, and may obtain information and recommendations from every agency of the state government and of local government which may be concerned with any matter under the purview of the council.

Each said state or local government agency is directed to provide such information and recommendations as may be requested. The council shall cooperate with other states and with the federal government or any agency thereof, as authorized under section sixty-nine Q and as otherwise authorized by law. The council may receive and expend such funds as are appropriated or as may be available to it from the funds of any other agency.

The council shall have powers and duties as follows:

(1) To appoint an executive secretary to serve at its pleasure; to prescribe the duties of such other persons as may be required to assist the council in performing its functions, including staff and consultants; and to engage or accept the loan of the services of such persons as may be provided for by appropriation or by authorization from the general court.

(2) To adopt and publish rules and regulations consistent with the purpose of sections sixty-nine H to section sixty-nine Q, and to amend the same from time to time. This includes the rules and regulations for the conduct of the council's public hearings under the provisions of sections sixty-nine J and sixty-nine M.

(3) To accept applications for certificates of environmental impact and public need on such forms as it may prescribe, consistent with the provisions of section sixty-nine L; to conduct preliminary investigations thereon and solicit information and recommendations relating thereto; to conduct public hearings in accordance with the provisions of sections sixty-nine M and sixty-nine N and to supervise the enforcement of the terms and conditions of certificates so issued; to issue or deny approvals of long-range plans under the provisions of sections sixty-nine I and sixty-nine J.

(4) To establish a schedule of filing fees as follows: (a) not to exceed twenty-five thousand dollars in any instance for applications for certificates of environmental impact and public need, as the council may determine; provided, however, that such filing fee for any municipal corporation empowered to operate a municipal lighting plant under the provisions of section thirty-five or thirty-six shall not exceed the sum of two thousand five hundred dollars; and (b) for long-range forecasts or supplements thereto a total maximum amount of four hundred thousand dollars annually with the fee for each applicant being determined by its proportion of the total kilowatt hour sales to ultimate customers in the commonwealth for the prior year.

(5) Where the applicant has petitioned the council with respect to a national pollutant discharge elimination system permit, the council shall be required to make a tentative determination as to the resolution of that application, which determination shall be included in the public notice as required by section sixty-nine M.

Section 69I. On or before December thirty-first, nineteen hundred and seventy-five, and every fifth year thereafter, every electric company shall, individually or jointly with others, file with the council a long-range forecast with respect to the electric power needs and requirements of its market area, taking into account wholesale bulk

power sales or purchases or other co-operative arrangements with other utilities, for the ensuing ten-year period. As regional plans covering longer time periods are developed, they shall be filed with the council.

Said ten-year forecast shall include, in such form and detail as the council shall prescribe, the following information:

(1) A description of all then existing agreements with other electric companies for joint planning or joint forecasting of electric power needs and the purchase or sale of electric power or reserve capacity.

(2) A forecast of the electric power needs for its market area, taking into account wholesale bulk power sales or purchases, or other co-operative arrangements with other utilities and electric energy policies as adopted by the commonwealth.

(3) A description of actions planned to be taken by the company which will affect its capacity to meet such needs, including, but not limited to: expansion, reduction, or removal of existing facilities; construction or acquisition of additional facilities; a description of alternatives to planned action such as other methods of generating, other site locations, other sources of electrical power, and no additional electric power; a description of the environmental impact of each proposed facility, provided, however, that the above provisions shall not apply to facilities which have been approved as part of a previous long-range forecast or supplement thereto. The council shall after public notice and a period for comment be empowered to issue and revise its own list of guidelines providing a minimum of data for initial review such as land use impact, water resources impact, air quality impact, solid waste impact, radiation impact and noise impact.

Every electric company, either individually or jointly with others, shall also file annually a supplement thereto revising and updating said long-range forecast for a minimum of one year.

Subsequent to the filing as provided for in this section by an electric company of its initial long-range forecast, and action thereon by the council as provided for in section sixty-nine J, such company shall not commence construction of a facility at a site unless the facility is consistent with the most recently approved long-range forecast or supplement thereto. In addition, no state agency shall issue a construction permit thereafter unless such site and facility conforms to the most recently approved long-range forecast or supplement thereto.

Section 69J. The council shall conduct a public hearing on every long-range forecast or supplement thereto within six months of the filing thereof. Such hearing shall be an adjudicatory proceeding under the provisions of chapter thirty A. In addition, a public hearing shall be held in each locality in which a generating plant site contained in the long-range forecast or supplement is located, except that a public hearing shall not be required in a locality containing a proposed site if such a hearing has already been held in regard to that particular site in conjunction with a previously

filed long-range forecast or supplement.

The council by a majority vote shall within twelve months from the date of filing approve a long-range forecast if it determines that it meets the following requirements: all information relating to current activities, facilities agreements and electric energy policies as adopted by the commonwealth is substantially accurate and complete; projections of demand for electric power and of the capacities for existing and proposed facilities are based on substantially accurate historical information and reasonable statistical projection methods; projections relating to service area, facility use and pooling arrangements are consistent with such forecasts of other companies subject to this chapter as may have already been approved and reasonable projections of activities of other companies in the New England area; and plans for expansion and construction of the applicant's new facilities are consistent with current health, environmental protection, and resource use and development policies as adopted by the commonwealth.

If the council determines the standards set forth above have not been met, it shall within twelve months of the date of filing reject in whole or in part the long-range forecast setting forth in writing its reasons for such rejections, or approve the long-range forecast subject to stated conditions. In the event of rejection or conditioned approval, the applicant or individual company may within six months submit an amended forecast. A public hearing on the amended forecast shall be held on the same terms and conditions applicable to the original forecast.

The authority of the council to conduct a public hearing under the provisions of section sixty-nine J may be delegated in whole or in part to the department and it shall report back to the council.

Section 69K. Any electric company which proposes to construct or operate facilities in the commonwealth may petition the council for a certificate of environmental impact and public need with respect to such facility. The council shall consider such petition providing: the electric company is prevented from building a facility because it cannot meet standards imposed by a state or local agency with commercially available equipment or because the processing or granting by a state or local agency of any approval, consent, permit or certificate has been unduly delayed; or the electric company believes there are inconsistencies among resource use permits issued by such state or local agencies; or the electric company believes that a nonregulatory issue or condition has been raised or imposed by such state or local agencies such as but not limited to aesthetics and recreation; or the facility cannot be constructed due to any disapprovals, conditions or denials by local governments, except with respect to any lands or interests therein, excluding public ways, owned or managed by any state agency or local government.

In addition to the foregoing determinations, the council shall, upon petition, consider an application for a certificate of environmental impact and public need if it finds that any state or local

agency has imposed a burdensome condition or limitation on any license or permit which has a substantial impact on the council's responsibilities as set forth in section sixty-nine H.

Any facility, with respect to which a certificate is issued by the council, shall thereafter be constructed, maintained and operated in conformity with such certificate and any terms and conditions contained therein.

A certificate shall be issued only in accordance with the provisions of sections sixty-nine K to sixty-nine O, inclusive. Notwithstanding the provisions of any other law to the contrary, a certificate may be so issued and when so issued, no state agency or local government shall require any approval, consent, permit, certificate or condition for the construction, operation or maintenance of the facility with respect to which the certificate is issued and no state agency or local government shall impose or enforce any law, ordinance, by-law, rule or regulation nor take any action nor fail to take any action which would delay or prevent the construction, operation or maintenance of such facility; provided, however, that the council shall not issue a certificate the effect of which would be to grant or modify a permit, approval or authorization which, if so granted or modified by the appropriate state or local agency, would be invalid because of a conflict with applicable federal water or air standards or requirements. A certificate, if issued, shall be in the form of a composite of all individual permits, approvals or authorizations which would otherwise be necessary for the construction and operation of the facility and that portion of the certificate which relates to subject matters within the jurisdiction of a state or local agency shall be enforced by said agency under the other applicable laws of the commonwealth as if it had been directly granted by the said agency.

Each national pollutant discharge elimination system permit issued by the council under this chapter shall have a fixed term which shall not exceed five years and which shall commence to run when the certificate is issued.

A certificate may be transferred to any other electric company by the holder thereof, subject to the terms and conditions contained therein.

The council may amend the terms and conditions of a certificate in accordance with the requirements of subsection E of section sixty-nine L.

Section 69L. A. An applicant for a certificate shall file with the council an application, in such form as the council may prescribe, containing the following information:

(1) A description of the location of the facility to be constructed or operated thereon.

(2) A summary of the studies which the applicant has made of the environmental impact of the facility, and a statement of the reasons for its choice of the location.

(3) A copy of the long-range plan approved by the council under the provisions of section sixty-nine J, in proof of the need for the

facility to meet the energy requirements of the applicant's market area, taking into account wholesale bulk power sales or purchase or other co-operative arrangements with other utilities and electric energy policies as adopted by the commonwealth; provided however, that this requirement may be waived by the council for emergency or unforeseen conditions which jeopardize the health and safety of the public.

(4) A statement setting forth the need of the applicant for the certificate, which statement shall include the following: all licenses, permits and other regulatory approvals required by law for the construction or operation of the facility which have been granted; a representation as to the good faith effort made by the applicant to obtain from state agencies and local governments the licenses, permits and other regulatory approvals required by law for construction or operation of the facility; either, a representation as to the inability, if any, of the applicant to comply with any law, ordinance, by-law, rule and regulation affecting the construction or operation of the facility; or a representation as to the applicant's inability to proceed with the construction or operation of the facility by reason of the denial, delay, or imposition of a burdensome condition in issuing specified licenses, permits or approvals; and such other information as the applicant may deem relevant or the council may by regulation require.

(5) A copy or copies of said information, studies and other pertinent information, shall be filed and made available for public inspection and copying, except that the council shall not permit disclosure, other than to another government agency concerned with the same matter, of any information, other than data pertaining to the nature or constituency of any water or air discharge, obtained by or submitted to the council pursuant to the provisions of sections sixty-nine H to sixty-nine R, inclusive, upon a showing, satisfactory to a majority of the council, that such information if made public would divulge methods or processes entitled to protection as trade secrets of any person.

B. Each application shall be accompanied by an affidavit of the applicant, certifying that:

(1) A copy of the application and a notice as to the date on which the application is to be filed has been served on each of the following: the mayor of each city and the board of selectmen of each town in which any part of the proposed facility is to be located, the secretary of each executive office and the attorney general.

(2) Public notice thereof containing a summary of the application and the date on which notice is to be filed was given by publication, in such manner as the council may by regulation provide.

C. Failure to give such service or notice may be cured pursuant to an order of the council subsequent to the filing of the application. The council may further order additional service and notice on such other persons as it deems appropriate.

D. Each application may be amended by the applicant at any

time, subject to such reasonable requirements of notice as the council may impose.

E. An application for an amendment of a certificate shall be in such form and subject to such requirements of notice and hearings as the council may provide, consistent with the nature and extent of the proposed amendment.

Section 69M. Upon receipt of an application for a certificate in compliance with the provisions of section sixty-nine L, the council shall fix a time and place for a public hearing on a date which shall be not less than sixty days nor more than ninety days from the date specified in the notice and publication under section sixty-nine L as the date for filing, or the actual date of filing, whichever is later. Public notice of such hearings shall be given in the manner provided by section three of chapter thirty A.

The council shall provide for a period of thirty days following the date of the public notice during which time interested persons may submit their written views of the contents of the public notice with respect to the application for a certificate. All written comments submitted during the thirty day comment period shall be retained by the council and considered in the formulation of its final determinations with respect to the application. The period for comment may be extended at the discretion of a majority of the council.

Where applicable, the contents of the public notice of an application for a national pollutant discharge elimination system permit shall include the following: (a) name, address and telephone number of the council; (b) name and address of each applicant; (c) brief description of each applicant's activities or operations which result in the discharge described in the application; (d) short description of the location of such discharge, indicating whether such discharge is a new or existing discharge; (e) a statement of the tentative determination to issue or deny a national pollutant discharge elimination system permit for the discharge described in the application, including a statement of effluent limitations and schedules of compliance, where appropriate, and any other proposed special conditions; (f) a brief description of the procedures for the formulation of final determinations, including the thirty day comment period and any other means by which interested persons may influence or comment upon those determinations; and (g) address and telephone number of state or interstate agency premises at which interested persons may request a copy of the fact sheet described in this section, inspect and copy national pollutant discharge elimination system forms and related documents, and obtain further information.

Where the council is reviewing a national pollutant discharge elimination system permit application, the council shall notify other appropriate government agencies of the application for such a permit and shall provide such agencies an opportunity to submit their written views and recommendations. Procedures for such notification shall include

(1) Transmission of a fact sheet to any other states whose waters may be affected by the issuance of a national pollutant discharge elimination system permit at the time of the issuance of public notice pursuant to this section and, upon request, providing such affected state with a copy of the national pollutant discharge elimination system application and a copy of the proposed permit. Each affected state shall be afforded an opportunity to submit written recommendations to the chairman of the council and to the regional administrator of the United States Environmental Protection Agency which the council may incorporate into the permit if issued. Should the council fail to incorporate any written recommendations thus received, the council shall provide to the affected state or states and to the regional administrator a written explanation of its reasons for failing to accept any of the written recommendations.

(2) A procedure for notifying any interstate agency having water quality control authority over waters which may be affected by the issuance of a certificate.

(3) Transmission of a fact sheet at the time of issuance of the public notice to the appropriate district engineer of the Army Corps of Engineers of the national pollutant discharge elimination system applications for discharges, other than minor discharges, into navigable waters.

The hearing shall be conducted as an adjudicatory proceeding under the provisions of chapter thirty A, provided, however, that the council may make such rules or orders as it may deem reasonable in order to exclude repetitive or redundant testimony and other evidence.

For every discharge which has a total volume of more than five hundred thousand gallons on any day of the year, the council shall prepare and, following public notice, shall send upon request to any person a fact sheet with respect to the application described in the public notice. The contents of such fact sheets shall include the following:

(1) a sketch or detailed description of the location of the discharge described in the national pollutant discharge elimination system application;

(2) a quantitative description of the discharge described in the national pollutant discharge elimination system application which includes at least the following: — (a) the rate of frequency of the proposed discharge; if the discharge is continuous, the average daily flow in gallons per day or million gallons per day; (b) for thermal discharge subject to limitation under the Federal Water Pollution Control Act, the average summer and winter temperatures in degrees Fahrenheit; and (c) the average daily discharge in pounds per day of any pollutants which are present in significant quantities or which are subject to limitations or prohibition under sections 301, 302, 306, or 307 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, et seq, and regulations published thereunder;

(3) the tentative determination required under this section;

(4) a brief citation, including a brief identification of the uses for which the receiving waters have been classified, of the water quality standards and effluent standards and limitations applied to the proposed discharge; and

(5) a fuller description of the procedures for the formulation of final determinations than that given in the public notice including: the required thirty-day comment period; procedures for requesting a public hearing and the nature thereof; and any other procedures by which the public may participate in the formulation of the final determinations.

The director shall add the name of any person or group upon request to a mailing list to receive copies of fact sheets.

Section 69N. The parties in interest to the proceedings on an application for a certificate shall include the following: (1) the applicant; (2) each public officer entitled to receive notice of the filing under the provisions of section sixty-nine L, provided that such officer files with the council within thirty days of the date of filing specified in the notice of filing under section sixty-nine L, a statement of intention to become a party in interest; (3) such other persons or organizations as may be permitted to intervene pursuant to the provisions of chapter thirty A, provided that they have filed with the council, within thirty days of the filing date specified in the publication of the notice of the application, a petition to be admitted as a party in interest; and (4) any other person whom the council by a two-thirds vote of its members, admits as an intervening party.

Section 69O. As expeditiously as possible but in no event later than six months from the date of filing of the application, the council shall by a majority vote render a decision upon the application either by denying the application or by granting the application, or by granting the application subject to such terms and conditions as the council may determine.

The council shall make its decision in writing and shall include therein its findings and opinions with respect to the following:

(1) The need for the facility to meet the electric energy requirements of the applicant's market area taking into account wholesale bulk power sales or purchases or other co-operative arrangements with other utilities and electric energy policies as adopted by the commonwealth;

(2) the compatibility of the facility with considerations of environmental protection, public health and public safety;

(3) the extent to which construction and operation of the facility will fail to conform with existing state and local laws, ordinances, by laws, rules and regulations and reasonableness of exemption thereunder, if any, consistent with the implementation of the energy policies contained in this act to provide a necessary power supply for the commonwealth with a minimum impact on the environment at the lowest possible cost; and

(4) the public interest, convenience and necessity requiring

construction and operation of the facility.

Section 69P. Any party in interest aggrieved by a decision of the council shall have a right to judicial review in the manner provided by section five of chapter twenty-five. The scope of such judicial review shall be limited to whether the decision of the council is in conformity with the constitution of the commonwealth and the constitution of the United States, was made in accordance with the procedures established under section sixty-nine H to section sixty-nine O and with the rules and regulations of the council with respect to such provisions, was supported by substantial evidence of record in the council's proceedings; and was arbitrary, capricious or an abuse of the council's discretion under the provisions of section sixty-nine H to section sixty-nine O.

Section 69Q. The council, in the discharge of its duties under this chapter, is authorized to make joint investigations, hold joint hearings within or without the commonwealth, and issue joint or concurrent orders in conjunction or concurrence with any official agency of any state or of the federal government. Whether in the holding of such investigations of hearings, or in the making of such orders, the council may function under agreements or compacts between states or under the concurrent power of states to regulate interstate commerce, or as an agency of the federal government or otherwise. The council, in the discharge of its duties under this section is further authorized to negotiate and enter into agreements or compacts with agencies of the federal government or other states, pursuant to any consent of congress, for cooperative efforts in certifying the construction, operation and maintenance of electric power facilities in accord with the purposes of this section and for the enforcement of the respective laws of the commonwealth or of said states regarding same.

Section 69R. Any electric company may petition the department for the right to exercise the power of eminent domain with respect to the facility or facilities specified and contained in the proposed long-range electric power forecast submitted in accordance with section sixty-nine I if such electric company is unable to reach agreement with the owners of land for the acquisition of any necessary estate or interest in land. The company shall forward at the time of filing such petition a copy thereof to each city and town affected.

The company shall file with such petition or have annexed thereto: (1) a statement of the use for which such land is to be taken; (2) a description of land to be taken sufficient for the identification thereof; (3) a statement of the estate or interest in the land to be taken for such use; (4) a plan showing the land to be taken; (5) a statement of the sum of money established by such utility to be just compensation for the land to be taken; and (6) such additional maps and information as the department requires.

The department after such notice as it may direct, shall give a public hearing or hearings in the community in which the greater portion of the unit is located. The department may thereafter authorize the company to take by eminent domain under chapter

seventy-nine such lands necessary for the construction of the facility as are required in the public interest, convenience and necessity. The department shall transmit a certified copy of its order to the company and to the clerk of each affected community.

If the department dismisses the petition at any stage in said proceedings, no further action shall be taken thereon, except that the company may file a new petition after the expiration of a year from such dismissal.

Following a taking under this section, the electric company may forthwith proceed to utilize such land. If the electric company shall not utilize the land so taken for the purpose or purposes authorized in the department's order within such time as the department shall determine, its rights under such taking shall cease and terminate.

No land, rights of way or other easements therein in any public way, public place, public park or reservation shall be taken by eminent domain under the provisions of this section.

This section shall apply only to bulk electric generating units and ancillary structures as defined in section sixty-nine G and should not be construed as abrogating the department's jurisdiction described in section seventy-two in respect to transmission lines.

SECTION 2. Of the members first appointed to the Electric Power Facilities Siting Council established under section sixty-nine H of chapter one hundred and sixty-four of the General Laws, inserted by section one of this act, one shall be appointed for a term to expire June thirtieth, nineteen hundred and seventy-six, one for a term to expire June thirtieth, nineteen hundred and seventy-seven and one for a term to expire June thirtieth, nineteen hundred and seventy-eight.

SECTION 3. The rules and regulations which the Electric Power Facilities Siting Council is required to adopt and publish under section sixty-nine H of chapter one hundred and sixty-four of the General Laws shall be adopted and published within nine months of the effective date of this act.

SECTION 4. The provisions of sections sixty-nine I and sixty-nine J of chapter one hundred and sixty-four of the General Laws shall not apply to facilities under construction prior to December thirty-first, nineteen hundred and seventy-five.

SECTION 5. The requirement of paragraph three of section sixty-nine L of chapter one hundred and sixty-four of the General Laws shall not apply to any facility under construction prior to December thirty-first, nineteen hundred and seventy-six.

SECTION 6. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 7. This act shall take effect on December thirty-first, nineteen hundred and seventy-four.

Approved December 12, 1973.

RESOLVES.

Chap. 1. RESOLVE REVIVING AND CONTINUING CERTAIN SPECIAL COMMISSIONS.

Resolved, That the special commissions established by chapter sixty-five of the resolves of nineteen hundred and sixty-five, chapter one hundred and sixty-four of the resolves of nineteen hundred and sixty-seven, chapter seventy-seven of the resolves of nineteen hundred and sixty-nine, chapters nineteen and fifty-seven of the resolves of nineteen hundred and seventy, chapters eighteen, twenty-three, forty-four, sixty-three, seventy-two, seventy-three, and seventy-eight of the resolves of nineteen hundred and seventy-one, and chapters three, six, seven, forty, forty-three, fifty-six, fifty-seven, fifty-eight, seventy-three, seventy-six, eighty-four, and eighty-six of the resolves of nineteen hundred and seventy-two, are hereby revived and continued.

Approved February 15, 1973.

Chap. 2. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO DEVELOPING A MASTER PLAN AND PROGRAM FOR TAXATION WITHIN THE COMMONWEALTH.

Resolved, That the special commission, established by chapter one hundred and sixty-two of the resolves of nineteen hundred and sixty-seven, and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-two, is hereby further revived and continued until the fourth Wednesday of June in the current year.

Approved March 2, 1973.

Chap. 3. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE FEASIBILITY OF CREATING A CONNECTICUT RIVER BASIN DISTRICT COUNCIL WITHIN THE COMMONWEALTH, CERTAIN MATTERS PERTAINING TO THE MASSACHUSETTS PORTION OF THE CONNECTICUT RIVER BASIN AND RELATED MATTERS.

Resolved, That the special commission established by chapter seventy-one of the resolves of nineteen hundred and seventy and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-two is hereby further revived and continued. Said commission shall report not later than April fourth, nineteen hundred and seventy-three.

Approved March 9, 1973.

- Chap. 4.** RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE MODERNIZATION OF COUNTY GOVERNMENT.

Resolved, That the special commission established by chapter fifty-seven of the resolves of nineteen hundred and sixty-nine and most recently revived and continued by the provisions of chapter one of the resolves of nineteen hundred and seventy-two is hereby further revived and continued. Said commission shall report not later than March thirtieth in the current year.

Approved March 9, 1973.

- Chap. 5.** RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO ESTABLISHING A COLLECTIVE BARGAINING COMMISSION.

Resolved, That the special commission, established by chapter ninety-seven of the resolves of nineteen hundred and sixty-nine and most recently revived and continued under the provisions of chapter one of the resolves of nineteen hundred and seventy-two is hereby further revived and continued. Said commission shall report not later than June twenty-ninth, nineteen hundred and seventy-three.

Approved March 22, 1973.

- Chap. 6.** RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO THE TRANSITION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

Resolved, That the judicial council be requested to investigate the subject matter of chapter eight hundred and forty-four of the acts of nineteen hundred and sixty-seven, making the terms of certain department heads and others coterminous with that of the governor, and chapter seven hundred and four of the acts of nineteen hundred and sixty-nine, establishing a governor's cabinet, and the feasibility of providing for the orderly transition of the executive branch of state government from one administration to the next, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved March 30, 1973.

- Chap. 7.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE CONSTRUCTION OF A NEW STATE HIGHWAY IN THE WEST PORTION OF WORCESTER COUNTY.

Resolved, That the department of public works is hereby authorized and directed to make an investigation and study relative to the advisability and feasibility of constructing a state highway, with particular reference to the replacement of state highway route 9, in a westerly direction from the intersection of said state highway route 9 and state highway route 12 in the city of Worcester through the towns of Leicester, Spencer, East Brookfield, Brookfield and West Brookfield to the boundary between the towns of West Brookfield and Ware. Connections between state highway route 9 and interstate highway route 290 in the city of Worcester shall also be studied. Said department shall report to the general court, the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect by filing the same with the clerk and parliamentarian of the Senate, on or before the third Wednesday of December, nineteen hundred and seventy-three. Said report shall also be filed with the Central Massachusetts Regional Planning Commission.

Approved April 5, 1973.

Chap. 8. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE ENFORCEABILITY OF THE PROVISIONS OF LAW RESTRICTING THE WEIGHTS OF VEHICLES UPON PUBLIC WAYS.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study of all matters pertaining to the enforceability of the provisions of law restricting the weights of vehicles upon public ways. Said commission may require by summons the attendance and testimony of witnesses and the production of books and papers. Said commission shall have the assistance of the attorney general or his designee, the department of public utilities, and such other state departments, boards, authorities, commissions and officers as it may deem necessary for its purposes.

Approved April 5, 1973.

Chap. 9. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO THE ESTABLISHMENT OF AN ECOLOGY COURT AND AN ENVIRONMENT COURT.

Resolved, That the judicial council be requested to investigate the subject matter of current house documents numbered 848, relative to the establishment of an ecology court, and 5323, relative to the establishment of an environmental court at the Superior Court level to have exclusive jurisdiction of all environmental matters, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation

as may be necessary to give effect to the same, in its annual report for the current year.

Approved April 9, 1973.

Chap. 10. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO WIDENING FAIRMOUNT AVENUE AND THE BRIDGES SPANNING THE NEPONSET RIVER AND THE NEW ENGLAND DIVISION OF THE PENNSYLVANIA RAILROAD IN THE HYDE PARK DISTRICT OF THE CITY OF BOSTON.

Resolved, That the department of public works is hereby authorized and directed to make an investigation and study of the subject matter of current house document numbered 5024, authorizing and directing the department of public works to widen Fairmount Avenue and the bridges spanning the Neponset River and the New England Division of the Pennsylvania Railroad in the Hyde Park District of the City of Boston. Said department shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the third Wednesday of December in the current year.

Approved April 9, 1973.

Chap. 11. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO ESTABLISHING A JUDICIAL GRIEVANCE BOARD.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 4532, relative to establishing a judicial grievance board, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved April 17, 1973.

Chap. 12. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE FEASIBILITY OF EXTENDING AND EXPANDING PUBLIC TRANSPORTATION FROM BOSTON TO THE WILMINGTON AREA BY THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

Resolved, That a special commission, to consist of two members of the senate, five members of the house of representatives, the general manager of the Massachusetts Bay Transportation Authority or his designee, and three persons to be appointed by the governor, is hereby established for the purpose of making an investi-

gation and study relative to the feasibility of extending and expanding public transportation from Boston to the Wilmington area by the Massachusetts Bay Transportation Authority with particular reference to utilizing the present railroad facilities and equipment and any other matters related thereto. *Approved April 19, 1973.*

Chap. 13. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PROHIBITING THE COMMONWEALTH FROM UTILIZING EMINENT DOMAIN PRIVILEGES TO TAKE PROPERTY, FOR WHICH THE OWNER OF SUCH PROPERTY HAS OBTAINED A COURT INJUNCTION AGAINST THE COMMONWEALTH AND/OR ITS AGENTS FOR UNLAWFUL ACTS COMMITTED.

Resolved, That the Judicial council be requested to investigate the subject matter of current house document numbered 473, prohibiting the Commonwealth from utilizing eminent domain privileges to take property, for which the owner of such property has obtained a court injunction against the Commonwealth and/or its agents for unlawful acts committed, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved April 19, 1973.

Chap. 14. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO REQUIRING A HEARING BEFORE THE LAND COURT BEFORE PROPERTY IS TAKEN BY EMINENT DOMAIN.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 5311, requiring a hearing before the land court before property is taken by eminent domain, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved April 19, 1973.

Chap. 15. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO JOINT TENANCIES AND TENANCIES BY THE ENTIRETY.

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered 756, repealing or abolishing tenancy by entirety; and of current house documents numbered 853, abolishing tenancy by the entirety; and 4336, relative to the preference of joint tenancy over tenancy by

the entirety in certain conveyances of real property; and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved April 23, 1973.

Chap. 16. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO COMPULSORY BASIC PROTECTION INSURANCE FOR ALL REGISTERED MOTOR VEHICLES AND AMENDING AND REPEALING LAWS RELATED THERETO AND CERTAIN OTHER MATTERS RELATED TO MOTOR VEHICLE LIABILITY INSURANCE.

Resolved, That the special commission established by chapter ninety-seven of the resolves of nineteen hundred and sixty-eight, and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-two, is hereby further revived and continued.

Approved April 27, 1973.

Chap. 17. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE CONSTRUCTION OF A PEDESTRIAN OVERPASS AT WEBSTER SQUARE IN THE CITY OF WORCESTER.

Resolved, That the department of public works is hereby authorized and directed to make an investigation and study of the subject matter of current house document numbered 2803, directing the department of public works to construct a pedestrian overpass at Webster square in the city of Worcester. Said department shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday of December in the current year.

Approved April 27, 1973.

Chap. 18. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE FEASIBILITY OF THE CONSTRUCTION OF A SPORTS STADIUM IN THE COUNTY OF HAMPDEN.

Resolved, That a special commission, to consist of two members of the senate, three members of the house of representatives, the superintendent of the park department of the city of Springfield, and three persons to be appointed by the governor, one of whom shall be a representative of the news media of said city, is hereby

established for the purpose of making an investigation and study relative to the feasibility of the construction of a sports stadium in the county of Hampden.

Approved May 1, 1973.

Chap. 19. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO FEDERAL BASE CONVERSION.

Whereas, The department of defense has announced a schedule for termination or phase down of a number of facilities of the armed services of the United States within the Commonwealth of Massachusetts; and

Whereas, The phase down or termination of these facilities is imminent; and

Whereas, Such facilities employ many residents of the Commonwealth and provide significant economic support to the immediate surrounding municipalities and region; and

Whereas, Such facility termination or phase down will cause immediate and severe economic hardship on citizens so employed and on municipalities so supported and assisted; and

Whereas, The government of the Commonwealth of Massachusetts, both the executive and legislative branches, have a major continuing responsibility for policies that sustain and encourage the economic well being of the Commonwealth; now therefore be it

Resolved, That a special commission to consist of seven members of the House of Representatives, three members of the Senate, and eleven persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the long term use of the facilities and land included in armed services bases scheduled for termination, and relative to actions which should be taken in the immediate future by the federal government, the Commonwealth and local governments in order to minimize economic hardship on individuals and in order to avoid major financial disruptions in areas affected by the termination of such bases. Said commission shall no later than June first, nineteen hundred and seventy-three report to the governor and the general court its findings relative to actions which should be taken immediately by the federal government, the Commonwealth and local governments, and shall file its final report on or before May first, nineteen hundred and seventy-four. Said commission may apply for, receive, and expend federal funds for the purposes of its investigation and study, and may travel without the Commonwealth.

Approved May 2, 1973.

- Chap. 20.** RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE AWARDING OF CONTRACTS FOR CONSTRUCTION AND MATERIALS BY COUNTIES, CITIES, TOWNS AND DISTRICTS.

Resolved, That the special commission established by chapter eighty-eight of the resolves of nineteen hundred and sixty-five and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-two is hereby further revived and continued. Said commission shall report not later than March thirty-first, nineteen hundred and seventy-four.

Approved May 7, 1973.

- Chap. 21.** RESOLVE IN FAVOR OF WALTER N. BORG.

Resolved, That for the purpose of promoting the public good, there shall be allowed and paid out of the state treasury, subject to appropriation, to Walter N. Borg, an unpaid member of the board of education in the department of education, the sum of six hundred and twelve dollars, for necessary travel expenses incurred in the performance of his duties during the period from January eighth, nineteen hundred and sixty-eight to May twenty-eighth, nineteen hundred and sixty-eight, inclusive.

Approved May 11, 1973.

- Chap. 22.** RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE EXTENT OF THE USE OF HARMFUL, INJURIOUS OR ILLEGAL DRUGS WITHIN THE COMMONWEALTH.

Resolved, That the special commission, established by chapter one hundred and sixty-four of the resolves of nineteen hundred and sixty-seven and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current senate document numbered 411, relative to prevention of drug abuse through education; and of current house documents numbered 612, requiring the commissioner of education to reimburse communities for drug education programs; 1001, establishing mandatory courses in public schools on the harmful effect of certain drugs; 1893, relative to determining the course of instruction concerning the problems of drug abuse and alcoholism to be initiated in all schools of the commonwealth; 2279, establishing mandatory courses in public schools on the harmful effects of certain drugs; 2864, requiring the commissioner of education to reimburse communities for drug education programs; 3036, providing for the instruction of courses in human development in

public schools grades K-12; 3453, requiring school committees to employ "drug guidance counsellors"; 3921, requiring a physical examination and urine analysis of all secondary school students; 4123, authorizing the establishment of a program for the development of school health educators; and 4129, requiring certain students suspected of using drugs unlawfully to submit to a urine test.

Approved May 21, 1973.

Chap. 23. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE REGISTRY OF MOTOR VEHICLES RELATIVE TO AUTHORIZING THE REGISTRAR OF MOTOR VEHICLES TO ESTABLISH BRANCH OFFICES FOR SAID REGISTRY IN CERTAIN TOWNS AND OTHER RELATED MATTERS.

Resolved, That the registry of motor vehicles is hereby authorized and directed to make an investigation and study of current house documents numbered 1065, authorizing the registrar of motor vehicles to establish a branch office for the registry of motor vehicles in the town of Norwood; 4060, decreasing the licensing fees paid by mobile home owners sixty-five years of age or over; 4561, authorizing the registrar of motor vehicles to establish a branch office for the registry of motor vehicles in the city of Gardner; 4776, authorizing the registrar of motor vehicles to establish a branch office for the registry of motor vehicles in the town of Middleborough; 5492, allowing the spouse of handicapped persons to register the motor vehicle in his own name and still maintain special plates; and 6367, concerning safety defects in motor vehicles. Said registry shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the third Wednesday of December in the current year.

Approved May 21, 1973.

Chap. 24. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO CONSTRUCTING A BRIDGE AND CONNECTOR OVER ROUTE 213 IN METHUEN.

Resolved, That the department of public works is hereby authorized and directed to make an investigation and study of the subject matter of current house document numbered 4245, relative to constructing a bridge and connector over route 213 in Methuen. Said department shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday of January, nineteen hundred and seventy-four.

Approved June 5, 1973.

Chap. 25. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO TAKE OVER THE CARE, CONTROL AND MAINTENANCE OF PART OF ROUTE 116 IN THE TOWNS OF CHESHIRE AND SAVOY AND OTHER RELATED MATTERS.

Resolved, That the department of public works is hereby authorized to make an investigation and study of current house documents numbered 579, authorizing the department of public works to take over the care, control and maintenance of part of route 116, in the towns of Cheshire and Savoy; 774, prohibiting the use of wire cables as barriers on public roadways; 883, changed, exempting passenger cards with an "H.P." plate, so called, from fees charged for a certificate of title; 958, authorizing and directing the department of public works to install and maintain certain highway signs; 1154, providing for an investigation and study by the department of public works relative to the possibility of eliminating Jug Handle Turn on U. S. route 1, in the city of Peabody; 1440, authorizing and directing the department of public works to erect guard rails along the American Legion Highway located in the city of Revere; 2226, authorizing and directing the department of public works to maintain route 113, from Willard Street and Arlington Street and from this intersection north along route 38, to the New Hampshire line, all of said roads are located in the town of Dracut; 4251, authorizing the department of public works to reconstruct the fence on both sides of the bridge on Quincy avenue in the town of Braintree; 4252, directing the department of public works to install street lights at certain locations in the town of Randolph; 4452, authorizing the department of public works to construct a pedestrian overpass over the Boston and Maine railroad tracks in north Cambridge; 4833, prohibiting the department of public works from constructing the connector between route 2 and the Massachusetts turnpike through the city of Cambridge and from further extension of route 2, through said city; and 5395, authorizing the department of public works to install and maintain certain highway signs on route I-495. Said department shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the third Wednesday of December in the current year.

Approved June 8, 1973.

Chap. 26. RESOLVE REQUESTING AN EXAMINATION OF THE OLD BAY ROAD BY THE MASSACHUSETTS HISTORICAL COMMISSION WITH A VIEW TO ITS CERTIFICATION AS AN HISTORICAL HIGHWAY.

Resolved, That the Massachusetts historical commission is here-

by requested to examine the highway known as the Old Bay Road, known also and variously as the King's Highway; the Road from Taunton to Boston; the Old Bay Path; and the Cranberry Highway, as to that portion which passes from Taunton Green through the city of Taunton and the towns of Norton, Easton, Stoughton, Sharon, Canton and Milton, the northern terminal being the southern bank of the Neponset river in the Lower Mills section of the town of Milton, with a view to its certification as an historical highway.

Approved June 12, 1973.

Chap. 27. RESOLVE CONTINUING THE INVESTIGATION AND STUDY BY THE RETIREMENT LAW COMMISSION RELATIVE TO PROVIDING SURVIVORSHIP BENEFITS TO THE SPOUSE OR OTHER DEPENDENTS OF CERTAIN RETIREES FROM THE PUBLIC SERVICE.

Resolved, That the retirement law commission is hereby authorized and directed to continue the investigation and study authorized by chapter thirty-four of the resolves of nineteen hundred and seventy-two. Said commission shall file its final report not later than the last Wednesday of June, nineteen hundred and seventy-three.

Approved June 12, 1973.

Chap. 28. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE OVERALL FEASIBILITY OF WATER TRANSPORTATION SYSTEMS WITHIN BOSTON HARBOR AND MASSACHUSETTS BAY TO DETERMINE THE BEST ROUTING FOR A TRIAL WATER TRANSPORTATION SERVICE WITHIN BOSTON HARBOR.

Resolved, That a special commission, to consist of three members of the senate, six members of the house of representatives, the secretary of transportation and construction, the mayor of the city of Boston or his designee, and four persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the application of water transportation systems to the Boston Harbor and Massachusetts Bay region. Said commission shall investigate the feasibility of water transportation systems as a means of providing traffic relief at the Lieutenant William F. Callahan Jr. tunnel and General Edward Lawrence Logan airport; of water transportation systems as a means of improving mass transit generally by integration of this technology into the present Massachusetts Bay Transportation Authority system throughout the metropolitan Boston harbor region; and of water transportation systems as a means of providing fast and economic commuter service between the north and south shores of the commonwealth, Cape Cod and the city of Boston. Said commission shall determine the best water transportation routing and other factors for a trial service in Boston harbor.

Approved June 13, 1973.

- Chap. 29.** RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PERMITTING CUSTODIANS UNDER THE UNIFORM GIFTS TO MINORS ACT TO BE DESIGNATED BENEFICIARY OF AN INSURANCE POLICY OR AN ANNUITY CONTRACT.

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered 688, relative to permitting custodians under the uniform gifts to minors act to be designated beneficiary of an insurance policy or an annuity contract, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year. *Approved June 13, 1973.*

- Chap. 30.** RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PERMITTING ONLY CONVICTIONS OF PAST CRIMES INVOLVING DISHONESTY OR FALSE STATEMENT TO BE USED IN IMPEACHING A WITNESS.

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered 587, relative to permitting only convictions of past crimes involving dishonesty or false statement to be used in impeaching a witness, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year. *Approved June 13, 1973.*

- Chap. 31.** RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO GRANTING IMMUNITY FROM DAMAGES TO PHYSICIANS AND HOSPITALS AS A RESULT OF ACTIONS TAKEN BY MEDICAL COMMITTEES.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 3068, relative to granting immunity from damages to physicians and hospitals as a result of actions taken by medical committees, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 13, 1973.

- Chap. 32.** RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO INCLUDING THE TERM TRAVELLER'S CHECK OR CHEQUES, WITHIN THE SCOPE OF THE GENERAL LAWS PERTAINING TO CRIMES AGAINST CURRENCY.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 5682, relative to including the term traveller's check or cheques, within the scope of the General Laws pertaining to crimes against currency, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 13, 1973.

Chap. 33. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO CONFIDENTIAL COMMUNICATIONS BETWEEN PATIENTS AND PSYCHOTHERAPISTS.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 1373, relative to confidential communications between patients and psychotherapists, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 13, 1973.

Chap. 34. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PROVIDING FOR PUBLIC CONSERVATORS.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 1936, providing for public conservators, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 13, 1973.

Chap. 35. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PROVIDING FOR SERVICE OF PROCESS ON DOMESTIC CORPORATIONS IN CERTAIN MATTERS.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 3477, providing for service of process on domestic corporations in certain criminal matters, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 13, 1973.

- Chap. 36.** RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PROVIDING FOR PARTIAL SUSPENSION OF EXECUTION OF CERTAIN SENTENCES IN THE DISTRICT COURT.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 4342, providing for partial suspension of execution of certain sentences in the district court, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year. *Approved June 13, 1973.*

- Chap. 37.** RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO ESTABLISHING PROCEDURES FOR THE TAKING OF ORAL DEPOSITIONS AND OTHER EVIDENCE BY VIDEOTAPE.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 5312, establishing procedures for the taking of oral depositions and other evidence by videotape, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year. *Approved June 13, 1973.*

- Chap. 38.** RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO FURTHER REGULATING THE SERVICE OF A SUMMONS OR OTHER LEGAL PAPERS ON VOLUNTARY ASSOCIATIONS.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 5318, further regulating the service of a summons or other legal papers on voluntary associations, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 13, 1973.

- Chap. 39.** RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO EVALUATING THE ADEQUACY OF EXISTING PROGRAMS IN THE COMMONWEALTH FOR THE CARE AND TREATMENT OF CHILDREN.

Resolved, That the special commission, established by chapter six of the resolves of nineteen hundred and seventy-two, and revived and continued by chapter one of the resolves of nineteen

hundred and seventy-three shall, in the course of its investigation and study, consider the establishment of effective procedures for the determination and reporting of sudden infant deaths.

Approved June 14, 1973.

Chap. 40. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATING TO THE POWERS AND DUTIES OF THE CHIEF JUSTICE OF THE SUPERIOR COURT.

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered 632, relating to the powers and duties of the chief justice of the superior court, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 20, 1973.

Chap. 41. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PROVIDING INDEMNIFICATION FOR CERTAIN CLAIMS AGAINST PERSONS CARING FOR CHILDREN PLACED IN THEIR HOMES BY THE DIVISION OF FAMILY AND CHILDREN'S SERVICES OR AGENCY LICENSED BY THE DIVISION.

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered 654, relative to providing indemnification for certain claims against persons caring for children placed in their homes by the division of family and children's services or agency licensed by the division, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 20, 1973.

Chap. 42. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO ESTABLISHING A COLLECTIVE BARGAINING COMMISSION AND EXTENDING THE TIME FOR FILING ITS FINAL REPORT.

Resolved, That the special commission, established by chapter ninety-seven of the resolves of nineteen hundred and sixty-nine and most recently revived and continued by chapter five of the resolves of nineteen hundred and seventy-three, is hereby further revived and continued. Said commission shall report not later than the fourth Wednesday in January, nineteen hundred and seventy-four.

Approved June 29, 1973.

- Chap. 43.** RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE NEEDS OF CERTAIN HANDICAPPED PERSONS IN THE AREA OF TRANSPORTATION, EDUCATION AND TRAINING AND RELATED MATTERS.

Resolved, That the special commission, established by chapter eighty-six of the resolves of nineteen hundred and seventy-two and revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current senate documents numbered 453, requiring that all polling places be one hundred per cent accessible to physically disabled and handicapped persons; and 1517, eliminating the requirement of notarization of absentee ballots for physically disabled persons.

Approved July 3, 1973.

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- Chap. 44.** RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE COMPULSORY BASIC PROTECTION INSURANCE FOR ALL REGISTERED MOTOR VEHICLES AND AMENDING AND REPEALING LAWS RELATED TO MOTOR VEHICLE LIABILITY INSURANCE.

Resolved, That the special commission, established by chapter ninety-seven of the resolves of nineteen hundred and sixty-eight, and most recently revived and continued by chapter sixteen of the resolves of nineteen hundred and seventy-three, shall in the course of its investigation and study, consider the subject matter of current senate documents numbered 532, further regulating the placement of insurance in the automobile assigned risk plan; and 988, protecting persons from the loss of benefits under wage continuation programs in cases involving motor vehicle accidents; and current house documents numbered 452, prohibiting special classifications based on age relative to risks and premium charges for compulsory motor vehicle insurance; 844, providing that motor vehicle insurance shall not be determined on the basis of age; 1521, establishing an unearned premium reserve for certain liability insurance companies; 2109, providing for motor vehicle insurance coverage to be issued the same day application is made under certain conditions; 3668, providing for certain reductions in motor vehicle insurance rates for elderly persons; 3670, providing that motor vehicle insurance rates shall not be determined on the basis of age; 3937, relative to automobile insurance rates for under age twenty-five operators; 4152, limiting the right of insurers to require private estimates for motor vehicle damages; 4333, reducing the amount of medical expenses necessary to recover damages for pain and suffering under the no-fault bodily motor vehicle injury insurance law; 4527, lowering the minimum amount of bodily injury expenses in action of tort for pain and suffering under the no-fault motor vehicle insurance law; 5473, regulating the fees to be charged by an agent or broker for certain

motor vehicle insurance; 5830, relative to insurance companies selling contracts of insurance through licensed agents or brokers; and 5831, establishing insurance commissions.

Approved July 3, 1973.

- Chap. 45.** RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE COMPULSORY BASIC PROTECTION INSURANCE FOR ALL REGISTERED MOTOR VEHICLES AND AMENDING AND REPEALING LAWS RELATED TO MOTOR VEHICLE LIABILITY INSURANCE.

Resolved, That the special commission, established by chapter ninety-seven of the resolves of nineteen hundred and sixty-eight, and most recently revived and continued by chapter sixteen of the resolves of nineteen hundred and seventy-three, shall in the course of its investigation and study, consider the subject matter of current senate document numbered 109, prohibiting the subrogation of personal injury protection insurance claims; and current house document numbered 4161, limiting exceptions from tort liability under the no-fault law.

Approved July 3, 1973.

- Chap. 46.** RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE ADEQUACY OF THE BRANCH BANKING LAWS OF THE COMMONWEALTH AND THE ESTABLISHMENT OF BRANCH BANKING WITHOUT RESTRICTION AS TO COUNTY LINES.

Resolved, That the special commission, established by chapter seventy-six of the resolves of nineteen hundred and seventy-two and revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current house document numbered 2441, relative to the establishment and operation of branch offices of trust companies.

Approved July 6, 1973.

- Chap. 47.** RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE AUTHORIZATION OF SAVINGS BANKS TO ACCEPT DEMAND DEPOSITS.

Resolved, That the special commission, established by chapter seventy-two of the resolves of nineteen hundred and seventy-one and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall in the course of its investigation and study, consider the subject matter of current house documents numbered 2064, relative to savings share accounts

in co-operative banks; 2438, relative to reserves in certain banks; 2826, authorizing the issuance of accounts designated as negotiable withdrawal orders, by savings banks, trust companies and co-operative banks; and 2827, regulating negotiable withdrawal orders.

Approved July 6, 1973.

Chap. 48. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE EXTENT OF THE USE OF HARMFUL, INJURIOUS OR ILLEGAL DRUGS WITHIN THE COMMONWEALTH.

Resolved, That the special commission, established by chapter one hundred and sixty-four of the resolves of nineteen hundred and sixty-seven and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current senate document numbered 577, enabling a drug user, who voluntarily seeks aid, to be granted immunity; and of current house documents numbered 3074, making an attempt to obtain a controlled substance by fraudulent means an arrestable offense; 3077, relative to immunity and privilege of Massachusetts drug laws; 3490, amending the controlled substances act, chapter 94C; 3818, relative to the court disposition of persons who are addicts; 4162, providing additional punishment for certain persons giving controlled substances to prisoners; 4732, providing for a mandatory prison sentence for the theft or robbery of drugs from a hospital or nursing home; 4913, relative to equalizing sentences imposed prior and subsequent to the passage of the controlled substances act; 4931, authorizing mandatory imprisonment for certain drug offenses; and 5675, providing for the review of sentences for drug violations.

Approved July 6, 1973.

Chap. 49. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE ADEQUACY OF THE BRANCH BANKING LAWS OF THE COMMONWEALTH AND THE ESTABLISHMENT OF BRANCH BANKING WITHOUT RESTRICTION AS TO COUNTY LINES.

Resolved, That the special commission, established by chapter seventy-six of the resolves of nineteen hundred and seventy-two and revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of the current house documents numbered 2060, permitting savings banks and co-operative banks to establish and maintain satellite offices; and 2835, declaring a hiatus on lending institutions in Massachusetts.

Approved July 6, 1973.

- Chap. 50.** RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE AUTHORIZATION OF SAVINGS BANKS TO ACCEPT DEMAND DEPOSITS.

Resolved, That the special commission, established by chapter seventy-two of the resolves of nineteen hundred and seventy-one and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall in the course of its investigation and study, consider the subject matter of current house document numbered 5232, limiting the powers of banks and credit unions to permit transfers of funds from deposit accounts.

Approved July 6, 1973.

- Chap. 51.** RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO GIVING THE DISTRICT COURTS EQUITY POWER IN THE AREA OF UNFAIR AND DECEPTIVE TRADE PRACTICES.

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered 675, relative to giving the district courts equity power in the area of unfair and deceptive trade practices, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved July 6, 1973.

- Chap. 52.** RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE MANAGEMENT, OPERATION AND ACCESSIBILITY OF PUBLIC BEACHES ALONG THE SEA COAST AND OTHER RELATED MATTERS.

Resolved, That the special commission established by chapter forty of the resolves of nineteen hundred and seventy-two, and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall in the course of its investigation and study, consider the subject matter of current senate document numbered 804, authorizing public right-of-passage along certain coastline of the commonwealth; and current house document numbered 4174, providing public access to Jack-knife harbor in the town of Chatham.

Approved July 9, 1973.

- Chap. 53.** RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO DEVELOPING A MASTER PLAN AND PROGRAM FOR TAXATION WITHIN THE COMMONWEALTH.

Resolved, That the special commission, established by chapter one hundred and sixty-two of the resolves of nineteen hundred and sixty-seven, and most recently revived and continued by chapter two of the resolves of the current year, is hereby further revived and continued until the fourth Wednesday of July in the current year.

Approved July 10, 1973.

Chap. 54. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED FOR THE PURPOSE OF MAKING AN INVESTIGATION AND STUDY RELATIVE TO THE REGULATION OF THE LOCATION AND OPERATION OF ELECTRIC UTILITY GENERATION AND TRANSMISSION FACILITIES AND OTHER MATTERS.

Resolved, That the special commission, established by chapter seventy-eight of the resolves of nineteen hundred and seventy-one, and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current house documents numbered 1208, regulating and directing the department of public utilities to promulgate certain rules and regulations on transmission facilities in the town of Lexington by April first, nineteen hundred and seventy-five; 2685, creating standards for the placement of electric power transmission lines; 3660, relative to protecting municipal park, forest, and conservation lands; 3663, to provide adequate notice of proposed crossings of public ways by transmission lines; 4718, requiring all electric and telephone companies to place all lines for new services underground; 4902, requiring all electric and telephone companies to place all lines for new services underground; and 6122, requiring all electric and telephone companies to place all lines for new services underground.

Approved July 10, 1973.

Chap. 55. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE ENFORCEABILITY OF THE PROVISIONS OF LAW RESTRICTING THE WEIGHTS OF VEHICLES UPON PUBLIC WAYS.

Resolved, That the special commission, established by chapter eight of the resolves of nineteen hundred and seventy-three shall, in the course of its investigation and study, consider the subject matter of current senate document numbered 899, providing for the appointment of certain employees of the uniformed branch, Massachusetts state police, department of public safety as weighers and measurers; and of current house documents numbered 2953, providing for the appointment of certain employees of the uniformed branch, Massachusetts state police, department of public safety as weighers and measurers; and 3332, amending the laws pertaining to the commercial motor vehicle division in the department of public utilities.

Approved July 10, 1973.

Chap. 56. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE MARINE BOUNDARIES AND RESOURCES OF THE COMMONWEALTH.

Resolved, That the special commission established by chapter seventy-seven of the resolves of nineteen hundred and sixty-nine, and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current senate document numbered 807, providing for establishing the "Governor's Task Force on the Massachusetts Coastal Zone".

Approved July 10, 1973.

Chap. 57. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PREJUDGMENT ATTACHMENT OF PROPERTY AND CERTAIN OTHER MATTERS RELATING TO THE SATISFACTION OF JUDGMENTS.

Resolved, That the judicial council be requested to investigate the subject matter of current senate documents numbered 611, revising the amount of weekly income exempt from execution; 687, regulating the use of prejudgment trustee process; of current house documents numbered 1044, prohibiting waiver of exemptions from execution; 1221, providing for a hearing prior to attachment of property; 1749, providing for due process hearings prior to attachments, repossessions and similar prejudgment involuntary transfers of property; 2312, providing for the protection of judgment debtors and judgment creditors against an inability of the debtor to satisfy a judgment and maintain himself and his family; 2509, providing that the Attorney General may file a certificate to dissolve attachments in actions and claims arising out of the operation of motor vehicles owned by the Commonwealth; 3070, concerning the due process notice and hearing for provisional remedies as it applies to non-consumers; 3324, providing for the protection of judgment debtors and judgment creditors against an inability of the debtor to satisfy a judgment and maintain himself and his family; and 4529, relative to deposits paid by a defendant to dissolve an attachment; and to include its conclusions and recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved July 10, 1973.

Chap. 58. RESOLVE PROVIDING FOR A SURVEY BY THE DEPARTMENT OF PUBLIC WORKS TO FORMULATE PLANS TO ALLEVIATE FLOOD CONDITIONS AT CONGAMOND LAKES, SO-CALLED, IN THE TOWN OF SOUTHWICK AND AT BLISS POND IN THE TOWN OF LUDLOW.

Resolved, That the department of public works, through its division of waterways, is hereby authorized and directed to make a survey in order to formulate such plans as may be necessary to alleviate the flood conditions which constitute a danger to public health and safety at the Congamond Lakes, so called, in the town of Southwick, and at Bliss pond in the town of Ludlow. Said department may expend for the purposes of this resolve such sums as may hereafter be appropriated therefor. Said department shall report to the general court the results of its survey, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday of December, nineteen hundred and seventy-three.

Approved July 10, 1973.

Chap. 59. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO CERTAIN QUESTIONS IN THE SCHOOL BUILDING ASSISTANCE LAW.

Resolved, That a special commission, to consist of two members of the senate, three members of the house of representatives, the associate commissioner of school facilities and related services in the department of education, and two persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study to revise and up-date the state aid formula for school construction grants for new school construction and for reconstruction, remodeling, rehabilitation, and modernization of existing schools, as set forth in chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight.

Approved July 11, 1973.

Chap. 60. RESOLVE IN FAVOR OF THE WIDOW OF ROBERT J. MCGINN.

Resolved, That, for the purpose of promoting the public good, and after an appropriation has been made therefor, there be paid out of the state treasury to the widow of the late Robert J. McGinn, who died while a member of the present house of representatives, the salary to which he would have been entitled had he lived and served until the end of the term for which he was elected.

Approved July 31, 1973.

Chap. 61. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE PROBLEMS OF CERTAIN SMALL TOWNS IN THE COMMONWEALTH.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, and two persons to be appointed by the governor, is hereby established for the

purpose of making an investigation and study relative to the problems of towns in the commonwealth with populations under five thousand, with a view toward revising the General Laws wherever the applicability of said General Laws to all towns, regardless of size, population or ability to comply therewith, results in undue expense, inconvenience or hardship. *Approved August 2, 1973.*

Chap. 62. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO DEVELOPING METHODS OF LOWERING WORKMEN'S COMPENSATION COSTS FOR SMALL EMPLOYERS.

Resolved, That a special commission, to consist of two members of the senate, three members of the house of representatives, and two persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to developing methods of lowering workmen's compensation costs for small employers. *Approved August 2, 1973.*

Chap. 63. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE FEASIBILITY OF PROVIDING FINANCIAL ASSISTANCE BY THE COMMONWEALTH TO SUSTAIN AND EXPAND THE PERFORMING ARTS IN MASSACHUSETTS.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the feasibility of providing financial assistance by the commonwealth to sustain and expand the performing arts in Massachusetts. *Approved August 2, 1973.*

Chap. 64. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO ESTABLISHING A SPECIAL TRUST FUND TO ASSIST CITIES AND TOWNS TO MODERNIZE WATER SYSTEMS.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to establishing a special trust fund to provide assistance to cities and towns expanding and modernizing water storage and distribution systems in order to plan for future water needs in the commonwealth. *Approved August 2, 1973.*

- Chap. 65.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE ADVISABILITY OF AMENDING THE LAW RELATIVE TO THE ACCEPTANCE OF STREETS SO AS TO PROVIDE THAT THE CITY COUNCIL IN A CITY AND THE SELECTMEN IN A TOWN SHALL DECIDE THE CONDITIONS UNDER WHICH A STREET SHALL BE ACCEPTED.

Resolved, That a special commission, to consist of two members of the senate, three members of the house of representatives, and two persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the advisability of amending the law relative to the acceptance of streets so as to provide that the city council in a city and the selectmen in a town shall decide the conditions under which a street shall be accepted.

Approved August 2, 1973.

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- Chap. 66.** RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE MARINE BOUNDARIES AND RESOURCES OF THE COMMONWEALTH.

Resolved, That the special commission established by chapter seventy-seven of the resolves of nineteen hundred and sixty-nine and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current house document numbered 4767, prohibiting the construction of oil anchorage depots in Boston Harbor except with the consent of the General Court.

Approved August 2, 1973.

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- Chap. 67.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE FEASIBILITY OF CONSTRUCTING A BRIDGE OVER THE RAILROAD TRACKS OF PENN CENTRAL TRANSPORTATION COMPANY AND A TRAFFIC CIRCLE IN THE HYDE PARK DISTRICT OF THE CITY OF BOSTON.

Resolved, That the department of public works is hereby authorized and directed to make an investigation and study relative to the feasibility of constructing a bridge over the railroad tracks of the Penn Central Transportation Company, a corporation organized under the laws of the commonwealth of Pennsylvania, and a traffic circle in the Hyde Park district of the city of Boston. Said department shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday of December in the current year.

Approved August 2, 1973.

- Chap. 68.** RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE REGULATION OF THE LOCATION AND OPERATION OF ELECTRIC UTILITY GENERATION AND TRANSMISSION FACILITIES AND OTHER MATTERS.

Resolved, That the special commission, established by chapter seventy-eight of the resolves of nineteen hundred and seventy-one, and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current house document numbered 3663, providing for adequate notice of proposed crossings of public ways by transmission lines.

Approved August 2, 1973.

- Chap. 69.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION OF METHODS OF FULFILLING THE CONSTITUTIONAL AMENDMENT GUARANTEEING THE RIGHT OF A HEALTHY PHYSICAL ENVIRONMENT.

Resolved, That a special commission, to consist of four members of the senate, five members of the house of representatives, the secretary of environmental affairs or his designee, the secretary of consumer affairs or his designee, the secretary of human services or his designee, the secretary of transportation and construction or his designee, and seven persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study of methods of fulfilling the constitutional amendment guaranteeing the people of the commonwealth a right to a healthy physical environment.

Approved August 6, 1973.

- Chap. 70.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE OPERATION OF THE CAMPAIGN CONTRIBUTIONS LAW AND THE POSSIBILITY OF LIMITING CAMPAIGN EXPENDITURES AND OF PROVIDING FOR THE DISSEMINATION OF INFORMATION AT PUBLIC EXPENSE CONCERNING CANDIDATES FOR PUBLIC OFFICE.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, the state secretary, or his designee, and the chairman of the Republican State Committee or his designee, the chairman of the Democratic State Committee or his designee, and two persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the operation of the campaign contributions law, the possibility of limiting campaign expenditures and providing for the dissemination of information at public expense concerning candidates for public office.

Approved August 6, 1973.

Chap. 71. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE ADVISABILITY OF PROVIDING A PAYROLL DISABILITY OR SALARY PROTECTION PLAN FOR EMPLOYEES OF THE COMMONWEALTH WHO BECOME VICTIMS OF CATASTROPHIC ILLNESSES OR ACCIDENTS.

Resolved, That a special commission to consist of two members of the senate, three members of the house of representatives, the chairman of the group insurance commission or his designee, and five persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study of the advisability of providing a payroll disability income or salary protection plan for state employees who become victims of catastrophic illnesses or accidents.

Approved August 6, 1973.

Chap. 72. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION OF METHODS OF FINANCING PUBLIC EDUCATION IN THE COMMONWEALTH.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, the attorney general or his designee, the secretary for educational affairs or his designee, the commissioner of education or his designee, and twelve persons to be appointed by the governor, one of whom shall be a member of the Massachusetts Association of School Committees, Incorporated, one of whom shall be a member of the Massachusetts Teachers Association, one of whom shall be a member of the Massachusetts Federation of Teachers, AFT, AFL-CIO, one of whom shall be a member of the Massachusetts Educational Conference Board, one of whom shall be a member of the Massachusetts Taxpayers' Foundation, Inc., and one of whom shall be a member of the Massachusetts Mayors' Association, Inc., one shall be a member of the Massachusetts League of Women Voters, is hereby established for the purpose of making an investigation and study relative to the financing of primary and secondary public education in the commonwealth. Said commission shall specifically, but without limiting the generality of the foregoing, consider the laws of the commonwealth pertaining to state and local aid for public schools and the extent to which they provide equal educational opportunity throughout the commonwealth, the implication of certain provisions of the constitution of the United States for various methods of state and local school financing, the implication of certain judicial decisions bearing on the constitutionality of using a local property tax to finance public education, the extent to which financing of public schools bears on quality of education, public education financing procedures used in other states, alternative methods for the state financing of public school education, the feasibility of the commonwealth assuming a greater share of the cost of public education, the political effects of alterna-

tive formulas for distribution of aid to public schools and other related matters with a view toward providing a more equalizing distribution of education funds and establishing an equalizing source of revenue to support public education throughout the commonwealth. Said commission shall appoint a person outstanding in the field of education to act as secretary to said commission and to correlate its findings. Said commission shall establish the salary of said secretary. Said commission shall report to the general court the results of its investigations and study and its recommendations, if any, together with drafts of such legislation as may be necessary to carry its recommendations into effect by filing the same with the clerk of the house of representatives on or before the last Wednesday in April, nineteen hundred and seventy-four.

Approved August 6, 1973.

Chap. 73. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE EXTENT OF THE USE OF HARMFUL, INJURIOUS OR ILLEGAL DRUGS WITHIN THE COMMONWEALTH.

Resolved, That the special commission, established by chapter one hundred and sixty-four of the resolves of nineteen hundred and sixty-seven and most recently revived and continued under the provisions of chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current senate documents numbered 1067, establishing a system of penalties, whereby work service hours are required to be performed, to replace incarceration as a means of disposing of drug possession violation; 1117, providing for the review of sentences for drug violations; 1127, licensing methadone clinics, so called; of current house documents numbered 182, amending the drug formulary law; 1806, authorizing cities and towns to pay for certain services for treatment and rehabilitation of drug users or addicts, with full reimbursement by the commonwealth; of the investigation and study proposed by current house document numbered 2005, relative to the feasibility of utilizing the training schools in Essex county, Middlesex county and the site of the Shirley school as drug rehabilitation centers; of current house documents numbered 2014, establishing in the department of public health a drug and alcoholic information center in the Merrimack valley; 2016, providing funds for certain drug education programs in cities and towns of the commonwealth; 3552, amending the controlled substances act regarding research and study projects; 4793, prohibiting the maintenance of a narcotic drug nuisance; 5359, increasing penalties for a second possession of heroin; 5360, increasing penalties for unlawful manufacture, distribution, dispensing or possessing with intent to manufacture, distribute, or dispense controlled substances in Class D; 5519, reclassifying the

controlled substances lysergic acid and lysergic acid amide; 5744, making the implied consent law applicable to drug use and to add an urine analysis to such test; and 5750, permitting a pharmacist to dispense a drug with a generic or chemical name considered therapeutically equivalent if a physician's prescription does not specifically rule out the generic or chemical name.

Approved August 6, 1973.

Chap. 74. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE PRESENT STATUTES OF THE COMMONWEALTH PERTAINING TO THE ADULTERATION AND MISBRANDING OF FOOD, DRUGS AND COSMETICS, AND CERTAIN RELATED MATTERS.

Resolved, That the special commission, established by chapter seventy-three of the resolves of nineteen hundred and seventy-two, and revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current senate document numbered 1582, report of the consumers' council relative to providing a mandatory system of dating food products to enable a determination of the freshness of such products; and of current house documents numbered 67, requiring ingredient labeling of cosmetics; 70, requiring open dating and nutritional and ingredient labeling of consumer commodities; 301, requiring all Massachusetts manufacturers of packaged and processed foods to label the packages, showing all ingredients contained therein and listing their nutritional value; 303, requiring open dating and nutritional and ingredient labeling of consumer commodities; 1471, requiring ingredient labeling of cosmetics; 1472, requiring open dating and nutritional and ingredient labeling of consumer commodities; 2251, providing for legible maximum shelf-life dating of all dairy products; 3897, requiring open dating and nutritional and ingredient labeling of consumer commodities; 4468, requiring ingredient labeling for ice cream; and 4469, requiring that certain perishable foods be marked with their shelf life.

Approved August 6, 1973.

Chap. 75. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE COMPULSORY BASIC PROTECTION INSURANCE FOR ALL REGISTERED MOTOR VEHICLES AND AMENDING AND REPEALING LAWS RELATED TO MOTOR VEHICLE LIABILITY INSURANCE.

Resolved, That the special commission, established by chapter ninety-seven of the resolves of nineteen hundred and sixty-eight, and most recently revived and continued by chapter sixteen of the

resolves of nineteen hundred and seventy-three, shall in the course of its investigation and study, consider the subject matter of current house documents numbered 843, providing for motor vehicle insurance to be coterminous with motor vehicle registration; 1030, providing that motor vehicle liability policies shall expire annually on the last day of the twelfth month following the effective date of a certificate of registration; and 4151, authorizing the commissioner of insurance to make motor vehicle insurance coterminous with registrations. *Approved August 6, 1973.*

Chap. 76. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE PRESENT STATUTES OF THE COMMONWEALTH PERTAINING TO THE ADULTERATION AND MISBRANDING OF FOOD, DRUGS AND COSMETICS, AND CERTAIN RELATED MATTERS.

Resolved, That the special commission established by chapter seventy-three of the resolves of nineteen hundred and seventy-two and revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current house documents numbered 922, establishing a bureau of consumer products protection in the department of public health under the direction of the director of food and drugs; 2013, relative to the operation of the board of registration in pharmacy; of the investigation and study proposed by current house document numbered 2756, relative to the high cost of prescription drugs in Massachusetts; of current house documents numbered 4084, directing the board of registration in pharmacy to prepare a list of certain drugs and prices to be charged for the same; 4085, restricting the board of registration in pharmacy from promulgating rules prohibiting the advertising of prescription drug prices; 4212, for legislation to further regulate the registration of drug stores; 5527, authorizing and directing the compilation of a list for commonly prescribed drugs and the posting thereof; 5740, including in the term "misbranded" under the food and drug law those products whose labels fail to include the ingredients and nutritional content; and 5746, establishing a uniform food, drug and cosmetic law. *Approved August 6, 1973.*

Chap. 77. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO CERTAIN PROBLEMS IN SOCIAL WELFARE AND OTHER RELATED MATTERS.

Resolved, That a special commission, to consist of three members of the senate, six members of the house of representatives and four persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study of the subject matter of current senate document numbered 1718, requiring the

issuance of checks for aid to families with dependent children; and of current house documents numbered 1839, increasing the transportation allowance under old age assistance and disability assistance laws; 3227, providing for expanded availability of earnings information to the commissioner of welfare; 3228, restricting relief and support of persons claiming benefits due to unemployment resulting from a work stoppage; 3229, providing for expanded availability of earnings information to the commissioner of veteran's services; and 3230, restricting benefits to persons unemployed due to a work stoppage.

Approved August 6, 1973.

Chap. 78. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE GRAND JURY SYSTEM.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, the attorney general or his designee and four persons to be appointed by the governor, one of whom shall be representative of the Massachusetts Bar Association, one of whom shall be a representative of the Massachusetts Trial Lawyers Association, one of whom shall be a district attorney in the commonwealth and one of whom shall be an attorney, is hereby established for the purpose of making an investigation and study relative to providing a more effective use of the present grand jury system including the possibility of abolishing the use of grand juries in the commonwealth and utilizing a more effective, fairer and efficient method of presenting information on criminal activity. Said commission shall examine the grand jury system from a standpoint of what will most readily protect the public and the constitutional rights of the parties called before said grand juries.

Approved August 9, 1973.

Chap. 79. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO ESTABLISHING AN IPSWICH RIVER VALLEY PLANNING DISTRICT.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, and three persons to be appointed by the governor, each of whom shall be a selectman from a town abutting the Ipswich river, is hereby established for the purpose of making an investigation and study relative to establishing an Ipswich River Valley Planning District.

Approved August 9, 1973.

Chap. 80. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE FEASIBILITY OF ESTABLISHING A SCHOOL OF VETERINARY MEDICINE WITHIN THE UNIVERSITY OF MASSACHUSETTS.

Resolved, That the special commission, established by chapter three of the resolves of nineteen hundred and seventy-two and revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current senate document numbered 92, providing for the conveyance of certain land and buildings to the University of Massachusetts Medical School for the establishment of a school of veterinary medicine; and of current house document numbered 1003, authorizing the Trustees of the University of Massachusetts to establish a school of veterinary medicine.
Approved August 9, 1973.

Chap. 81. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE HUMAN DEVELOPMENT OF THOSE CONFINED WITHIN THE CORRECTIONAL SYSTEM OF THE COMMONWEALTH.

Resolved, That the special commission, established by chapter seventy-three of the resolves of nineteen hundred and seventy-one and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current house document numbered 2457, providing for the assumption by the commonwealth of the costs and expenses of operation of the county jails.
Approved August 9, 1973.

Chap. 82. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE MAJOR NEEDS AND PROBLEMS OF ELDERLY PERSONS IN THE COMMONWEALTH.

Resolved, That a special commission, to consist of three members of the senate, six members of the house of representatives and four persons to be appointed by the governor is hereby established for the purpose of making an investigation and study of the subject matter of current senate documents numbered 142, converting the Westborough state hospital to the care of elderly persons; 1109, granting jurisdiction to the department of elder affairs to plan a health care program for the aging; and 1159, providing that certain hospitals may dispense medicines and pharmaceuticals to elderly persons, and of current house documents numbered 1406, providing for state assistance for federally-aided elderly programs; 1407, providing for the commonwealth to contribute matching funds to cities and towns for certain programs for the aging; 1408, authorizing the executive office of elder affairs to provide financial assistance to local councils on aging; 2009, providing for prescription medicine for hospital pharmacies; 3371, providing that all state agencies assess persons sixty-five years of age and older a reduced charge for use of facilities where charges for such use are imposed; 3372,

granting totally disabled persons the same privileges accorded to elderly persons; of the subject matter of the investigation and study proposed by current house document numbered 4220, relative to the establishment of senior service corps which would utilize the experience and talents of senior citizens and relative to the medical and housing needs of senior citizens; of current house document numbered 4788, providing for the commonwealth to contribute matching funds to cities and towns for certain programs for the aging; of the subject matter of the investigation and study proposed by current house documents numbered 5355, relative to the feasibility of the executive office of elder affairs to undertake a census of all residents of the commonwealth sixty-five years of age or older in order to ascertain if they are receiving the basic benefits to which they are entitled to and any other related matters; and 5520, relative to the major needs and problems of elderly persons in the commonwealth.

Approved August 9, 1973.

Chap. 83. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO EVALUATING THE ADEQUACY OF EXISTING PROGRAMS IN THE COMMONWEALTH FOR THE CARE AND TREATMENT OF CHILDREN.

Resolved, That the special commission, established by chapter six of the resolves of nineteen hundred and seventy-two and revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study consider the subject matter of current senate documents numbered 1070, further clarifying the disposition of certain juvenile defendants; and 1169, permitting the probate court to grant custody of children to duly licensed foster care agencies and for the department of public welfare to assume all expenses of said placement; and of current house documents numbered 163, authorizing the commissioner of probation to fund demonstration programs of intensive, community-based probation services for juvenile offenders; 2189, permitting a probate court to grant custody of children to duly licensed foster care agencies and for the department of public welfare to assume all expenses of said placement; 2194, limiting the number of children who may be detained by the department of youth services in one facility; 2195, establishing a facility for the treatment of seriously disturbed youth; 3543, prohibiting the harsh and inhumane punishment of children in the commonwealth; 3749, transferring the division of child and family services from the department of public welfare to the office of children; 3753, creating an executive office of child development; 4213, providing that certain minors may give consent to the provision of medical, dental, or other health care and providing for emergency health care procedures; of the investigation and study proposed by current house document numbered 4589, relative to the escape and release of

prisoners from the youth service board; of current house document numbered 4994, limiting the number of state-operated halfway houses which may be located in municipalities and designated districts therein; of the investigation and study proposed by current house document numbered 4997, relative to why doctors are not paid for services rendered to foster children; and of current house document numbered 6063 (Appendix A), changing the qualifications for appointment as commissioner of the department of mental health.

Approved August 9, 1973.

Chap. 84. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE COMPULSORY BASIC PROTECTION INSURANCE FOR ALL REGISTERED MOTOR VEHICLES AND AMENDING AND REPEALING LAWS RELATED TO MOTOR VEHICLE LIABILITY INSURANCE.

Resolved, That the special commission, established by chapter ninety-seven of the resolves of nineteen hundred and sixty-eight, and most recently revived and continued by chapter sixteen of the resolves of nineteen hundred and seventy-three, shall in the course of its investigation and study, consider the subject matter of current house documents numbered 115, relative to personal injury protection benefits under the motor vehicle insurance law; 839, relative to the minimum amount of reasonable and necessary medical and other expenses incurred by the plaintiff which is required to recover damages for injury in a tort action under the provisions for compulsory personal injury protection in the motor vehicle liability insurance law; 1517, repealing the property damage provisions of the no-fault automobile insurance law; 2108, providing for certain requirements for payments under the property protection insurance law; 2690, repealing the no-fault motor vehicle insurance law; 2691, repealing the personal injury protection provisions of the no-fault motor vehicle liability insurance law; 2701, allowing recovery for damages for pain and suffering if expenses for treatment are in excess of fifty dollars; 2702, allowing recovery for damages for pain and suffering in certain injury cases; 2703, allowing recovery for damages, pain and suffering; 2704, removing the exemption from liability in tort actions for damages causing bodily injury; 2908, relative to personal injury protection benefits under the motor vehicle insurance law; 3060, defining personal injury protection insurance; 4147, modifying the method of computation of a person's average weekly wage when said person is engaged in seasonal work for purposes of no-fault motor vehicle liability insurance law; 4148, extending personal injury protection to certain persons under the no-fault law; 4160, adding an exception to the limitation on recovery of damages for pain and suffering in motor vehicle tort actions; 4526, relative to the payment of benefits under the personal injury protection provisions of motor vehicles liability

policies and bonds; 4926, adding an exception to the limitation on recovery of damages for pain and suffering in motor vehicle tort actions; 5122, relative to recovery of damages for pain and suffering in motor vehicle tort actions; 5123, relative to the recovery of damages for pain and suffering in motor vehicle tort actions; 5472, further defining the term "motor vehicle" relative to liability and 5478, further limiting damages for pain and suffering in automobile tort action and; 5665, providing for personal injury protection under the compulsory motor vehicle insurance law.

Approved August 9, 1973.

Chap. 85. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE COMPULSORY BASIC PROTECTION INSURANCE FOR ALL REGISTERED MOTOR VEHICLES AND AMENDING AND REPEALING LAWS RELATED TO MOTOR VEHICLE LIABILITY INSURANCE.

Resolved, That the special commission, established by chapter ninety-seven of the resolves of nineteen hundred and sixty-eight, and most recently revived and continued by chapter sixteen of the resolves of nineteen hundred and seventy-three, shall in the course of its investigation and study, consider the subject matter of current house document numbered 1722, requiring out-of-state motorists to carry statutory insurance coverage.

Approved August 9, 1973.

Chap. 86. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO COMPULSORY BASIC PROTECTION INSURANCE FOR ALL REGISTERED MOTOR VEHICLES AND AMENDING AND REPEALING LAWS RELATED THERETO AND CERTAIN OTHER MATTERS RELATED TO MOTOR VEHICLE LIABILITY INSURANCE.

Resolved, That the special commission, established by chapter ninety-seven of the resolves of nineteen hundred and sixty-eight, and most recently revived and continued by chapter sixteen of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current house document numbered 5107, lowering the age requirement for insurance agents.

Approved August 9, 1973.

Chap. 87. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE FEASIBILITY OF REGULATING HITCHHIKING.

Resolved, That a special commission, to consist of two members of the senate, three members of the house of representatives, and two persons to be appointed by the governor, is hereby established

for the purpose of making an investigation and study relative to the feasibility of regulating hitchhiking. Said commission shall, in the course of its investigation and study, consider methods of providing for the safety and convenience of both the motoring public and the hitchhiker, and shall consider methods used in other states and other countries in the regulation of hitchhiking.

Approved August 9, 1973.

Chap. 88. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO ARCHITECTURAL PLANS ON PUBLIC PROJECTS.

Resolved, That a special commission, to consist of two members of the senate, five members of the house of representatives, the director of building construction or his designee, the commissioner of community affairs or his designee, and four persons to be appointed by the governor, three of whom shall be architects recommended by the Massachusetts State Association of Architects and one of whom shall be a representative of the general public, is hereby established for the purpose of making an investigation and study of the subject matter of current house documents numbered 740, establishing an office of state architectural design within the bureau of building construction of the commission on administration and finance; 3005, directing department of community affairs to provide without cost certain architectural plans for use by municipalities for the construction of public buildings; and 4806, establishing an office of state architectural design within the bureau of building construction in the executive office for administration and finance.

Approved August 9, 1973.

Chap. 89. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO PRACTICES OF DEVELOPERS OF HIGH-RISE PROJECTS IN CITIES AND TOWNS OF THE COMMONWEALTH AND ANY OTHER RELATED MATTERS.

Resolved, That a special commission, to consist of two members of the senate, three members of the house of representatives, the commissioner of public safety or his designee, the commissioner of public health or his designee, and two persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to practices of developers of high-rise projects in cities and towns of the commonwealth and any other related matters.

Approved August 13, 1973.

Chap. 90. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE HUMAN DEVELOPMENT OF THOSE CONFINED WITHIN THE CORRECTIONAL SYSTEM OF THE COMMONWEALTH.

Resolved, That the special commission, established by chapter seventy-three of the resolves of nineteen hundred and seventy-one and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current senate documents numbered 143, authorizing the sheriff of Norfolk county to establish a pre-release, post-release, counselling, educational, training, vocational and work-release center; 1082, permitting the use of summonses rather than warrants for parole violations; 1087, regulating eligibility of prisoners for parole; 1094, providing for the eligibility of certain prisoners to participate in work release and other programs; 1096, providing for standard eligibility of prisoners for parole consideration; 1097, relative to the treatment and rights of prisoners; 1098, providing for the eligibility of certain prisoners sentenced to life to serve part of their sentence at a prison camp; 1156, directing the department of corrections to investigate and improve medical and physical fitness facilities in correctional institutions under its supervision and control and in county houses of correction; 1615, regulating the compensation of inmates employed in correctional institutions of the commonwealth; 1616, regulating deductions for good conduct granted to inmates of Massachusetts correctional institutions; of the investigation and study proposed by current senate document numbered 1617, relative to the feasibility of integration of county correctional facilities within the state correctional system; of current senate documents numbered 1618, requiring the production of an "inmate rule book"; 1619, regulating the provision of medical care to inmates at correctional institutions of the commonwealth; 1620, requiring the commissioner of corrections to make a certain report to the general court; 1622, prohibiting the furlough of prisoners sentenced for illegal sale of narcotics or drugs; and 1634, regulating furloughs allowed inmates at correctional institutions of the commonwealth; and of current house documents numbered 72, providing that the commonwealth of Massachusetts may enter into a compact with any of the states to provide for the control development and execution of programs of cooperation for the confinement, treatment and rehabilitation of offenders; 73, relative to parole permits granted at such time as the parole board may determine and relative to required service of portions of sentence; 373, further regulating the administration and operation of correctional institutions and facilities in the commonwealth; of the investigation and study proposed by current house document numbered 545, relative to the entire correctional system and allied agencies; of current house document numbered 1107, prohibiting prisoners from establishing labor unions; of the investigation and study proposed by current house document numbered 1112, relative to the entire correctional system and allied agencies; of current house documents numbered 1113, relative to the penalty for escape from a work release program; 1118, providing for the establishment by the department of correction of retail outlets for the sale of certain

items made by prisoners; 1404, authorizing the sheriff of Norfolk county to establish an educational release program for certain persons under his control; 1409, providing for vocational education and other educational opportunities of inmates; 1410, regulating eligibility of prisoners for parole; 1795, imposing penalties for failure to return to a correctional facility after release on furlough; 1796, relative to the administration and operation of state correctional institutions; 1797, relative to the administration and operation of correctional institutions and facilities in the commonwealth; 2010, providing for attendance at funerals or visits to sick relatives by prisoners; 2198, authorizing and directing the commissioner of corrections to establish programs of inmate work training at the state correctional institutions; 3164, relating to the creation of the office of ombudsman for corrections; 3165, authorizing the establishment and qualifications of membership for community advisory boards in state correctional institutions; 3167, pertaining to supervision of pre-release prisoners released for certain purposes; 4410, authorizing the re-opening of the segregation unit at Bridgewater; of the investigation and study proposed by current house document numbered 4790, relative to the so-called charitable agencies engaged in questionable correctional field and allied activity; of current house documents numbered 4791, eliminating the obligation of the commonwealth to pay expenses of inmates released on furlough; 4982, providing that certain prisoners be ineligible for parole for at least three years; 5176, relative to converting county jails and houses of correction into correctional institutions of the commonwealth by transferring their property and employees to the commonwealth and directing the department of correction to integrate their facilities into a unitary system of criminal corrections aimed at reducing recidivism; 5524, relative to sexually dangerous persons; 6369, relative to the eligibility for participation in education, training, employment and temporary release programs from correctional institutions; and 6788, restricting the temporary release program of committed offenders.

Approved August 13, 1973.

Chap. 91. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE FINANCIAL OPERATION OF THE DEPARTMENT OF PUBLIC WELFARE.

Resolved, That a special commission to consist of three members of the senate, six members of the house of representatives and four persons to be appointed by the governor is hereby established for the purpose of making an investigation and study of the subject matter of current senate documents numbered 1125, regulating payments of relief recipients; and 1177, abolishing the fraudulent claims commission and transferring its authority to the bureau of welfare auditing; and of current house documents numbered 727, further regulating furniture purchases by recipients of public welfare; 730, directing the commissioner of public welfare to estab-

lish a central purchasing agency and regional distribution centers; 731, requiring the issuance of photographic identification cards to welfare recipients; 918, relative to the administration of public welfare systems and providing for the local operation of the system by cities and towns; 1114, directing the department of community affairs to establish a job corps and an ecology corps to aid in the training of welfare recipients; 1305, relative to the administration of the public welfare system and providing for the local operation of the system by cities and towns; 1307, transferring the administration of public welfare from the department of public welfare to the cities and towns; 1603, relative to the fraudulent receipt of welfare benefits; 1604, limiting the distribution of general relief funds; 1605, restricting the distribution of general relief funds to a period of six weeks; 2004, establishing an ecology corps within the department of public welfare; 2015, establishing an ecology corps with certain welfare recipients; 2369, authorizing the department of public welfare to pay rent and public utility charges to the landlords and utility companies including housing authorities; 2758, increasing the amount of money to be expended for burial of indigent persons; 4214, providing for a periodic inquiry by the department of public welfare in cases of temporary and continued aid; 4408, providing that all forms of public assistance be administered by the cities and towns and that the total cost thereof be reimbursed by the commonwealth; 4414, providing for a periodic inquiry by the department of public welfare in cases of temporary and continued aid; 4415, requiring photographic identification cards for welfare recipients; 4419, relative to proceedings against nonsupporting parents of dependent children receiving public assistance; 4579, requiring a person to be available for work in public service to remain eligible for welfare benefits; 4582, transferring the general relief program from the department of public welfare to the division of employment security; 4583, requiring able bodied welfare recipients to do certain work limited to and consistent with their ability; 4588, limiting the benefits received by able bodied general relief recipients; 4590, prohibiting the department of public welfare from requiring mandatory photo-identification cards for any person receiving payments from said department; 4591, relative to the administration of the public welfare system and providing for the local operation of the system by cities and towns; 4794, requiring the department of public welfare to make certain rental payments directly to the landlord; 4992, establishing an ecology corps with certain welfare recipients; 4993, providing for jobs for physically able general relief recipients; 5185, providing for a periodic inquiry by the department of public welfare in cases of temporary and continued aid; 5361, requiring certain welfare recipients to render service to cities and towns as a condition of assistance; 5517, relative to certain payments to public utility companies by the public welfare department; 5737, authorizing the department of public welfare to purchase certain items for distribution to welfare recipients; and 5955, increasing the amount that

certain persons eligible for public assistance may retain.

Approved August 15, 1973.

Chap. 92. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE FEASIBILITY OF ESTABLISHING A PUBLIC AUTHORITY TO ALLEVIATE THE PROBLEMS OF SOLID WASTE DISPOSAL AND ALL MATTERS RELATIVE THERETO.

Resolved, That the special commission, established by chapter sixty-five of the resolves of nineteen hundred and sixty-five, and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current senate documents numbered 82, establishing a beverage container law to regulate the reuse of certain containers; 202, prohibiting the use of non-returnable glass, plastic or metallic containers for carbonated beverages or beer; 251, relative to the use of certain beverage containers; and 486, providing for the regulation of distribution of beverage containers; and of current house documents numbered 403, regulating the use and manufacture of beverage containers; 404, requiring a five cent deposit on glass bottles in which soft drinks or malt beverages are sold; 1861, regulating the use of bottles and glass containers; 2447, prohibiting the use of non-returnable containers; 2448, regulating the use of bottles and glass containers; 3612, prohibiting the sale of non-returnable beverage containers; 3614, establishing a label for recycled goods; 3789, prohibiting the use of non-returnable glass or metallic containers for carbonated beverages or beer; 4089, requiring spring water to be sold in pressure sealed non-returnable containers; 4093, prohibiting the sale of non-returnable beverage containers; 4286, prohibiting the sale of merchandise in certain disposable containers; 4478, banning non-recyclable containers; 4871, regulating the use of beverage containers; 5054, prohibiting the use of non-returnable glass or metallic containers for beverages; 5055, requiring a five cent deposit on glass bottles in which soft drinks or malt beverages are sold; 5246, requiring a deposit and refund on beverage containers of not less than five cents; and 5423, creating and protecting a special trademark for recycled goods.

Approved August 15, 1973.

Chap. 93. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO EXPUNGING THE RECORD OF PERSONS ARRESTED FOR A CRIME BUT NOT BROUGHT TO TRIAL.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 462, rela-

tive to expunging the record of any persons arrested for a crime and not brought to trial, with particular reference to that record as it appears on the police blotter, so-called, with the designation "suspicious person", so-called, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved August 15, 1973.

Chap. 94. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE FEASIBILITY OF PROVIDING A TAX INCENTIVE WITHIN THE UNEMPLOYMENT COMPENSATION FUND TO ENHANCE THE REEMPLOYMENT OF INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION.

Resolved, That a special commission to consist of three members of the senate, five members of the house of representatives and eight persons to be appointed by the governor, four of whom shall be selected from a list submitted by Associated Industries of Massachusetts, and four of whom shall be selected from lists submitted by the Massachusetts State Labor Council, AFL-CIO, the United Electrical, Radio and Machine Workers of America, the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America and the United Automobile, Aerospace and Agricultural Implement Workers of America International Union is hereby established for the purpose of making an investigation and study of the feasibility of providing incentives within the unemployment compensation fund to enhance the reemployment of individuals receiving unemployment compensation benefits in order to assist employees in obtaining gainful employment and to fill available job openings. Said commission may employ an executive director and such other assistance as it may deem necessary. Said commission shall report to the general court from time to time the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the senate clerk and parliamentarian, but shall file its final report on or before the third Wednesday of December, nineteen hundred and seventy-four. *Approved August 16, 1973.*

Chap. 95. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE NOISE CONTROL CODE OF THE CITY OF NEW YORK AND THE FEASIBILITY OF ADOPTING SUCH A CODE IN THE COMMONWEALTH.

Resolved, That a special commission, to consist of five members of the senate, seven members of the house of representatives, and

five persons to be appointed by the governor, two of whom shall be sound engineers, and one of whom shall have experience in the field of environmental studies, is hereby established for the purpose of making an investigation and study relative to the noise control code of the city of New York and the feasibility and advisability of adopting such a code in the commonwealth.

Approved August 16, 1973.

Chap. 96. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE LAWS OF THE COMMONWEALTH RELATING TO THE OBSERVANCE OF LEGAL HOLIDAYS.

Resolved, That a special commission, to consist of two members of the senate, three members of the house of representatives and two persons to be appointed by the governor, is hereby established to make an investigation and study relative to the laws of the commonwealth relating to the observance of legal holidays. Said commission shall, during the course of its investigation and study, consider among other subjects, the feasibility of continuing the observance of existing legal holidays and other appropriate means of observing other days as legal holidays, and the subject matter of current senate documents numbered 568, designating April nineteenth as a legal holiday; 672, establishing days for statewide elections be legal holidays; and 746, designating November eleventh as a legal holiday; and of current house documents numbered 465, designating certain Mondays as legal holidays; 642, designating November eleventh as Veterans Day; 650, designating November eleventh as Veterans Day; 851, making April nineteenth a legal holiday; 852, making Veterans Day a full holiday; 1036, designating November eleventh as Veterans Day; 1220, establishing the state's biennial election day as a legal half holiday in the commonwealth; 1533, designating November eleventh as Veterans Day; 1729, relative to including Columbus Day in the restrictions of the common day of rest law and making it a full holiday; 2116, designating November eleventh as Veterans Day; 2125, designating May thirtieth as Memorial Day and November eleventh as Veterans Day; 3078, including federal and state election days in legal holidays; 3314, making certain election days legal holidays; 3320, exempting Columbus Day from the restrictions of the common day of rest law and making it a half-holiday; 3681, designating November eleventh as Veterans Day; 4155, designating Good Friday as a legal holiday; 4546, designating November eleventh as Veterans Day; 4738, designating November eleventh as Veterans Day and making it a full legal holiday; 4742, making March seventeenth a legal holiday throughout the commonwealth; 4914, including federal and state election days as legal holidays; 4924, designating the presidential election day as a legal holiday in the commonwealth; 5132, designating November eleventh as Veterans Day; 5315, providing for submission to the voters of the commonwealth the question of

celebrating Veterans Day on November eleventh and celebrating Memorial Day on May thirtieth; 5480, designating November eleventh as Veterans Day; 5677, designating November eleventh as Veterans Day; 5838, providing that Patriots Day be celebrated on April nineteenth; and 6610, making January fifteenth Martin Luther King's birthday, a legal holiday.

Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives from time to time, but shall file its final report on or before June thirtieth, nineteen hundred and seventy-four.

Approved August 16, 1973.

Chap. 97. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE HUMAN DEVELOPMENT OF THOSE CONFINED WITHIN THE CORRECTIONAL SYSTEM OF THE COMMONWEALTH.

Resolved, That the special commission, established by chapter seventy-three of the resolves of nineteen hundred and seventy-one and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current house documents numbered 6897, restricting the temporary release program of committed offenders; and 6899, prohibiting the department of corrections from granting furloughs to certain prisoners.

Approved August 16, 1973.

Chap. 98. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE EFFECT OF PRESENT GROWTH PATTERNS ON THE QUALITY OF LIFE IN THE COMMONWEALTH.

Resolved, That a special commission, to consist of three members of the senate, seven members of the house of representatives, and five persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the effect of present growth patterns on the quality of life in the commonwealth. Said commission shall specifically, but without limiting the generality of the foregoing, consider methods to align resource-use patterns with the limited supply of natural resources in the commonwealth, including a broad transformation of current values which lead to unrelieved consumerism; establishing a state demographic information center with the duty of collecting, interpreting, and distributing population information to aid cities and towns in planning for the future; establishing a settlement policy for

the commonwealth based on its economic and natural resources and safeguarding the rights and needs of traditionally disenfranchised groups in the commonwealth including the urban poor of all races and nationalities, the elderly, and the young; the desirability of specific methods of community, regional, and state planning, including specific growth limitation, shared land-use responsibility, relocation possibilities, tax incentives, use of rural communities to absorb population growth or preservation of rural areas and open spaces; and the possibilities for cooperation with adjacent states with the intent of achieving the best growth patterns for the New England region.

Said commission may travel without the commonwealth, and shall report to the general court not later than September first, nineteen hundred and seventy-five. *Approved August 17, 1973.*

Chap. 99. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO AUTHORIZING SAID DEPARTMENT IN CERTAIN CASES TO REFER THE MATTER OF PAYMENT OF THE AWARD FOR DAMAGES TO THE ATTORNEY GENERAL OF THE COMMONWEALTH FOR JUDICIAL DETERMINATION, AND RELATIVE TO PEDESTRIAN OVERPASSES, HIGHWAY LIGHTING, FLOOD PROTECTION, AND CERTAIN RELATED MATTERS.

Resolved, That the department of public works is hereby authorized to make an investigation and study of current house documents numbered 251, authorizing the department of public works in certain cases to refer the matter of payment of the award for damages to the attorney general of the commonwealth for judicial determination; 1436, authorizing the department of public works to construct a pedestrian overpass in the town of Arlington; 1443, authorizing the department of public works to enter into an agreement with an independent contractor for the maintenance of the lighting system along highway routes 3 and I-495 and the Lowell connector; 2410, directing the department of public works to construct a pedestrian passageway in the town of Belmont; 2608, authorizing and directing the department of public works to install and maintain certain highway signs; 2808, providing for maintenance and operational costs of street lights of certain state highways in the towns of Framingham and Natick; 4450, authorizing and directing the department of public works to erect suitable markers at each bridge along the southeast expressway from south station tunnel to the intersection of routes 3 and 128 in Braintree; 4453, requiring the commonwealth to reimburse cities and towns for one half the cost of constructing street lights; 4769, directing the department of public works to supervise a shore protection improvement in the point Allerton area in the town of Hull; 5020, authorizing and directing the department of public works to construct a sign on route 290 indicating the direction to the town of Hudson;

5700, providing relief from floods in the towns of Cohasset and Hingham; and 5755, authorizing and directing the department of public works to construct a warehouse at the New Bedford state pier in the City of New Bedford. Said department shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the third Wednesday of December in the current year.

Approved August 17, 1973.

Chap. 100. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION OF THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING STATE SUPPORTED DEVELOPMENT BANKING MECHANISMS.

Resolved, That a special commission, to consist of two members of the senate, four members of the house of representatives and three persons to be appointed by the governor is hereby established to make an investigation and study relative to the feasibility and desirability of establishing state supported development banking mechanisms, to encourage and assist community development activities by citizens and community groups in low-income communities. Said commission shall, in the course of its investigation and study, identify the resources required by existing community development corporations operating in the commonwealth and calculate the gap, if any, between the needs of the communities and the currently available resources in the public and private sectors of such communities; estimate the resource need in communities with substantial low income populations in which there is not presently organized community development activity; propose adjustments to and new combinations of existing resources and programs which would contribute to reducing any such gaps, with special attention to state level actions which would increase the availability and increase the effectiveness of federal resources; and investigate programs required to provide such resource supports including development banking systems, guaranteed commercial credit pools, revenue bond issuing mechanisms and development techniques, and such other instrumentalities as the commission may deem appropriate.

Approved August 17, 1973.

Chap. 101. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE MODERNIZING OF COUNTY GOVERNMENT.

Resolved, That the special commission established by chapter fifty-seven of the resolves of nineteen hundred and sixty-nine and

most recently revived and continued by chapter four of the resolves of nineteen hundred and seventy-three is hereby further revived and continued.

Approved August 17, 1973.

Chap. 102. RESOLVE AUTHORIZING THE SECRETARY OF THE EXECUTIVE OFFICE OF ELDER AFFAIRS TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO FABRIC FLAMMABILITY STANDARDS FOR CERTAIN ITEMS OF CLOTHING WORN BY ELDERLY PERSONS.

Resolved, That the secretary of the executive office of elder affairs is hereby requested to make an investigation and study relative to fabric flammability standards for sleepwear and other apparel worn by elderly persons. Such investigation and study shall include, but not be limited to, the sources and methods of fabric ignition injuries suffered by elderly persons, especially those who are disabled or who are residents of nursing homes, hospitals or other institutions located within the commonwealth, the advisability of state tax incentives or subsidies or other compensation to industries involved in the production and distribution of flame-resistant fabrics and clothing used by the elderly, and the relative costs of such production and distribution. Said secretary shall report the results of the investigation and study, and his recommendations, if any, together with drafts of legislation necessary to carry out such recommendations, by filing the same with the clerk of the senate on or before the first Wednesday in December, nineteen hundred and seventy-three.

Approved August 20, 1973.

Chap. 103. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE COMPULSORY BASIC PROTECTION INSURANCE FOR ALL REGISTERED MOTOR VEHICLES AND AMENDING AND REPEALING LAWS RELATED TO MOTOR VEHICLE LIABILITY INSURANCE.

Resolved, That the special commission, established by chapter ninety-seven of the resolves of nineteen hundred and sixty-eight, and most recently revived and continued by chapter sixteen of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current house document numbered 844, providing that motor vehicle insurance rates shall not be determined on the basis of age.

Approved August 20, 1973.

Chap. 104. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO ESTABLISHING BRANCH OFFICES OF THE DEPARTMENT OF STATE SECRETARY IN THE CITIES OF WORCESTER, SPRINGFIELD AND NEW BEDFORD.

Resolved, That a special commission to consist of three members of the senate, five members of the house of representatives, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study of current house document numbered 5001, establishing branch offices of the state secretary in the cities of Worcester, Springfield and New Bedford.

Approved August 20, 1973.

Chap. 105. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE ADMINISTRATION OF THE MOTOR VEHICLE EXCISE TAX PROGRAM.

Resolved, That a special commission, to consist of two members of the senate, three members of the house of representatives, the president of the Association of Massachusetts Assessors or his designee, and the president of the Massachusetts Collectors and Treasurers Association or his designee, is hereby established for the purpose of making an investigation and study relative to the administration of the motor vehicle excise tax program, the reason for the many errors in the nineteen hundred and seventy-one excise tax bills and other matters relative thereto which the commission deems relevant and proper.

Approved August 21, 1973.

Chap. 106. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE AWARDED OF CONTRACTS FOR CONSTRUCTION AND FOR MATERIALS BY COUNTIES, CITIES, TOWNS, AND DISTRICTS IN CASES OF EXTREME EMERGENCY AND OTHER RELATED MATTERS.

Resolved, That the special commission, established by chapter eighty-eight of the resolves of nineteen hundred and sixty-five and most recently revived and continued by chapter twenty of the resolves of nineteen hundred seventy-three, shall in the course of its investigation and study, consider the subject matter of current house documents numbered 3, amending the law relative to sub-bids on public building construction contracts; 44, establishing a construction permit charge system; 1175, permitting the writing of certain specifications to include the brand names of manufacturers or producers; 1309, providing a limitation of three years for the bringing of actions of contract or tort for malpractice, error or mistake against architects, professional engineers and land surveyors; 2205, providing a limitation of six years for the accrual of actions for deficiency, neglect, error or commission in improvements to real property and other services of architects, engineers and land surveyors; 2584, to regulate the suspension of work on certain public contracts; 2587, making the laws relating to competitive bidding

and award of construction contracts to the lowest bidder applicable to all public authorities; 2776, requiring prompt decisions on public construction contracts; 2779, to provide for decisions of the secretary of the executive office of transportation and construction on claims of contractors and subcontractors and to provide for the appointment of a hearing examiner to hear such appeals; 3650, clarifying the statutes regulating competitive bidding in the award of contracts for public building projects; 3562, amending the statute regulating competitive bidding for public building projects; 4095, to amend the competitive bidding law; 5865, regulating the employment of a clerk of the works on public building projects; 6166, amending the general municipal law, the public authorities law and the state finance law, in relation to prohibiting public bidding by nondomestic firms or corporations. *Approved August 21, 1973.*

Chap. 107. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE FEASIBILITY OF PROVIDING FREE COMMUTER TRANSPORTATION FOR THE GENERAL PUBLIC IN THOSE PARTS OR SECTIONS OF THE COMMONWEALTH WHERE IT MAY BE DEEMED NECESSARY AND ADVISABLE.

Resolved, That a special commission, to consist of two members of the senate, three members of the house of representatives, the secretary of transportation and construction or his designee, the general manager of the Massachusetts Bay Transportation Authority or his designee, and five persons to be appointed by the governor, two of whom shall be representatives of privately owned commuter service carriers operating within the commonwealth, is hereby established for the purpose of making an investigation and study relative to the feasibility of providing free commuter intra city transportation for the general public in those parts or sections of the commonwealth where it may be deemed necessary and advisable. *Approved August 22, 1973.*

Chap. 108. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE CARE, MAINTENANCE, INSTALLATION AND OPERATION OF ALL PUBLIC RAILROAD GRADE CROSSINGS.

Resolved, That the department of public works is hereby authorized and directed to make an investigation and study relative to the care, maintenance, installation and operation of all public railroad grade crossings. Said department shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk

of the house of representatives on or before the last Wednesday of December, nineteen hundred and seventy-four.

Approved August 22, 1973.

Chap. 109. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE FEASIBILITY OF ESTABLISHING PUBLICLY SUPPORTED FACILITIES TO BE KNOWN AS NEW INDUSTRY INCUBATORS.

Resolved, That a special commission, to consist of three members of the senate, seven members of the house of representatives, the secretary of communities and development, the secretary of manpower affairs, and eight persons to be appointed by the governor, one of whom shall be a representative of the school of engineering of the University of Massachusetts, one of whom shall be a representative of the school of business administration of said University, one of whom shall be a representative of public utilities, one of whom shall be a representative of commercial banks, one of whom shall be a representative of venture capital sources, one of whom shall be a representative of the Massachusetts division of the Small Business Association of New England, and one of whom shall be a representative of the Associated Industries of Massachusetts, is hereby established for the purpose of making an investigation and study relative to the feasibility of establishing new industry incubators at or in the vicinity of the University of Massachusetts at Amherst in conjunction with the Commonwealth Technical Resource Service of said school of engineering. Said commission shall, in the course of its investigation and study, examine the modes, magnitudes and probable availability of public and private financial support necessary to establish incubator facilities, to provide living support to the entrepreneurial inventor during his temporary occupation at the incubator, and to launch and sustain new business ventures issuing from the incubator; examine the ownership interests of the several parties to the investments made in the incubator and its support, and to the consequent venture investment, and establish desirable guidelines relative to returns on investments made; and examine proposed operational structures for the New Industry Incubator that would optimize its productivity for the economic benefit of the commonwealth. Said commission may travel without the commonwealth and may require by summons the attendance and testimony under oath of witnesses and the production of books and papers.

Approved August 23, 1973.

Chap. 110. RESOLVE INCREASING THE MEMBERSHIP AND SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE REGULATION OF THE LOCATION AND OPERATION OF ELECTRIC UTILITY GENERATION AND TRANSMISSION FACILITIES AND OTHER MATTERS.

Resolved, That the membership of the special commission established by chapter seventy-eight of the resolves of nineteen hundred and seventy-one and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-three is hereby increased by the addition of five members to be appointed by the governor, one of whom shall be a representative of the oil industry, one of whom shall be representative of the gas industry, and one of whom shall be a representative of the municipal electric system in the commonwealth. Said commission shall, in the course of its investigation and study, consider the total energy picture in Massachusetts except as it relates to offshore energy resources activities and offshore facilities in regards to ensuring that the commonwealth has a sufficient supply of energy for the future and that the land, air, and water resources are preserved and protected. Said commission shall also consider the long-range planning needs of the commonwealth, including what would constitute energy usage and what our energy goals should be. Said commission may travel without the commonwealth.

Approved August 23, 1973.

Chap. 111. RESOLVE DIRECTING THE WATER RESOURCES COMMISSION TO CONDUCT AN INVESTIGATION AND STUDY OF THE PHYSICAL RELATIONSHIPS BETWEEN GROUND AND SURFACE WATER; AND THE INTERRELATED EFFECTS OF MAN'S ACTIVITIES ON GROUND AND SURFACE WATERS OF THE COMMONWEALTH.

Resolved, That the water resources commission is hereby authorized and directed to make an investigation and study relative to the physical relationship between ground and surface water; and to the interrelated effects of man's activities on ground and surface waters. Said commission shall also consider the effect of altering surficial conditions, the existing and potential effects of ground water withdrawal, the disposition of wastes and the regulatory measures regarding ground and surface waters employed in the commonwealth as compared with such regulatory measures employed in other jurisdictions. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before February first, nineteen hundred and seventy-four.

Approved August 23, 1973.

Chap. 112. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO DEVELOPING A MASTER PLAN AND PROGRAM FOR TAXATION WITHIN THE COMMONWEALTH.

Resolved, That the special commission, established by chapter one hundred and sixty-two of the resolves of nineteen hundred and sixty-seven, and most recently revived and continued by chapter two of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of the investigation and study proposed by current house document numbered 4627, relative to the feasibility of providing an incentive for public transportation through the state income tax system.

Approved August 23, 1973.

Chap. 113. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE FEASIBILITY OF THE PREPARATION AND PUBLICATION OF A HISTORY OF THE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES FROM MASSACHUSETTS IN WORLD WAR II, THE KOREAN EMERGENCY AND THE VIETNAM CONFLICT.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, the state secretary or his designee, the adjutant general or his designee, a representative from each nationally chartered veterans organization and three other persons all to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the feasibility and the cost of the preparation and publication of a history of the members of the armed forces of the United States from Massachusetts in World War II, and the Korean emergency and the Vietnam conflict, said history to be designated and known as the Gold Star Record of Massachusetts in World War II and the Korean emergency and Vietnam conflict.

Approved August 24, 1973.

Chap. 114. RESOLVE EXTENDING THE TIME WITHIN WHICH THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE EXTENT OF THE USE OF HARMFUL, INJURIOUS OR ILLEGAL DRUGS WITHIN THE COMMONWEALTH SHALL FILE ITS FINAL REPORT AND INCREASING THE SCOPE OF SAID COMMISSION.

Resolved, That the special commission established by chapter one hundred and sixty-four of the resolves of nineteen hundred and sixty-seven and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-three shall, in the course of its investigation and study, consider the extent of marihuana use in the commonwealth, including the source of such use, the number of users, the types of users and the nature of such use; the relationship, if any, of marihuana use to aggressive behavior

and crime; the relationship, if any, between marihuana and the use of other drugs, and in general the public health, mental health, social, moral and ethical aspects of marihuana use; and advertising and methods of distributing marihuana, with particular emphasis on the feasibility of a state monopoly to control traffic in the drug. The time within which said commission shall complete its investigation and study and file its final report is hereby extended to the fourth Wednesday of January, nineteen hundred and seventy-five.

Approved August 29, 1973.

Chap. 115. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE PUBLIC SAFETY AND PROTECTION PROVIDED BY THE PRESENT METHOD USED IN LOCKING TRAILERS TO MOTOR VEHICLES WHEN SUCH TRAILERS ARE BEING HAULED BY SUCH MOTOR VEHICLES.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the public safety and protection provided by the present method used in locking trailers to motor vehicles when such trailers are being hauled by such motor vehicles. *Approved August 29, 1973.*

Chap. 116. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE FUTURE UTILIZATION OF THE TRAINING SCHOOLS IN ESSEX COUNTY, MIDDLESEX COUNTY AND THE SITE OF THE SHIRLEY SCHOOL.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, the secretary of educational affairs or his designee, the secretary of human services or his designee, the secretary of administration and finance or his designee, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the future utilization of the training schools in Essex county, Middlesex county and the site of the Shirley school.

Approved August 30, 1973.

Chap. 117. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE CONSTRUCTION AND MAINTENANCE OF COUNTY ROADS.

Resolved, That a special commission, to consist of one member of the senate, three members of the house of representatives, the

commissioner of public works or his designee, the registrar of motor vehicles or his designee, and two persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the feasibility of having cities and towns establish their own standards of construction in work performed in their respective areas under the provisions of chapter ninety of the General Laws. *Approved August 30, 1973.*

Chap. 118. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE FEASIBILITY OF ESTABLISHING A NORTH RIVER WATERSHED COMMISSION.

Resolved, That a special commission, to consist of two members of the senate, three members of the house of representatives, the commissioner of public health or his designee, the commissioner of public works or his designee, the director of the division of water pollution control of the department of natural resources or his designee, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the feasibility of establishing a North River watershed commission. *Approved August 30, 1973.*

Chap. 119. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE EXECUTIVE OFFICE OF EDUCATIONAL AFFAIRS RELATIVE TO THE LICENSING OF PRIVATE SCHOOLS AND OTHER RELATED MATTERS.

Resolved, That the executive office of educational affairs is hereby authorized and directed to make an investigation and study relative to house documents numbered 89, relative to the licensing of private schools; 1336, providing school aid to certain cities and towns in which the public school population has been affected by the closing, phasing out, or curtailment of services of a private school; 2862, requiring authorized representatives of parent advisory councils and teacher organizations to sign proposals to obtain funds for educational purposes prior to the submission of such proposals; 2881, authorizing the department of education to establish ethnic heritage studies centers; 3254, authorizing the board of education to formulate and carry out certain special programs for students from disadvantaged backgrounds; 5449, requiring school committees to furnish one hot meal a day to persons over sixty; and 6207, authorizing the board of trustees of state colleges to sell and convey a certain parcel of land at the corner of Brookline avenue and Longwood avenue in the city of Boston to the Beth Israel Hospital Association. Said executive office shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation neces-

sary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the third Wednesday of December in the current year.

Approved August 30, 1973.

Chap. 120. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PROVIDING FOR CONTROL OF CRIMINAL INTELLIGENCE INFORMATION.

Resolved, That the judicial council be requested to investigate the subject matter of house document numbered 2310, providing for control of criminal intelligence information, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved August 30, 1973.

Chap. 121. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE CAUSE OF THE FIRES IN THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY SYSTEM.

Resolved, That a special commission, to consist of two members of the senate, three members of the house of representatives, the mayor of the city of Boston or his designee, and two persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the cause of the fires in the Massachusetts Bay Transportation Authority system.

Approved September 4, 1973.

Chap. 122. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE REGISTRATION OF PERSONS TO PRACTICE ACUPUNCTURE.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, and five persons to be appointed by the governor, one of whom shall be an anesthetist, one of whom shall be a neurologist, one of whom shall be an internist, one of whom shall be an oral surgeon and one of whom shall be a consumer, is hereby established for the purpose of making an investigation and study of the subject matter of current house document numbered 7048, providing for the registration of persons to practice acupuncture. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the

same with the clerk of the house of representatives on or before June thirtieth, nineteen hundred and seventy-four.

Approved September 4, 1973.

Chap. 123. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE FEASIBILITY OF CREATING ARTIFICIAL REEFS FOR SPORTS FISHERMEN.

Resolved, That a special commission, to consist of two members of the senate, three members of the house of representatives, and two persons to be appointed by the governor, is hereby established to make an investigation and study relative to the feasibility of creating artificial reefs for sports fishermen.

Approved September 5, 1973.

Chap. 124. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE REGULATION AND CONTROL IN THE CATALOGUE SALES INDUSTRY.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, the secretary of consumer affairs or his designee, the attorney general or his designee, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the regulation and control of the catalogue sales industry. Said commission shall, in the course of its investigation and study, consider whether fraudulent misrepresentation methods are currently employed in the catalogue sales of merchandise.

Approved September 5, 1973.

Chap. 125. RESOLVE INCREASING THE MEMBERSHIP AND EXTENDING THE TIME IN WHICH THE SPECIAL COMMISSION ESTABLISHED TO PREPARE PLANS FOR THE OBSERVANCE BY THE COMMONWEALTH OF THE BICENTENNIAL OF HISTORIC EVENTS PRECEDING THE REVOLUTIONARY WAR MAY FILE ITS FINAL REPORT AND ACCOUNTING.

Resolved, That the membership of the special commission established by chapter seventy-one of the resolves of nineteen hundred and sixty-four and increased by chapter forty-nine of the resolves of nineteen hundred and sixty-five is hereby further increased by two members of the senate, four members of the house of representatives and ten persons to be appointed by the governor from a list submitted by the current commission. Said commission shall file its final report, along with an accounting of funds received and

expended on or before the last Wednesday in December, nineteen hundred and eighty.

Approved September 7, 1973.

Chap. 126. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE REASONS FOR INCREASES IN WATER RATES IN THE CITIES AND TOWNS OF THE COMMONWEALTH.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, the chairman of the consumers' council or his designee, and five persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the reasons for increases in water rates in the cities and towns of the commonwealth.

Approved September 12, 1973.

Chap. 127. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO HOUSING SHORTAGES IN COMMUNITIES ADJACENT TO INSTITUTIONS OF HIGHER EDUCATION.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, and two persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to housing shortages in communities adjacent to private and public institutions of higher learning. Said commission in the course of its investigation and study shall consider the feasibility of limiting increases in enrollments in such institutions in the absence of adequate planned housing.

Approved September 17, 1973.

Chap. 128. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY SPECIAL COMMISSION RELATIVE TO THE ADVISABILITY AND FEASIBILITY OF ESTABLISHING A NON-PROFIT PUBLIC CORPORATION TO PROVIDE WORKMEN'S COMPENSATION INSURANCE FOR PUBLIC AND PRIVATE EMPLOYEES.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the advisability and feasibility of establishing a nonprofit public corporation to provide workmen's compensation insurance for private and public employees.

Approved September 17, 1973.

Chap. 129. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DIVISION OF FISHERIES AND GAME RELATIVE TO CERTAIN HUNTING, FISHING AND WILDLIFE MATTERS.

Resolved, That the division of fisheries and game is hereby authorized to make an investigation and study of the subject matter of current house documents numbered 868, prohibiting the use of poison in the tributary streams and rivers of the Wachusett reservoir; 1061, authorizing the department of natural resources to distribute the smelt in Wachusett reservoir to licensed fishermen; and 5851, protecting and managing nongame and endangered species of wildlife indigenous to the commonwealth. Said division may expend for the purposes of this resolve such sums as may be appropriated therefor. Said division shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate on or before the last Wednesday in December, nineteen hundred and seventy-three.

Approved September 17, 1973.

Chap. 130. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE PENALTY FOR DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, the secretary of public safety or his designee, the registrar of motor vehicles or his designee, and five persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study of the subject matter of current house documents numbered 339, relative to the penalty for driving under the influence of liquor, drugs, depressants and stimulants; and 6377, authorizing the registrar of motor vehicles to issue a limited license to certain persons whose licenses have been revoked because of conviction of the crime of operating under the influence of intoxicating liquor. Said commission shall also consider the establishment of driver retraining and alcohol rehabilitation programs as integral parts of the official response to the problem of driving under the influence of intoxicating liquors. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before March first, nineteen hundred and seventy-four.

Approved September 17, 1973.

Chap. 131. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO COORDINATING ALL LAW ENFORCEMENT AGENCIES IN THE COMMONWEALTH.

Resolved, That a special commission to consist of one member of the senate, three members of the house of representatives, the secretary of public safety or his designee, the commissioner of public safety or his designee and one person to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to coordinating the efforts of all law enforcement agencies in the commonwealth in an effort to combat more effectively organized crime, criminal activity, and other violations of law through unified action.

Said commission may require by summons the attendance and the testimony under oath of witnesses. Said commission may call upon officials of the commonwealth or its various subdivisions, and may also call upon officials of the federal government and its various agencies and departments for such information as it may desire in the course of its investigation and study. Said commission may accept and expend any appropriations, grants or gifts of money, professional services, consultant services, clerical and other services and supplies from the federal or state government or any other private source in the course of its investigation and study.

Approved September 21, 1973.

Chap. 132. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC SAFETY RELATIVE TO THE OPERATION OF THE UNIFORM EMERGENCY TELEPHONE SERVICE ASSIGNED BY TELEPHONE COMPANIES TO PUBLIC SAFETY AGENCIES IN CITIES AND TOWNS.

Resolved, That the department of public safety is hereby authorized and directed to make an investigation and study of the subject matter of current house documents numbered 4901, relative to the uniform emergency number assigned by telephone companies; and 5295, relative to the uniform emergency number assigned by telephone companies to public safety agencies. Said department shall, in the course of its investigation and study, consider existing telephone company central exchange service areas; personnel and administrative procedures in emergency control centers, methods of switching emergency calls to the proper municipality and department thereof, provisions of mutual aid and reciprocal response agreements between municipalities, and any other matters relative thereto. Said department shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday of December, nineteen hundred and seventy-three.

Approved September 21, 1973.

- Chap. 133.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF NATURAL RESOURCES RELATIVE TO FURTHER DEFINING THE WATERS IN WHICH THE TAKING OF GROUND FISH BY CERTAIN APPARATUS IS PROHIBITED.

Resolved, That the department of natural resources, through its division of marine fisheries and the marine fisheries advisory commission, is hereby authorized and directed to make an investigation and study of current house document numbered 6614, further defining the waters in which the taking of ground fish by certain apparatus is prohibited. The marine fisheries advisory commission shall hold a public hearing upon the subject matter. Said department shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the third Wednesday of December, nineteen hundred and seventy-three.

Approved September 21, 1973.

- Chap. 134.** RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE FEASIBILITY OF PROVIDING FREE COMMUTER TRANSPORTATION FOR THE GENERAL PUBLIC IN THOSE PARTS OR SECTIONS OF THE COMMONWEALTH WHERE IT MAY BE DEEMED NECESSARY AND ADVISABLE.

Resolved, That the special commission, established by chapter one hundred and seven of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of the investigation and study proposed by current house document numbered 5774, relative to the establishment and financing of a no-fare prepaid transit system.

Approved September 21, 1973.

- Chap. 135.** RESOLVE PROVIDING FOR A JOINT INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC HEALTH, THE METROPOLITAN DISTRICT COMMISSION, THE WATER RESOURCES COMMISSION AND THE CENTRAL MASSACHUSETTS REGIONAL PLANNING DISTRICT COMMISSION RELATIVE TO THE PROVISION OF ADEQUATE PUBLIC WATER SUPPLIES IN CERTAIN MUNICIPALITIES IN THE COUNTY OF WORCESTER.

Resolved, That the department of public health, the metropolitan district commission, the water resources commission and the central Massachusetts regional planning district commission, acting jointly, and hereinafter referred to as the board, are hereby autho-

rized and directed to make an investigation and study relative to the provision of water supplies and its distribution for the city of Worcester and the towns of Auburn, Barre, Berlin, Blackstone, Boylston, Brookfield, Charlton, Douglas, Dudley, East Brookfield, Grafton, Hardwick, Holden, Hopedale, Leicester, Mendon, Millbury, Millville, New Braintree, Northborough, Northbridge, North Brookfield, Oakham, Oxford, Paxton, Princeton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Warren, Webster, Westborough, West Boylston and West Brookfield, and to prepare estimates of necessary work and costs thereof. Said board shall have access to all plans, reports and specifications of said city and towns, and shall have the power to summon the plans, reports and specifications of any person, corporation or industry located therein relative to the provision of water supplies and its distribution. The metropolitan district commission acting for the board is hereby authorized to employ such consultants and other assistants as it deems necessary. Said consultants shall utilize all available assistance provided by the central Massachusetts regional planning district commission and all assistance provided by the metropolitan district commission, particularly any pertinent information collected in the study authorized by chapter forty of the resolves of nineteen hundred and seventy. The central Massachusetts regional planning district commission is hereby authorized to apply for and receive any federal funds available for this purpose under the comprehensive planning assistance program authorized by the housing Act of 1954, as amended, or under the provisions of any other federal law. Said board may expend for its investigation and study such sum as may be appropriated therefor. Said board may report to the general court from time to time the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives and shall file its final report on or before the last Wednesday of December, nineteen hundred and seventy-three. *Approved September 24, 1973.*

Chap. 136.

RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE DIFFERENT KINDS OF INFORMATION CONCERNING INDIVIDUALS BEING STORED IN COMPUTER BANKS, ITS POSSIBLE INFRINGEMENT ON THE RIGHTS OF PRIVACY OF THE INDIVIDUAL, AND SUCH OTHER MATTERS RELATIVE THERETO.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, the secretary of human services, the secretary of consumer affairs, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the different kinds of information concerning individuals being stored

in computer banks, its possible infringement on the rights of privacy of the individual, and such other matters relative thereto which said commission deems relevant and proper.

Approved September 24, 1973.

Chap. 137. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE REGULATION OF THE LOCATION AND OPERATION OF ELECTRIC UTILITY GENERATION AND TRANSMISSION FACILITIES AND OTHER MATTERS.

Resolved, That the special commission established by chapter seventy-eight of the resolves of nineteen hundred and seventy-one, and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current house documents numbered 202, requiring the district engineering inspectors in the department of public safety, division of inspection to enforce the rules and regulations of the board for the regulation of the storage of fluids and gases other than water; 497, making a corrective change in the law relative to the tanks for the storage of fluids; 498, establishing a board for the regulation of the storage of propane; 3975, prohibiting the location of propane gas tanks in residential areas; 4184, prohibiting the storage of liquefied propane gas within the proximity of a storage facility of liquefied natural gas; 4185, providing for a maximum storage capacity of liquefied natural gas in cities and towns; 4186, prohibiting the storage of liquefied natural gas in certain residential areas; and 4187, prohibiting the storage of liquefied propane gas within five hundred feet of a state highway.

Approved September 24, 1973.

Chap. 138. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC SAFETY RELATIVE TO THE REGISTRATION OF BICYCLES.

Resolved, That the department of public safety is hereby authorized and directed to make an investigation and study relative to the feasibility of requiring that all bicycles operated in the commonwealth be registered with the local police department or, in a town where there is no organized police department, with the selectmen of said town. Said department shall also investigate and study the feasibility of requiring the full implementation of section eleven A of chapter eighty-five of the General Laws, and any related matters. Said department shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such

recommendations into effect, by filing the same with the clerk of the senate on or before the last Wednesday of January, nineteen hundred and seventy-four.

Approved September 26, 1973.

Chap. 139. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE EXPANDED USE OF STATE AIDED SCHOOL BUSES FOR GENERAL PATRONAGE.

Resolved, That a special commission, to consist of two members of the senate, three members of the house of representatives, the secretary of administration or his designee, the secretary of communities and development or his designee, the secretary of consumer affairs or his designee, the secretary of educational affairs or his designee, the secretary of environmental affairs or his designee, the secretary of human services or his designee, the secretary of elder affairs or his designee, the secretary of manpower affairs or his designee, the secretary of public safety or his designee, the secretary of transportation and construction or his designee, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the expanded use of state aided school buses for general patronage.

Approved September 26, 1973.

Chap. 140. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE FEASIBILITY OF THE TOWN OF WINTHROP ACQUIRING OR PURCHASING THAT PORTION OF DEER ISLAND OWNED BY THE CITY OF BOSTON.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, one person to be appointed by the board of selectmen of the town of Winthrop, one person to be appointed by the mayor of the city of Boston, and one person to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the feasibility of the town of Winthrop acquiring or purchasing from the city of Boston that portion of Deer island owned by said city.

Approved September 28, 1973.

Chap. 141. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE FEASIBILITY OF RECODIFYING THE LAW PERTAINING TO THE CONTROL OF DOGS AND CATS AND OTHER MATTERS RELATIVE THERETO.

Resolved, That a special commission, to consist of three members

of the senate, five members of the house of representatives, the commissioner of agriculture or his designee, and six persons to be appointed by the governor, one of whom shall be a representative of the Society for the Prevention of Cruelty to Animals, is hereby established for the purpose of making an investigation and study relative to the feasibility of recodifying the laws pertaining to the control of dogs and cats and other matters relative thereto which the commission deems relevant and proper.

Approved October 4, 1973.

Chap. 142. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE TRAFFIC PATTERNS AT INTERSTATE HIGHWAY ROUTE 95 AND NEPONSET STREET AND AT DEAN STREET AND NEPONSET STREET IN THE TOWN OF NORWOOD.

Resolved, That the department of public works is hereby authorized and directed to make an investigation and study relative to the traffic patterns at interstate highway route 95 and Neponset street and at Dean street and Neponset street in the town of Norwood, and the feasibility of changing the pattern of traffic, of installing traffic lights, of erecting traffic signs or safety islands, and any other related matters necessary to facilitate safe travel in the area. Said department shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before March first, nineteen hundred and seventy-four.

Approved October 4, 1973.

Chap. 143. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE FEASIBILITY OF RECONSTRUCTING MINTON STREET AND LAWNDAL TERRACE BETWEEN BROOKSIDE AVENUE AND LAMARTINE STREET IN THE JAMAICA PLAIN DISTRICT OF THE CITY OF BOSTON.

Resolved, That the department of public works is hereby authorized and directed to make an investigation and study of the subject matter of current house document numbered 4052, directing the department of public works to reconstruct Minton street and Lawndale terrace between Brookside avenue and Lamartine street in the Jamaica Plain district of the city of Boston. Said department shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the senate clerk and parliamentarian on or before the last Wednesday of December in the current year.

Approved October 4, 1973.

- Chap. 144.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE ADVISABILITY AND FEASIBILITY OF PROVIDING INDEPENDENT STATUS FOR THE OFFICE OF COMPTROLLER.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the advisability and feasibility of providing independent status for the office of comptroller by removing the same from the Executive Office for Administration and Finance.

Approved October 10, 1973.

- Chap. 145.** RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE LABOR LAWS OF THE COMMONWEALTH.

Resolved, That the special commission established by chapter twenty-three of the resolves of nineteen hundred and seventy-one and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-three shall, in the course of its investigation and study, consider the subject matter of current senate document numbered 211, abolishing limitation of working hours for women.

Approved October 23, 1973.

- Chap. 146.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO DETERMINING WAYS OF REDUCING FUEL CONSUMPTION BY VEHICLES TRAVELING ON STATE HIGHWAYS.

Resolved, That the department of public works is hereby authorized and directed to make an investigation and study of all major state highways to determine those state highways on which a reduction in the speed limit would produce the greatest reduction in fuel consumption with the least detrimental effect to the majority of private passenger car and commercial vehicle operations. Said department shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect by filing the same with the clerk of the house of representatives on or before the fourth Wednesday in January, nineteen hundred and seventy-four.

Approved October 23, 1973.

Chap. 147. RESOLVE FURTHER EXTENDING THE TIME WITHIN WHICH THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO EVALUATING THE ADEQUACY OF EXISTING PROGRAMS IN THE COMMONWEALTH FOR THE CARE AND TREATMENT OF CHILDREN SHALL FILE ITS FINAL REPORT AND INCREASING THE SCOPE THEREOF.

Resolved, That the time within which the special commission, established by chapter six of the resolves of nineteen hundred and seventy-two and revived and continued by chapter one of the resolves of nineteen hundred and seventy-three, shall file its final report is hereby further extended to the third Wednesday of April, nineteen hundred and seventy-four.

Said commission shall, in the course of its investigation, consider the adequacy of existing laws relative to punishing persons found guilty of child abuse.

Approved October 23, 1973.

Chap. 148. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE ADOPTION OF A UNIFORM PROBATE CODE IN THE COMMONWEALTH.

Resolved, That a special commission to consist of three members of the senate, five members of the house of representatives, and five persons to be appointed by the governor, two of whom shall be judges of the probate court, one of whom shall be a register of probate and insolvency and two of whom shall be lay people familiar with probate law, is hereby established for the purpose of making an investigation and study relative to the feasibility and advisability of the adoption by the commonwealth of the Uniform Probate Code approved by the National Conference of Commissioners of Uniform State Laws and by the American Bar Association in August, nineteen hundred and sixty-nine.

Approved October 29, 1973.

Chap. 149. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO RETURNING CERTAIN LANDS TO INDIAN TRIBES.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, and five persons to be appointed by the governor, three of whom shall be Indians, is hereby established for the purpose of making an investigation and study of the feasibility and advisability of returning to Indian tribes land which was taken from said Indian tribes by the commonwealth.

Approved November 8, 1973.

Chap. 150. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE REVISION OF THE TRAFFIC LAWS OF THE COMMONWEALTH.

Resolved, That a special commission, to consist of the joint committee on public safety, the registrar of motor vehicles or his designee, the executive director of the governor's highway safety committee or his designee, the commissioner of public works or his designee, and three persons to be appointed by the governor, is hereby established to make an investigation and study of the traffic laws of the commonwealth for the purpose of updating said laws and determining whether or not they should be revised to conform to the Uniform Vehicle Code as promulgated by the National Committee on Uniform Vehicle Laws and Ordinances and endorsed by the United States Department of Transportation.

Approved November 8, 1973.

Chap. 151. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO THE FEASIBILITY OF RESTRUCTURING THE DISTRICT COURT SYSTEM.

Resolved, That the judicial council be requested to investigate the feasibility of restructuring the district court system to provide for trial by both six and twelve man juries, for full-time judges only, for full-time prosecutors, with part-time assistants, and for exclusive jurisdiction in civil cases where the ad damnum is less than fifteen thousand dollars, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved November 12, 1973.

Chap. 152. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE SECRETARY OF ENVIRONMENTAL AFFAIRS RELATIVE TO THE CONSERVATION AND REGULATION OF CERTAIN LANDS UNDER CONTROL OF THE METROPOLITAN DISTRICT COMMISSION.

Resolved, That the secretary of environmental affairs is hereby authorized and directed to make an investigation and study of the subject matter of current house document numbered 7264, relative to the conservation and regulation of certain lands under control of the metropolitan district commission. Said secretary shall, in the course of his investigation and study, also consider the feasibility of establishing within the Quabbin reservoir area, as defined in section one of chapter seven hundred and thirty-seven of the acts of nineteen hundred and seventy-two, a natural wild area that will be a wildlife refuge to which the public may be admitted on a controlled basis to observe and study wildlife and the natural ecology

of the area; ways to improve the wildlife habitat without interfering with the watershed qualities of the area; the establishment of public walkways with viewing areas; the value of such natural area to students and the public of the commonwealth; ways to finance such an operation such as utilizing the income from the lumber operations of the Ware river watershed and Quabbin reservoir area, as defined in chapter seven hundred and thirty-seven of the acts of nineteen hundred and seventy-two or the charging of admission fees; the contents of a document titled "Watershed Management Plan for Metropolitan District Commission Lands surrounding the Quabbin Reservoir" prepared by Bruce A. Spencer and Charles C. Walker foresters employed by the metropolitan district commission; and other ways the area may be used so the people of the commonwealth may re-establish their links with nature. Said secretary of environmental affairs shall report to the general court the results of his investigation and study, and his recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect by filing the same with the clerk of the house of representatives on or before the first Wednesday of October, nineteen hundred and seventy-four.

Approved November 16, 1973.

Chap. 153. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE ENFORCEABILITY OF THE PROVISIONS OF LAW RESTRICTING THE WEIGHTS OF VEHICLES UPON PUBLIC WAYS.

Resolved, That the special commission, established by chapter eight of the resolves of nineteen hundred and seventy-three, shall, in the course of its investigation and study, consider the subject matter of current house documents numbered 7610, further regulating the penalties and punishment for overloaded vehicles, and 7611, further regulating the overloading of certain commercial vehicles.

Approved November 16, 1973.

Chap. 154. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO PROVIDING FOR THE HOUSING NEEDS OF LOW AND MODERATE INCOME FAMILIES.

Resolved, That a special commission, to consist of three members of the senate, seven members of the house of representatives, the commissioner of community affairs or his designee and six persons to be appointed by the governor, two of whom shall be members of a housing authority within the commonwealth and two of whom shall be members of a tenants' organization within the commonwealth, is hereby established to make an investigation and study relative to providing for the housing needs of low and moderate income families.

Said commission shall include, but not be limited to, in its investi-

gation and study, the social, psychological and economic desirability of family units and elderly units existing in close proximity in said high-rise public housing projects; the social, psychological and economic effects on the lives of families and elderly persons residing in close proximity in high-rise public housing projects; the security needs and costs for tenants now living in public housing projects, as well as the projected security needs and costs if family units and elderly units were not located within the same housing project; the needs and costs of making present public housing projects decent, safe and sanitary, and operating and maintaining such projects in decent, safe and sanitary condition, together with a projection of the same needs and costs if family and elderly tenants were not living in the same public housing project; the effect on the lives of persons now residing in public housing projects including the effect on the mental and physical health, social values and disposition, and educational performance and opportunities of such persons; the value received per dollar spent by the commonwealth and by tenants for units in public housing projects as compared to value received per dollar spent for units on the private housing market, taking into consideration the quality of each product and the quality of life in each type of housing; the effect of large public housing projects on the areas and communities in which such projects are located; the desirability of expanding the commonwealth's rental assistance program or creating alternatives to the rental assistance program to the end that families who would otherwise be living in public housing projects might locate decent, safe and sanitary housing on the private market; the providing for methods of assisting private owners of housing to repair, renovate or construct dwelling units to replace present abandoned buildings and vacant lots which are no longer attractive or being utilized by the private market; the possibilities of phasing out public housing project family units and restoration and renovation of such projects for full elderly occupancy; and the providing for changes in state subsidies that would be required in order to operate and maintain public housing projects occupied solely by elderly persons in an attractive, decent, safe and sanitary condition.

Approved November 21, 1973.

Chap. 155.

RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO PROVIDING FOR REIMBURSEMENT TO COUNTIES, CITIES AND TOWNS FOR EXPENSES INCURRED RESULTING FROM DISTURBANCES AT CORRECTIONAL FACILITIES LOCATED IN SUCH COUNTIES, CITIES AND TOWNS.

Resolved, That a special commission, to consist of two members of the senate, five members of the house of representatives and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study of providing for reimbursement to counties, cities and towns for expenses

incurred resulting from disturbances at correctional facilities located in such counties, cities and towns. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the house of representatives on or before the second Wednesday in February, nineteen hundred and seventy-four.

Approved November 28, 1973.

Chap. 156. RESOLVE PROVIDING ADDITIONAL COMPENSATION FOR ANNA E. LIMA, A RETIRED ASSISTANT TO THE STATE LIBRARIAN.

Resolved, That for the purpose of discharging a moral obligation, the treasurer of the commonwealth is hereby authorized to pay to Anna E. Lima, a retired assistant to the state librarian, the sum of eight hundred and thirty-five dollars and eighty-three cents.

Approved November 29, 1973.

Chap. 157. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE LAWS OF THE COMMONWEALTH PERTAINING TO ELEMENTARY AND SECONDARY EDUCATION AS THEY RELATE TO UNEQUAL EDUCATIONAL OPPORTUNITY AND SERVICES.

Resolved, That a special commission, to consist of four members of the senate, seven members of the house of representatives and ten persons to be appointed by the governor, of whom one shall be the commissioner of education or his designee, one a member of the Massachusetts Association of School Committees, Incorporated, one a member of the Massachusetts Teachers Association, one a member of the Massachusetts Federation of Teachers, AFT, AFL-CIO, one the chairman of the Boston school committee, one a member of the Massachusetts League of Women Voters, one the executive director of METCO, one the executive director of the Education Collaborative for Greater Boston, and two persons who are parents of a child in public schools, at least one of whom shall have children attending public schools in a city of over one hundred and fifty thousand population, is hereby established for the purpose of making an investigation and study of the laws of the commonwealth pertaining to elementary and secondary education, of the various school systems therein and of the educational laws, programs and school systems of other states with a view to discovering the existence and extent of unequal educational opportunity and services in the commonwealth, both among schools within school systems and among school systems within the commonwealth, and devising and recommending ways and means to in-

crease and provide equal educational opportunity therein. Said investigation and study shall include a cost benefit analysis of the commonwealth's elementary and secondary educational programs as a means to discover unequal educational opportunity and services.

Said commission may travel without the commonwealth, and may call on officials of the department of education and the members and administrative employees of school committees for information, advice and assistance. Said commission shall appoint a person to serve as executive secretary and to correlate its findings, and it shall establish his salary. Said commission shall consult with the Metropolitan Planning Project under the Emergency School Aid Act.

Approved December 6, 1973.

Chap. 158. RESOLVE INCREASING THE MEMBERSHIP OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE MAJOR NEEDS AND PROBLEMS OF ELDERLY PERSONS IN THE COMMONWEALTH.

Resolved, That the membership of the special commission established by chapter eighty-two of the resolves of nineteen hundred and seventy-three is hereby increased by five members of the house of representatives.

Approved December 6, 1973.

Chap. 159. RESOLVE IN FAVOR OF MANZI ELECTRICAL CORPORATION.

Resolved, That for the purpose of discharging a moral obligation of the commonwealth, there be allowed and paid out of the state treasury, subject to appropriation, to Manzi Electrical Corporation the sum of three thousand three hundred and thirty-nine dollars and twenty-nine cents for work performed at Northern Essex Community College, notwithstanding the failure of said college to comply with the provisions of section eight A of chapter twenty-nine of the General Laws.

Approved December 10, 1973.

Chap. 160. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO USING METROPOLITAN DISTRICT COMMISSION ICE SKATING RINKS AS ROLLER SKATING RINKS DURING THE OFF SEASON.

Resolved, That a special commission to consist of two members of the senate, three members of the house of representatives, the commissioner of the metropolitan district commission or his designee and two persons to be appointed by the governor is hereby

established for the purpose of making an investigation and study relative to the feasibility and advisability of using the metropolitan district commission ice skating rinks as roller skating rinks during the off season.

Approved December 11, 1973.

Chap. 161. RESOLVE AUTHORIZING THE REIMBURSEMENT OF
LEGAL EXPENSES TO JOHN R. HORAN, AN EMPLOYEE
OF THE DEPARTMENT OF PUBLIC WORKS.

Resolved, For the purpose of discharging a moral obligation of the commonwealth, there shall be allowed and paid out of the state treasury, subject to appropriation, a sum not to exceed twenty-seven thousand seven hundred and fifty dollars to John R. Horan of Worcester, an employee of the department of public works, to reimburse him for legal expenses incurred by him for his defense in Commonwealth vs. Horan, Worcester Superior Court indictments number 42743, 42744, 42745 charging said John R. Horan with manslaughter committed while in the performance of his duties as a resident engineer for the department of public works and from which manslaughter charges the said John R. Horan was found not guilty by a direct verdict. No payment shall be made hereunder until there has been filed with the comptroller a certification by the attorney general that the amount of such legal expenses to be paid is reasonable and a certification by John R. Horan that no amount was paid or obligated for legal services rendered in connection with this act.

Approved December 11, 1973.

NUMBER OF ACTS AND RESOLVES APPROVED, APPROVAL WITHHELD, ACTS VETOED BY THE GOVERNOR, PASSED OVER HIS VETO AND ACTS DECLARED EMERGENCY LAWS BY THE GOVERNOR UNDER AUTHORITY OF THE CONSTITUTION.

The General Court during its first session held in 1973 passed 1232 Acts and 161 Resolves of which 1102 Acts and 156 Resolves received executive approval at prorogation and 13 Acts from which executive approval was withheld became law by virtue of chapter 1, section 1, Article II of the Constitution of the Commonwealth.

The governor returned 25 Acts with his objections thereto in writing. Upon said 13 Acts his objections were sustained and upon 12 Acts his objections were not sustained.

One (1) Act entitled "An Act providing certain rights of subrogation for the insurers of motor vehicle property protection insurance coverage." (Chapter 917) was passed, but failed to receive executive approval; as, however, it was not returned, with objections thereto, within ten days after it had been received in the executive department, the General Court not having been dissolved in the meantime, said Act has the force of law, under the provisions of the Constitution governing such case and has been so certified.

Thirteen (13) Acts entitled, respectively, "An Act providing for the position of administrative assistant for intergovernment relations for the Boston Juvenile Court."; "An Act establishing councillor and senatorial districts."; "An Act providing for compulsory and binding arbitration of labor disputes in municipal fire departments and police departments."; "An Act relative to the storage, transportation and distribution of liquefied natural gas."; "An Act authorizing cities and towns to erect and maintain traffic signs and devices at certain roads without the prior approval of the Department of Public Works."; "An Act further regulating the publication of political advertisements by newspapers or other periodicals."; "An Act directing the Board of Registration in medicine to register Oscar Larson as a physical therapist."; "An Act providing that certain changes, additions and amendments to the by-laws of cooperative banks shall take effect without the approval of the Commissioner of Banks."; "An Act prohibiting the transportation of children attending the public schools without the prior written consent of their parents or legal guardians."; "An Act increasing the salary of the technical assistant of the Middlesex Registry of Deeds in the southern district."; "An Act authorizing the Licensing Board of the Town of Nantucket to issue annual all alcoholic beverages licenses to certain holders of seasonal all alcoholic beverages licenses."; "An Act authorizing the Board of Selectmen of the Town of Milton to appoint the members of the Milton Housing Authority." and "An Act providing for a referendum on the creation, discontinuance, or modification of any school attendance district in the City of Boston." were passed and laid before the

governor for his approval, were returned by him with his objections thereto, to the branch in which they respectively originated, were reconsidered and, the vote being taken on their passage, the objections of the governor thereto notwithstanding, they were rejected, and said Acts thereby became void.

Twelve (12) Acts entitled, respectively, "An Act requiring the installation of sprinkler systems in high rise buildings." (Chapter 395); "An Act repealing the law providing for pre-primary conventions of political parties." (Chapter 429); "An Act allowing for a moment of meditation for school prayer in the public schools." (Chapter 621); "An Act providing for the incumbent of the Office of Supervisor of Recreation Facility Construction Program in the Division of Waterways in the Department of Public Works shall be deemed to be permanently appointed provided that he passes an examination by the Division of Civil Service." (Chapter 738); "An Act further regulating the qualifications for credit for service under the contributory retirement system for public employees." (Chapter 760); "An Act providing for the appointment of additional assistant clerks in certain district courts." (Chapter 796); "An Act providing a cost of living salary adjustment for the clerks and assistant clerks of the Municipal Court of the City of Boston and the Boston Juvenile Court." (Chapter 887); "An Act providing for the continued operation of the Bessie M. Burke Memorial Hospital in the City of Lawrence." (Chapter 923); "An Act providing for additional assistant clerks in certain district courts." (Chapter 1001); "An Act providing for financial assistance for cities, towns and regional school districts in the acquisition and remodeling of existing structures for public school uses." (Chapter 1018); "An Act directing the Department of Public Health to make a certain determination of need and to renew the hospital license of Winchendon Hospital, Incorporated." (Chapter 1053) and "An Act authorizing the group marketing of automobile and homeowner insurance." (Chapter 1098) were passed and laid before the governor for his approval, were returned by him with his objections thereto, to the branch in which they originated, were reconsidered, agreeably to the provisions of the Constitution and, the vote being taken on their passage, the objections of the governor thereto notwithstanding, they were passed and said Acts have thereby the force of law.

Forty-three (43) Acts, Chapters 31, 43, 149, 168, 255, 457, 479, 507, 543, 558, 598, 607, 608, 638, 639, 647, 654, 685, 703, 721, 723, 785, 811, 831, 857, 881, 882, 914, 925, 951, 963, 1006, 1012, 1042, 1062, 1081, 1149, 1160, 1192, 1193, 1215, 1219 and 1224, were declared to be emergency laws by the governor in accordance with the provisions of the Forty-eighth Amendment to the Constitution, the Referendum II, Emergency Measures.

Twenty-nine (29) Acts, having been passed by the General Court and the General Court having prorogued, failed to become effective as they did not receive executive approval within ten days.

The General Court was prorogued on Friday, November 30, 1973, at 10:49 P.M., the session having occupied 332 days.

AN ACT

PASSED BY THE

General Court of Massachusetts

AT AN

EXTRA SESSION

1973

CONVENED ON THURSDAY, THE THIRTEENTH DAY OF DECEMBER, 1973
AND DISSOLVED ON TUESDAY, THE FIRST
DAY OF JANUARY, 1974

Chap. 1233. AN ACT FURTHER REGULATING THE RESPONSIBILITIES OF THE STATE BUILDING CODE COMMISSION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to avert and minimize the effects of the energy crisis, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of clause (a) of section 17 of chapter 23B of the General Laws, inserted by section 1 of chapter 802 of the acts of 1972, is hereby amended by inserting after the word "egress", in line 10, the words: — , energy conservation.

SECTION 2. Clause (c) of said section 17 of said chapter 23B, as so inserted, is hereby amended by inserting after the word "safety", in line 4, the words: — , energy conservation.

SECTION 3. The first paragraph of clause (a) of section 18 of said chapter 23B, as so inserted, is hereby amended by inserting after the word "practices", in line 3, the words: — , energy conservation.

SECTION 4. Clause (b) of said section 18 of said chapter 23B, as so inserted, is hereby amended by inserting after the word "construction", in line 2, the words: — and maintenance over the life of the building.

SECTION 5. Clause (c) of said section 18 of said chapter 23B, as so inserted, is hereby amended by inserting after the word "construction", in line 3, the words: — and maintenance over the life of the building.

Approved December 26, 1973.

The General Court of 1973 during its extra session passed one Act, which received executive approval.

The General Court was dissolved on Tuesday, January 1, 1974 at twelve o'clock midnight, the session having occupied twenty days.

AMENDMENT OF THE CONSTITUTION

1972

ARTICLE OF AMENDMENT OF THE CONSTITUTION
OF
MASSACHUSETTS

adopted by the Legislature of the political year one thousand nine hundred and sixty-nine, and by the Legislature of the political year one thousand nine hundred and seventy-one, agreeably to the provisions of the Constitution, and approved by the people on the seventh day of November in the year one thousand nine hundred and seventy-two.

NINETY-FIFTH ARTICLE OF AMENDMENT.

ARTICLE XCV. Article III of the Amendments to the Constitution, as amended, is hereby further amended by striking out the words "pauper and".

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

BOSTON, December 7, 1972.

I Hereby Certify that the foregoing is the Ninety-fifth Article of Amendment of the Constitution of this Commonwealth, as approved by the People at the State Election held on the seventh day of November in the year one thousand nine hundred and seventy-two, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

AMENDMENT OF THE CONSTITUTION

1972

ARTICLE OF AMENDMENT OF THE CONSTITUTION
OF
MASSACHUSETTS

adopted by the Legislature of the political year one thousand nine hundred and sixty-nine, and by the Legislature of the political year one thousand nine hundred and seventy-one, agreeably to the provisions of the Constitution, and approved by the people on the seventh day of November in the year one thousand nine hundred and seventy-two.

NINETY-SIXTH ARTICLE OF AMENDMENT.

ARTICLE XCVI. The general court shall have power to authorize the commonwealth to make loans, on such terms as it may deem reasonable, to any residents of the commonwealth for tuition and board at any college, university or other institution of higher learning.

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

BOSTON, December 7, 1972.

I Hereby Certify that the foregoing is the Ninety-sixth Article of Amendment of the Constitution of this Commonwealth, as approved by the People at the State Election held on the seventh day of November in the year one thousand nine hundred and seventy-two, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

AMENDMENT OF THE CONSTITUTION

1972

ARTICLE OF AMENDMENT OF THE CONSTITUTION
OF
MASSACHUSETTS

adopted by the Legislature of the political year one thousand nine hundred and sixty-nine, and by the Legislature of the political year one thousand nine hundred and seventy-one, agreeably to the provisions of the Constitution, and approved by the people on the seventh day of November in the year one thousand nine hundred and seventy-two.

NINETY-SEVENTH ARTICLE OF AMENDMENT.

ARTICLE XCVII. Article XLIX of the Amendments to the Constitution is hereby annulled and the following is adopted in place thereof: - The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose.

The general court shall have the power to enact legislation necessary or expedient to protect such rights.

In the furtherance of the foregoing powers, the general court shall have the power to provide for the taking, upon payment of just compensation therefor, or for the acquisition by purchase or otherwise, of lands and easements or such other interests therein as may be deemed necessary to accomplish these purposes.

Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court.

AMENDMENT TO CONSTITUTION.

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

BOSTON, December 7, 1972.

I Hereby Certify that the foregoing is the Ninety-seventh Article of Amendment of the Constitution of this Commonwealth, as approved by the People at the State Election held on the seventh day of November in the year one thousand nine hundred and seventy two, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

AMENDMENT OF THE CONSTITUTION

1972

ARTICLE OF AMENDMENT OF THE CONSTITUTION
OF
MASSACHUSETTS

adopted by the Legislature of the political year one thousand nine hundred and sixty-nine, and by the Legislature of the political year one thousand nine hundred and seventy-one, agreeably to the provisions of the Constitution, and approved by the people on the seventh day of November in the year one thousand nine hundred and seventy-two.

NINETY-EIGHTH ARTICLE OF AMENDMENT.

ARTICLE XCVIII. Article I of Chapter III of Part the Second of the Constitution, as amended by Article LVIII of the Amendments to the Constitution, is hereby annulled and the following Article is adopted in place thereof:-

Article I. The tenure, that all commissioned officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this Constitution; provided, nevertheless, the governor, with the consent of the council, may remove them upon the address of both houses of the legislature; and provided, also, that the governor, with the consent of the council, may after due notice and hearing retire them because of advanced age or mental or physical disability; and provided further, that upon attaining seventy years of age said judges shall be retired. Such retirement shall be subject to any provisions made by law as to pensions or allowances payable to such officers upon their voluntary retirement.

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

BOSTON, December 7, 1972.

I Hereby Certify that the foregoing is the Ninety-eighth Article of Amendment of the Constitution of this Commonwealth, as approved by the People at the State Election held on the seventh day of November in the year one thousand nine hundred and seventy-two, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

AMENDMENT OF THE CONSTITUTION

1972

ARTICLE OF AMENDMENT OF THE CONSTITUTION

OF

MASSACHUSETTS

adopted by the Legislature of the political year one thousand nine hundred and sixty-nine, and by the Legislature of the political year one thousand nine hundred and seventy-one, agreeably to the provisions of the Constitution, and approved by the people on the seventh day of November in the year one thousand nine hundred and seventy-two.

NINETY-NINTH ARTICLE OF AMENDMENT.

ARTICLE XCIX. Full power and authority are hereby given and granted to the general court to prescribe, for the purpose of developing and conserving agricultural or horticultural lands, that such lands shall be valued, for the purpose of taxation, according to their agricultural or horticultural uses; provided, however, that no parcel of land which is less than five acres in area or which has not been actively devoted to agricultural or horticultural uses for the two years preceding the tax year shall be valued at less than fair market value under this article.

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

BOSTON, December 7, 1972.

I Hereby Certify that the foregoing is the Ninety-ninth Article of Amendment of the Constitution of this Commonwealth, as approved by the People at the State Election held on the seventh day of November in the year one thousand nine hundred and seventy-two, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

AMENDMENT OF THE CONSTITUTION

1972

ARTICLE OF AMENDMENT OF THE CONSTITUTION
OF

MASSACHUSETTS

adopted by the Legislature of the political year one thousand nine hundred and sixty-nine, and by the Legislature of the political year one thousand nine hundred and seventy-one, agreeably to the provisions of the Constitution, and approved by the people on the seventh day of November in the year one thousand nine hundred and seventy-two.

ONE HUNDREDTH ARTICLE OF AMENDMENT.

ARTICLE C. Article III of the Amendments to the Constitution, as amended, is hereby further amended by striking out the word indicating the age at which a citizen shall have a right to vote in an election of Governor and other public officers and inserting in place thereof the following word: - eighteen.

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

BOSTON, December 7, 1972.

I Hereby Certify that the foregoing is the One Hundredth Article of Amendment of the Constitution of this Commonwealth, as approved by the People at the State Election held on the seventh day of November in the year one thousand nine hundred and seventy-two, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

RETURN OF VOTES ON QUESTION NO. 1, BEING A LEGISLATIVE AMENDMENT TO THE CONSTITUTION, SUBMITTED UNDER THE PROVISIONS OF ARTICLE XLVIII OF THE AMENDMENTS TO THE CONSTITUTION TO THE VOTERS OF THE COMMONWEALTH AT THE STATE ELECTION HELD NOVEMBER 7, 1972.

Votes for Question No. 1 (Proposed Amendment to the Constitution).

Do you approve of the adoption of an Amendment to the Constitution summarized below, which was approved by the General Court in a joint session of the two branches held June 18, 1969, received 221 votes in the affirmative and 22 in the negative, and in a joint session of the two branches held May 12, 1971, received 238 votes in the affirmative and 14 in the negative?

Summary

The proposed amendment would authorize the Legislature to enact a law that agricultural and horticultural lands shall be valued, for taxation purposes, according to their agricultural or horticultural uses. No parcel of land less than five acres which has not been actively devoted to such uses for two years preceding the tax year could be valued at less than fair market value.

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	8,293	2,207	1,495	11,995
Bourne	2,526	927	735	4,188
Brewster	1,292	292	166	1,750
Chatham	2,330	533	362	3,225
Dennis	3,625	867	621	5,113
Eastham	1,116	258	154	1,528
Falmouth	6,123	1,793	1,347	9,263
Harwich	3,004	761	497	4,262
Mashpee	611	214	165	990
Orleans	1,910	398	279	2,587
Provincetown	1,430	261	348	2,039
Sandwich	1,775	380	265	2,420
Truro	486	89	79	654
Wellfleet	844	197	153	1,194
Yarmouth	6,114	1,543	1,094	8,751
Totals	41,479	10,720	7,760	59,959

County of Berkshire.

Adams	3,188	1,287	1,238	5,713
Alford	139	26	12	177
Becket	278	101	30	409
Cheshire	836	373	207	1,416
Clarksburg	499	202	142	843
Dalton	2,236	775	359	3,370
Egremont	465	88	64	617
Florida	176	74	65	315
Great Barrington	1,715	497	877	3,089
Hancock	224	66	28	318
Hinsdale	393	176	91	660
Lanesborough	740	257	268	1,265
Lee	1,479	449	601	2,529
Lenox	1,629	472	641	2,642

RETURN OF VOTES, ETC.

County of Berkshire — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Monterey	261	59	45	365
Mount Washington	32	5	10	47
New Ashford	74	14	12	100
New Marlborough	320	91	81	492
NORTH ADAMS	4,829	1,705	1,774	8,308
Otis	213	55	128	396
Peru	79	45	11	135
PITTSFIELD	13,784	5,223	6,589	25,596
Richmond	519	171	51	741
Sandisfield	176	41	51	268
Savoy	118	38	31	187
Sheffield	882	198	140	1,220
Stockbridge	978	207	186	1,371
Tyringham	101	43	18	162
Washington	115	44	19	178
West Stockbridge	369	122	95	586
Williamstown	2,897	527	326	3,750
Windsor	156	60	17	233
Totals	39,900	13,491	14,107	67,498

County of Bristol.

Acushnet	2,319	1,027	653	3,999
ATTLEBORO	7,753	3,159	2,198	13,110
Berkley	481	193	130	804
Dartmouth	6,916	1,812	1,323	10,051
Dighton	1,254	533	286	2,073
Easton	3,936	1,150	588	5,674
Fairhaven	4,474	1,599	1,360	7,433
FALL RIVER	16,377	8,730	14,474	37,581
Freewtown	1,077	433	226	1,736
Mansfield	2,615	1,032	600	4,247
New Bedford	22,688	9,515	10,779	42,982
North Attleborough	4,672	1,811	1,245	7,728
Norton	2,226	900	492	3,618
Raynham	1,830	664	439	2,933
Rehoboth	1,744	777	410	2,931
Seekonk	3,643	1,038	650	5,331
Somerset	4,951	2,104	1,913	8,968
Swansea	3,655	1,485	1,203	6,343
TAUNTON	8,793	3,623	4,987	17,403
Westport	3,264	1,124	827	5,215
Totals	104,668	42,769	44,783	192,220

County of Dukes County.

Chilmark	207	49	24	280
Edgartown	703	167	222	1,092
Gay Head	46	11	36	93
Gosnold	41	10	10	61
Oak Bluffs	648	177	217	1,042
Tisbury	975	250	202	1,427
West Tisbury	345	35	50	430
Totals	2,965	699	761	4,425

County of Essex.

Amesbury	3,096	960	1,178	5,234
Andover	8,428	2,450	1,377	12,255
BEVERLY	11,229	4,180	2,990	18,399
Boxford	1,556	390	133	2,079
Danvers	7,030	2,933	1,391	11,354
Essex	849	343	224	1,416
Georgetown	1,612	619	280	2,511
GLOUCESTER	7,015	2,379	3,122	12,516

RETURN OF VOTES, ETC.

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County of Essex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Groveland	1,499	575	240	2,314
Hamilton	2,298	637	387	3,322
HAVERHILL	11,469	5,021	4,621	21,111
Ipswich	3,790	1,101	790	5,681
LAWRENCE	15,243	6,327	7,907	29,477
LYNN	23,648	8,126	7,844	39,618
Lynnfield	4,128	1,272	564	5,964
Manchester	1,947	578	350	2,875
Marblehead	8,675	2,414	1,662	12,751
Merrimac	1,149	432	237	1,818
Methuen	9,911	4,196	3,333	17,440
Middleton	1,139	398	207	1,746
Nahant	1,361	473	327	2,161
Newbury	1,425	384	203	2,012
NEWBURYPORT	4,338	1,522	1,442	7,202
North Andover	5,678	1,865	1,095	8,638
PEABODY	12,106	5,180	4,039	21,325
Rockport	2,397	568	626	3,591
Rowley	997	321	162	1,480
SALEM	10,011	5,030	4,368	19,409
Salisbury	1,185	501	376	2,062
Saugus	7,334	2,835	1,855	12,024
Swampscott	4,302	1,402	1,680	7,384
Topsfield	1,889	521	170	2,580
Wenham	1,330	359	181	1,870
West Newbury	906	246	130	1,282
Totals	180,870	66,538	65,441	302,849

County of Franklin.

Ashfield	513	83	61	657
Bernardston	567	110	80	757
Buckland	617	136	160	913
Charlemont	273	92	62	427
Colrain	442	100	87	629
Conway	431	84	46	561
Deerfield	1,298	420	203	1,921
Erving	397	126	94	617
Gill	407	132	75	614
Greenfield	5,405	1,719	1,481	8,605
Hawley	71	11	12	94
Heath	130	26	18	174
Leverett	480	76	57	613
Leyden	142	30	12	184
Monroe	50	20	27	97
Montague	2,549	883	718	4,150
New Salem	190	65	40	295
Northfield	964	203	118	1,285
Orange	1,485	541	493	2,519
Rowe	100	41	26	167
Shelburne	661	157	136	954
Shutesbury	222	41	58	321
Sunderland	891	169	111	1,171
Warwick	173	47	33	253
Wendell	135	38	42	215
Whately	400	102	74	576
Totals	18,993	5,452	4,324	28,769

County of Hampden.

Agawam	6,406	1,723	1,705	9,834
Blandford	320	107	38	465
Brimfield	554	207	132	893
Chester	302	90	71	463
CHICOPPEE	14,480	6,813	5,035	26,328
East Longmeadow	4,535	1,137	656	6,328
Granville	390	101	65	556
Hampden	1,352	358	144	1,854
Holland	293	170	87	550

RETURN OF VOTES, ETC.

County of Hampden — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
HOLYOKE	9,668	4,149	6,370	20,187
Longmeadow	6,444	1,304	788	8,536
Ludlow	4,767	1,832	1,009	7,608
Monson	1,769	577	368	2,714
Montgomery	179	44	19	242
Palmer	3,034	1,326	1,066	5,426
Russell	407	132	89	628
Southwick	2,000	500	179	2,679
SPRINGFIELD	28,961	8,934	19,892	57,787
Tolland	56	26	15	97
Walco	241	109	49	399
West Springfield	8,090	2,160	2,136	12,386
WESTFIELD	9,336	2,688	1,849	13,873
Wilbraham	3,781	1,070	904	5,755
Totals	107,355	35,557	42,666	185,578

County of Hampshire.

Amherst	7,615	669	1,090	9,374
Belchertown	1,470	450	191	2,111
Chesterfield	252	73	45	370
Cummington	292	44	25	361
Easthampton	4,435	1,338	959	6,732
Goshen	204	41	20	265
Granby	1,364	444	314	2,122
Hadley	760	1,019	254	2,033
Hatfield	1,033	262	170	1,465
Huntington	463	149	98	711
Middlefield	95	39	22	156
NORTHAMPTON	9,233	1,896	1,670	12,799
Pelham	413	62	37	512
Plainfield	118	25	21	164
South Hadley	5,128	1,693	861	7,682
Southampton	1,077	298	127	1,502
Ware	2,192	1,141	933	4,266
Westhampton	328	35	16	579
Williamsburg	857	170	105	1,110
Worthington	259	72	53	384
Totals	37,568	9,920	7,010	54,498

County of Middlesex.

Acton	5,667	1,485	561	7,713
Arlington	18,035	5,909	4,270	28,214
Ashby	653	210	104	967
Ashland	2,609	958	430	3,997
Ayer	1,123	519	270	1,912
Bedford	4,068	1,206	485	5,759
Belmont	10,188	3,379	2,352	15,919
Billerica	7,368	3,315	1,332	12,015
Boxborough	589	150	55	794
Burlington	5,501	2,777	1,239	9,517
CAMBRIDGE	25,439	7,581	8,665	41,685
Carlisle	1,145	266	85	1,496
Chelmsford	9,341	3,742	1,324	14,407
Concord	6,016	1,407	804	8,227
Dracut	4,499	2,839	1,510	8,848
Dunstable	420	151	47	618
EVERETT	6,840	4,132	7,297	18,269
Framingham	19,016	6,106	3,962	29,084
Groton	1,517	627	287	2,411
Holliston	3,730	1,175	492	5,397
Hopkinton	1,195	670	340	2,805
Hudson	3,586	1,595	1,075	6,256
Lexington	10,898	3,258	2,083	16,239
Lincoln	2,102	429	197	2,728
Littleton	2,080	566	215	2,861
LOWELL	18,358	12,363	9,133	39,854
MALDEN	12,137	6,736	5,229	24,102

RETURN OF VOTES, ETC.

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County of Middlesex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
MARLBOROUGH	7,216	3,006	2,175	12,397
Maynard	2,535	1,036	696	4,267
MERRFORD	15,606	7,265	6,797	29,668
MELROSE	8,802	3,782	3,279	15,863
Natick	8,388	3,463	2,457	14,308
NEWTON	27,746	8,679	9,986	46,421
North Reading	3,305	1,105	498	4,908
Pepperell	1,509	611	270	2,390
Reading	7,233	2,714	1,238	11,185
Sherborn	1,437	341	129	1,907
Shirley	836	387	255	1,478
SOMERVILLE	17,961	7,673	8,446	34,080
Stoneham	6,011	2,347	1,547	9,965
Stow	1,325	353	125	1,803
Sudbury	4,803	1,282	503	6,588
Tewksbury	5,492	2,581	960	9,033
Townsend	1,255	422	226	1,903
Tyngsborough	1,037	552	283	1,872
Wakefield	7,438	3,385	2,082	12,905
WALTHAM	11,004	4,821	7,364	23,189
Watertown	10,051	4,149	4,008	18,208
Wayland	4,816	1,287	554	6,737
Westford	3,148	1,488	544	5,180
Weston	4,505	1,156	443	6,104
Wilmington	3,987	1,937	1,075	6,999
Winchester	6,823	2,448	1,879	11,150
WOBURN	8,785	3,775	3,234	15,794
Totals	367,914	145,596	114,886	628,396

County of Nantucket.

Nantucket	1,440	445	558	2,443
Totals	1,440	445	558	2,443

County of Norfolk.

Avon	1,382	536	358	2,276
Bellingham	3,223	1,475	794	5,492
Braintree	11,412	3,944	2,243	17,599
Brookline	14,852	4,377	10,739	29,968
Canton	5,585	1,893	1,112	8,590
Cohasset	2,680	827	386	3,893
Dedham	8,543	3,059	2,017	13,619
Dover	1,987	434	190	2,611
Foxborough	4,264	1,085	513	5,862
Franklin	4,174	1,735	1,022	6,931
Holbrook	3,007	1,143	754	4,904
Medfield	3,167	862	353	4,382
Medway	2,142	832	421	3,395
Millis	1,726	582	296	2,604
Milton	10,586	2,720	2,151	15,457
Needham	11,385	3,056	1,854	16,295
Norfolk	1,254	384	140	1,778
Norwood	9,802	3,218	2,091	15,111
Plainville	1,347	546	307	2,200
QUINCY	25,197	9,350	7,796	42,343
Randolph	7,590	2,751	2,476	12,817
Sharon	4,639	1,217	703	6,559
Stoughton	5,091	2,102	2,105	9,298
Walpole	5,893	1,665	901	8,459
Wellesley	9,183	2,542	2,429	14,154
Westwood	5,058	1,415	565	7,038
Weymouth	16,527	5,549	3,267	25,343
Wrentham	1,630	622	260	2,512
Totals	183,326	59,921	48,243	291,490

RETURN OF VOTES, ETC.

County of Plymouth.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Abington	3,418	1,297	812	5,527
Bridgewater	3,289	1,172	654	5,115
Brockton	21,539	7,463	5,904	34,906
Carver	838	277	181	1,296
Duxbury	3,454	935	369	4,758
East Bridgewater	2,286	720	588	3,594
Halifax	1,090	321	173	1,584
Hanover	3,197	1,084	431	4,712
Hanson	1,942	654	365	2,961
Hingham	7,024	1,903	963	9,890
Hull	2,730	998	879	4,607
Kingston	1,751	730	441	2,922
Lakeville	1,274	641	98	2,013
Marion	1,279	376	200	1,855
Marshfield	5,024	1,494	698	7,216
Mattapoisett	1,777	528	283	2,588
Middleborough	3,497	1,316	715	5,528
Norwell	2,567	935	407	3,909
Pembroke	3,064	1,137	520	4,721
Plymouth	6,231	2,014	2,298	9,543
Plympton	402	110	63	575
Rochester	583	195	109	887
Rockland	3,818	1,548	886	6,252
Scituate	5,326	1,753	962	8,041
Wareham	3,050	1,106	920	5,076
West Bridgewater	2,002	593	279	2,874
Whitman	3,651	1,094	789	5,520
Totals	95,089	32,394	20,987	148,470

County of Suffolk.

Boston	81,880	35,795	98,873	216,548
Chelsea	5,020	2,550	4,023	11,593
Revere	10,494	4,799	5,987	21,280
Winthrop	4,618	2,972	2,450	10,040
Totals	102,012	46,116	111,333	259,461

County of Worcester.

Ashburnham	1,037	389	200	1,626
Athol	2,739	1,157	923	4,819
Auburn	4,776	1,793	1,137	7,706
Barre	1,117	387	413	1,917
Berlin	627	216	110	953
Blackstone	1,533	712	517	2,762
Bolton	765	191	87	1,043
Boylston	902	333	157	1,392
Brookfield	605	216	152	973
Charlton	1,097	504	301	1,902
Clinton	3,060	1,532	1,621	6,113
Douglas	860	405	294	1,559
Dudley	1,767	882	859	3,508
East Brookfield	471	189	165	825
FITCHBURG	10,004	4,226	3,964	18,194
GARDNER	4,870	1,868	2,959	9,797
Grafton	2,854	1,136	814	4,804
Hardwick	636	239	192	1,067
Harvard	1,362	277	88	1,727
Holden	4,218	1,329	980	6,527
Hopedale	1,168	520	491	2,169
Hubbardston	439	145	83	667
Lancaster	1,395	525	359	2,279
Leicester	2,314	982	601	3,897
LEOMINSTER	8,443	3,236	2,899	14,578
Lunenburg	2,396	792	474	3,662
Mendon	706	321	213	1,240
Millford	4,547	2,318	2,657	9,522
Millbury	2,850	1,255	1,131	5,236
Millville	433	208	190	831

RETURN OF VOTES, ETC.

1743

County of Worcester — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
New Braintree	199	56	29	284
North Brookfield	1,148	486	360	1,994
Northborough	2,947	980	375	4,302
Northbridge	2,826	1,382	943	5,151
Oakham	305	76	48	429
Oxford	1,834	807	874	3,515
Paxton	1,217	372	163	1,752
Petersham	418	96	59	573
Phillipston	219	111	43	373
Princeton	653	170	58	881
Royalston	215	98	47	360
Rutland	955	344	129	1,428
Shrewsbury	6,036	2,231	1,362	9,629
Southborough	1,922	615	242	2,779
Southbridge	2,900	1,285	2,890	7,075
Spencer	2,253	994	878	4,135
Sterling	1,368	473	187	2,028
Sturbridge	1,197	482	595	2,274
Sutton	1,254	509	323	2,086
Templeton	1,307	619	335	2,261
Upton	965	384	295	1,644
Uxbridge	2,055	1,007	900	3,962
Warren	993	420	397	1,810
Webster	3,117	1,645	2,024	6,786
West Boylston	2,080	802	338	3,220
West Brookfield	770	323	214	1,307
Westborough	3,868	1,227	534	5,629
Westminster	1,422	528	235	2,185
Winchendon	1,542	600	453	2,595
WORCESTER	38,528	17,120	17,048	72,696
Totals	156,514	64,525	56,399	277,438

AGGREGATE OF VOTES.

Counties.	Yes.	No.	Blanks.	Total Ballots.
BARNSTABLE	41,479	10,720	7,760	59,959
BENKSHIRE	39,900	13,491	14,107	67,498
BRISTOL	104,668	42,769	44,783	192,220
DUKES	2,965	699	761	4,425
ESSEX	180,870	66,538	55,441	302,849
FRANKLIN	18,993	5,452	4,324	28,769
HAMPDEN	107,355	35,557	42,666	185,578
HAMPSHIRE	37,568	9,920	7,010	54,498
MIDDLESEX	367,914	145,596	114,886	628,396
NANTUCKET	1,440	445	558	2,443
NORFOLK	183,326	69,921	48,243	291,490
PLYMOUTH	95,689	32,394	20,987	148,470
SUFFOLK	102,012	46,116	111,333	259,461
WORCESTER	156,514	64,525	56,399	277,438
Totals	1,440,093	534,143	529,258	2,503,494

RETURN OF VOTES ON QUESTION NO. 2, BEING A LEGISLATIVE AMENDMENT TO THE CONSTITUTION, SUBMITTED UNDER THE PROVISIONS OF ARTICLE XLVIII OF THE AMENDMENTS TO THE CONSTITUTION TO THE VOTERS OF THE COMMONWEALTH AT THE STATE ELECTION HELD NOVEMBER 7, 1972.

Votes for Question No. 2 (Proposed Amendment to the Constitution).

Do you approve of the adoption of an Amendment to the Constitution summarized below, which was approved by the General Court in a joint session of the two branches held June 18, 1969, received 143 votes in the affirmative and 113 in the negative, and in a joint session of the two branches held May 12, 1971, received 243 votes in the affirmative and 11 in the negative?

Summary

The proposed amendment would bring the State Constitution into conformity with the 26th Amendment to the Constitution of the United States by setting the minimum age for voting at eighteen.

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	8,801	2,104	1,090	11,995
Bourne	2,856	632	700	4,188
Brewster	1,271	346	133	1,750
Chatham	2,418	527	280	3,225
Dennis	3,703	923	487	5,113
Eastham	1,176	246	106	1,528
Falmouth	6,721	1,415	1,127	9,263
Harwich	3,176	713	373	4,262
Mashpee	717	159	114	990
Orleans	1,879	509	199	2,587
Provincetown	1,536	253	250	2,039
Sandwich	1,747	447	226	2,420
Truro	483	105	66	654
Wellfleet	859	200	135	1,194
Yarmouth	6,371	1,554	826	8,751
Totals	43,714	10,133	6,112	59,959

County of Berkshire.

Adams	3,723	862	1,128	5,713
Alford	131	28	18	177
Becket	297	66	46	409
Cheshire	1,018	223	175	1,416
Clarksburg	566	148	129	843
Dalton	2,564	489	317	3,370
Egremont	456	89	72	617
Florida	212	45	58	315
Great Barrington	1,763	374	952	3,089
Hancock	238	51	29	318
Hinsdale	468	108	84	660
Lanesborough	741	201	273	1,215
Lee	1,637	294	598	2,529
Lenox	1,788	332	522	2,642
Monterey	281	50	34	365
Mount Washington	35	4	8	47
New Ashford	79	10	11	100
New Marlborough	337	73	82	492
NORTH ADAMS	5,597	1,166	1,545	8,308

RETURN OF VOTES, ETC.

1745

County of Berkshire — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Otis	208	60	128	396
Peru	89	33	13	135
PITTSFIELD	16,310	3,118	6,168	25,596
Richmond	591	103	47	741
Sandisfield	171	47	50	268
Savoy	125	31	31	187
Sheffield	877	195	148	220
Stockbridge	1,054	172	145	1,371
Tyringham	108	30	24	162
Washington	129	29	20	178
West Stockbridge	391	97	98	586
Williamstown	2,969	462	319	3,750
Windsor	174	41	18	233
Totals	45,177	9,031	13,290	67,498

County of Bristol.

Acushnet	2,726	676	597	3,999
ATTLEBORO	9,227	2,269	1,614	13,110
Berkley	501	151	152	804
Dartmouth	6,977	1,995	1,079	10,051
Dighton	1,393	432	248	2,073
Easton	4,237	977	460	5,674
Fairhaven	5,007	1,049	1,377	7,433
FALL RIVER	20,035	7,277	12,209	39,581
Freetown	1,227	325	184	1,736
Mansfield	2,948	803	496	4,247
New Bedford	25,924	7,585	9,473	42,982
North Attleborough	5,442	1,437	909	7,788
Norton	2,606	650	362	3,618
Raynham	1,987	567	379	2,933
Rehoboth	2,013	566	352	2,931
Seekonk	3,833	943	555	5,331
Somerset	5,869	1,537	1,562	8,968
Swansea	4,130	1,236	977	6,343
TAUNTON	10,070	2,912	4,421	17,403
Westport	3,272	1,023	920	5,215
Totals	119,484	34,410	38,326	192,220

County of Dukes County.

Chilmark	227	34	19	280
Edgartown	736	184	172	1,092
Gay Head	60	9	24	93
Gosnold	38	14	9	61
Oak Bluffs	702	174	166	1,042
Tisbury	1,013	253	161	1,427
West Tisbury	340	55	35	430
Totals	3,116	723	586	4,425

County of Essex.

Amesbury	3,230	847	1,157	5,234
Andover	9,280	1,964	1,011	12,255
BEVERLY	13,101	2,959	2,279	18,339
Boxford	1,565	384	130	2,079
Danvers	7,879	2,423	1,052	11,354
Essex	947	293	176	1,416
Georgetown	1,873	420	218	2,511
GLOUCESTER	7,949	2,056	2,511	12,516
Groveland	1,762	380	172	2,314
Hamilton	2,421	615	286	3,322
HAVERHILL	13,518	3,636	3,957	21,111
Ipswich	3,966	1,026	689	5,681
LAWRENCE	18,121	4,633	6,723	29,477
LYNN	27,213	6,664	5,741	39,618

RETURN OF VOTES, ETC.

County of Essex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Lynnfield	4,535	1,105	324	5,964
Manchester	2,159	421	295	2,875
Marblehead	9,759	1,992	1,000	12,751
Merrimac	1,274	345	199	1,818
Methuen	11,605	3,117	2,718	17,440
Middleton	1,241	324	181	1,746
Nahant	1,595	373	193	2,161
Newbury	1,488	319	205	2,012
NEWBURYPORT	4,543	1,360	1,299	7,202
North Andover	6,389	1,435	814	8,638
PEABODY	14,771	3,551	3,003	21,325
Rockport	2,486	622	483	3,591
Rowley	1,030	293	157	1,480
SALEM	12,534	3,446	3,429	19,469
Salisbury	1,293	442	327	2,062
Saugus	8,538	2,137	1,347	12,024
Swampscott	5,057	1,107	1,220	7,384
Topsfield	2,064	405	111	2,580
Wenham	1,416	335	127	1,878
West Newbury	940	213	129	1,282
Totals	207,542	51,644	43,663	302,849

County of Franklin.

Ashfield	513	74	70	657
Barnardston	521	151	85	757
Buckland	600	161	152	913
Charlemont	273	91	63	427
Colrain	455	82	92	629
Conway	415	94	52	561
Deerfield	1,343	357	221	1,921
Erving	437	96	82	617
Gill	438	106	70	614
Greenfield	5,608	1,581	1,416	8,605
Hawley	67	11	16	94
Heath	122	31	21	174
Leverett	497	75	41	613
Leyden	132	37	15	184
Monroe	57	18	22	97
Montague	2,863	641	646	4,150
New Salem	213	51	31	295
Northfield	899	284	102	1,285
Orange	1,649	440	430	2,519
Rowe	109	31	27	167
Shelburne	653	166	136	955
Shutesbury	248	43	30	321
Sunderland	905	172	94	1,171
Warwick	175	47	31	253
Wendell	151	28	36	215
Whately	381	117	78	576
Totals	19,724	4,987	4,058	28,769

County of Hampden.

Agawam	6,564	1,455	1,815	9,834
Blandford	318	116	81	465
Brimfield	619	152	122	893
Chester	311	83	69	463
CHICOPEE	17,085	4,757	4,468	26,328
East Longmeadow	4,773	883	672	6,328
Granville	353	128	65	546
Hampden	1,443	286	125	1,854
Holland	391	90	69	550
HOLYOKE	11,018	3,342	5,827	20,187
Longmeadow	6,796	1,170	570	8,536
Ludlow	5,468	1,209	931	7,608
Monson	1,914	462	338	2,714
Montgomery	169	47	26	242

RETURN OF VOTES, ETC.

1747

County of Hampden — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Palmer	3,483	955	988	5,426
Russell	441	96	91	628
Southwick	2,136	353	190	2,679
SPRINGFIELD	32,374	6,529	18,884	57,787
Tolland	66	19	12	97
Wales	275	84	40	399
West Springfield	8,571	1,932	1,883	12,386
WESTFIELD	9,976	2,223	1,674	13,873
Wilbraham	4,119	785	851	5,755
Totals	118,663	27,156	39,759	186,578

County of Hampshire.

Amherst	8,037	739	548	9,374
Belchertown	1,564	353	194	2,111
Chesterfield	256	73	42	370
Cummington	281	56	24	361
Easthampton	4,714	1,129	889	6,732
Goshen	195	43	27	265
Granby	1,408	377	337	2,122
Hadley	1,407	360	266	2,033
Hatfield	971	289	205	1,465
Huntington	460	140	111	711
Middlefield	102	31	23	156
NORTHAMPTON	9,281	1,991	1,521	12,799
Pelham	383	92	37	512
Plainfield	112	29	23	164
South Hadley	5,579	1,393	710	7,682
Southampton	1,062	301	139	1,502
Ware	2,635	749	882	4,266
Westhampton	268	87	24	379
Williamsburg	847	169	94	1,110
Worthington	263	73	48	384
Totals	39,830	8,474	6,194	54,498

County of Middlesex.

Acton	6,349	1,052	312	7,713
Arlington	20,402	4,954	2,858	28,214
Ashby	688	184	95	967
Ashland	3,047	655	295	3,997
Ayer	1,367	321	224	1,912
Bedford	4,616	851	292	5,759
Belmont	11,279	3,010	1,630	15,919
Billerica	9,030	2,021	964	12,015
Boxborough	610	146	38	794
Burlington	7,023	1,386	1,108	9,517
CAMBRIDGE	30,009	6,726	5,950	41,685
Carlisle	1,224	200	72	1,496
Chelmsford	11,022	2,413	972	14,407
Concord	6,442	1,035	750	8,227
Dracut	5,814	1,746	1,288	8,848
Dunstable	442	122	54	618
EVERETT	9,050	2,841	6,378	18,269
Frammingham	22,656	3,862	2,566	29,084
Groton	1,778	407	226	2,411
Holliston	4,364	719	314	5,397
Hopkinton	2,054	480	271	2,805
Hudson	4,371	1,029	856	6,256
Lexington	12,430	1,820	1,989	16,237
Lincoln	2,288	324	116	2,728
Littleton	2,213	462	186	2,861
LOWELL	25,653	6,793	7,408	39,854
MALDEN	15,186	4,440	4,476	24,102
MARLBOROUGH	8,678	1,988	1,731	12,397
Maynard	2,962	767	538	4,267
MEDFORD	19,213	5,256	5,199	29,668
MELROSE	10,455	2,759	2,649	15,863
Natick	10,620	1,727	1,961	14,308

RETURN OF VOTES, ETC.

County of Middlesex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
NEWTON	33,023	5,584	7,814	46,421
North Reading	3,708	871	329	4,908
Pepperell	1,705	447	238	2,310
Reading	7,875	2,484	826	11,185
Sherborn	1,513	298	96	1,907
SOMERVILLE	21,607	5,934	6,539	34,080
Stoneham	6,944	1,943	1,078	9,965
Stow	1,409	273	121	1,803
Sudbury	5,429	786	373	6,588
Tewksbury	6,823	1,554	656	9,033
Townsend	1,379	335	189	1,903
Tyngsborough	1,278	364	230	1,872
Wakefield	8,551	2,916	1,438	12,905
WALTHAM	13,609	3,207	6,373	23,189
Watertown	11,752	3,444	3,012	18,208
Wayland	5,463	946	328	6,737
Westford	3,880	874	426	5,180
Weston	4,938	918	248	6,104
Wilmington	5,010	1,037	952	6,999
Winchester	7,800	1,865	1,485	11,150
WOBURN	10,223	2,678	2,893	15,794
Totals	438,259	100,497	89,640	628,396

County of Nantucket.

Nantucket	1,659	335	449	2,443
Totals	1,659	335	449	2,443

County of Norfolk.

Avon	1,591	417	268	2,276
Bellingham	3,990	876	626	5,492
Braintree	12,853	3,289	1,457	17,599
Brookline	18,105	3,112	8,751	29,968
Canton	6,389	1,428	773	8,590
Cohasset	3,005	599	289	3,893
Dedham	9,719	2,457	1,443	13,619
Dover	2,024	456	131	2,611
Foxborough	4,514	1,018	330	5,862
Franklin	4,957	1,160	814	6,931
Holbrook	3,579	831	494	4,904
Medfield	3,523	595	264	4,382
Medway	2,476	555	364	3,395
Mills	1,958	415	231	2,604
Milton	11,465	2,580	1,412	15,457
Needham	12,659	2,470	1,166	16,295
Norfolk	1,343	336	99	1,778
Norwood	11,117	2,517	1,477	15,111
Plainville	1,636	362	202	2,200
QUINCY	28,646	8,187	5,510	42,343
Randolph	9,290	1,879	1,648	12,817
Sharon	5,335	821	403	6,559
Stoughton	6,068	1,461	1,769	9,298
Walpole	6,453	1,329	677	8,459
Wellesley	10,146	2,091	1,917	14,154
Westwood	5,340	1,325	373	7,038
Weymouth	18,828	4,386	2,129	25,343
Wrentham	1,857	436	219	2,512
Totals	208,866	47,388	35,236	291,490

County of Plymouth.

Abington	4,007	956	564	5,527
Bridgewater	3,690	905	520	5,115
BROCKTON	23,667	6,763	4,476	34,906
Carver	893	239	164	1,296

RETURN OF VOTES, ETC.

1749

County of Plymouth — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Duxbury	3,742	749	267	4,758
East Bridgewater	2,492	506	596	3,594
Halifax	1,060	345	149	1,554
Hanover	3,582	819	301	4,712
Hanson	2,137	531	293	2,961
Hingham	7,672	1,582	626	9,880
Hull	3,305	701	601	4,607
Kingston	2,074	508	340	2,922
Lakeville	1,348	467	198	2,013
Marion	1,344	349	162	1,855
Marshfield	5,781	947	488	7,216
Mattapoisett	1,828	534	226	2,588
Middleborough	3,744	1,168	616	5,528
Norwell	3,055	485	369	3,909
Pembroke	3,557	832	332	4,721
Plymouth	6,078	1,440	2,025	9,543
Plympton	421	104	50	575
Rochester	570	214	103	887
Rockland	4,423	1,168	661	6,252
Scituate	6,256	1,170	615	8,041
Wareham	3,364	877	835	5,076
West Bridgewater	1,991	650	233	2,874
Whitman	4,005	959	556	5,520
Totals	106,126	25,978	16,366	148,470

County of Suffolk.

BOSTON	102,949	26,080	87,519	216,548
CHELSEA	6,132	2,066	3,395	11,593
REVERE	12,523	4,038	4,719	21,280
Winthrop	6,850	1,585	1,805	10,040
Totals	128,254	33,769	97,438	259,461

County of Worcester.

Ashburnham	1,165	286	175	1,626
Athol	3,081	991	747	4,819
Auburn	5,515	1,229	962	7,706
Barre	1,227	319	371	1,917
Berlin	695	169	89	953
Blackstone	1,819	469	474	2,762
Bolton	798	174	71	1,043
Boylston	1,030	241	121	1,392
Brookfield	664	171	138	973
Charlton	1,312	316	274	1,902
Clinton	3,617	1,262	1,234	6,113
Douglas	941	311	307	1,559
Dudley	2,203	573	732	3,508
East Brookfield	520	146	159	825
FITCHBURG	11,942	2,987	3,265	18,194
GARDNER	5,804	1,284	1,709	8,797
Grafton	3,349	711	744	4,804
Hardwick	689	166	212	1,067
Harvard	1,330	306	91	1,727
Holden	4,673	960	894	6,527
Hopedale	1,424	378	367	2,169
Hubbardston	453	145	69	667
Lancaster	1,544	444	291	2,279
Leicester	2,740	644	513	3,897
LEOMINGSTER	9,904	2,258	2,418	14,578
Lumenburg	2,731	561	370	3,662
Mendon	809	244	187	1,240
Milford	5,789	1,546	2,187	9,522
Millbury	3,430	853	953	5,236
Millville	515	141	175	831
New Braintree	191	54	39	284
North Brookfield	1,292	335	367	1,994
Northborough	3,430	587	285	4,302
Northbridge	3,464	784	903	5,151

RETURN OF VOTES, ETC.

County of Worcester — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Oakham	323	55	51	429
Oxford	2,130	528	867	3,515
Paxton	1,282	330	140	1,752
Petersham	448	80	45	573
Phillipston	283	58	32	373
Princeton	665	147	69	881
Royalston	251	65	44	360
Rutland	1,066	244	118	1,428
Shrewsbury	7,052	1,548	1,029	9,629
Southborough	2,133	439	207	2,779
Southbridge	3,408	820	2,847	7,075
Spencer	2,746	603	786	4,135
Sterling	1,453	391	184	2,028
Sturbridge	1,394	290	590	2,274
Sutton	1,378	394	314	2,086
Templeton	1,564	399	298	2,261
Upton	1,113	276	255	1,644
Uxbridge	2,491	673	798	3,962
Warren	1,121	307	382	1,810
Webster	3,886	1,116	1,784	6,786
West Boylston	2,467	494	269	3,220
West Brookfield	880	247	180	1,307
Westborough	4,444	777	408	5,629
Westminster	1,586	379	210	2,185
Winchendon	1,726	473	396	2,595
Worcester	47,194	11,923	13,579	72,696
Totals	184,584	45,098	47,755	277,438

AGGREGATE OF VOTES.

Counties.	Yes.	No.	Blanks.	Total Ballots.
BARNSTABLE	43,714	10,133	6,112	59,959
BERKSHIRE	45,177	9,031	13,290	67,498
BRISTOL	119,484	34,410	38,326	192,220
DUKES	3,116	723	586	4,425
ESSEX	207,542	51,644	43,663	302,849
FRANKLIN	19,724	4,987	4,058	28,769
HAMPDEN	118,663	27,156	39,759	185,578
HAMPSHIRE	39,830	8,474	6,194	54,498
MIDDLESEX	438,259	100,497	89,640	628,396
NANTUCKET	1,659	335	449	2,443
NORFOLK	208,866	47,388	35,236	291,490
PLYMOUTH	106,126	25,978	16,366	148,470
SUFFOLK	128,254	33,769	97,438	259,461
WORCESTER	184,584	45,099	47,755	277,438
Totals	1,664,998	399,624	438,872	2,503,494

RETURN OF VOTES ON QUESTION NO. 3, BEING A LEGISLATIVE AMENDMENT TO THE CONSTITUTION, SUBMITTED UNDER THE PROVISIONS OF ARTICLE XLVIII OF THE AMENDMENTS TO THE CONSTITUTION TO THE VOTERS OF THE COMMONWEALTH AT THE STATE ELECTION HELD NOVEMBER 7, 1972.

Votes for Question No. 3 (Proposed Amendment to the Constitution).

Do you approve of the adoption of an Amendment to the Constitution summarized below, which was approved by the General Court in a joint session of the two branches held June 18, 1969, received 258 votes in the affirmative and 0 in the negative, and in a joint session of the two branches held May 12, 1971, received 262 votes in the affirmative and 1 in the negative?

Summary

The proposed amendment would remove the prohibition against paupers from voting.

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	8,388	2,185	1,422	11,995
Bourne	2,699	698	791	4,188
Brewster	1,285	297	168	1,750
Chatham	2,321	566	338	3,225
Dennis	3,624	846	643	5,113
Eastham	1,162	236	130	1,528
Falmouth	6,410	1,453	1,400	9,263
Harwich	3,002	780	480	4,262
Mashpee	686	160	144	990
Orleans	1,848	477	262	2,587
Provincetown	1,488	252	299	2,039
Sandwich	1,743	406	271	2,420
Truro	1,477	103	74	1,654
Wellfleet	840	196	158	1,194
Yarmouth	6,182	1,532	1,037	8,751
Totals	42,155	10,187	7,617	59,959

County of Berkshire.

Adams	3,205	1,126	1,382	5,713
Alford	131	23	23	177
Becket	290	70	49	409
Cheshire	880	314	222	1,416
Clarksburg	480	200	163	843
Dalton	2,370	625	375	3,370
Egremont	433	89	95	617
Florida	180	73	62	315
Great Barrington	1,647	407	1,035	3,089
Hancock	220	68	30	318
Hinsdale	423	146	91	660
Lanesborough	739	242	284	1,265
Lee	1,508	402	619	2,529
Lenox	1,716	380	546	2,642
Monterey	278	49	38	365
Mount Washington	32	4	11	47
New Ashford	71	14	15	100
New Marlborough	321	81	90	492
NORTH ADAMS	5,013	1,502	1,793	8,308
Otis	188	79	129	396

RETURN OF VOTES, ETC.

County of Berkshire — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Peru	81	40	14	135
PITTSFIELD	14,981	4,162	6,447	25,590
Richmond	539	137	65	741
Sandisfield	166	46	56	268
Savoy	118	37	32	187
Sheffield	813	218	189	1,220
Stockbridge	1,040	173	158	1,371
Tyringham	97	37	28	162
Washington	114	37	27	178
West Stockbridge	369	96	121	586
Williamstown	2,845	539	366	3,750
Windsor	165	48	20	233
Totals	41,459	11,464	14,575	67,498

County of Bristol.

Acushnet	2,373	791	835	3,999
ATTLEBORO	8,406	2,606	2,098	13,110
Berkley	446	187	171	804
Dartmouth	6,323	2,033	1,695	10,051
Dighton	1,247	500	326	2,073
Easton	4,049	972	653	5,674
Fairhaven	4,624	1,109	1,700	7,433
FALL RIVER	17,777	7,860	13,944	39,581
Freetown	1,131	365	240	1,736
Mansfield	2,756	857	634	4,247
NEW BEDFORD	23,833	7,875	11,274	42,982
North Attleborough	5,014	1,585	1,189	7,788
Norton	2,398	739	481	3,618
Raynham	1,804	636	493	2,933
Rehoboth	1,799	697	435	2,931
Seekonk	3,476	1,148	707	5,331
Somerset	5,203	1,855	1,910	8,968
Swansea	3,693	1,434	1,216	6,343
TAUNTON	9,062	3,074	5,267	17,403
Westport	2,929	1,168	1,118	5,215
Totals	108,343	37,491	46,388	192,220

County of Dukes County.

Chilmark	219	37	24	280
Edgartown	692	197	203	1,092
Gay Head	47	12	34	93
Gosnold	40	13	8	61
Oak Bluffs	655	180	207	1,042
Tisbury	1,002	225	200	1,427
West Tisbury	337	51	42	430
Totals	2,992	715	718	4,425

County of Essex.

Amesbury	2,989	951	1,294	5,234
Andover	8,970	2,000	1,285	12,255
BEVERLY	12,435	3,088	2,816	18,339
Boxford	1,563	369	147	2,079
Danvers	7,713	2,179	1,462	11,354
Essex	910	258	248	1,416
Georgetown	1,767	454	290	2,511
GLOUCESTER	9,309	1,890	1,317	12,516
Groveland	1,617	435	262	2,314
Hamilton	2,330	591	401	3,322
HAVERHILL	12,159	4,122	4,830	21,111
Ipswich	3,775	994	912	5,681
LAWRENCE	16,503	5,246	7,728	29,477
LYNN	25,384	7,077	7,167	39,618

RETURN OF VOTES, ETC.

1753

County of Essex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Lynnfield	4,380	1,123	451	5,964
Manchester	2,070	424	381	2,875
Marblehead	9,467	1,922	1,362	12,751
Merrimac	1,215	326	277	1,818
Methuen	10,677	3,404	3,358	17,440
Middleton	1,198	310	238	1,746
Nahant	1,511	361	289	2,161
Newbury	1,398	329	285	2,012
NEWBURYPORT	4,380	1,205	1,617	7,202
North Andover	6,189	1,431	1,018	8,638
PEABODY	13,853	3,751	3,721	21,325
Rockport	2,491	510	590	3,591
Rowley	963	306	211	1,480
SALEM	11,529	3,588	4,292	19,409
Salisbury	1,169	470	423	2,062
Saugus	8,125	2,137	1,762	12,024
Swampscott	4,908	1,216	1,260	7,384
Topsfield	2,002	421	157	2,580
Wenham	1,389	310	179	1,878
West Newbury	889	213	180	1,282
Totals	197,237	53,411	52,201	302,849

County of Franklin.

Ashfield	471	109	77	657
Barnardston	480	184	123	787
Buckland	549	169	195	913
Charlton	260	92	75	427
Colrain	393	124	112	629
Conway	371	124	66	561
Deerfield	1,247	393	281	1,921
Erving	394	120	103	617
Gill	405	119	90	614
Greenfield	5,208	1,769	1,628	8,605
Hawley	55	18	21	94
Heath	117	29	28	174
Leverett	483	75	55	613
Leyden	119	48	17	184
Monroe	55	12	30	97
Montague	2,554	785	811	4,150
New Salem	204	48	43	295
Northfield	883	250	152	1,285
Orange	1,602	403	514	2,519
Rowe	100	29	38	167
Shelburne	594	189	171	954
Shutesbury	238	51	32	321
Sunderland	866	181	124	1,171
Warwick	167	48	38	253
Wendell	128	41	46	215
Whately	347	129	100	576
Totals	18,290	5,509	4,970	28,769

County of Hampden.

Agawam	6,062	1,771	2,001	9,834
Blandford	304	114	47	465
Brantford	541	207	145	893
Chester	283	90	90	463
CINCINNATI	15,319	5,635	5,374	26,328
East Longmeadow	4,587	1,025	716	6,328
Granville	330	131	85	546
Hampden	1,372	329	153	1,854
Holland	347	113	90	550
HOLYOKE	10,131	3,790	6,266	20,187
Longmeadow	6,492	1,315	729	8,536
Ludlow	4,980	1,485	1,143	7,608
Monson	1,768	539	407	2,714
Montgomery	172	37	33	242
Palmer	3,181	1,068	1,177	5,426

RETURN OF VOTES, ETC.

County of Hampden — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Russell	408	119	101	628
Southwick	1,939	475	265	2,679
SPRINGFIELD	30,348	7,584	19,855	57,787
Tolland	67	15	15	97
Wales	245	100	54	399
West Springfield	8,151	2,413	1,822	12,386
WESTFIELD	9,307	2,475	2,091	13,873
Wilbraham	3,810	1,028	917	5,755
Totals	110,144	31,858	43,576	185,578

County of Hampshire.

Amherst	7,724	792	858	9,374
Belchertown	1,412	423	276	2,111
Chesterfield	250	56	64	370
Cummington	247	76	38	361
Easthampton	4,203	1,431	1,098	6,732
Goshen	176	55	34	265
Granby	1,275	462	385	2,122
Hadley	1,288	404	341	2,033
Hatfield	882	321	262	1,465
Huntington	448	141	122	711
Middlefield	82	40	34	156
NORTHAMPTON	8,841	2,077	1,881	12,799
Pelham	394	71	47	512
Plainfield	112	25	27	164
South Hadley	5,178	1,553	951	7,682
Southampton	1,017	323	162	1,502
Ware	2,280	909	1,077	4,266
Westhampton	270	73	36	379
Williamsburg	771	202	137	1,110
Worthington	246	79	59	384
Totals	37,096	9,513	7,889	54,498

County of Middlesex.

Acton	6,080	1,142	491	7,713
Arlington	19,894	4,578	3,742	28,214
Ashby	611	211	145	967
Ashland	2,861	709	427	3,997
Ayer	1,217	413	282	1,912
Bedford	4,466	866	427	5,759
Belmont	10,972	2,771	2,176	15,919
Billerica	8,504	2,225	1,286	12,015
Boxborough	591	149	54	794
Burlington	6,747	1,415	1,355	9,517
CAMBRIDGE	28,950	5,616	7,119	41,685
Carlisle	1,148	237	111	1,496
Chelmsford	10,609	2,485	1,333	14,427
Concord	6,069	1,303	855	8,227
Dracut	5,237	1,981	1,630	8,848
Dunstable	441	105	72	618
EVERETT	8,554	3,268	6,447	18,269
Frammingham	21,231	4,336	3,517	29,084
Groton	1,678	441	292	2,411
Holliston	4,019	837	481	5,397
Hopkinton	1,921	508	376	2,805
Hudson	3,992	1,171	1,093	6,256
Lexington	12,438	1,843	1,958	16,239
Lincoln	2,211	329	188	2,728
Littleton	2,164	431	266	2,861
LOWELL	23,348	7,892	8,614	39,854
MALDEN	14,164	4,350	5,588	24,102
MARLBOROUGH	8,077	2,215	2,105	12,397
Meynard	2,812	744	711	4,267
MEDFORD	17,912	5,380	6,376	29,668
MELROSE	9,887	3,145	2,831	15,863
Natick	10,484	1,873	1,951	14,308

RETURN OF VOTES, ETC.

1755

County of Middlesex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Newton	30,882	6,552	8,887	46,421
North Reading	3,644	764	500	4,908
Pepperell	1,600	489	301	2,390
Reading	8,072	1,970	1,143	11,185
Sherborn	1,421	342	144	1,907
Shirley	926	293	259	1,478
SOMERVILLE	20,344	5,961	7,775	34,080
Stoneham	6,737	1,816	1,412	9,965
Stow	1,307	325	171	1,803
Sudbury	5,103	1,048	437	6,588
Tewksbury	6,362	1,727	944	9,033
Townsend	1,270	361	272	1,903
Tyngsborough	1,149	424	209	1,872
Wakefield	8,714	2,284	1,887	12,905
WALTHAM	12,615	3,831	6,743	23,189
Watertown	11,205	3,816	3,687	18,708
Wayland	5,287	987	463	6,737
Westford	3,641	979	560	5,180
Weston	4,639	1,031	374	6,104
Wilmington	4,760	1,058	1,181	6,999
Winchester	7,454	2,077	1,619	11,150
Woburn	9,805	2,819	3,080	15,794
Totals	416,456	105,503	106,437	628,396

County of Nantucket.

Nantucket	1,513	392	538	2,443
Totals	1,513	392	538	2,443

County of Norfolk.

Avon	1,500	397	379	2,276
Bellingham	3,478	1,158	856	5,492
Braintree	12,543	3,007	2,949	17,599
Brookline	16,996	3,632	9,340	29,968
Canton	6,082	1,461	1,047	8,590
Cohasset	2,923	592	378	3,893
Dedham	9,159	2,499	1,961	13,619
Dover	1,978	447	186	2,611
Foxborough	4,428	922	512	5,862
Franklin	4,585	1,274	1,072	6,931
Holbrook	3,348	873	683	4,904
Medfield	3,348	675	359	4,382
Medway	2,292	603	500	3,395
Millis	1,906	393	305	2,604
Milton	11,360	2,364	1,733	15,457
Needham	12,232	2,457	1,606	16,295
Norfolk	1,281	345	152	1,778
Norwood	10,749	2,310	2,052	15,111
Plainville	1,502	417	281	2,200
QUINCY	27,955	7,396	6,992	42,343
Randolph	8,588	2,012	2,217	12,817
Sharon	5,143	853	563	6,559
Stoughton	5,621	1,728	1,949	9,298
Walpole	6,061	1,456	942	8,459
Wellesley	9,524	2,437	2,193	14,154
Westwood	5,302	1,184	552	7,038
Weymouth	18,248	4,196	2,899	25,343
Wrentham	1,733	485	294	2,512
Totals	199,865	47,573	44,082	291,490

County of Plymouth.

Atholton	3,823	959	745	5,527
Bridgewater	3,458	950	707	5,115
BRACKTON	22,219	6,866	5,821	34,906

RETURN OF VOTES, ETC.

County of Plymouth — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Carver	790	276	230	1,296
Duxbury	3,544	856	358	4,758
East Bridgewater	2,342	548	704	3,594
Halifax	1,067	325	192	1,584
Hanover	3,530	752	430	4,712
Hanson	2,045	550	366	2,961
Hingham	7,320	1,713	857	9,890
Hull	3,152	719	736	4,607
Kingston	1,965	520	437	2,922
Lakeville	1,323	382	308	2,013
Marion	1,295	348	212	1,855
Marshfield	5,336	1,191	689	7,216
Mattapoisett	1,786	502	300	2,588
Middleborough	3,577	1,120	831	5,528
Norwell	2,895	555	458	3,909
Pembroke	3,405	828	488	4,721
Plymouth	5,628	1,633	2,282	9,543
Plympton	398	97	80	575
Rochester	531	219	137	887
Rockland	4,215	1,171	866	6,252
Scituate	5,390	1,264	787	8,041
Wareham	3,012	1,065	959	5,076
West Bridgewater	1,935	605	334	2,874
Whitman	3,834	931	755	5,520
Totals	100,415	26,946	21,109	148,470

County of Suffolk.

Boston	95,322	28,020	93,206	216,548
CHelsea	5,532	2,175	3,886	11,593
REvere	11,515	4,090	5,675	21,280
Winthrop	6,241	1,718	2,081	10,040
Totals	118,610	36,003	104,848	259,461

County of Worcester.

Ashburnham	1,050	341	235	1,626
Athol	3,011	896	912	4,819
Audubon	5,051	1,402	1,253	7,706
Barre	1,084	365	468	1,917
Berlin	632	206	115	953
Blackstone	1,632	579	551	2,762
Bolton	748	186	109	1,043
Boylston	951	264	177	1,392
Brookfield	580	216	177	973
Charlton	1,138	397	367	1,902
Clinton	3,325	1,246	1,542	6,113
Douglas	851	351	357	1,559
Dudley	1,885	692	931	3,508
East Brookfield	484	165	176	825
FITCHBURG	10,642	3,329	4,223	18,194
GARDNER	5,116	1,504	2,177	8,797
Grafton	3,007	871	926	4,804
Hardwick	610	214	243	1,067
Harvard	1,284	322	121	1,727
Holden	4,460	1,079	988	6,527
Hopedale	1,317	381	471	2,169
Hubbardston	434	125	108	667
Lancaster	1,456	439	384	2,279
Leicester	2,541	711	645	3,897
LEOMINSTER	8,856	2,587	3,135	14,578
Lunenburg	2,433	676	553	3,662
Mendon	754	245	241	1,240
Milford	5,286	1,640	2,586	9,522
Millbury	3,113	953	1,170	5,236
Millville	460	168	203	831
New Braintree	164	70	50	284
North Brookfield	1,119	396	479	1,994
Northborough	3,215	703	384	4,302

RETURN OF VOTES, ETC.

1757

County of Worcester — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Northbridge	3,192	861	1,098	5,151
Oakham	287	76	66	429
Oxford	1,899	635	981	3,515
Paxton	1,274	286	192	1,752
Petersham	415	86	72	573
Phillipston	253	68	52	373
Princeton	616	166	99	881
Royalston	223	77	60	360
Rutland	1,021	241	186	1,428
Shrewsbury	6,622	1,612	1,395	9,629
Southborough	2,036	473	270	2,779
Southbridge	2,908	1,062	3,105	7,075
Spencer	2,399	767	969	4,135
Sterling	1,332	432	264	2,028
Sturbridge	1,225	391	658	2,274
Sutton	1,259	428	399	2,086
Templeton	1,332	528	401	2,261
Upton	1,002	309	333	1,644
Uxbridge	2,271	766	925	3,962
Warren	990	368	452	1,810
Webster	3,383	1,264	2,139	6,786
West Boylston	2,322	514	384	3,220
West Brookfield	825	252	230	1,307
Westborough	4,158	898	675	5,629
Westminster	1,440	454	291	2,185
Winchendon	1,523	568	504	2,595
WORCESTER	43,417	12,644	16,635	72,696
Totals	168,311	49,945	59,182	277,438

AGGREGATE OF VOTES.

Counties.	Yes.	No.	Blanks.	Total Ballots.
BARNSTABLE	42,155	19,187	7,617	59,959
BENKSHIRE	41,459	11,464	14,575	67,498
BRISTOL	108,343	37,491	46,386	192,220
DUKES	2,992	716	718	4,425
ESSEX	197,237	53,411	52,201	302,849
FRANKLIN	18,290	5,509	4,970	28,769
HAMPDEN	110,144	31,858	43,576	185,578
HAMPSHIRE	37,096	9,513	7,889	54,498
MIDDLESEX	416,456	105,503	106,437	628,396
NANTUCKET	1,513	392	538	2,443
NORFOLK	199,865	47,573	44,052	291,490
PLYMOUTH	100,415	26,946	21,109	148,470
SUFFOLK	118,610	36,003	104,848	259,461
WORCESTER	168,311	49,945	59,182	277,438
Totals	1,562,886	426,510	514,098	2,503,494

RETURN OF VOTES ON QUESTION NO. 4, BEING A LEGISLATIVE AMENDMENT TO THE CONSTITUTION, SUBMITTED UNDER THE PROVISIONS OF ARTICLE XLVIII OF THE AMENDMENTS TO THE CONSTITUTION TO THE VOTERS OF THE COMMONWEALTH AT THE STATE ELECTION HELD NOVEMBER 7, 1972.

Votes for Question No. 4 (Proposed Amendment to the Constitution).

Do you approve of the adoption of an Amendment to the Constitution summarized below, which was approved by the General Court in a joint session of the two branches held June 18, 1969, received 264 votes in the affirmative and 1 in the negative, and in a joint session of the two branches held May 12, 1971, received 264 votes in the affirmative and 0 in the negative.

Summary

The proposed amendment would authorize the Legislature to enact a law to permit the Commonwealth to make loans for tuition and board at any college, university or institution of higher learning to students who are residents of the Commonwealth.

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	7,366	3,521	1,108	11,995
Bourne	2,351	1,135	702	4,188
Brewster	1,060	557	133	1,750
Chatham	1,923	1,009	293	3,225
Dennis	3,061	1,540	612	6,113
Eastham	1,011	411	106	1,528
Falmouth	5,797	2,353	1,113	9,263
Harwich	2,473	1,394	395	4,262
Mashpee	612	267	111	990
Orleans	1,511	855	221	2,587
Provincetown	1,495	284	260	2,039
Sandwich	1,479	722	219	2,420
Truro	439	148	67	654
Wellfleet	759	302	133	1,194
Yarmouth	5,062	2,862	827	8,751
Totals	36,399	17,360	6,200	59,959

County of Berkshire.

Adams	2,710	1,818	1,185	5,713
Alford	113	47	17	177
Becket	263	107	39	409
Cheshire	769	452	195	1,416
Clarksburg	424	285	134	843
Colton	2,065	991	314	3,370
Egremont	388	152	77	617
Florida	177	89	49	315
Great Barrington	1,499	703	687	3,089
Hancock	202	82	34	318
Hinsdale	388	177	85	660
Lanesborough	656	335	274	1,265
Lee	1,434	521	574	2,529
Lenox	1,571	552	519	2,642
Monterey	264	60	41	365
Mount Washington	29	8	10	47
New Ashford	62	28	10	100

RETURN OF VOTES, ETC.

1759

County of Berkshire — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
New Marlborough	302	101	89	492
NORTH ADAMS	4,323	2,452	1,533	8,308
Otis	191	84	121	396
Peru	83	40	12	135
PITTSFIELD	13,750	5,705	6,141	25,596
Richmond	482	199	61	741
Sandisfield	164	54	50	268
Savoy	86	64	37	187
Sheffield	790	267	163	1,220
Stockbridge	982	239	150	1,371
Tyringham	110	30	22	162
Washington	112	43	23	178
West Stockbridge	371	1,111	104	586
Williamstown	2,147	1,276	327	3,750
Windsor	127	88	18	233
Totals	37,044	17,159	13,295	67,498

County of Bristol.

Acushnet	2,403	920	676	3,999
ATTLEBORO	8,028	3,400	1,682	13,110
Berkley	438	222	144	804
Dartmouth	6,025	2,766	1,260	10,051
Dighton	1,188	628	257	2,073
Easton	3,556	1,645	473	5,674
Fairhaven	4,055	1,950	1,428	7,433
FALL RIVER	18,577	8,352	12,652	39,581
Freetown	1,006	528	202	1,736
Mansfield	2,481	1,284	502	4,247
New Bedford	23,847	9,708	9,427	42,982
North Attleborough	4,822	2,029	937	7,788
Norton	2,171	1,049	398	3,618
Raynham	1,588	948	397	2,933
Rehoboth	1,767	813	351	2,931
Seekonk	3,426	1,322	583	5,331
Somerset	5,256	2,113	1,599	8,968
Swansea	3,689	1,626	1,028	6,343
TAUNTON	8,585	4,325	4,493	17,403
Westport	2,777	1,465	973	5,215
Totals	105,685	47,073	39,462	192,220

County of Dukes County.

Chilmark	211	48	21	280
Edgartown	685	226	181	1,092
Gay Head	56	10	27	93
Gosnold	42	11	8	61
Oak Bluffs	654	217	171	1,042
Tisbury	954	303	170	1,427
West Tisbury	329	57	44	430
Totals	2,931	872	622	4,425

County of Essex.

Amesbury	2,678	1,403	1,153	5,234
Andover	6,299	4,982	974	12,255
BEVERLY	10,747	5,274	2,318	18,339
Boxford	1,148	835	96	2,079
Danvers	6,705	3,595	1,054	11,354
Essex	783	447	186	1,416
Georgetown	1,478	809	224	2,511
GLOUCESTER	7,271	2,744	2,501	12,516
Groveland	1,458	697	159	2,314
Hamilton	2,026	994	302	3,322
HAVERHILL	11,983	5,106	4,022	21,111
Ipswich	3,408	1,564	709	5,681

RETURN OF VOTES, ETC.

County of Essex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
LAWRENCE	12,832	9,758	6,887	29,477
LYNN	23,841	9,931	5,846	39,618
Lynnfield	3,673	1,949	342	5,964
Manchester	1,825	756	294	2,875
Marblehead	8,241	3,541	969	12,751
Merrimac	1,046	559	213	1,818
Methuen	7,615	7,031	2,794	17,440
Middleton	957	612	177	1,746
Nahant	1,341	613	207	2,161
Newbury	1,215	581	216	2,012
NEWBURYPORT	3,950	1,979	1,273	7,202
North Andover	4,182	3,607	849	8,638
PEABODY	12,478	5,634	3,213	21,325
Rockport	2,191	926	474	3,591
Rowley	840	464	176	1,480
SALEM	10,835	5,155	3,419	19,409
Salisbury	1,062	644	356	2,062
Saugus	7,221	3,436	1,367	12,024
Swampscott	4,359	1,994	1,031	7,384
Topsfield	1,532	937	111	2,580
Wenham	1,205	547	126	1,878
West Newbury	770	380	132	1,282
Totals	169,195	89,484	44,170	302,849

County of Franklin.

Ashfield	425	152	80	657
Barnardston	461	207	89	757
Buckland	502	244	167	913
Charlmont	246	112	69	427
Colrain	378	156	95	629
Conway	342	164	55	561
Dorfield	1,176	527	218	1,921
Erving	388	147	82	617
Gill	403	138	73	614
Greenfield	4,799	2,303	1,503	8,605
Hawley	54	21	19	94
Heath	112	38	24	174
Leverett	432	136	45	613
Leyden	109	59	16	184
Monroe	48	30	19	97
Montague	2,510	941	699	4,150
New Salem	168	89	38	295
Northfield	827	330	128	1,285
Orange	1,379	687	453	2,519
Rowe	90	51	26	167
Shelburne	566	240	148	954
Shutesbury	214	72	35	321
Sunderland	906	167	98	1,171
Warwick	147	67	39	253
Wendell	121	55	39	215
Whately	300	191	85	576
Totals	17,103	7,324	4,342	28,769

County of Hampden.

Agawam	5,217	2,795	1,822	9,834
Blandford	268	160	37	465
Brimfield	524	255	114	893
Chester	260	131	72	463
CITICOPSE	14,148	7,768	4,412	26,328
East Longmeadow	3,741	1,942	645	6,328
Granville	344	142	60	546
Hampden	1,167	561	126	1,854
Holland	322	156	72	550
HOLYOKE	9,222	5,280	5,685	20,187
Longmeadow	5,900	2,087	549	8,536
Ludlow	4,257	2,410	941	7,608

RETURN OF VOTES, ETC.

1761

County of Hampden — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Monson	1,579	788	347	2,714
Montgomery	122	89	31	242
Palmer	2,912	1,562	952	5,426
Russell	358	181	89	628
Southwick	1,753	729	197	2,679
SPRINGFIELD	28,011	13,137	16,639	57,787
Tolland	67	15	15	97
Wales	226	128	45	399
West Springfield	6,737	3,665	1,984	12,386
WESTFIELD	8,368	3,844	1,661	13,873
Wilbraham	3,142	1,768	845	5,755
Totals	98,645	49,593	37,340	185,578

County of Hampshire.

Amherst	7,348	1,385	641	9,374
Belchertown	1,310	593	208	2,111
Chesterfield	215	105	50	370
Cummington	230	98	33	361
Easthampton	3,736	2,105	891	6,732
Goshen	145	90	30	265
Granby	1,159	631	332	2,122
Hadley	1,213	567	253	2,033
Hatfield	849	420	196	1,465
Huntington	406	201	104	711
Middlefield	83	43	30	156
NORTHAMPTON	8,169	3,129	1,501	12,799
Pelham	339	134	39	512
Plainfield	86	56	22	164
South Hadley	4,577	2,369	736	7,682
Southampton	843	540	119	1,502
Ware	2,100	1,266	900	4,266
Westhampton	237	120	22	379
Williamsburg	708	293	109	1,110
Worthington	225	110	49	384
Totals	33,978	14,255	6,265	54,498

County of Middlesex.

Acton	5,089	2,291	333	7,713
Arlington	17,185	8,181	2,848	28,214
Ashby	504	347	116	967
Ashland	2,527	1,145	325	5,997
Ayer	1,093	586	233	1,912
Bedford	3,787	1,648	324	5,759
Belmont	9,545	4,688	1,686	15,919
Billerica	7,245	3,776	994	12,015
Boxborough	471	283	40	794
Burlington	5,463	2,930	1,124	9,517
CAMBRIDGE	27,848	7,959	5,878	41,685
Carlisle	922	495	79	1,496
Chelmsford	8,525	4,927	955	14,407
Concord	5,317	2,194	716	8,227
Dracut	4,326	3,194	1,328	8,848
Dunstable	356	206	56	618
EVERETT	8,134	4,393	5,742	18,269
Frammingham	19,348	7,087	2,649	29,084
Groton	1,426	748	237	2,411
Holliston	3,521	1,544	332	5,397
Hopkinton	1,697	815	293	2,805
Hudson	3,537	1,858	861	6,256
Lexington	10,238	4,442	1,559	16,239
Lincoln	1,899	705	124	2,728
Littleton	1,731	942	188	2,861
LOWELL	20,854	11,604	7,396	39,854
MALDEN	12,363	6,676	5,063	24,102
MARLBOROUGH	7,513	3,198	1,686	12,397
Maynard	2,461	1,241	565	4,267

RETURN OF VOTES, ETC.

County of Middlesex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
MEDFORD	16,656	7,953	5,059	29,668
MELROSE	8,466	4,994	2,403	15,863
Natick	8,700	4,165	1,443	14,308
NEWTON	27,597	10,894	7,930	46,421
North Reading	3,092	1,494	322	4,908
Pepperell	1,351	798	241	2,390
Reading	6,765	3,648	772	11,185
Sherborn	1,121	671	115	1,907
Shirley	808	436	234	1,478
SOMERVILLE	19,659	7,900	6,521	34,080
Stoneham	6,007	2,902	1,056	9,965
Stow	1,033	650	120	1,803
Sudbury	3,921	2,311	356	6,588
Tewksbury	5,420	2,925	688	9,033
Townsend	1,085	609	209	1,903
Tyngsborough	939	684	249	1,872
Wakefield	7,247	4,268	1,390	12,905
WALTHAM	10,871	6,332	5,986	23,189
Watertown	10,488	4,808	2,911	18,208
Wayland	4,442	1,919	376	6,737
Westford	2,767	1,969	444	5,180
Weston	4,011	1,834	259	6,104
Wilmington	3,868	2,163	968	6,999
Winchester	6,063	3,678	1,409	11,150
WOBURN	7,936	5,128	2,730	15,794
Totals	365,238	175,237	87,921	628,396

County of Nantucket.

Nantucket	1,517	477	449	2,443
Totals	1,517	477	449	2,443

County of Norfolk.

Avon	1,381	635	260	2,276
Bellingham	1,307	1,531	654	3,492
Braintree	10,912	5,196	1,491	17,599
Brookline	15,728	5,815	8,425	29,968
Canton	5,386	2,441	763	8,590
Cohasset	2,466	1,159	268	3,893
Dedham	8,099	4,083	1,437	13,619
Dover	1,484	985	142	2,611
Foxborough	3,796	1,695	371	5,862
Franklin	4,316	1,807	808	6,931
Holbrook	3,022	1,359	523	4,904
Medfield	2,757	1,363	262	4,382
Medway	1,971	1,066	358	3,395
Millis	1,616	775	213	2,604
Milton	9,742	4,365	1,350	15,457
Needham	9,670	5,519	1,106	16,295
Norfolk	1,095	577	106	1,778
Norwood	9,664	3,944	1,503	15,111
Plainville	1,404	593	203	2,200
QUINCY	25,304	11,607	5,432	42,343
Randolph	8,164	2,981	1,572	12,817
Sharon	4,645	1,554	360	6,559
Stoughton	5,172	2,500	1,626	9,298
Walpole	5,410	2,395	654	8,459
Wellesley	7,970	4,218	1,966	14,154
Westwood	4,400	2,250	388	7,038
Weymouth	16,029	7,234	2,080	25,343
Wrentham	1,516	793	203	2,512
Totals	176,426	80,440	34,624	291,490

RETURN OF VOTES, ETC.

1763

County of Plymouth.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Abington	3,365	1,589	573	5,527
Bridgewater	3,113	1,450	552	5,115
Brockton	21,285	9,076	4,545	34,906
Carver	742	377	177	1,296
Duxbury	3,013	1,449	296	4,758
East Bridgewater	1,945	1,045	604	3,594
Halifax	888	542	154	1,584
Hanover	3,089	1,324	299	4,712
Hanson	1,753	919	289	2,961
Hingham	6,623	2,660	607	9,890
Hull	3,010	1,002	595	4,607
Kingston	1,767	812	343	2,922
Lakeville	1,127	647	239	2,013
Marion	1,081	603	171	1,855
Marshfield	4,695	1,997	524	7,216
Mattapoisett	1,590	759	239	2,588
Middleborough	3,300	1,590	638	5,528
Norwell	2,286	1,253	370	3,909
Pembroke	2,887	1,487	347	4,721
Plymouth	4,732	2,717	2,094	9,543
Plympton	340	180	55	575
Rochester	479	291	117	887
Rockland	3,924	1,679	649	6,252
Scituate	5,353	2,072	616	8,041
Wareham	2,908	1,312	856	5,076
West Bridgewater	1,723	912	239	2,874
Whitman	3,338	1,606	576	5,520
Totals	90,356	41,350	16,764	148,470

County of Suffolk.

Boston	92,979	43,114	80,455	216,548
CHelsea	5,843	2,389	3,361	11,593
REvere	11,522	5,010	4,748	21,280
Winthrop	5,491	2,829	1,720	10,040
Totals	115,835	53,342	90,284	259,461

County of Worcester.

Ashburnham	941	503	182	1,626
Athol	2,690	1,361	768	4,819
Auburn	4,665	2,097	944	7,706
Barre	1,047	470	400	1,917
Berlin	545	312	96	953
Blackstone	1,604	696	462	2,762
Bolton	637	332	74	1,043
Boylston	842	429	121	1,392
Brookfield	534	283	156	973
Charlton	1,064	547	291	1,902
Clinton	3,193	1,733	1,187	6,113
Douglas	815	459	285	1,559
Dudley	700	879	729	3,508
East Brookfield	417	252	156	825
FITCHBURG	10,082	4,643	3,469	18,194
GARDNER	4,717	2,125	1,755	8,797
Grafton	2,755	1,296	753	4,804
Hardwick	559	318	190	1,067
Harvard	1,044	585	98	1,727
Holden	3,748	1,975	804	6,527
Hopedale	1,137	662	370	2,167
Hubbardston	370	210	87	667
Lancaster	1,313	697	269	2,279
Leicester	2,271	1,105	521	3,897
LEOMINGSTER	8,428	3,650	2,500	14,578
Lunenburg	2,206	1,040	416	3,662
Mendon	594	453	193	1,240
Milford	4,751	2,718	2,053	9,522
Millbury	3,035	1,227	974	5,236
Millville	472	189	170	831

RETURN OF VOTES, ETC.

County of Worcester — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
New Braintree	166	84	34	254
North Brookfield	1,097	519	378	1,994
Northborough	2,790	1,227	285	4,302
Northbridge	2,825	1,470	856	5,151
Oakham	240	141	48	429
Oxford	1,778	869	868	3,515
Paxton	1,042	578	132	1,752
Petersham	355	171	47	573
Phillipston	218	115	40	373
Princeton	524	283	74	881
Royalston	192	116	52	360
Rutland	919	396	113	1,428
Shrewsbury	6,172	2,467	990	9,629
Southborough	1,684	886	209	2,779
Southbridge	2,954	1,279	2,542	7,075
Spencer	2,320	1,030	785	4,135
Sterling	1,196	652	180	2,028
Sturbridge	1,092	576	606	2,274
Sutton	1,198	566	322	2,086
Templeton	1,323	638	300	2,261
Upton	855	523	266	1,644
Uxbridge	2,165	1,002	795	3,962
Warren	914	508	388	1,810
Webster	3,362	1,627	1,797	6,786
West Boylston	2,062	894	264	3,220
West Brookfield	746	370	191	1,307
Westborough	3,542	1,674	413	5,629
Westminster	1,281	695	219	2,185
Winchendon	1,435	765	395	2,595
Worcester	42,315	16,953	13,428	12,696
Totals	157,338	72,310	47,790	277,438

AGGREGATE OF VOTES.

Counties.	Yes.	No.	Blanks.	Total Ballots.
BARNSTABLE	36,399	17,360	6,200	59,959
BERKSHIRE	37,044	17,159	13,295	67,498
BRISTOL	105,685	47,073	39,462	192,220
DUKES	2,931	872	622	4,425
ESSEX	169,195	89,484	44,170	302,849
FRANKLIN	17,103	7,324	4,342	28,769
HAMPDEN	98,645	49,593	37,340	185,578
HAMPSHIRE	33,978	14,255	6,265	54,498
MIDDLESEX	365,238	175,237	87,921	628,396
NANTUCKET	1,517	477	449	2,443
NORFOLK	176,426	80,440	34,624	291,490
PLYMOUTH	90,356	41,350	16,764	148,470
SUFFOLK	115,835	53,342	90,294	259,471
WORCESTER	157,338	72,310	47,790	277,438
Totals	1,407,690	666,276	429,528	2,503,494

RETURN OF VOTES ON QUESTION NO. 5, BEING A LEGISLATIVE AMENDMENT TO THE CONSTITUTION, SUBMITTED UNDER THE PROVISIONS OF ARTICLE XLVIII OF THE AMENDMENTS TO THE CONSTITUTION TO THE VOTERS OF THE COMMONWEALTH AT THE STATE ELECTION HELD NOVEMBER 7, 1972.

Votes for Question No. 5 (Proposed Amendment to the Constitution).

Do you approve of the adoption of an Amendment to the Constitution summarized below, which was approved by the General Court in a joint session of the two branches held August 5, 1969, received 239 votes in the affirmative and 0 in the negative, and in a joint session of the two branches held May 12, 1971, received 266 votes in the affirmative and 0 in the negative?

Summary

The proposed amendment would annul Article 49 of the Articles of Amendment to the Constitution and substitute a new amendment which declares that the people have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic and esthetic qualities of their environment. It further declares that the protection of the right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is a public purpose.

The Legislature is authorized to adopt necessary legislation and to provide for eminent domain takings where required for the purpose of the amendment. Any property so taken may only be used for other purposes or disposed of upon a two-thirds vote of the Legislature.

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	8,921	1,661	1,413	11,995
Bourne	2,799	587	802	4,188
Brewster	1,328	259	163	1,750
Chatham	2,350	523	352	3,225
Dennis	3,859	632	622	5,113
Eastham	1,176	297	145	1,528
Falmouth	6,879	1,081	1,303	9,263
Harwich	3,188	566	506	4,262
Mashpee	707	149	143	999
Orleans	1,864	453	270	2,587
Provincetown	1,519	218	302	2,039
Sandwich	1,865	305	250	2,420
Truro	486	82	86	654
Wellfleet	881	161	152	1,194
Yarmouth	6,524	1,131	1,096	8,751
Totals	44,346	8,008	7,605	59,959

County of Berkshire.

Adams	3,160	1,160	1,393	5,713
Alford	133	25	19	177

RETURN OF VOTES, ETC.

County of Berkshire — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Becket	267	98	44	409
Cheshire	815	376	225	1,416
Clarksburg	502	182	159	843
Dalton	2,361	634	375	3,370
Egremont	471	77	69	617
Florida	148	102	65	315
Great Barrington	1,730	402	957	3,089
Hancock	220	70	28	318
Hinsdale	391	174	95	660
Lanesborough	701	279	285	1,265
Lee	1,530	435	564	2,529
Lenox	1,667	429	546	2,642
Monterey	260	62	43	365
Mount Washington	31	5	11	47
New Ashford	60	24	16	100
New Marlborough	313	88	91	492
NORTH ADAMS	5,204	1,257	1,841	8,308
Otis	189	81	126	396
Peru	68	49	18	135
PITTSFIELD	14,920	3,955	6,721	25,596
Richmond	537	141	63	741
Sandisfield	159	51	58	268
Savoy	71	75	41	187
Sheffield	881	200	159	1,220
Stockbridge	1,048	147	176	1,371
Tyringham	100	39	23	162
Washington	120	33	25	178
West Stockbridge	376	97	113	586
Williamstown	2,845	544	361	3,750
Windsor	138	77	18	233
Totals	41,396	11,968	14,734	67,498

County of Bristol.

Acushnet	2,675	595	729	3,999
ATTLEBORO	9,029	2,003	2,078	13,110
Berkley	513	133	158	804
Dartmouth	7,034	1,420	1,597	10,051
Dighton	1,369	400	304	2,073
Easton	4,414	700	560	5,674
Fairhaven	4,860	954	1,619	7,433
FALL RIVER	20,441	5,158	13,982	39,581
Freestown	1,159	340	237	1,736
Mansfield	2,915	697	635	4,247
NEW BEDFORD	27,117	5,230	10,635	42,982
North Attleborough	5,460	1,153	1,175	7,788
Norton	2,487	656	475	3,618
Raynham	1,958	512	463	2,933
Rehoboth	1,890	637	404	2,931
Seekonk	3,889	747	695	5,331
Somerset	5,708	1,376	1,884	8,968
Swansea	4,072	1,068	1,203	6,343
TAUNTON	10,232	2,080	5,091	17,403
Westport	3,450	816	949	5,215
Totals	120,672	26,675	44,873	192,220

County of Dukes County.

Chilmark	187	85	28	280
Edgartown	686	174	232	1,092
Gay Head	47	16	30	93
Gosnold	29	20	12	61
Oak Bluffs	647	175	220	1,042
Tisbury	982	239	206	1,427
West Tisbury	330	54	46	430
Totals	2,908	743	774	4,425

RETURN OF VOTES, ETC.

1767

County of Essex.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Amesbury	2,967	871	1,396	5,234
Andover	7,752	3,158	1,345	12,255
BEVERLY	12,579	2,905	2,855	18,339
Boxford	1,493	462	124	2,079
Danvers	7,956	2,044	1,354	11,354
Essex	923	259	234	1,416
Georgetown	1,777	453	281	2,511
GLOUCESTER	8,095	1,453	2,908	12,516
Groveland	1,692	399	223	2,314
Hamilton	2,426	528	368	3,322
HAVERHILL	13,436	2,898	4,717	21,111
Ipswich	3,937	891	853	5,681
LAWRENCE	15,204	5,689	7,904	29,477
LYNN	27,183	5,366	7,069	39,618
Lynnfield	4,477	1,001	486	5,964
Manchester	2,129	392	351	2,875
Marblehead	9,762	1,674	1,315	12,751
Merrimac	1,278	297	243	1,818
Methuen	9,725	4,261	3,454	17,440
Middleton	1,173	339	234	1,746
Nahant	1,403	288	270	2,161
Newbury	1,387	373	252	2,012
NEWBURYPORT	4,491	1,199	1,512	7,202
North Andover	5,528	2,030	1,080	8,638
PEABODY	14,149	3,424	3,752	21,325
Rockport	2,638	379	574	3,591
Rowley	920	353	207	1,480
SALEM	11,324	3,425	4,060	19,409
Salisbury	1,272	398	392	2,062
Saugus	8,413	1,891	1,720	12,024
Swampscott	5,094	1,143	1,147	7,384
Topsfield	1,921	506	153	2,580
Wenham	1,426	284	168	1,878
West Roxbury	871	263	148	1,282
Totals	197,661	51,976	53,212	302,849

County of Franklin.

Ashfield	456	123	78	657
Barnardston	470	174	113	757
Buckland	550	185	178	913
Charlmont	240	112	75	427
Colrain	370	156	103	629
Conway	375	133	53	561
Deerfield	1,280	399	242	1,921
Erving	491	110	106	617
Gill	356	170	88	614
Greenfield	5,201	1,744	1,660	8,605
Hawley	60	17	17	94
Heath	112	41	21	174
Leverett	444	111	58	613
Leyden	421	47	16	484
Monroe	47	24	26	97
Montague	2,629	736	785	4,150
New Salem	186	65	44	295
Northfield	846	299	140	1,285
Orange	1,601	407	511	2,519
Rowe	89	46	32	167
Shelburne	694	197	153	954
Shutesbury	240	44	37	321
Sunderland	906	167	98	1,171
Warwick	175	44	34	253
Wendell	120	55	40	215
Whately	379	105	92	576
Totals	18,258	5,711	4,800	28,769

County of Hampden.

Agawam	6,503	1,255	2,076	9,834
Blandford	322	98	45	465

RETURN OF VOTES, ETC.

County of Hampden — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Brimfield	573	188	132	893
Chester	307	67	89	463
CHITCOPEE	16,582	4,613	5,133	26,328
East Longmeadow	4,742	880	706	6,328
Granville	379	100	67	546
Hampden	1,386	326	142	1,854
Holland	323	126	101	550
HOLYOKE	9,520	4,271	6,396	20,187
Longmeadow	6,910	906	720	8,536
Ludlow	5,303	1,233	1,072	7,608
Monson	1,879	440	395	2,714
Montgomery	181	33	28	242
Palmer	3,353	944	1,129	5,426
Russell	430	98	100	628
Southwick	2,089	381	209	2,679
SPRINGFIELD	32,115	5,788	19,884	57,787
Tolland	61	21	15	97
Wales	263	87	49	399
West Springfield	8,569	1,819	1,998	12,386
WESTFIELD	10,249	1,662	1,962	13,873
Wilbraham	3,938	874	943	5,755
Totals	115,977	26,210	43,391	185,578

County of Hampshire.

Amherst	7,894	806	674	9,374
Belchertown	1,506	362	243	2,111
Chesterfield	254	66	50	370
Cummington	256	72	33	361
Easthampton	4,610	1,091	1,031	6,732
Goshen	182	54	29	265
Granby	1,267	490	361	2,122
Hadley	1,381	384	268	2,033
Hatfield	1,025	245	195	1,465
Huntington	475	125	111	711
Middlefield	100	32	24	156
NORTHAMPTON	9,261	1,744	1,794	12,799
Pelham	375	98	46	512
Plainfield	95	41	28	164
South Hadley	5,203	1,555	924	7,682
Southampton	1,060	285	157	1,502
Ware	2,456	816	994	4,266
Westhampton	287	69	23	379
Williamsburg	819	175	116	1,110
Worthington	251	82	51	384
Totals	38,760	8,586	7,152	54,498

County of Middlesex.

Action	6,230	1,025	458	7,713
Arlington	20,659	3,876	3,679	28,214
Ashby	652	197	118	967
Ashland	2,942	640	415	3,997
Ayer	1,316	321	275	1,912
Bedford	4,598	747	414	5,759
Belmont	11,715	2,183	2,021	15,919
Billerica	8,894	1,905	1,216	12,015
Boxborough	613	129	52	794
Burlington	6,749	1,436	1,332	9,517
CAMBRIDGE	30,296	4,471	6,918	41,685
Carlisle	1,144	258	94	1,496
Chelmsford	10,849	2,272	1,286	14,407
Concord	6,403	988	836	8,227
Dracut	5,601	1,724	1,523	8,848
Dunstable	442	113	63	618
EVERETT	8,964	2,816	6,489	18,269
Frammingham	22,239	3,549	3,296	29,084
Groton	1,648	471	292	2,411
Holliston	4,198	753	446	5,397

RETURN OF VOTES, ETC.

1769

County of Middlesex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Hopkinton	1,957	467	381	2,805
Hudson	4,158	997	1,101	6,256
Lexington	12,366	2,021	1,852	16,239
Lincoln	2,229	339	160	2,728
Littleton	2,247	394	220	2,861
LOWELL	24,869	6,256	8,729	39,854
MALDEN	13,673	4,462	5,967	24,102
MARLBOROUGH	8,461	1,840	2,096	12,397
Maynard	2,914	680	673	4,267
MEDFORD	19,154	4,336	6,178	29,668
METROSE	10,148	2,737	2,978	15,863
Natick	10,399	2,011	1,898	14,308
Newton	31,880	5,771	8,770	46,421
North Reading	3,711	736	461	4,908
Pepperell	1,645	467	278	2,390
Reading	8,495	1,627	1,063	11,185
Sherborn	1,481	287	139	1,907
Shirley	941	276	261	1,478
SOMERVILLE	22,277	4,330	7,473	34,080
Stoneham	7,044	1,525	1,396	9,965
Stow	1,358	292	153	1,803
Sudbury	4,896	1,236	456	6,588
Tewksbury	6,697	1,433	903	9,033
Townsend	1,348	289	266	1,903
Tyngsborough	1,203	388	281	1,872
Wakefield	8,948	2,106	1,851	12,905
WATUHAN	13,127	3,137	6,925	23,189
Watertown	12,137	2,544	3,527	18,208
Wayland	5,450	834	454	6,737
Westford	3,708	946	526	5,180
Weston	4,844	888	372	6,104
Wilmington	4,807	1,062	1,130	6,999
Winchester	7,584	1,839	1,727	11,150
Woburn	10,024	2,613	3,157	15,794
Totals	432,232	91,140	105,024	628,396

County of Nantucket.

Nantucket	1,588	329	526	2,443
Totals	1,588	329	526	2,443

County of Norfolk.

Avon	1,601	332	343	2,276
Bellingham	3,744	845	803	5,492
Braintree	13,098	2,519	1,982	17,599
Brookline	17,305	3,039	9,534	29,938
Canton	6,396	1,152	1,042	8,590
Cohasset	2,928	593	372	3,893
Dedham	9,702	1,992	1,925	13,619
Dover	2,025	410	176	2,611
Foxborough	4,659	717	486	5,862
Franklin	4,759	1,146	1,026	6,931
Holbrook	3,507	735	662	4,904
Medfield	3,515	529	338	4,382
Medway	2,361	567	467	3,395
Millis	1,962	363	279	2,604
Milton	11,602	1,998	1,857	15,457
Needham	12,732	2,913	1,550	16,295
Norfolk	1,333	313	132	1,778
Norwood	11,255	1,910	1,946	15,111
Plainville	1,610	327	263	2,200
QUINCY	29,513	5,981	6,849	42,343
Randolph	8,952	1,690	2,175	12,817
Sharon	5,267	733	569	6,569
Stoughton	5,802	1,525	1,971	9,298
Walpole	6,524	1,076	859	8,459
Wellesley	9,846	2,087	2,221	14,154
Westwood	5,315	1,168	555	7,038

RETURN OF VOTES, ETC.

County of Norfolk — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Weymouth	18,839	3,657	2,847	25,343
Wrentham	1,787	446	279	2,512
Totals	208,029	39,963	43,498	291,490

County of Plymouth.

Abington	3,997	779	751	5,527
Bridgewater	3,776	656	683	5,115
BROCKTON	24,924	4,471	5,511	34,906
Carver	871	230	195	1,296
Duxbury	3,583	836	339	4,758
East Bridgewater	2,436	520	638	3,594
Halifax	1,065	303	186	1,554
Hanover	3,593	688	431	4,712
Hanson	2,171	434	356	2,961
Hingham	7,676	1,370	844	9,890
Hull	3,251	579	777	4,607
Kingston	2,005	480	437	2,922
Lakeville	1,395	335	283	2,013
Marion	1,347	315	203	1,865
Marshfield	5,633	933	650	7,216
Mattapoisett	1,908	383	297	2,588
Middleborough	3,817	967	744	5,528
Norwell	2,954	514	447	3,909
Pembroke	3,488	761	472	4,721
Plymouth	5,379	1,976	2,188	9,543
Plympton	379	123	73	575
Rochester	585	157	135	877
Rockland	4,449	978	825	6,252
Scituate	6,028	1,137	876	8,041
Wareham	3,312	742	942	5,076
West Bridgewater	2,119	457	298	2,874
Whitman	4,080	714	726	5,520
Totals	106,334	21,838	20,301	148,470

County of Suffolk.

BOSTON	98,874	22,581	95,093	216,548
CHELSEA	6,230	1,557	3,806	11,593
REVERE	12,612	3,185	5,483	21,280
Winthrop	6,628	1,329	2,083	10,040
Totals	124,344	28,652	106,465	259,461

County of Worcester.

Ashburnham	1,132	264	230	1,626
Athol	3,225	697	897	4,819
Auburn	5,568	944	1,194	7,706
Barre	1,297	284	426	1,917
Berlin	671	164	118	953
Blackstone	1,663	559	540	2,762
Bolton	787	164	92	1,043
Boylston	1,044	197	151	1,392
Brookfield	602	201	170	973
Charlton	1,244	311	347	1,902
Clinton	3,709	942	1,462	6,113
Douglas	919	300	340	1,559
Dudley	2,103	545	860	3,508
East Brookfield	508	139	178	825
FITCHBURG	11,842	2,415	3,937	18,194
GARDNER	5,599	1,188	2,010	8,797
Grafton	3,142	767	895	4,804
Hardwick	636	205	226	1,067
Harvard	1,357	277	93	1,727
Holden	4,365	1,034	1,128	6,527
Hopedale	1,431	296	442	2,169
Hubbardston	450	125	92	667

RETURN OF VOTES, ETC.

1771

County of Worcester — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Lancaster	1,520	383	376	2,279
Leicester	2,686	579	632	3,897
LEOMINSTER	9,929	1,838	2,811	14,578
Lunenburg	2,614	547	501	3,662
Mendon	770	240	230	1,240
Milford	5,554	1,431	2,537	9,522
Milbury	3,390	712	1,134	5,236
Millville	470	160	201	831
New Braintree	178	72	34	284
North Brookfield	1,234	340	420	1,994
Northborough	3,297	642	363	4,302
Northbridge	3,278	858	1,014	5,151
Oakham	279	94	56	429
Oxford	2,024	460	1,031	3,515
Paxton	1,302	265	185	1,752
Petersham	413	98	62	573
Phillipston	264	57	52	373
Princeton	612	183	86	881
Royalston	241	74	45	360
Rutland	1,086	201	141	1,428
Shrewsbury	7,213	1,131	1,285	9,629
Southborough	2,696	426	257	2,779
Southbridge	3,295	720	3,060	7,075
Spencer	2,599	628	908	4,135
Sterling	1,510	310	208	2,028
Sturbridge	1,284	335	655	2,274
Sutton	1,394	313	379	2,086
Templeton	1,516	395	350	2,261
Upton	1,044	277	323	1,644
Uxbridge	2,374	693	895	3,962
Warren	990	385	435	1,810
Webster	3,701	1,000	2,085	6,786
West Boylston	2,478	395	347	3,220
West Brookfield	842	252	223	1,307
Westborough	4,279	789	561	5,629
Westminster	1,564	369	252	2,185
Winchendon	1,655	434	506	2,595
WORCESTER	48,003	8,560	16,133	72,696
Totals	182,172	38,665	56,601	277,438

AGGREGATE OF VOTES.

Counties.	Yes.	No.	Blanks.	Total Ballots.
BARNSTABLE	44,346	8,008	7,605	59,959
BERKSHIRE	41,396	11,368	14,734	67,498
BRISTOL	120,672	26,675	44,873	192,220
BUCKS	2,908	743	774	4,425
ESSEX	197,661	51,976	53,212	302,849
FRANKLIN	18,258	5,711	4,800	28,769
HAMPDEN	115,977	26,210	43,391	185,578
HAMPSHIRE	38,760	8,586	7,152	54,498
MIDDLESEX	432,232	91,140	105,024	628,396
NANTUCKET	1,588	329	526	2,443
NORFOLK	208,029	39,963	43,498	291,490
PLYMOUTH	106,331	21,838	20,301	148,470
SUFFOLK	124,344	28,652	106,465	259,461
WORCESTER	182,172	38,665	56,601	277,438
Totals	1,634,674	359,864	508,956	2,503,494

RETURN OF VOTES, ETC.

RETURN OF VOTES ON QUESTION NO. 6, BEING A LEGISLATIVE AMENDMENT TO THE CONSTITUTION, SUBMITTED UNDER THE PROVISIONS OF ARTICLE XLVIII OF THE AMENDMENTS TO THE CONSTITUTION TO THE VOTERS OF THE COMMONWEALTH AT THE STATE ELECTION HELD NOVEMBER 7, 1972.

Votes for Question No. 6 (Proposed Amendment to the Constitution).

Do you approve of the adoption of an Amendment to the Constitution summarized below, which was approved by the General Court in a joint session of the two branches held July 2, 1969, received 204 votes in the affirmative and 49 in the negative, and in a joint session of the two branches held May 12, 1971, received 245 votes in the affirmative and 20 in the negative?

Summary

The proposed amendment would authorize but not require, the Legislature to modify the Massachusetts income tax law by the use of graduated rates instead of the present flat or uniform rates. The Legislature could do this in any one of three ways:

- 1. Apply a uniform rate or percentage to an individual's federal income tax liability; or*
- 2. Apply graduated rates to an individual's federal taxable income; or*
- 3. Apply graduated rates to income determined to be taxable under Massachusetts law.*

The Legislature would also be authorized to provide for reasonable exemptions, deductions and abatements and make the definition of any term used in the state tax law automatically the same as it is under Federal Law.

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	3,016	8,073	906	11,995
Bourne	1,088	2,560	540	4,188
Brewster	557	1,072	121	1,750
Chatham	978	2,033	214	3,225
Dennis	1,319	3,329	465	5,113
Eastham	536	897	95	1,528
Falmouth	3,426	4,897	940	9,263
Harwich	1,255	2,670	337	4,262
Mashpee	295	587	108	990
Orleans	885	1,523	179	2,587
Provincetown	959	813	267	2,039
Sandwich	665	1,578	177	2,420
Truro	274	335	45	654
Wellfleet	495	591	108	1,194
Yarmouth	2,022	6,082	647	8,751
Totals	17,770	37,040	5,149	59,959

RETURN OF VOTES, ETC.

1773

County of Berkshire.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Adams	1,814	3,016	883	5,713
Alford	83	74	20	177
Becket	169	201	39	409
Cheshire	467	810	139	1,416
Clarksburg	250	478	115	843
Dalton	1,369	1,762	239	3,370
Egremont	254	268	95	617
Florida	102	153	60	315
Great Barrington	998	1,286	895	3,089
Hancock	157	122	39	318
Hinsdale	234	347	79	660
Lanesborough	480	583	202	1,265
Lee	983	1,017	529	2,529
Lenox	1,125	1,044	473	2,642
Monterey	199	127	39	365
Mount Washington	13	21	13	47
New Ashford	43	43	14	100
New Marlborough	193	206	93	492
NORTH ADAMS	2,970	4,073	1,265	8,308
Otis	135	144	117	396
Peru	40	80	15	135
PITTSFIELD	10,047	10,201	5,348	25,596
Richmond	331	368	42	741
Sandisfield	124	81	63	268
Savoy	64	88	35	187
Sheffield	540	509	171	1,220
Stockbridge	733	454	184	1,371
Tyringham	77	64	21	162
Washington	60	96	22	178
West Stockbridge	251	249	86	586
Williamstown	2,051	1,381	318	3,750
Windsor	116	102	15	233
Totals	26,472	29,448	11,578	67,498

County of Bristol.

Acushnet	924	2,503	572	3,999
ATTLEBORO	3,306	8,656	1,148	13,110
Berkley	211	473	120	804
Dartmouth	2,746	5,998	1,307	10,051
Dighton	559	1,285	229	2,073
Easton	1,674	3,600	400	5,674
Fairhaven	1,772	4,385	1,276	7,433
FALL RIVER	9,178	19,934	10,469	39,581
Freetown	409	1,113	214	1,736
Mansfield	1,163	2,721	363	4,247
New Bedford	11,393	22,691	8,898	42,982
North Attleborough	1,709	5,451	628	7,788
Norton	952	2,398	268	3,618
Raynham	765	1,926	242	2,933
Rehoboth	1,316	1,263	352	2,931
Seekonk	2,399	2,156	776	5,331
Somerset	2,402	5,215	1,351	8,968
Swansea	1,914	3,419	1,010	6,343
TAUNTON	3,794	10,246	3,363	17,403
Westport	1,436	2,802	977	5,215
Totals	50,022	108,235	33,963	192,220

County of Dukes County.

Chilmark	148	106	26	280
Edgartown	426	453	213	1,092
Gay Head	44	18	31	93
Gosnold	27	22	12	61
Oak Bluffs	476	377	189	1,042
Tisbury	694	555	178	1,427
West Tisbury	285	110	35	430
Totals	2,100	1,641	684	4,425

RETURN OF VOTES, ETC.

County of Essex.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Amesbury	1,325	3,055	854	5,234
Andover	3,232	8,176	847	12,255
Beverly	4,453	12,279	1,607	18,339
Boxford	501	1,460	118	2,079
Danvers	2,996	7,564	784	11,354
Essex	370	897	149	1,416
Georgetown	602	1,742	167	2,511
GLOUCESTER	3,587	5,951	1,968	12,516
Groveland	633	1,531	150	2,314
Hamilton	1,001	2,077	244	3,322
HAVERHILL	5,548	12,396	3,167	21,111
Ipswich	1,709	3,389	583	5,681
LAWRENCE	5,681	18,661	5,135	29,477
LYNN	12,255	21,923	5,440	39,618
Lynnfield	1,389	4,269	306	5,964
Manchester	882	1,773	220	2,875
Marblehead	3,682	8,330	739	12,751
Merrimac	474	1,173	171	1,818
Methuen	3,413	12,069	1,958	17,440
Middleton	430	1,170	146	1,746
Nahant	661	1,329	171	2,161
Newbury	645	1,212	155	2,012
NEWBURYPORT	1,939	4,266	997	7,202
North Andover	2,110	5,741	787	8,638
FRABODY	4,987	14,103	2,235	21,325
Rockport	1,351	1,833	407	3,591
Rowley	418	939	123	1,480
SALEM	4,992	11,981	2,436	19,409
Salisbury	533	1,243	266	2,062
Saugus	3,235	7,769	1,020	12,024
Swampscott	1,936	4,647	801	7,384
Topsfield	652	1,831	97	2,580
Wenham	572	1,179	127	1,878
West Roxbury	401	765	116	1,282
Totals	78,595	189,733	34,521	302,849

County of Franklin.

Ashfield	288	300	69	657
Barnardston	217	457	83	757
Buckland	324	478	111	913
Charlemont	141	226	60	427
Colrain	249	314	66	629
Conway	246	265	50	561
Deerfield	687	1,078	156	1,921
Erving	182	371	64	617
Gill	227	347	40	614
Greenfield	2,634	5,024	947	8,605
Hawley	34	47	13	94
Heath	67	78	29	174
Leverett	352	215	46	613
Leyden	51	121	12	184
Monroe	24	66	7	97
Montague	1,389	2,342	419	4,150
New Salem	118	149	28	295
Northfield	547	624	114	1,285
Orange	743	1,401	375	2,519
Rowe	56	85	26	167
Shelburne	337	505	112	954
Shutesbury	169	133	29	321
Sunderland	517	554	100	1,171
Warwick	115	97	41	253
Wendell	80	102	33	215
Whately	158	349	69	576
Totals	9,942	15,728	3,099	28,769

County of Hampden.

Agawam	2,814	5,606	1,414	9,834
Blandford	154	270	41	465

RETURN OF VOTES, ETC.

1775

County of Hampden — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Brimfield	259	522	112	893
Chester	169	216	78	463
CHICOPEE	6,541	16,338	3,449	26,328
East Longmeadow	1,893	3,858	577	6,328
Granville	166	295	85	546
Hampden	680	1,042	132	1,854
Holland	161	333	56	550
HOLYOKE	4,901	10,420	4,866	20,187
Longmeadow	2,520	5,438	578	8,536
Ludlow	2,041	4,767	800	7,608
Monson	863	1,552	299	2,714
Montgomery	62	151	29	242
Palmer	1,515	3,128	783	5,426
Russell	188	359	81	628
Southwick	962	1,514	203	2,679
SPRINGFIELD	16,612	26,761	14,414	57,787
Tolland	41	40	16	97
Wales	138	225	36	399
West Springfield	3,900	7,084	1,402	12,386
WESTFIELD	4,122	8,320	1,431	13,873
Wilbraham	1,539	3,517	699	5,755
Totals	52,241	101,756	31,581	185,578

County of Hampshire.

Amherst	6,123	2,596	655	9,374
Belchertown	854	1,023	234	2,111
Chesterfield	133	176	61	370
Cummington	191	134	36	361
Easthampton	1,898	4,170	664	6,732
Goshen	90	142	33	265
Granby	647	1,214	261	2,122
Hadley	760	1,019	254	2,033
Hatfield	411	886	168	1,465
Huntington	253	370	88	711
Middlefield	65	63	28	156
NORTHAMPTON	4,751	6,707	1,341	12,799
Pelham	280	193	39	512
Plainfield	69	72	23	164
South Hadley	2,432	4,604	646	7,682
Southampton	397	976	129	1,502
Ware	998	2,557	711	4,266
Westhampton	147	204	28	379
Williamsburg	425	572	113	1,110
Worthington	152	174	58	384
Totals	21,076	27,862	6,570	54,498

County of Middlesex.

Acton	2,580	4,843	290	7,713
Arlington	9,127	17,002	2,085	28,214
Ashby	238	661	68	967
Ashland	1,006	2,746	245	3,997
Ayer	572	1,288	152	1,912
Bedford	1,878	3,606	275	5,759
Belmont	5,078	9,533	1,308	15,919
Billerica	3,287	8,085	643	12,015
Boxborough	236	519	39	794
Burlington	2,715	6,017	785	9,517
CAMBRIDGE	19,446	17,216	5,023	41,685
Carlisle	516	918	62	1,496
Chelmsford	3,300	10,491	616	14,407
Concord	3,340	4,274	613	8,227
Dracut	1,565	6,416	867	8,848
Dunstable	134	441	43	618
EVERETT	3,482	10,706	4,081	18,269
Frammingham	8,627	18,475	1,982	29,084
Groton	653	1,574	184	2,411
Holliston	1,542	3,581	274	5,397

RETURN OF VOTES, ETC.

County of Middlesex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Hopkinton	694	1,900	211	2,805
Hudson	1,570	4,079	607	6,256
Lexington	6,207	8,644	1,388	16,239
Lincoln	1,152	1,414	162	2,728
Littleton	925	1,761	175	2,861
Lowell	8,081	27,060	4,713	39,854
Malden	6,114	14,576	3,412	24,102
Marlborough	3,131	7,982	1,284	12,397
Maynard	1,104	2,769	394	4,267
Medford	7,511	18,561	3,596	29,668
Melrose	4,046	10,120	1,697	15,863
Natick	4,216	8,850	1,132	14,308
Newton	16,542	24,408	5,471	46,421
North Reading	1,669	2,969	270	4,908
Pepperell	643	1,566	181	2,390
Reading	3,322	7,253	610	11,185
Sherborn	609	1,205	93	1,907
Shirley	350	954	174	1,478
SOMERVILLE	10,878	18,530	4,672	34,080
Stoneham	3,102	6,115	748	9,965
Stow	513	1,180	110	1,803
Sudbury	1,947	4,288	353	6,588
Tewksbury	2,086	6,501	446	9,033
Townsend	529	1,201	173	1,903
Tyngsborough	379	1,327	166	1,872
Wakefield	3,203	8,570	1,132	12,905
WALTHAM	5,680	13,032	4,477	23,189
Watertown	6,199	9,658	2,351	18,208
Wayland	2,444	3,984	309	6,737
Westford	1,136	3,765	279	5,180
Weston	1,942	3,822	340	6,104
Wilmington	1,820	4,489	690	6,999
Winchester	3,412	6,726	1,012	11,150
Woburn	3,793	10,145	1,856	15,794
Totals	186,271	377,806	64,319	628,396

County of Nantucket.

Nantucket	894	1,102	447	2,443
Totals	894	1,102	447	2,443

County of Norfolk.

Avon	605	1,486	185	2,276
Bellingham	1,694	3,251	547	5,492
Braintree	4,688	11,658	1,253	17,599
Brookline	9,714	13,402	6,852	29,968
Canton	2,452	5,491	647	8,590
Cohasset	1,267	2,404	222	3,893
Dedham	3,588	9,048	983	13,619
Dover	638	1,860	113	2,611
Foxborough	1,869	3,636	357	5,862
Franklin	2,072	4,273	586	6,931
Holbrook	1,324	3,242	338	4,904
Medfield	1,422	2,723	237	4,382
Medway	1,030	2,083	282	3,395
Millis	806	1,618	180	2,604
Milton	4,447	9,939	1,071	15,457
Needham	4,882	10,539	864	16,285
Norfolk	567	1,109	102	1,778
Norwood	4,634	9,323	1,154	15,111
Plainville	568	1,438	194	2,200
QUINCY	12,010	26,045	4,288	42,343
Randolph	3,750	7,592	1,475	12,817
Sharon	2,315	3,869	375	6,559
Stoughton	2,636	5,623	1,039	9,298
Walpole	2,652	5,254	553	8,459
Wellesley	4,150	8,460	1,544	14,154
Westwood	2,091	4,651	296	7,038
Weymouth	7,655	16,084	1,604	25,343
Wrentham	781	1,558	173	2,512
Totals	86,317	177,659	27,514	291,490

RETURN OF VOTES, ETC.

1777

County of Plymouth.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Abington	1,692	3,447	398	5,527
Bridgewater	1,522	3,168	425	5,115
Brockton	9,702	21,794	3,410	34,906
Carver	351	811	134	1,296
Duxbury	1,417	3,085	256	4,758
East Bridgewater	599	2,246	449	3,594
Halifax	430	1,041	113	1,584
Hanover	1,484	3,004	224	4,712
Hanson	885	1,838	238	2,961
Hingham	3,169	6,223	498	9,890
Hull	1,432	2,689	486	4,607
Kingston	878	1,827	217	2,922
Lakeville	524	1,291	198	2,013
Marion	497	1,188	170	1,855
Marshfield	2,441	4,353	419	7,216
Mattapoisett	739	1,627	222	2,588
Middleborough	1,508	3,519	501	5,528
Norwell	1,201	2,450	258	3,909
Pembroke	1,422	3,035	264	4,721
Plymouth	2,361	5,682	1,500	9,543
Plympton	176	347	52	575
Rochester	195	593	98	887
Rockland	1,879	3,854	519	6,252
Scituate	2,856	4,690	495	8,041
Wareham	1,196	3,328	549	5,076
West Bridgewater	751	1,920	203	2,874
Whitman	1,564	3,490	466	5,520
Totals	43,178	92,540	12,752	148,470

County of Suffolk.

	Yes.	No.	Blanks.	Total Ballots.
Boston	59,707	94,776	62,065	216,548
Chelsea	2,361	6,970	2,262	11,593
Revere	4,767	13,393	3,120	21,280
Winthrop	3,227	5,835	978	10,040
Totals	70,062	120,974	68,425	259,461

County of Worcester.

	Yes.	No.	Blanks.	Total Ballots.
Ashburnham	434	1,062	130	1,626
Athol	1,273	2,913	693	4,819
Auburn	1,843	5,139	724	7,706
Barre	455	1,185	277	1,917
Berlin	214	643	96	953
Blackstone	840	1,490	432	2,762
Bolton	330	639	74	1,043
Boylston	346	970	76	1,392
Brookfield	239	605	129	973
Charlton	546	1,114	242	1,902
Clinton	1,177	3,085	951	6,113
Douglas	339	999	221	1,559
Dudley	725	2,265	518	3,508
East Brookfield	162	564	99	825
FITCHBURG	4,121	11,840	2,233	18,194
GARDNER	2,843	4,848	1,106	8,797
Grafton	1,065	3,201	538	4,804
Hardwick	337	552	178	1,067
Harvard	570	1,070	87	1,727
Holden	1,491	4,388	648	6,527
Hopedale	566	1,355	248	2,169
Hubbardston	186	416	65	667
Lancaster	524	1,497	258	2,277
Leicester	918	2,565	414	3,897
LEOMINSTER	2,955	9,804	1,819	14,578
Lunenburg	787	2,575	300	3,662
Mendon	310	800	130	1,240
Millford	2,283	5,882	1,357	9,522
Millbury	1,241	3,288	707	5,236
Milville	264	405	162	831

RETURN OF VOTES, ETC.

County of Worcester — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
New Braintree	79	166	39	284
North Brookfield	423	1,255	316	1,994
Northborough	1,164	2,835	303	4,302
Northbridge	1,105	3,445	601	5,151
Oakham	142	236	51	429
Oxford	721	2,156	638	3,515
Paxton	365	1,271	116	1,752
Petersham	234	297	42	573
Phillipston	122	222	29	373
Princeton	259	564	58	881
Royalston	83	233	44	360
Rutland	339	994	95	1,428
Shrewsbury	2,295	6,442	892	9,629
Southborough	731	1,906	142	2,779
Southbridge	1,896	3,143	2,036	7,075
Spencer	885	2,662	588	4,135
Sterling	454	1,428	146	2,028
Sturbridge	678	1,148	448	2,274
Sutton	479	1,356	251	2,086
Templeton	664	1,391	206	2,261
Upton	474	975	195	1,644
Uxbridge	806	2,547	609	3,962
Warren	523	995	292	1,810
Webster	1,293	4,231	1,262	6,786
West Boylston	728	2,260	232	3,220
West Brookfield	398	771	138	1,307
Westborough	1,519	3,738	372	5,629
Westminster	519	1,464	202	2,185
Winchendon	606	1,755	234	2,595
WORCESTER	17,722	44,180	10,794	72,696
Totals	67,090	174,125	36,223	277,438

AGGREGATE OF VOTES.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
BARNSTABLE	17,770	37,040	5,149	59,959
BERKSHIRE	26,472	29,448	11,578	67,498
BRISTOL	50,022	108,235	33,963	192,220
DUKES	2,100	1,641	664	4,425
ESSEX	78,595	189,733	34,521	302,849
FRANKLIN	9,942	15,728	3,099	28,769
HAMPDEN	52,241	101,756	31,581	185,578
HAMPSHIRE	21,076	27,852	5,570	54,498
MIDDLESEX	186,271	377,806	64,319	628,396
NANTUCKET	894	1,102	447	2,443
NORFOLK	86,317	177,659	27,514	291,490
PLYMOUTH	43,178	92,540	12,752	148,470
SUFFOLK	70,062	120,974	68,425	259,461
WORCESTER	67,090	174,125	36,223	277,438
Totals	712,030	1,455,639	335,825	2,503,494

RETURN OF VOTES ON QUESTION NO. 7, BEING A LEGISLATIVE AMENDMENT TO THE CONSTITUTION, SUBMITTED UNDER THE PROVISIONS OF ARTICLE XLVIII OF THE AMENDMENTS TO THE CONSTITUTION TO THE VOTERS OF THE COMMONWEALTH AT THE STATE ELECTION HELD NOVEMBER 7, 1972.

Votes for Question No. 7 (Proposed Amendment to the Constitution).

Do you approve of the adoption of an Amendment to the Constitution summarized below, which was approved by the General Court in a joint session of the two branches held June 18, 1969, received 198 votes in the affirmative and 63 in the negative, and in a joint session of the two branches held May 12, 1971, received 231 votes in the affirmative and 31 in the negative?

Summary

The proposed amendment would require that all judges must retire upon reaching seventy years of age.

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	8,442	2,521	1,032	11,995
Bourne	2,695	804	689	4,188
Brewster	1,247	380	123	1,750
Chatham	2,284	693	248	3,225
Dennis	3,679	1,013	421	5,113
Eastham	1,168	247	113	1,528
Falmouth	6,551	1,707	1,005	9,263
Harwich	2,961	950	351	4,262
Mashpee	698	164	128	990
Orleans	1,797	597	193	2,587
Provincetown	1,458	326	255	2,039
Sandwich	1,696	524	200	2,420
Tyrus	474	120	60	654
Wellfleet	837	223	134	1,194
Yarmouth	6,179	1,915	657	8,751
Totals	42,166	12,184	5,609	59,959

County of Berkshire.

Adams	3,963	648	1,097	5,713
Alford	104	53	20	177
Becket	287	81	41	409
Cheshire	1,045	196	175	1,416
Clarksburg	621	100	122	843
Dalton	2,423	654	293	3,370
Egremont	418	126	73	617
Florida	215	58	42	315
Great Barrington	1,719	441	929	3,089
Hancock	228	59	32	318
Hinsdale	466	122	72	660
Lanesborough	762	241	262	1,265
Lee	1,609	374	546	2,529
Lenox	1,687	429	526	2,642
Monterey	234	91	40	365
Mount Washington	29	8	10	47
New Ashford	68	19	13	100
New Marlborough	293	109	90	492
NORTH ADAMS	5,989	926	1,393	8,308
Otis	207	68	121	396
Peru	90	33	12	135

RETURN OF VOTES, ETC.

County of Berkshire — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Pittsfield	15,888	3,745	5,963	25,596
Richmond	567	139	44	741
Sandisfield	164	50	54	268
Savoy	122	34	31	187
Sheffield	700	364	156	1,220
Stockbridge	938	278	155	1,371
Tyringham	114	25	23	162
Washington	110	44	24	178
West Stockbridge	395	95	96	586
Williamstown	2,909	515	326	3,750
Windsor	176	43	14	233
Totals	44,545	10,158	12,795	67,498

County of Bristol.

Acushnet	2,777	644	578	3,999
Attleboro	8,922	2,734	1,454	13,110
Berkley	501	182	121	804
Dartmouth	6,977	1,820	1,254	10,051
Dighton	1,342	545	186	2,073
Easton	4,004	1,252	418	5,674
Fairhaven	4,698	1,269	1,466	7,433
Fall River	19,691	9,156	10,734	39,581
Freetown	1,148	400	188	1,736
Mansfield	2,888	915	444	4,247
New Bedford	27,679	6,870	8,433	42,982
North Attleborough	5,306	1,683	799	7,788
Norton	2,457	833	328	3,618
Raynham	1,865	747	321	2,933
Rehoboth	2,066	537	328	2,931
Seekonk	3,948	858	525	5,331
Somerset	5,303	2,299	1,366	8,968
Swansea	3,906	1,517	920	6,343
Taunton	9,664	3,865	3,874	17,403
Westport	3,208	1,164	843	5,215
Totals	118,350	39,290	34,580	192,220

County of Dukes County.

Chilmark	197	60	23	280
Edgartown	707	215	170	1,092
Gay Head	62	12	19	93
Gosnold	41	14	6	61
Oak Bluffs	689	209	144	1,042
Tisbury	1,008	276	143	1,427
West Tisbury	322	79	29	430
Totals	3,026	865	534	4,425

County of Essex.

Amesbury	3,222	964	1,048	5,234
Andover	7,936	3,418	901	12,255
Beverly	12,465	3,950	1,934	18,339
Boxford	1,416	576	87	2,079
Danvers	8,187	2,300	867	11,354
Essex	913	341	162	1,416
Georgetown	1,749	577	185	2,511
GloUCESTER	8,024	2,272	2,220	12,516
Groveland	1,722	460	132	2,314
Hamilton	2,248	805	269	3,322
Haverhill	13,653	4,009	3,458	21,111
Ipswich	3,999	1,105	577	5,681
Lawrence	16,191	7,205	6,081	29,477
LYNN	27,491	7,041	5,086	39,618
Lynnfield	4,381	1,306	277	5,964
Manchester	1,947	694	234	2,875

RETURN OF VOTES, ETC.

1781

County of Essex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Marblehead	8,857	3,003	891	12,751
Merrimac	1,273	399	156	1,818
Methuen	10,555	4,429	2,456	17,440
Middleton	1,242	350	154	1,746
Nahant	1,523	469	169	2,161
Newbury	1,267	467	178	2,012
NEWBURYPORT	4,598	1,470	1,134	7,202
North Andover	5,597	2,317	724	8,638
Princeton	14,600	4,154	2,571	21,325
Rockport	2,473	722	396	3,591
Rowley	1,045	287	148	1,480
SALEM	12,530	4,093	2,786	19,409
Salisbury	1,305	444	313	2,062
Saugus	8,765	2,163	1,103	12,034
Swampscott	4,634	1,761	989	7,384
Topshfield	1,896	587	97	2,580
Wenham	1,338	418	122	1,878
West Roxbury	916	240	126	1,282
Totals	200,041	64,777	38,031	302,849

County of Franklin.

Ashfield	423	151	83	657
Barnardston	516	183	78	777
Buckland	568	194	151	913
Charlemont	285	81	61	427
Colrain	406	144	79	629
Conway	377	128	56	561
Deerfield	1,351	377	193	1,921
Erving	427	112	78	617
Gill	411	136	67	614
Greenfield	5,375	1,826	1,404	8,605
Hawley	64	14	16	94
Heath	100	52	22	174
Leverett	431	120	62	613
Leyden	129	43	12	184
Monroe	62	15	20	97
Montague	2,810	753	587	4,150
New Salem	204	61	30	295
Northfield	918	253	109	1,280
Orange	1,621	603	395	2,619
Rowe	101	38	28	167
Shelburne	596	224	134	954
Shutesbury	229	59	33	321
Sunderland	860	205	106	1,171
Warwick	175	49	29	253
Wendell	133	51	31	215
Whately	402	88	86	576
Totals	18,974	5,845	3,950	28,769

County of Hampden.

Agawam	6,371	1,665	1,798	9,834
Blandford	335	96	34	465
Brimfield	620	176	97	893
Chester	313	83	67	463
CHICOPEE	18,183	4,036	4,109	26,328
East Longmeadow	4,536	1,124	668	6,328
Granville	376	97	73	546
Hampden	1,396	347	111	1,854
Holland	387	102	61	550
HOLYOKE	11,414	3,104	5,669	20,187
Longmeadow	6,247	1,746	543	8,536
Ludlow	5,498	1,242	868	7,608
Monson	1,892	527	295	2,714
Montgomery	165	53	24	242
Palmer	3,637	931	858	5,426
Russell	446	102	80	628
Southwick	2,039	463	177	2,679

RETURN OF VOTES, ETC.

County of Hampden — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
SPRINGFIELD	30,744	8,504	18,539	57,787
Toiland	67	17	13	97
Wales	286	70	43	399
West Springfield	8,302	2,211	1,873	12,386
WESTFIELD	9,994	2,336	1,543	13,873
Wilbraham	3,839	1,095	821	5,755
Totals	117,087	30,127	38,364	185,578

County of Hampshire.

Amherst	7,080	1,549	745	9,374
Belchertown	1,570	341	200	2,111
Chostertfield	263	62	45	370
Cummington	259	73	29	361
Easthampton	4,886	1,082	764	6,732
Goshen	190	56	19	265
Granby	1,412	387	323	2,122
Hadley	1,467	338	228	2,033
Hatfield	1,052	230	183	1,465
Huntington	486	129	96	711
Middlefield	94	38	24	156
NORTHAMPTON	9,539	1,885	1,375	12,799
Pelham	388	84	40	512
Plainfield	107	33	24	164
South Hadley	5,793	1,243	646	7,682
Southampton	1,105	281	116	1,502
Ware	2,549	927	790	4,266
Westhampton	275	82	22	379
Williamsburg	823	188	99	1,110
Worthington	260	73	51	384
Totals	39,598	9,081	5,819	54,498

County of Middlesex.

Acton	5,737	1,672	304	7,713
Arlington	19,252	6,644	2,318	28,214
Ashby	683	206	78	967
Ashland	2,646	841	270	3,997
Ayer	1,298	435	179	1,912
Bedford	4,214	1,288	257	5,759
Belmont	10,094	4,351	1,474	15,919
Billerica	8,855	2,374	786	12,015
Boxborough	588	178	28	794
Burlington	6,489	1,954	1,074	9,517
CAMBRIDGE	27,788	8,499	5,398	41,685
Carlisle	1,038	386	72	1,496
Chelmsford	10,678	2,957	772	14,407
Concord	5,765	1,760	702	8,227
Dracut	6,139	1,626	1,083	8,848
Dunstable	393	175	50	618
EVERETT	9,308	3,567	5,394	18,269
Frammingham	20,706	6,157	2,222	29,084
Groton	1,697	529	185	2,411
Holliston	4,013	1,106	278	5,397
Hopkinton	2,013	553	239	2,805
Hudson	3,980	1,600	676	6,256
Lexington	11,085	3,522	1,632	16,239
Lincoln	1,963	637	128	2,728
Littleton	1,988	723	150	2,861
LOWELL	26,295	7,582	5,977	39,854
MALDEN	13,607	5,955	4,540	24,102
MARLBOROUGH	8,382	2,541	1,474	12,397
Maynard	2,936	865	466	4,267
MEDFORD	18,716	6,797	4,155	29,668
MELROSE	9,561	4,162	2,140	15,863
Natick	9,881	3,046	1,381	14,308
NEWTON	28,006	11,861	6,554	46,421
North Reading	3,499	1,100	309	4,908
Pepperell	1,675	516	199	2,390

RETURN OF VOTES, ETC.

1783

County of Middlesex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Reading	7,884	2,628	673	11,185
Sherborn	1,411	399	97	1,907
Shirley	964	296	218	1,478
SOMERVILLE	21,919	6,765	5,396	34,080
Stoneham	6,860	2,216	889	9,965
Stow	1,319	393	91	1,803
Sudbury	4,766	1,474	348	6,588
Tewksbury	6,527	1,945	561	9,033
Townsend	1,356	383	164	1,903
Tyngsborough	1,289	373	210	1,872
Wakefield	8,479	3,237	1,189	12,905
WALTHAM	12,395	5,060	5,734	23,189
Watertown	11,851	3,759	2,598	18,208
Wayland	4,931	1,492	314	6,737
Westford	3,753	1,060	367	5,180
Weston	4,234	1,602	268	6,104
Wilmington	4,631	1,486	582	6,699
Winchester	7,319	2,568	1,263	11,150
WOBURN	10,311	3,018	2,465	15,794
Totals	413,406	138,319	76,671	628,396

County of Nantucket.

Nantucket	1,443	615	385	2,443
Totals	1,443	615	385	2,443

County of Norfolk.

Avon	1,573	491	212	2,276
Bellingham	3,870	1,063	559	5,492
Braintree	12,630	3,716	1,253	17,599
Brookline	14,892	6,956	8,120	29,968
Canton	5,981	1,936	673	8,590
Cohasset	2,676	985	232	3,893
Dedham	9,321	3,115	1,183	13,619
Dover	1,832	671	108	2,611
Foxborough	4,281	1,260	321	5,862
Franklin	4,906	1,346	679	6,931
Holbrook	3,518	952	434	4,904
Medfield	3,343	832	207	4,382
Medway	2,374	687	334	3,395
Millis	1,863	564	177	2,604
Milton	10,364	3,986	1,127	15,457
Needham	11,271	4,096	928	16,295
Norfolk	1,322	369	87	1,778
Norwood	10,651	3,155	1,305	15,111
Plainville	1,548	464	188	2,200
QUINCY	28,459	9,244	4,640	42,343
Randolph	8,835	2,561	1,421	12,817
Sharon	4,663	1,516	380	6,559
Stoughton	5,913	1,920	1,455	9,298
Walpole	6,216	1,670	573	8,459
Wellesley	9,065	3,282	1,801	14,154
Westwood	5,017	1,692	329	7,038
Weymouth	18,360	5,227	1,756	25,343
Wrentham	1,754	580	178	2,612
Totals	196,498	64,326	30,666	291,490

County of Plymouth.

Abington	3,877	1,155	495	5,527
Bridgewater	3,430	1,192	493	5,115
BROCKTON	22,988	8,091	3,827	34,906
Carver	875	272	149	1,296
Duxbury	2,736	1,791	231	4,758
East Bridgewater	2,206	827	561	3,594

RETURN OF VOTES, ETC.

County of Plymouth — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Halifax	1,067	392	125	1,584
Hanover	3,476	978	258	4,712
Hanson	2,076	628	257	2,961
Hingham	7,103	2,276	511	9,890
Hull	3,080	1,015	512	4,607
Kingston	1,944	689	289	2,922
Lakeville	1,397	417	199	2,013
Marion	1,279	420	156	1,855
Marshfield	5,280	1,465	471	7,216
Mattapoisett	1,838	558	192	2,588
Middleborough	3,769	1,248	571	5,528
Norwell	2,679	898	332	3,909
Pembroke	3,456	996	269	4,721
Plymouth	5,736	2,028	1,779	9,543
Plympton	370	157	48	575
Rochester	599	194	94	887
Rockland	4,345	1,350	557	6,252
Scituate	5,729	1,790	522	8,041
Wareham	3,150	1,219	707	5,076
West Bridgewater	2,002	676	196	2,874
Whitman	3,807	1,199	514	5,520
Totals	100,294	33,921	14,255	148,470

County of Suffolk.

BOSTON	96,186	38,554	81,808	216,548
CHelsea	6,081	2,727	2,785	11,593
REVERE	13,139	4,237	3,904	21,280
Winthrop	6,162	2,265	1,613	10,040
Totals	121,568	47,783	90,110	259,461

County of Worcester.

Ashburnham	1,164	311	151	1,626
Athol	3,173	1,036	610	4,819
Auburn	5,820	1,110	776	7,706
Barre	1,216	355	346	1,917
Berlin	660	213	80	953
Blackstone	1,823	499	440	2,762
Bolton	728	248	67	1,043
Boylston	1,085	208	99	1,392
Brookfield	660	179	134	973
Charlton	1,327	346	229	1,902
Clinton	3,849	1,205	1,059	6,113
Douglas	998	300	261	1,559
Dudley	2,378	527	603	3,508
East Brookfield	539	158	128	825
FITCHBURG	12,658	2,617	2,719	18,194
GARDNER	5,871	1,420	1,506	8,797
Grafton	3,435	732	637	4,804
Hardwick	661	222	184	1,067
Harvard	1,192	451	84	1,727
Holden	4,823	1,014	890	6,527
Hopedale	1,494	367	308	2,169
Hubbardston	455	145	67	667
Lancaster	1,474	547	258	2,279
Leicester	2,867	587	443	3,897
LEOMINSTER	10,056	2,475	2,047	14,578
Lunenburg	2,779	576	307	3,662
Mendon	821	263	156	1,240
Milford	6,069	1,587	1,966	9,522
Millbury	3,686	736	514	5,236
Millville	567	112	152	831
New Braintree	170	78	36	284
North Brookfield	1,326	350	318	1,994
Northborough	3,311	741	250	4,302
Northbridge	3,404	918	829	5,151
Oakham	296	90	43	429
Oxford	2,211	487	817	3,515

RETURN OF VOTES, ETC.

1785

County of Worcester — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Paxton	1,335	305	112	1,752
Petersham	383	137	48	573
Phillipston	250	93	30	373
Princeton	632	182	67	881
Royalston	235	85	40	360
Rutland	1,107	226	95	1,428
Shrewsbury	7,443	1,315	871	9,629
Southborough	2,008	590	181	2,779
Southbridge	3,518	971	2,586	7,075
Spencer	2,844	676	615	4,135
Sterling	1,469	392	167	2,028
Sturbridge	1,369	333	572	2,274
Sutton	1,493	331	262	2,086
Templeton	1,639	385	237	2,261
Upton	1,119	285	240	1,644
Uxbridge	2,604	665	693	3,962
Warren	1,150	312	348	1,810
Webster	4,194	1,062	1,530	6,786
West Boylston	2,531	486	203	3,220
West Brookfield	882	254	171	1,307
Westborough	4,291	1,001	337	5,629
Westminster	1,630	378	177	2,185
Winchendon	1,795	502	298	2,595
WORCESTER	50,314	11,076	11,306	72,696
Totals	191,285	45,452	40,700	277,438

AGGREGATE OF VOTES.

BARNSTABLE	42,166	12,184	5,609	59,959
BERKSHIRE	44,545	10,158	12,795	67,498
BRISTOL	118,350	39,290	34,580	192,220
DUKES	3,026	865	534	4,425
ESSEX	200,041	64,777	38,031	302,849
FRANKLIN	18,974	5,845	3,950	28,769
HAMPDEN	117,087	30,127	38,364	185,578
HAMPSHIRE	39,598	9,081	5,819	54,498
MIDDLESEX	413,406	138,319	76,671	628,396
NANTUCKET	1,443	615	385	2,443
NORFOLK	196,498	64,326	30,666	291,490
PLYMOUTH	100,294	33,921	14,255	148,470
SUFFOLK	121,568	47,783	90,110	259,461
WORCESTER	191,286	45,452	40,700	277,438
Totals	1,608,282	502,743	392,469	2,503,494

APPENDIX

TABLE OF CHANGES

SHOWING

TO WHAT EXTENT THE GENERAL LAWS OF THE COMMONWEALTH, AS APPEARING IN THE TERCENTENARY EDITION, HAVE BEEN AFFECTED BY LEGISLATION PASSED BY THE GENERAL COURT SINCE JANUARY FIRST, NINETEEN HUNDRED AND THIRTY-TWO THROUGH THE YEAR NINETEEN HUNDRED AND SEVENTY-THREE.*†

Chapter 1. — Jurisdiction of the Commonwealth and of the United States.

SECT. 3 revised, 1933, 278 § 1; 1970, 810 § 1; paragraph added, 1971, 1035 § 1. (See 1970, 810 § 3; 1971, 1035 § 2.)

Chapter 2. — Arms, Great Seal and Other Emblems of the Commonwealth.

SECTS. 1-6 revised, 1971, 360 § 1. (See 1971, 360 § 3.)

SECT. 6A added, 1960, 304 (relative to flying the flag of the commonwealth at half-staff on state-owned or state-controlled buildings and on state installations).

SECT. 7 sentence added at end, 1953, 245.

SECT. 8 added, 1941, 121 (designating the American elm as the state tree).

SECT. 9 added, 1941, 121 (designating the Chickadee as the state bird).

SECT. 10 added, 1970, 262 (designating cranberry juice as the state beverage).

SECT. 11 added, 1970, 586 (designating the Morgan horse as the state horse or horse emblem).

Chapter 3. — The General Court.

SECT. 1 revised, 1946, 130 § 1.

SECT. 5 amended, 1937, 364 § 1; 1939, 508 § 1; 1956, 31.

SECT. 6 revised, 1937, 364 § 2; amended, 1939, 424 § 1; repealed, 1943, 549 § 2. (See 1939, 424 § 3.)

SECT. 6A added, 1939, 424 § 2 (imposing restrictions on the granting of authority to use the designation of junior college); repealed, 1943, 549 § 2. (See 1939, 424 § 3.)

SECT. 7 revised, 1937, 364 § 3; first sentence amended, 1943, 549 § 2A; section revised, 1962, 750 § 1.

SECT. 8A added, 1973, 896 (relative to the filing of petitions with the general court by cities and towns under the home rule amendment).

SECT. 9 revised, 1937, 236 § 1; 1941, 307 § 1; amended, 1941, 600 § 1; revised, 1945, 38 § 1. (See 1941, 307 § 2; 1941, 600 § 2.)

SECT. 9 stricken out and sections 9 and 9A (relative to payment of allowances for travel and other expenses to members of the general court) inserted, 1945, 248 § 1. (See 1945, 248 §§ 4, 5.)

*For table showing changes in legislation made during the years 1921 to 1931, inclusive, see Table of Changes contained in pages 485-597 of the Acts and Resolves of 1932.

†References in this table are to the Tercentenary Edition of the General Laws, as most recently amended, unless otherwise specified.

SECT. 9, first two sentences amended, 1948, 655 § 1; revised, 1949, 784 § 1; two sentences inserted after second sentence, 1949, 801 § 1; third sentence amended, 1950, 247 § 1; first four sentences revised, 1951, 803 § 1; last sentence revised, 1953, 171; section revised, 1956, 742 § 1; first four sentences revised, 1960, 783 § 1; act of 1960 submitted upon referendum after passage and repealed by the people at state election on November 6, 1962. This action revived section as most recently amended by 1956, 742 § 1; section revised, 1963, 506 § 1; act of 1963 submitted upon referendum after passage and repealed by the people at state election on November 3, 1964. This action revives section as most recently amended by 1956, 742 § 1 (see G. L. c. 4 § 6); sentence inserted after third sentence, 1966, 441 § 1; same sentence amended, 1966, 688 § 1; section revised, 1969, 19 § 4; amended, 1970, 242 § 2; 1971, 536 § 1, 1008 § 2; first sentence revised, 1972, 148 §§ 1, 2; section revised, 1972, 674 § 1; second sentence revised, 1972, 679 § 1. (See 1948, 655 §§ 3, 4; 1949, 784 § 3, 801 § 2; 1950, 247 § 2; 1951, 803 § 2; 1956, 742 §§ 2, 3; 1960, 783 § 3; 1963, 506 §§ 4, 7.) For temporary act see 1965, 271 § 1; 1966, 441 § 2, 688 § 2. (See 1965, 271 § 4; 1966, 441 § 3, 688 § 3; 1969, 19 § 7; 1970, 242 § 3; 1971, 536 § 2; 1972, 148 §§ 3, 4, 674 § 2, 679 § 2.)

SECT. 9A repealed, 1952, 635 § 1.

SECT. 9B added, 1953, 263 § 1 (relative to travel and expense allowances for members of the general court); revised, 1963, 506 § 2; act of 1963 submitted upon referendum after passage and repealed by the people at state election on November 3, 1964. This action revives section as added by 1953, 263 § 1 (see G. L. c. 4 § 6); section revised, 1969, 19 § 5. (See 1963, 506 §§ 5-7; 1969, 19 § 7.) For temporary act see 1965, 271 § 2. (See 1965, 271 § 4.)

SECT. 10 amended, 1945, 38 § 2; revised, 1945, 248 § 2; 1948, 655 § 2; 1949, 784 § 2; amended, 1951, 803 § 1A; 1952, 635 § 3; revised, 1957, 733 § 1; amended 1960, 783 § 2; act of 1960 submitted upon referendum after passage and repealed by the people at state election on November 6, 1962. This action revived section as most recently amended by 1957, 733 § 1; revised, 1963, 506 § 3; act of 1963 submitted upon referendum after passage and repealed by the people at state election on November 3, 1964. This action revives section as most recently amended by 1957, 733 § 1 (see G. L. c. 4 § 6); section revised, 1969, 19 § 6. (See 1945, 248 §§ 4, 5; 1948, 655 §§ 3, 4; 1949, 784 § 3; 1951, 803 § 2; 1957, 733 § 2; 1960, 783 § 3; 1969, 19 § 7.) For temporary act see 1965, 271 § 3. (See 1965, 271 § 4.)

SECT. 11 repealed, 1937, 236 § 2.

SECT. 12 revised, 1937, 360 § 1; 1943, 260 § 1. (See 1937, 360 §§ 3-5; 1943, 260 § 3.)

SECT. 12A added, 1952, 3 (authorizing the use of facsimiles of the signatures of the clerks of the senate and house of representatives in certain cases).

SECT. 13 revised, 1937, 360 § 2; amended, 1941, 230; revised, 1943, 260 § 2; 1967, 1. (See 1937, 260 §§ 3-5; 1943, 260 § 3.)

SECT. 14 revised, 1948, 139.

SECT. 15 revised, 1945, 421 § 1; paragraph added at end, 1949, 806 § 1. (See 1945, 421 § 5.)

SECT. 16 revised, 1949, 806 § 2.

SECT. 18 amended, 1941, 433 § 1; 1943, 104; revised, 1945, 421 § 2; amended, 1962, 686. (See 1941, 433 § 4; 1945, 421 § 5.)

SECT. 19 amended, 1935, 210; 1949, 806 § 3; 1955, 782; 1956, 81, 732; 1960, 809.

SECT. 20 revised, 1939, 508 § 2; amended, 1941, 433 § 2; 1945, 38 § 3; 421 § 4; revised, 1945, 488 § 1; 1952, 572 § 1; repealed, 1952, 635 § 2. (See 1941, 433 § 4; 1945, 421 § 5; 488 §§ 2, 3; 1952, 572 § 2.)

SECT. 20A added, 1937, 189 (relative to the purchase of uniforms for the sergeant-at-arms, doorkeepers, assistant doorkeepers, general court officers and pages of the general court).

SECT. 21 revised, 1945, 421 § 3. (See 1945, 421 § 5.)

SECT. 22 amended, 1939, 508 § 3.

SECT. 23 revised, 1941, 347; 1971, 34; two paragraphs added, 1973, 759.

SECT. 28A added, 1954, 454 (providing a penalty for refusal to appear and testify before the General Court or a committee or commission thereof in certain cases).

SECT. 31 revised, 1972, 349 § 1.

SECT. 32 amended, 1972, 349 § 2.

SECT. 32A added, 1950, 808 § 1 (relative to travel expenses of certain special commissions and committees); revised, 1961, 328. (See 1950, 808 § 2.)

SECT. 38A added, 1971, 272 § 1 (providing for the inclusion of fiscal notes of estimated cost with certain bills reported favorably by certain committees of the general court).

SECT. 39 revised, 1973, 981 § 2. (See 1973, 981 § 14.)

SECT. 40 revised, 1973, 981 § 3. (See 1973, 981 § 14.)

SECT. 41 revised, 1973, 981 § 4. (See 1973, 981 § 14.)

SECT. 42 revised, 1973, 981 § 5. (See 1973, 981 § 14.)

SECT. 43 revised, 1973, 981 § 6. (See 1973, 981 § 14.)

SECT. 44 revised, 1973, 981 § 7. (See 1973, 981 § 14.)

SECT. 45 revised, 1973, 981 § 8. (See 1973, 981 § 14.)

SECT. 46 amended, 1939, 508 § 4; revised, 1973, 981 § 9. (See 1973, 981 § 14.)

SECT. 47 amended, 1939, 508 § 5; revised, 1973, 981 § 10. (See 1973, 981 § 14.)

SECT. 48 revised, 1973, 981 § 11. (See 1973, 981 § 14.)

SECT. 49 amended, 1939, 508 § 6; revised, 1973, 981 § 12. (See 1973, 981 § 14.)

SECT. 51 amended, 1939, 508 § 7.

SECT. 53 revised, 1939, 376 § 1; sentence inserted after first sentence 1958, 672 § 2. (See 1939, 376 § 2.)

SECT. 55A added, 1958, 672 § 1 (providing for the appointment of recodification counsel). (See 1958, 672 § 3.)

SECTS. 56-61 added, 1954, 607 § 2 (establishing a legislative research council and legislative research bureau).

SECT. 56, first sentence amended, 1961, 118; revised, 1965, 443; 1967, 291 § 1; fourth sentence stricken out, 1967, 291 § 2.

SECT. 58 amended, 1955, 137.

SECT. 60, two sentences added at end, 1955, 579.

SECT. 62 added, under caption, 1966, 518 (establishing the municipal problems commission).

SECTS. 63-64 added, under caption, 1971, 1008 § 1 (establishing a legislative post audit and oversight bureau).

SECT. 63, second paragraph revised, 1972, 243.

SECT. 65 added, 1972, 462 (establishing a senate art committee).

Chapter 4. — Statutes.

SECT. 1A added, 1969, 427 (relative to a reorganization plan procedure for the executive department).

SECT. 2A added, 1962, 68 (relative to the powers and duties of certain special commissions); third paragraph amended, 1972, 120; revised, 1973, 93; paragraph inserted after third paragraph, 1973, 907.

SECT. 4 revised, 1962, 182; 1966, 253.

SECT. 4A added, 1952, 223 (permitting certain towns to revoke their acceptance of certain special acts).

SECT. 5 revised, 1935, 69.

SECT. 6, clause Tenth added, 1967, 867 § 1.

SECT. 7, clause Third revised, 1951, 215 § 1; clause Sixth A added, 1967, 844 § 23; clause Ninth revised, 1941, 509 § 1; 1945, 242 § 1; 637 § 1; clause Eighteenth amended, 1934, 283; 1935, 26; 1936, 180; 1937, 38; 1938, 245; 1941, 91 § 1; 1946, 190; 1948, 241; revised, 1958, 140; 1960, 812 § 1; 1962, 616 § 1; 1968, 24 § 1; 1970, 215 § 1; clause Twenty-sixth revised, 1958, 626 § 1; 1962, 427 § 1; amended, 1969, 831 § 2; revised, 1973, 1050 § 1; clause Forty-second stricken out, 1953, 319 § 2; clause Forty-third added, 1954, 627 § 1; first paragraph amended, 1960, 299; revised, 1960, 544 § 1; second paragraph revised, 1965, 875 § 1; fifth paragraph amended, 1957, 164 § 1; sixth and seventh paragraphs revised, 1955, 403 § 1; paragraph inserted after seventh paragraph, 1965, 875 § 2; revised, 1966, 716; 1967, 437; 1968, 531 § 1; paragraph added, 1968, 531 § 2; clause Forty-fourth added, 1955, 683; clause Forty-fifth added, 1957, 765 § 3; clause Forty-sixth added, 1964, 322; clause Forty-seventh added, 1969, 544 § 1; clauses Forty-eighth to Fifty-first added, 1973, 925 § 1. (See 1941, 509 § 9; 1945, 279; 1953, 319 §§ 39, 40; 1954, 128 § 2, 627 §§ 65, 67; 1955, 403 §§ 7-14; 1956, 281 § 3; 1957, 164 § 2, 765 § 21; 1960, 544 § 2; 1968, 24 § 7; 1970, 215 § 4; 1973, 925 § 84, 1050 § 7.)

SECT. 10, first sentence amended, 1954, 180.

SECT. 12 added, 1960, 295 § 1 (relative to the date of establishment, cancellation or change of enrollment in cases affecting the membership of bipartisan boards). (See 1960, 295 § 2.)

Chapter 5. — Printing and Distribution of Laws and Public Documents.

As to the distribution of the Tercentenary Edition of the General Laws, see 1941, Resolve 19.

SECT. 1, last paragraph revised, 1932, 254; two paragraphs added at end, 1937, 373; section revised, 1938, 419; amended, 1941, 428; first paragraph amended, 1945, 580 § 1; last five paragraphs stricken out and six paragraphs inserted, 1955, 614. (See 1945, 580 § 9.)

SECT. 2, paragraphs (4) and (6) revised, 1939, 508 § 8; 1945, 252; paragraph (7) revised, 1957, 681 § 1.

SECT. 3, paragraph in lines 10-11 revised, 1947, 320 § 1; paragraphs in lines 12-42 amended, 1938, 196; second of said paragraphs amended, 1947, 320 § 2; 1941, 351 § 1; 1958, 613 § 1A; paragraph in lines 52-62 amended, 1953, 319 § 3; paragraphs in lines 63-68 revised, 1947, 320 § 1.

SECT. 4, second paragraph amended, 1953, 319 § 4; 1957, 681 § 2.

SECT. 4A added, 1947, 569 (providing for the printing and distribution of a cumulative table of changes in the general statutes from time to time during the session of the general court).

SECT. 6 amended, 1939, 508 § 9; revised, 1943, 344 § 1; amended, 1945, 580 § 2. (See 1945, 580 § 9.)

SECT. 8 amended, 1945, 580 § 3. (See 1945, 580 § 9.)

SECT. 9 amended, 1933, 245 § 1; 1946, 209 § 1; 1951, 68, 474; 1953, 22; revised, 1960, 404; amended, 1960, 626 § 1; revised, 1963, 368.

SECT. 10 revised, 1939, 508 § 10; first paragraph amended, 1945, 38 § 4 section revised, 1968, 401; 1969, 150; first paragraph amended, 1971, 226 § 1; second paragraph amended, 1971, 226 § 2; fourth paragraph stricken out and two paragraphs inserted, 1971, 266 § 3.

SECT. 11, paragraph in thirteenth line revised, 1941, 329; paragraph in lines 14-31 stricken out, and two paragraphs inserted, 1945, 538; section amended, 1947, 295; 1962, 170.

SECT. 12 amended, 1948, 1; 1952, 179; third sentence revised, 1970, 22 § 1. (See 1970, 22 § 3.)

SECT. 13 revised, 1970, 22 § 2. (See 1970, 22 § 3.)

SECT. 18 amended, 1935, 226 § 1; revised, 1943, 313; first paragraph amended, 1946, 466; 1967, 294; 1969, 239; second paragraph, last sentence revised, 1971, 226 § 4; paragraph added at end, 1950, 811.

Chapter 6. — The Governor, Lieutenant Governor and Council, Certain Officers under the Governor and Council, and State Library.

For temporary legislation establishing an emergency finance board and defining its powers and duties, see 1933, 49.

SECT. 1 amended, 1946, 591 § 1; 1963, 744 § 1; 1969, 835 § 1. (See 1963, 744 § 8; 1969, 835 § 7.)

SECT. 2 amended, 1946, 591 § 2; 1949, 722; 1955, 730 § 1; 1963, 744 § 2; 1965, 844 § 1; 1969, 835 § 2. (See 1955, 730 § 43; 1963, 744 § 8; 1969, 835 § 7.)

SECT. 3 amended, 1943, 314 § 1; 1949, 781 § 1; revised, 1963, 744 § 7. (See 1943, 314 § 2; 1949, 781 § 2; 1963, 744 § 8.)

SECT. 6 revised, 1954, 156.

SECT. 6A added, 1952, 457 (establishing the offices of administrative secretary and executive stenographer in the executive department).

SECT. 8 amended, 1941, 722 § 1; revised, 1943, 348 § 1.

SECT. 10, last sentence stricken out, 1973, 1230 § 1.

SECT. 12A revised, 1954, 661 § 1; amended, 1970, 215 § 3. (See 1954, 661 § 2; 1970, 215 § 4.)

SECT. 12B added, 1932, 14 (relative to the observance of the anniversary of the death of Brigadier General Casimir Pulaski).

SECT. 12C added, 1932, 153 (relative to the observance of the anniversary of the battle of Bunker Hill). (See 1941, 91.)

SECT. 12D added, 1932, 242 (relative to the observance of the anniversary of the Boston Massacre, etc.).

SECT. 12E added, 1934, 191 (relative to the observance of the anniversary of the death of Commodore John Barry).

SECT. 12F added, 1935, 23 (relative to the observance of the anniversary of the battle of New Orleans); amended, 1938, 49; 1969, 93.

SECT. 12G added, 1935, 96 (providing for an annual proclamation by the governor relative to American Education Week); revised, 1964, 301; 1972, 16.

SECT. 12H added, 1935, 148 (relative to the observance of the anniversary of the death of General Marquis de Lafayette).

SECT. 12I added, 1935, 184 (relative to the annual observance of Indian Day); revised, 1939, 56; 1972, 124.

SECT. 12J added, 1938, 22 (relative to the annual observance of April nineteenth as Patriots' Day).

SECT. 12K added, 1938, 80 (relative to the annual observance of Evacuation Day, so called).

SECT. 12L added, 1941, 387 (relative to the annual observance of Veteran Firemen's Muster Day).

SECT. 12M added, 1947, 561 (relative to the annual observance of Good Government Day); revised, 1951, 650; amended, 1959, 368; first paragraph revised, 1969, 91 § 1; third paragraph, fourth sentence revised, 1969, 91 § 2.

SECT. 12N added, 1949, 75 (relative to the annual observance of United Nations Day); sentence added at end, 1955, 265 § 1; paragraph added at end, 1962, 640; amended, 1964, 328.

SECT. 12O added, 1949, 263 (relative to the annual observance of Loyalty Day).

SECT. 12P added, 1952, 104 (relative to the annual observance of civil rights week).

SECT. 12Q added, 1953, 84 (relative to the annual observance of Memorial Day); amended, 1968, 24 § 2. (See 1968, 24 § 7.)

SECT. 12R added, 1953, 172 (relative to the annual observance of Polish Constitution Day).

SECT. 12S added, 1954, 124 (relative to the annual observance of March fifteenth as Peter Francisco Day).

SECT. 12T added, 1955, 265 § 2 (relative to the annual observance of Washington Day, Mothers' Day, Fathers' Day, Purple Heart Day, Disabled American Veterans' Hospital Day and Army and Navy Union Day); revised, 1963, 297; amended, 1968, 19 (providing for annual observance of Grandparents' Day); amended, 1968, 24 § 3; revised, 1970, 14 (providing for annual observance of Senior Citizens' Day). (See 1968, 24 § 7.)

SECT. 12U added, 1956, 618 (relative to the annual observance of Children's Day); revised, 1958, 81.

SECT. 12V added, 1958, 110 (relative to the annual observance of Columbus Day); amended, 1970, 215 § 2. (See 1970, 215 § 4.)

SECT. 12W added, 1959, 358 (relative to the annual observance of September as sight-saving month).

SECT. 12X added, 1960, 46 (relative to the observance of Teachers' Day).

SECT. 12Y added, 1964, 282 (relative to the observance of Maritime Day).

SECT. 12Z added, 1967, 153 (relative to the observance of Jamaican Independence Day).

SECT. 12AA added, 1972, 19 (relative to the annual observance of Iwo Jima Day).

SECT. 14B added, 1964, 291 (providing for the annual observance of October twenty-fifth as State Constitution Day).

SECT. 14C added, 1971, 70 (providing for the annual observance of Earth Day); revised, 1973, 147.

SECT. 15 amended, 1946, 201.

SECT. 15A added, 1953, 170 (relative to the annual observance of Constitution Day).

SECT. 15B added, 1956, 106 (relative to the annual observance of Senior Citizens Day); amended, 1957, 39; 1965, 558 § 1. (See 1965, 558, § 2.)

SECT. 15C added, 1957, 44 (providing for an annual proclamation by the governor designating February as American History Month).

SECT. 15D added, 1958, 125 (relative to the annual observance of Massachusetts Art Week).

SECT. 15E added, 1958, 265 (relative to the annual observance of Susan B. Anthony Day).

SECT. 15F added, 1958, 662 § 1 (relative to the annual observance of Employ the Handicapped Week).

SECT. 15G added, 1960, 536 (relative to the annual observance of Youth Honor Day).

SECT. 15H added, 1964, 281 (relative to the observance of Boy Scout Week).

SECT. 15I added, 1964, 319 (providing for the observance of Liberty Tree Day).

SECT. 15J added, 1965, 274 (relative to the annual observance of Italian American War Veterans of the United States, Inc., Day).

SECT. 15K added, 1967, 241 (providing for the annual observance of cystic fibrosis week).

SECT. 15L added, 1968, 8 (relative to the annual observance of John F. Kennedy Day).

SECTS. 15M-15O added, 1969, 65 (providing for the annual observance of Battleship Massachusetts Memorial Day, Police Officers' Week and Keep Massachusetts Beautiful Month.)

SECT. 15P added, 1969, 255 (providing for the annual observance of Traffic Safety Week).

SECT. 15Q added, 1970, 210 (providing for annual observance of United States Marine Corps Day).

SECT. 15R added, 1971, 27 (relative to the annual observance of Memorial Day).

SECT. 15S added, 1971, 69 (relative to the annual observance of Martin Luther King Jr. Day).

SECT. 15T added, 1971, 664 (relative to the annual observance of Kaleoala Day).

SECT. 15U added, 1971, 710 (relative to the annual observance of Social Justice for Ireland Day).

SECT. 15V added, 1972, 15 (relative to the annual observance of White Cane Safety Day).

SECT. 15W added, 1972, 419 (relative to the annual observance of National Hunting and Fishing Day).

SECT. 15X added, 1972, 469 (relative to the annual observance of Child Nutrition Week).

SECT. 15Y added, 1973, 152 (relative to the annual observance of Jaycee Week and Jaycee Day).

SECT. 16 amended, 1941, 490 § 1.

SECT. 17 amended, 1932, 305 § 1; 1933, 120 § 1, 336 § 1; 1934, 374 § 1; 1935, 475 § 1; revised, 1939, 393 § 1; amended, 1945, 393 § 1; revised, 1945, 619 § 1; amended, 1946, 368 § 2; revised, 1946, 612 § 1; amended, 1947, 466 § 1; 513 § 1; 1948, 260 § 2; revised, 1948, 310 § 1; 476 § 1, 637 § 1; amended, 1950, 479 § 1; 1951, 511 § 1; 1952, 605 § 16; 1953, 409 § 4; revised, 1953, 608 § 1; amended, 1953, 612 § 1; 1954, 581 § 1; 537 § 1; 1955, 584 § 1; revised, 1956, 602 § 1; amended, 1956, 645 § 1; revised, 1956, 708 § 1; amended, 1956, 715 § 1; revised, 1957, 623 § 1; amended, 1963, 668 § 1; 1962, 757 § 1; 1959, 418 § 1; 1958, 662 § 2; 1962, 487 § 1; 1963, 773 § 1; revised, 1964, 430 § 1; amended, 1964, 564 § 1, 622 § 1, 636 § 1A; 1965, 83 § 1; 1966, 353 § 1, 444 § 4; revised, 1966, 535 § 1; amended, 1966, 624 § 1; 1967, 739 § 1, 798 § 1; 1968, 681 § 1, 770 § 2; 1969, 252 § 3, 859 § 32A; 1970, 849 § 1; 1973, 1021 § 1, 1168 § 1. (See 1933, 336 § 3; 1948, 260 §§ 5, 6; 310 §§ 30, 31; 476 §§ 3, 4; 637 §§ 4-9, 13; 663 § 4; 1950, 479 §§ 6, 7; 1952, 605 §§ 15, 19-21; 1955, 584 §§ 9, 10; 1956, 602 §§ 17-20; 1959, 418 §§ 5-8; 1966, 353 § 3; 1973, 1168 § 40.)

SECT. 17A added, under caption, 1969, 704 § 1 (establishing a governor's cabinet); amended, 1970, 862 § 1. (See 1969, 704 § 60; 1970, 862 § 6.)

SECT. 18 and heading stricken out and new section inserted, under heading "ARMORY COMMISSION", 1937, 300 § 1; sentence added at end, 1941, 19. (See 1937, 300 § 2.)

SECT. 20, third paragraph revised, 1965, 23.

SECT. 22 amended, 1936, 341 § 1; heading and section amended, 1943, 455 § 1; 1945, 393 § 2; section amended, 1946, 591 § 3; 1950, 705; first sentence amended, 1956, 196 § 1; 1958, 236 § 1; revised, 1963, 801 § 1; amended, 1966, 641; 1967, 844 § 1; revised, 1969, 766 § 1; amended, 1971, 166 § 3; 1972, 300 § 3; 1973, 426 § 3; paragraph added at end, 1946, 584 § 18; 1951, 753 § 2; same paragraph amended, 1963, 801 § 2. (See 1936, 341 § 2; 1946, 584 § 22; 1958, 236 § 2; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 24 amended, 1941, 596 § 1; 1943, 455 § 2; 1945, 393 § 3.

SECT. 25 revised, 1945, 730 § 2.

SECT. 28 amended, 1938, 18; 1947, 315; 1953, 456; last sentence revised, 1960, 521 § 1.

SECT. 28A amended, 1934, 208 § 1; 1945, 393 § 4; repealed, 1968, 420 § 2. (See 1968, 420 § 3.)

SECT. 28B repealed, 1968, 420 § 2. (See 1968, 420 § 3.)

SECT. 28C repealed, 1968, 420 § 2. (See 1968, 420 § 3.)

SECT. 28D repealed, 1968, 420 § 2. (See 1968, 420 § 3.)

SECT. 28E added, 1934, 208 § 2 (relative to the dissemination of information concerning the public bequest fund); repealed, 1968, 420 § 2. (See 1968, 420 § 3.)

SECT. 31 revised, 1943, 479; amended, 1948, 569; 1963, 801 § 3.

SECT. 32, paragraph added at end, 1937, 227; revised, 1938, 473 § 1; 1943, 43; amended, 1947, 30 § 1; sentence added at end, 1957, 193 § 2; amended, 1964, 259.

SECT. 38 revised, 1973, 1043 § 1.

SECT. 39A added, 1966, 259 (requiring copies of certain reports of public authorities to be deposited in the state library).

SECT. 41 amended, 1970, 888 § 13. (See 1970, 888 § 31.)

SECT. 42 added, under caption "MILK REGULATION BOARD", 1932, 305 § 2; revised, 1946, 496; first two sentences revised, 1953, 604 § 7; first four sentences stricken out and three sentences inserted, 1967, 230.

SECTS. 43-45 added, 1933, 120 § 2 (relative to the alcoholic beverages control commission).

SECT. 43 amended, 1933, 375 § 1; sixth sentence revised, 1950, 785; 1963, 801 § 4; 1969, 766 § 2; amended, 1971, 116 § 4; 1972, 300 § 4; 1973, 426 § 4. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 44, first paragraph revised, 1933, 376 § 1.

SECT. 45 revised, 1941, 596 § 2.

SECTS. 46 and 47 added, 1933, 336 § 2 (relative to the Greylock reservation commission). (See 1933, 336 § 3.)

SECT. 46 repealed and heading preceding said section stricken out, 1966, 444 § 5.

SECT. 47 repealed, 1966, 444 § 5.

SECT. 48 added, under caption "STATE RACING COMMISSION", 1934, 374 § 2; third paragraph amended, 1955, 730 § 2; 1963, 801 § 5; first sentence revised, 1969, 766 § 3; amended, 1971, 116 § 5; 1972, 300 § 5; 1973, 426 § 5; last paragraph revised, 1941, 596 § 3. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECTS. 49-52 added, under caption "STATE PLANNING BOARD", 1935, 475 § 2.

SECT. 49 amended, 1936, 307; 1939, 451 § 1; revised, 1941, 466 § 5; sentence inserted after fourth sentence, 1951, 596. (See 1941, 466 §§ 1-4, 7A, 8.)

SECT. 50A added, 1941, 466 § 7 (relative to the powers and duties of the state planning board formerly exercised by the metropolitan planning division). (See 1941, 466 §§ 1-4, 7A, 8.)

SECTS. 49-52 repealed, 1953, 409 § 2.

SECTS. 53-55 added, 1945, 619 § 2 (establishing a Port of Boston Authority). (See 1945, 619 §§ 4-11.)

SECT. 53, caption and section revised, 1953, 608 § 2 (establishing the Port of Boston Commission). (See 1953, 608 §§ 13-16.)

SECT. 53A added, 1953, 608 § 2 (establishing an advisory council to the Port of Boston Commission).

SECT. 54 amended, 1953, 608 § 3.

SECT. 55 amended, 1953, 608 § 4.

SECT. 56 added, 1946, 368 § 3 (establishing the Massachusetts Fair Employment Practice Commission); first sentence of third paragraph revised, 1951, 588; caption revised and section amended, 1950, 479 § 2; last paragraph amended, 1948, 411; section revised, 1963, 719 § 1; second paragraph amended, 1967, 844 § 2; third paragraph, first sentence revised, 1969, 766 § 4; amended, 1971, 116 § 6; 1972, 300 § 6; 1973, 426 § 6. (See 1950, 479 §§ 6, 7; 1963, 719 § 2; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECTS. 57-59 added, 1946, 583 § 1 (relative to the Massachusetts Aeronautics Commission). (See G. L. 90 §§ 36-38, repealed by 1946, 583 § 2. See also 1946, 583 § 4.)

SECT. 57, first paragraph amended, 1963, 801 § 6; 1967, 844 § 3; third paragraph revised, 1971, 808; paragraph added, 1971, 841.

SECTS. 58A-59C added, 1948, 637 § 2 (establishing the State Airport Management Board). (See 1948, 637 §§ 4-9, 13, 663 § 4.)

SECT. 59B, sentence added at end, 1948, 663 § 1. (See 1948, 663 §§ 4, 5.)

SECT. 60 added, 1946, 612 § 2 (establishing the Outdoor Advertising Authority); last paragraph revised, 1952, 468; section and caption preceding it stricken out, 1955, 584 § 2. (See 1946, 612 §§ 5, 6; 1955, 584, §§ 9, 10.)

SECTS. 61 and 62 added, 1947, 466 § 2 (establishing the Massachusetts Public Building Commission); caption preceding section 61 stricken out, 1953, 612 § 2; both sections stricken out, 1953, 612 § 3. (See 1947, 46 §§ 4-6; 1953, 612 §§ 10-13.)

SECT. 63 added, 1947, 513 § 2 (establishing a commission on alcoholism); repealed and heading preceding section stricken out, 1954, 581 § 2. (See 1954, 581 §§ 4, 5.)

SECT. 64 added, 1948, 260 § 3 (establishing the State Housing Board); first two sentences revised, 1960, 776 § 11; fifth sentence revised, 1963, 801 § 7; sixth sentence stricken out and two sentences inserted, 1949, 577; seventh sentence, as so appearing, revised, 1963, 801 § 8; second paragraph amended, 1954, 396; caption preceding section stricken out, 1964, 636 § 1B; section repealed, 1964, 636 § 1B. (See 1948, 260 §§ 5, 6; 1964, 636 § 10.)

SECTS. 65-69 added, 1948, 310 § 2 (establishing the Youth Service Board). (See 1948, 310 §§ 30, 31; 542.)

SECT. 65 revised, 1952, 605 § 1; first paragraph revised, 1955, 766 § 1; second sentence revised, 1969, 704 § 2. (See 1952, 605 §§ 19-21; 1969, 704 § 60.)

SECT. 66 revised, 1952, 605 § 2; second sentence revised, 1955, 730 § 2A; 1963, 801 § 9; 1969, 766 § 5. (See 1952, 605 §§ 15, 19-21; 1955, 730 § 43; 1969, 766 § 48.)

SECT. 67, paragraph (2) stricken out, 1952, 605 § 17; section revised, 1955, 766 § 2. (See 1952, 605 §§ 15, 19-21.)

SECT. 68 repealed, 1952, 605 § 18. (See 1952, 605 §§ 15, 19-21.)

SECT. 69 revised, 1955, 766 § 3; second paragraph amended, 1966, 615. (See 1955, 766 § 6.)

SECT. 69A added, 1955, 766 § 4 (relative to the division of the commonwealth into juvenile districts).

SECT. 69B added, 1956, 470 (relative to the expenditure of funds by the division of youth service for delinquency prevention, and the acceptance of federal funds therefor).

SECTS. 65-69B and caption preceding section 65 repealed, 1969, 838 § 2. (See 1969, 838 § 74.)

SECTS. 70 and 71 added, 1948, 476 § 2 (establishing the Board of Trustees of the Soldiers' Home in Holyoke). (See 1948, 476 §§ 3, 4.)

SECT. 70, first sentence stricken out and two sentences inserted, 1971, 240 § 1.

SECT. 71 revised, 1969, 470 § 1; last sentence amended, 1970, 888 § 14; section revised, 1971, 623 § 1. (See 1970, 888 § 31.)

SECT. 72 added, 1951, 511 § 2 (establishing the weather amendment board); fourth sentence revised, 1958, 425 § 2.

SECT. 73 added, 1954, 537 § 2 (establishing a council for the aging); revised, 1955, 591; caption preceding section revised, 1964, 430 § 1A; section amended, 1964, 430 § 2; paragraph inserted after first paragraph, 1967, 765 § 4; section and caption preceding section repealed, 1973, 1168 § 2. (See 1954, 537 § 3; 1973, 1168 § 40.)

SECTS. 74-84 added, 1956, 602 § 2 (establishing the Massachusetts rehabilitation commission). (See 1956, 602 §§ 17-20.)

SECT. 75, first two sentences stricken out and one sentence inserted, 1967, 844 § 4; second sentence revised, 1969, 766 § 7; amended, 1971, 116 § 7; 1972, 300 § 7; 1973, 426 § 7; third sentence revised, 1963, 801 § 10. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 76 amended, 1967, 738.

SECT. 77, definition of "Vocational rehabilitation services" amended, 1959, 328 § 1; 1970, 716 § 1.

SECT. 78 amended, 1959, 328 § 2; 1967, 486; 1970, 716 § 2.

SECT. 78A added, 1973, 889 (relative to the furnishing of extended sheltered employment to certain handicapped persons by the Massachusetts Rehabilitation Commission).

SECT. 79, paragraphs (e) and (f) stricken out and paragraphs (e), (f) and (g) inserted, 1965, 854.

SECTS. 85-93 added, 1956, 645 § 2 (establishing the Massachusetts commission on atomic energy).

SECT. 86 repealed, 1964, 636 § 2. (See 1964, 636 § 11.)

SECT. 87 repealed, 1964, 636 § 2. (See 1964, 636 § 11.)

SECT. 89 repealed, 1964, 636 § 2. (See 1964, 636 § 11.)

SECT. 90 repealed, 1964, 636 § 2. (See 1964, 636 § 11.)

SECTS. 94-96 added, under caption, 1956, 715 § 2 (establishing a program for the control of alcoholism and establishing an office of commissioner on alcoholism). (See 1956, 715 §§ 27, 28.)

SECT. 94 repealed and caption preceding said section stricken out, 1959, 418 § 2.

SECT. 95 amended, 1958, 502; repealed, 1959, 418 § 2.

SECT. 96, paragraph added at end, 1958, 476; section repealed, 1959, 418 § 2.

SECTS. 97 and 98 added, under caption, 1956, 708 § 2 (establishing a finance advisory board).

SECT. 99 added, under caption, 1957, 623 § 2 (creating the boxers fund board for the benefit of boxers and former boxers in need of financial assistance). (See 1957, 623 § 4.)

SECT. 100 added, under caption, 1957, 691 § 2 (establishing a medical, dental and nursing scholarship board); said caption stricken out and section repealed, 1965, 572 § 1.

SECT. 101 added, 1958, 577 § 2 (creating an obscene literature control commission). (See 1958, 577 § 3.)

SECTS. 102-104 added, under caption, 1958, 623 § 2 (establishing a retirement law commission). (See 1958, 623 § 3.)

SECTS. 105-107 added, under caption, 1958, 662 § 3 (establishing a commission on employment of the handicapped).

SECT. 108 added, under caption, 1962, 487 § 2 (establishing a mobile homes commission).

SECTS. 109-114 added, under caption, 1963, 668 § 2 (establishing the metropolitan area planning council). (See 1963, 668 § 3.)

SECT. 109, first paragraph amended, 1965, 145; second sentence revised, 1968, 761 § 22.

SECT. 110, first paragraph amended, 1969, 139 § 1; second paragraph revised, 1969, 132.

SECT. 111 revised, 1965, 178 § 1; 1966, 588. (See 1965, 178 § 2.)

SECT. 113, first paragraph revised, 1969, 139 § 2; second paragraph amended, 1965, 737 § 1.

SECT. 114 revised, 1965, 389 § 1. (See 1965, 389 § 2.)

SECTS. 109-114 repealed, 1970, 849 § 2.

SECT. 115 added, under caption, 1963, 773 § 2 (establishing a consumers' council).

SECT. 115A added, 1970, 885 § 1 (establishing a unit pricing law for certain retail stores). (See 1970, 885 § 2.)

SECTS. 116-119 added, under caption, 1964, 564 § 2 (establishing a municipal police training council). (See 1964, 564 § 4.)

SECT. 116, first sentence amended, 1965, 128; revised, 1967, 468; amended, 1969, 252 § 5; caption preceding section 116 revised, 1969, 252 § 4; section revised, 1973, 1228 § 1.

SECTS. 120-123 added, under caption, 1964, 622 § 2 (establishing the commonwealth service corps).

SECT. 120, third sentence revised, 1967, 844 § 5; section and caption preceding section repealed, 1973, 1168 § 3. (See 1973, 1168 § 40.)

SECT. 121, second paragraph amended, 1973, 774 § 3. (See 1973, 774 § 7.)

SECT. 122, first sentence amended, 1969, 838 § 3; section repealed, 1973, 1168 § 4. (See 1969, 838 § 74; 1973, 1168 § 40.)

SECT. 123 repealed, 1973, 1168 § 4. (See 1973, 1168 § 40.)

SECT. 124 added, under caption, 1965, 83 § 2 (establishing the World War II Memorial Commission); first paragraph, first sentence revised, 1973, 684 § 1; second paragraph revised, 1967, 492; 1973, 684 § 2.

SECTS. 125-128 added, under caption, 1966, 353 § 2 (establishing the health and welfare commission).

SECT. 125, first sentence amended, 1967, 29 § 1. (See 1967, 29 § 2.)

SECT. 127, first paragraph amended, 1967, 55 § 1; 1973, 1168 § 5. (See 1967, 55 § 2; 1973, 1168 § 40.)

SECTS. 129-150 added, under caption, 1966, 535 § 2 (establishing the Massachusetts commission for the blind). (See 1966, 535 §§ 15-18.)

SECT. 129, first paragraph amended, 1973, 1210 § 1; second paragraph, second sentence revised, 1969, 766 § 8; amended, 1971, 116 § 8; 1972, 300 § 8; 1973, 426 § 8. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50, 1210 § 39.)

SECT. 130, second paragraph, second sentence revised, 1973, 1210 § 2; third paragraph revised, 1971, 698 § 3; stricken out, 1973, 1210 § 3; last paragraph revised, 1971, 775; amended, 1973, 1210 § 4. (See 1971, 698 § 4; 1973, 1210 § 39.)

SECT. 131 stricken out and sections 131-131J inserted, 1973, 1210 § 5. (See 1973, 1210 § 39.)

SECT. 135, third sentence stricken out, 1973, 1210 § 6. (See 1973, 1210 § 39.)

SECT. 137 revised, 1973, 1210 § 7. (See 1973, 1210 § 39.)

SECT. 150 repealed, 1973, 1210 § 8. (See 1973, 1210 § 39.)

SECTS. 151-153 added, under caption, 1966, 624 § 2 (establishing the advisory council on home and family).

SECT. 154 added, under caption, 1967, 477 (establishing the Committee To Keep Massachusetts Beautiful).

SECT. 155 added, under caption, 1967, 739 § 2 (establishing the governor's mansion commission); repealed, and caption preceding section stricken out, 1969, 471 § 2.

SECT. 156 added, under caption, 1967, 798 § 2 (establishing the committee on law enforcement and administration of criminal justice); section and caption preceding section stricken out and sections 156-156B added, 1973, 1021 § 2 (establishing the committee on criminal justice).

SECT. 157 added, 1968, 681 § 2 (providing for an American and Canadian French cultural exchange commission).

SECT. 158 added, 1968, 770 § 1 (establishing the Massachusetts Educational Communications Commission).

SECTS. 159-161 added, 1969, 859 § 32B (establishing a state council on juvenile behavior).

SECT. 159, next to last sentence stricken out and two sentences inserted, 1971, 793; last sentence amended, 1972, 300 § 8A; 1973, 426 § 9. (See 1972, 300 § 44; 1973, 426 § 50.)

SECT. 162 added, under caption, 1971, 1 § 1 (establishing an advisory board on legislative compensation); section and caption preceding section revised, 1973, 1172.

SECT. 163 added, 1971, 579 (establishing the management engineering task force board).

SECTS. 164-165 added, under caption, 1971, 842 § 1 (establishing a Massachusetts fire training council, a bureau of fire training in the division of occupational education and a Massachusetts fire-fighting academy).

SECT. 166 added, 1972, 776 § 1 (establishing a health facilities appeal board within the executive office of human services). (See 1972, 776 § 6.)

SECT. 166A added, 1973, 1210 § 9 (establishing a commission on supplemental security income within the executive office of human services). (See 1973, 1210 § 39.)

SECTS. 167-178 added, 1972, 805 § 1 (providing for the establishment and administration of a criminal offender record information system).

SECT. 168, paragraph added, 1973, 961 § 1.

SECT. 169, paragraph added, 1973, 961 § 2.

SECT. 170, paragraph added, 1973, 961 § 3.

SECTS. 179-180 added, 1973, 989 § 1 (establishing a board of underwater archaeological resources).

Chapter 6A. — Executive Offices.

New chapter inserted, 1969, 704 § 3. (See 1969, 704 § 60.)

SECT. 2 amended, 1970, 862 § 2; 1973, 1168 § 6. (See 1970, 862 § 6; 1973, 1168 § 40.)

SECT. 8 amended, 1970, 862 § 3; 1971, 204; 1973, 1021 § 3, 1168 § 7. (See 1970, 862 § 6; 1973, 1168 § 40.)

SECTS. 9A-9B added, 1973, 1224 § 1 (providing for the payment of certain expenses of the attorney general and the department of public utilities).

SECT. 16 amended, 1972, 776 § 2, 785 § 2; 1973, 1210 § 10, 1229 § 1. (See 1972, 776 § 6; 1973, 1210 § 39, 1229 § 13.)

SECT. 16A added, under caption, 1970, 862 § 4 (establishing an executive office of elder affairs); section and caption preceding section repealed, 1973, 1168 § 8. (See 1970, 862 § 6; 1973, 1168 § 40.)

SECT. 18 amended, 1972, 802 § 2. (See 1972, 802 § 76.)

SECT. 19 amended, 1973, 1141 § 2.

SECT. 22, first paragraph amended, 1971, 1113 § 1; second paragraph amended, 1971, 1113 § 2.

SECT. 24, first paragraph amended, 1971, 1113 § 3; third paragraph amended, 1971, 1113 § 4.

SECTS. 31-36 added, 1973, 1229 § 2 (reorganizing the rate setting commission).

Chapter 7. — Executive Office for Administration and Finance (former title, Commission on Administration and Finance).

Title changed, 1962, 757 § 2.

SECT. 1 amended, 1962, 757 § 3.

SECT. 2 revised, 1948, 610 § 1; 1962, 757 § 4. (See 1948, 610 §§ 6, 7; 1962, 757 § 75.)

SECT. 3 amended, 1946, 591 § 4; revised, 1948, 610 § 2; 1951, 717 § 1; fourth sentence revised, 1955, 730 § 3; fifth and sixth sentences stricken out and sentence inserted, 1954, 332. (See 1948, 610 §§ 6, 7; 1955, 730 § 43.)

SECT. 3A added, 1958, 661 (establishing the office of federal-state coordinator).

SECT. 4 revised, 1948, 610 § 4; 1951, 717 § 2; third sentence revised, 1955, 730 § 4. (See 1948, 610 §§ 6, 7; 1955, 730 § 43.)

SECT. 4A, first sentence amended, 1972, 300 § 9; paragraph inserted after first paragraph, 1972, 644. (See 1972, 300 § 44.)

SECT. 4G, first paragraph revised, 1972, 805 § 2.

SECTS. 5A and 5B added, 1953, 612 § 4 (establishing a division of building construction). (See 1953, 612 §§ 10-13.)

SECT. 6 revised, 1948, 610 § 3; 1950, 824; amended, 1951, 558. (See 1948, 610 §§ 6, 7.)

SECTS. 2, 3, 3A, 4, 5A, 5B and 6 stricken out and sections 2, 3, 4, 4A, 4B, 4C, 4D, 5 and 6 inserted, 1962, 757 § 4.

SECT. 4, second sentence revised, 1963, 801 § 11; section revised, 1969, 704 § 4; second sentence revised, 1969, 766 § 9; amended, 1971, 116 § 9. (See 1969, 704 § 60; 766 § 48; 1971, 116 § 45.)

SECT. 4A, first paragraph, first sentence revised, 1963, 801 § 12; amended, 1967, 844 § 6; revised, 1969, 766 § 10; amended, 1971, 116 § 10; 1972, 300 § 9; 1973, 426 § 10; revised, 1973, 1131; paragraph inserted after first paragraph, 1972, 644; third sentence revised, 1973, 720 § 1; third paragraph, first sentence revised, 1969, 704 § 5. (See 1969, 704 § 60; 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 4B amended, 1968, 492 § 1.

SECT. 4C amended, 1969, 146; first two sentences stricken out and three sentences inserted, 1969, 704 § 6. (See 1969, 704 § 60.)

SECT. 4D, first two paragraphs revised, 1969, 704 § 7. (See 1969, 704 § 60.)

SECTS. 4E-4G added, 1969, 704 § 8 (further defining the powers, duties and jurisdiction of the commissioner). (See 1969, 704 § 60.)

SECT. 4G, first paragraph revised, 1972, 805 § 2.

SECT. 4H added, 1973, 1229 § 3 (establishing a division of hearings officers within the executive office for administration and finance). (See 1973, 1229 § 13.)

SECTS. 5A and 5B added, 1953, 612 § 4 (establishing a division of building construction); repealed, 1962, 757 § 4. (See 1953, 612 §§ 10-13; 1962, 757 § 75.)

SECT. 6 revised, 1948, 610 § 3; 1950, 824; amended 1951, 558; revised, 1962, 757 § 4; repealed, 1969, 704 § 9. (See 1948, 610 §§ 6, 7; 1962, 757 § 75; 1969, 704 § 60.)

SECT. 6A added, 1941, 433 § 3 (providing for the appointment of the postmaster and assistant postmaster of the central mailing room by the Commission on Administration and Finance); revised, 1950, 547 § 1. (See 1941, 433 § 4; 1950, 547 § 2.)

SECT. 6B added, 1951, 440 § 1 (establishing first aid facilities in the state house); amended, 1962, 757 § 9. (See 1951, 440 §§ 2, 3.)

SECTS. 6C and 6D added, 1953, 636 § 1 (relative to hospital expenses for public welfare and other public assistance patients). (See 1953, 636 §§ 6-9.)

SECT. 6C repealed, 1962, 757 § 5.

SECT. 6D amended, 1962, 757 § 10; third paragraph amended, 1956, 198; repealed, 1968, 492 § 2.

SECT. 6E added, 1971, 557 (establishing the office of state office buildings physician).

SECT. 7 amended, 1945, 457; revised, 1948, 610 § 5; first paragraph stricken out, 1962, 757 § 6; paragraph added at end, 1949, 448; same paragraph amended, 1950, 512; 1951, 455; revised, 1953, 526; stricken out, 1954, 680 § 1; paragraph added at end, 1960, 808. (See 1948, 610 §§ 6, 7.)

SECT. 7A added, 1950, 698 (authorizing the commissioner of administration to enter into agreements with certain towns for fire protection of certain state institutions); amended, 1962, 757 § 11.

SECT. 8 amended, 1962, 757 § 12.

SECT. 9 amended, 1962, 757 § 13.

SECT. 10 amended, 1962, 757 § 14.

SECT. 11 amended, 1962, 757 § 15.

SECT. 12 repealed, 1962, 757 § 5.

SECT. 13 revised, 1950, 272; fourth sentence revised, 1969, 461.

SECT. 14 revised, 1950, 273.

SECT. 14A added, 1963, 844 (requiring the filing of a statement with the comptroller of the names and addresses of certain persons having a financial interest in contracts to provide consultant services to the commonwealth).

SECT. 15 amended, 1948, 254.

SECT. 16 revised, 1950, 274; first sentence amended, 1953, 40.

SECT. 19 amended, 1962, 757 § 16.

SECT. 21 amended, 1962, 757 § 17.

SECT. 22 amended, 1962, 757 §§ 18, 19; clause (17) revised, 1933, 353 § 1; 1958, 638; 1971, 966; clause (18) added, 1955, 727; amended, 1959, 96; 1962, 757 § 20; 1972, 248 §§ 2, 3, 4, 5; clause (19) added, 1972, 248 § 1.

SECT. 22A added, 1968, 269 (authorizing political subdivisions to form groups to make collective purchases); revised, 1971, 53; section stricken out and sections 22A-22B inserted, 1973, 720 § 2.

SECT. 23A added, 1933, 353 § 2 (providing a preference in the purchase of supplies and materials by contractors for certain state work in favor of domestic supplies and materials).

SECT. 25A added, 1943, 344 § 2 (authorizing the state purchasing agent to regulate purchases of supplies and transfers thereof from one state agency to another); revised, 1953, 201; amended, 1962, 757 § 21.

SECT. 26 amended, 1939, 451 § 2.

SECT. 28 revised, 1954, 680 § 2; second paragraph amended, 1962, 757 § 22; 1963, 352; 1973, 1078 § 2B; third paragraph amended, 1955, 643 § 7; 1962, 757 § 22; fourth paragraph amended, 1962, 757 § 22. (See 1955, 643 § 12; 1973, 1078 § 8.)

SECT. 28A added, 1954, 680 § 3 (relative to the development of training programs for certain state employees by the division of personnel and standardization); paragraph added, 1964, 581 § 1; 1972, 593.

SECT. 29 amended, 1945, 580 § 4. (See 1945, 580 § 9.)

SECT. 30 amended, 1952, 144; 1962, 757 § 23.

SECTS. 30A-30J added, 1953, 612 § 5 (relative to public building construction). (See 1953, 612 §§ 10-13.)

SECT. 30A, second sentence stricken out and three sentences inserted, 1956, 399; second paragraph amended, 1962, 757 § 24; repealed, 1969, 704 § 9. (See 1969, 704 § 60.)

SECT. 30B amended, 1962, 757 § 25; revised, 1966, 676; fourth paragraph first sentence revised, 1969, 704 § 10; last paragraph revised, 1969, 704 § 11. (See 1969, 704 § 60.)

SECT. 30D, third paragraph amended, 1962, 757 § 26.

SECT. 30E amended, 1962, 757 § 27.

SECT. 30F amended, 1962, 757 § 28.

SECT. 30H, sentence inserted after first sentence, 1955, 548; section amended, 1962, 757 § 29; revised, 1963, 473 § 1.

SECT. 30I amended, 1962, 757 § 30.

SECT. 30J amended, 1962, 757 § 31.

SECTS. 30C-30J repealed, 1969, 704 § 12. (See 1969, 704 § 60.)

SECT. 30K added, 1953, 636 § 2 (relative to the annual determination by the director of hospital costs of the all-inclusive per diem cost for care of patients in each hospital, sanatorium and infirmary licensed by the department); second paragraph amended, 1961, 586; 1963, 439 § 1. (See 1953, 636 §§ 7 and 9; 1963, 439 § 2.)

SECT. 30L added, 1956, 696 § 1 (establishing minimum weekly rates for persons in nursing and convalescent homes who are recipients of public aid); first paragraph amended, 1958, 480; section revised, 1958, 600; 1961, 545 § 1. (See 1956, 696 § 2; 1961, 545 § 2.)

SECT. 30L stricken out and new sections 30L and 30M inserted, 1963, 809 § 1 (establishing a board to determine the rates to be paid to convalescent and nursing homes or rest homes and transferring certain powers and duties of the director of hospital costs and finances to said board). (See 1963, 809 §§ 2, 3.)

SECTS. 30K, 30L and 30M stricken out and new sections 30K to 30P, inclusive, inserted, 1968, 492 § 3 (establishing rate setting commission to set rates to be paid by governmental units under medical assistance programs).

SECT. 30K, paragraph (c) revised, 1971, 1076 § 16. (See 1971, 1076 § 22.)

SECT. 30L, paragraph inserted after fourth paragraph, 1970, 714.

SECTS. 30K-30P repealed, 1973, 1229 § 4. (See 1973, 1229 § 13.)

SECTS. 30Q-30T added, 1971, 943 § 2 (establishing a fraudulent claims commission and a bureau of welfare auditing in the executive office for administration and finance).

SECT. 31 revised, 1950, 275; 1962, 757 § 7; second sentence stricken out, 1965, 855 § 1.

SECT. 31A added, 1953, 504 (providing for recognition of state employees' suggestions which increase the efficiency of state government); revised, 1954, 546; first paragraph amended, 1962, 757 § 8; second paragraph revised, 1969, 584.

SECT. 32 repealed, 1962, 757 § 5.

SECT. 33 revised, 1939, 499 § 1; 1945, 292 § 1; amended, 1962, 757 § 32; 1965, 855 § 2.

SECT. 34 revised, 1950, 276.

SECT. 35 amended, 1962, 757 § 33; fourth, fifth and sixth sentences stricken out, 1965, 855 § 3.

SECT. 36 added, 1964, 610 (requiring the disclosure of the names and addresses of certain persons having a direct or indirect beneficial interest in agreements to lease or sell real property to the commonwealth, its political subdivisions or public authorities).

SECT. 37 added, 1964, 641 (establishing a board of economic advisors).

Chapter 8. — State Superintendent of Buildings, and State House.

SECTS. 1-12 affected, 1935, 327; 1941, 627 § 3.

SECT. 1 revised, 1938, 249 § 1; 1962, 757 § 34. (See 1938, 249 § 6.)

SECT. 2 repealed, 1962, 757 § 35.

SECT. 4 amended, 1935, 251; revised, 1937, 84 § 1; 1938, 249 § 2; amended, 1971, 1004 § 1. (See 1937, 84 § 2; 1938, 249 § 6.)

SECTS. 4A and 4B added, 1955, 581 (authorizing payment of certain expenses of capitol police officers injured in the performance of duty and indemnifying them for certain other expenses and damages).

SECT. 5 revised, 1935, 460 § 1; amended, 1938, 387 § 1; 1946, 591 § 5. (See 1935, 460 § 2; 1938, 387 § 2.)

SECT. 6 revised, 1953, 612 § 6; 1962, 590 § 1; 1969, 704 § 13. (See 1953, 612 §§ 10-13; 1969, 704 § 60.)

SECT. 9 amended, 1938, 249 § 3. (See 1938, 249 § 6.)

SECT. 10 amended, 1938, 249 § 4; 1943, 440 § 1; 1962, 590 § 2, 757 § 36. (See 1938, 249 § 6.)

SECT. 10A revised, 1933, 170; 1941, 267; amended, 1943, 440 § 2; revised, 1945, 706; first paragraph amended, 1962, 757 § 37; paragraph inserted before last sentence, 1952, 391; amended, 1955, 317 § 1; sentence added at end, 1946, 585; last sentence stricken out and paragraph inserted, 1953, 638; three paragraphs added at end, 1960, 620 § 1; fourth paragraph revised 1962, 290. (See 1955, 317 § 2; 1960, 620 § 2.)

SECT. 12 revised, 1938, 249 § 5; sentence inserted after second sentence, 1947, 66; sentence added at end of first paragraph, 1963, 798 § 2; paragraph added at end, 1962, 728; revised, 1969, 796. (See 1938, 249 § 6.)

SECT. 16A added, 1948, 190 § 1 (providing for the preservation of room numbered twenty-seven in the state house as a memorial and shrine to the Grand Army of the Republic).

SECT. 17 amended, 1932, 188 § 1; 1933, 199 § 1; 1947, 350 § 1; revised, 1948, 190 § 2; amended, 1951, 807; revised, 1952, 300, 390; 1953, 664; 1960, 400, 458; amended, 1960, 626 § 2; revised, 1960, 725; 1961, 262; 1962, 416, 490; 1964, 436.

SECT. 17A added, 1956, 107 § 1 (relative to the care, custody and preservation of certain flags carried in time of war).

SECT. 17B added, 1973, 990 (providing for the exhibition of selected writings of John Adams).

SECT. 18 amended, 1932, 188 § 2; 1933, 199 § 2; 1947, 350 § 2.

SECT. 19 revised, 1956, 435.

Chapter 9. — Department of the State Secretary.

SECT. 1 amended, 1946, 591 § 6; revised, 1949, 789 § 1; third sentence revised, 1955, 730 § 5; 1963, 744 § 3; 1965, 844 § 2; 1969, 835 § 3. (See 1949, 789 § 5; 1955, 730 § 43; 1963, 744 § 8; 1969, 835 § 7.)

SECT. 2 revised, 1935, 416; 1939, 283; 1941, 587; 1958, 586; 1962, 18; amended, 1968, 714.

SECT. 2A added, 1973, 711 § 1 (establishing an archives advisory commission in the department of the state secretary).

SECT. 6 amended, 1934, 25 § 1; repealed, 1971, 820 § 1.

SECT. 7 amended, 1934, 25 § 2; 1939, 342 § 1; revised, 1971, 820 § 2; 1972, 735 § 1.

SECT. 7A added, 1971, 812 (providing partial reimbursement of the costs of the decennial census to the cities and towns).

SECT. 9 amended, 1934, 127.

SECT. 10A added, 1972, 694 § 4 (authorizing the state secretary to employ personnel for the administration and enforcement of the uniform securities act).

SECT. 15 amended, 1934, 19; revised, 1970, 481.

SECT. 15A added, 1964, 231 § 1 (authorizing the state secretary to validate the acts of certain persons as notaries public).

SECT. 17 amended, 1934, 37; revised, 1936, 31 § 1.

SECT. 19, paragraph added, 1971, 929 § 1.

SECT. 20 added, 1935, 402 (regulating the publication and sale of the Massachusetts Reports and of the advance sheets of the opinions and decisions of the Supreme Judicial Court); revised, 1943, 426; first sentence amended, 1962, 757 § 38.

SECTS. 21-25 added, under caption, 1937, 404 § 1 (establishing a commission on interstate co-operation as successor to the commission on interstate compacts affecting labor and industries and defining its powers and duties, and providing for a commission required to be established under an interstate compact on the minimum wage). (See 1937, 404 §§ 2, 3.)

SECT. 21 amended, 1941, 394 § 1; 1953, 409 § 5.

SECT. 23 amended, 1941, 394 § 2.

SECT. 25 repealed, 1943, 255 § 2. (See 1943, 255 § 3.)

SECTS. 26 and 27 added, 1963, 697 § 1 (establishing the Massachusetts historical commission).

SECT. 26 amended, 1971, 517 § 1, 643; fourth sentence revised, 1973, 989 § 2; first five sentences revised, 1973, 1155 § 1.

SECTS. 26A and 26B added, 1973, 1155 § 2 (relative to the duties of the state archeologist).

SECT. 27 revised, 1965, 707; paragraph added, 1973, 1155 § 3.

SECTS. 27A-27B added, 1971, 517 § 2 (relative to the powers and duties of the Massachusetts Historical Commission).

SECT. 27C added, 1973, 1155 § 4 (regulating the preservation of historical and archeological resources).

SECT. 28 added, 1967, 398 (authorizing the state secretary to make available to the public photographs of certain portraits and art objects in the state house).

SECT. 29 added, 1969, 704 § 14 (providing that the state ballot law commission and the records conservation board be within the department of the state secretary). (See 1969, 704 § 60.)

Chapter 10. — Department of the State Treasurer.

For temporary legislation establishing an emergency finance board, and defining its powers and duties, see 1933, 49.

SECT. 1 amended, 1946, 591 § 7; revised, 1949, 789 § 2; second sentence revised, 1955, 730 § 6; 1963, 744 § 4; 1965, 844 § 3; 1969, 835 § 4. (See 1949, 789 § 5; 1955, 730 § 43; 1963, 744 § 8; 1969, 835 § 7.)

SECT. 5, first sentence revised, 1941, 596 § 4; 1945, 489; sentence inserted after third sentence, 1963, 776.

SECT. 7 revised, 1948, 533.

SECT. 8 amended, 1932, 180 § 1; revised, 1943, 427 § 1.

SECT. 8A, last sentence stricken out, 1950, 314.

SECT. 11 revised, 1939, 499 § 2; amended, 1945, 292 § 2; revised, 1959, 612 § 1. (See 1959, 612 § 10.)

SECT. 16 amended, 1954, 419 § 5A; 1968, 438 § 2; revised, 1973, 879.

SECT. 17 amended, 1941, 194 § 1.

SECT. 17A added, 1943, 362 § 2 (providing for the receipt and disposal, by the state treasurer, of certain gifts made to the commonwealth for military purposes).

SECT. 17B added, 1969, 569 (authorizing the treasurer to receive the principal of certain funds).

SECT. 18 revised, 1945, 658 § 2; amended, 1970, 90. (See 1945, 658 § 11.)

SECT. 19 revised, 1945, 658 § 3. (See 1945, 658 § 11.)

SECTS. 22-36 added, under caption, 1971, 813 § 2 (providing for a state lottery).

SECT. 26 amended, 1972, 192; 1973, 1002 § 1.

SECT. 27 amended, 1972, 280, 474; 1973, 302, 1002 § 2.

SECT. 28 amended, 1973, 1002 § 3.

SECT. 30A added, 1973, 63 (further regulating the state lottery).

SECT. 33 amended, 1973, 1002 § 4.

SECTS. 37-41 added, 1973, 729 § 1 (further regulating beano and other lotteries).

SECT. 37 amended, 1973, 1002 § 5.

SECT. 38 amended, 1973, 944 § 1, 1002 § 6, 1165 § 1. (See 1973, 1165 § 5.)

SECT. 39 amended, 1973, 1165 § 2, 3. (See 1973, 1165 § 5.)

SECT. 39A added, 1973, 1002 § 7.

SECT. 41 repealed, 1973, 1165 § 4. (See 1973, 1165 § 5.)

Chapter 11. — Department of the State Auditor.

SECT. 1 amended, 1946, 591 § 8; revised, 1949, 789 § 3; second sentence revised, 1955, 730 § 7; 1963, 744 § 5; 1964, 669; 1969, 835 § 5. (See 1949, 789 § 5; 1955, 730 § 43; 1963, 744 § 8; 1969, 835 § 7.)

SECT. 2, first sentence revised, 1941, 596 § 5.

SECT. 5 revised, 1946, 591 § 9; 1968, 458; 1971, 832.

SECT. 6 revised, 1967, 20; second sentence revised, 1973, 548.

SECT. 12 revised, 1962, 733; amended, 1971, 943 § 5.

Chapter 12. — Department of the Attorney General, and the District Attorneys.

SECT. 1 amended, 1946, 591 § 10; revised, 1949, 789 § 4; second sentence revised, 1955, 730 § 8; 1963, 744 § 6; 1965, 844 § 4; 1969, 835 § 6. (See 1949, 789 § 5; 1955, 730 § 43; 1963, 744 § 8; 1969, 835 § 7.)

SECT. 2 amended, 1934, 133 § 1; revised, 1941, 647 § 2; 1959, 297 § 1; 1961, 476. (See 1934, 133 § 2.)

SECT. 2A added, 1959, 297 § 2 (providing for the first assistant attorney general to serve during certain vacancies in the office of the attorney general).

SECT. 3, last sentence amended, 1932, 180 § 2; section amended, 1943, 83 § 1.

SECT. 3B amended, 1933, 318 § 1; 1934, 291 § 1; first paragraph amended, 1953, 544; 1957, 633 § 1; 1965, 890; paragraph inserted after first paragraph, 1943, 409 § 3; revised, 1968, 207. (See 1933, 318 § 9; 1934, 291 § 6.)

SECT. 3C added, 1947, 337 (authorizing the attorney general to settle certain claims against state officers and employees without suit being brought); first paragraph revised, 1966, 472; second paragraph revised, 1949, 567.

SECT. 3D added, 1954, 326 (relative to indemnification or protection of certain state officers and employees in connection with actions for personal injuries); revised, 1956, 449; amended, 1957, 580; revised, 1957, 633 § 2.

SECT. 6A added, 1947, 238 (authorizing the attorney general to call conferences of district attorneys, sheriffs and police officials of cities and towns); paragraph added at end, 1954, 654.

SECTS. 8A-8I added, 1954, 529 § 1 (establishing a division of public charities).

SECT. 8A amended, 1962, 401 § 1.

SECT. 8E amended, 1955, 203; 1959, 59 § 1.

SECT. 8F amended, 1962, 425; revised, 1964, 449 § 1. (See 1964, 449 § 2.)

SECT. 8J added, 1962, 401 § 2 (providing that public charities organized in the commonwealth file copies of charters, articles of incorporation and instruments of trust, with the office of the attorney general).

SECT. 10 revised, 1960, 788.

SECT. 11 amended, 1939, 499 § 3; 1945, 292 § 3.

SECT. 11A added, 1962, 652 (establishing a division of civil rights and liberties).

SECT. 11B added, 1969, 704 § 15 (providing that the board of commissioners on uniform state laws and the obscene literature commission be within the department of the attorney general). (See 1969, 704 § 60.)

SECT. 11C added, 1969, 889 § 3 (establishing a training program for police officials within the department of the attorney general relating to narcotics and harmful drugs). (See 1969, 889 § 25.)

SECT. 11D added, 1972, 781 § 1 (establishing a division of environmental protection in the department of the attorney general); third paragraph amended, 1973, 162; fourth paragraph amended, 1973, 989 § 3; paragraph added, 1973, 283.

SECT. 11E added, 1973, 1224 § 2 (authorizing the attorney general to intervene in administrative and judicial proceedings involving consumer actions relating to public utilities).

SECT. 13 revised, 1948, 423 § 1; amended, 1972, 744 § 1. (See 1948, 423 § 7; 1972, 744 § 5.)

SECT. 14. paragraph in lines 5 and 6 revised, 1935, 209; paragraph in lines 7 and 8 revised, 1935, 433 § 1; section revised, 1935, 458 § 1; next to last paragraph revised, 1941, 470 § 1; paragraph added at end, 1948, 239 § 1; section revised, 1948, 423 § 2; second paragraph amended, 1954, 488 § 1; revised, 1955, 582 § 1; 1957, 185 § 1; third paragraph revised, 1955, 678 § 1; 1965, 603 § 1; fourth paragraph revised, 1960, 779 § 1; fifth paragraph revised, 1951, 432 § 1; 1960, 741 § 1; sixth paragraph revised, 1964, 473 § 1; seventh paragraph revised, 1956, 271 § 1; eighth paragraph revised, 1962, 694 § 1; ninth paragraph revised, 1955, 678 § 1; 1960, 742 § 1; tenth paragraph revised, 1963, 553 § 1; section revised, 1966, 662 § 1; sixth paragraph revised, 1967, 880 § 1; seventh paragraph revised, 1967, 861 § 1; section revised, 1971, 1117 § 1; sixth paragraph amended, 1972, 696 § 3; eighth

paragraph stricken out and two paragraphs inserted, 1972, 744 § 2. (See 1948, 423 § 7; 1972, 744 § 5.)

SECT. 15 revised, 1935, 458 § 2; paragraph in line 8 revised, 1937, 279 § 1; section revised, 1947, 675 § 1; sixth paragraph stricken out and two paragraphs inserted, 1948, 423 § 3; section revised, 1951, 804 § 1; amended 1954, 441; revised, 1956, 684 § 1; second paragraph amended, 1960, 712; fourth paragraph revised, 1960, 779 § 2; fifth paragraph revised, 1960, 741 § 2; eighth paragraph revised, 1962, 694 § 2; ninth paragraph revised, 1960, 742 § 2; section revised, 1963, 743 § 1; amended, 1967, 376; revised, 1972, 696 § 1; amended, 1972, 744 § 3. (See 1947, 675 § 4; 1948, 423 § 7; 1951, 804 § 4; 1956, 684 § 2; 1963, 743 § 4; 1972, 744 § 5.)

SECT. 16, paragraph in lines 9-11 revised, 1935, 433 § 2; section revised, 1935, 458 § 3; paragraph in lines 23 and 24 revised, 1937, 279 § 2; next to last paragraph revised, 1941, 470 § 2; section revised, 1947, 675 § 2; paragraph added at end, 1948, 239 § 2; section revised, 1948, 423 § 4; fifth paragraph revised, 1951, 432 § 2; ninth paragraph revised, 1949, 680; section revised, 1951, 804 § 2; amended, 1954, 488 § 2; second paragraph revised, 1955, 582 § 2; 1956, 271 § 2; ninth paragraph revised, 1955, 678 § 2; section revised, 1956, 686 § 1; second paragraph revised, 1957, 185 § 2; fourth paragraph revised, 1960, 799 § 3; fifth paragraph revised, 1960, 741 § 3; eighth paragraph revised, 1959, 500; 1962, 694 § 3; ninth paragraph revised, 1960, 742 § 3; tenth paragraph revised, 1963, 553 § 2; section revised, 1963, 743 § 2; third paragraph revised, 1965, 603 § 2; sixth paragraph revised, 1964, 473 § 2; section revised, 1966, 662 § 2; second paragraph revised, 1967, 897; sixth paragraph revised, 1967, 880 § 2; seventh paragraph revised, 1967, 861 § 2; section revised, 1969, 769 § 1; 1971, 1117 § 2; 1972, 696 § 2; amended, 1972, 744 § 4. (See 1947, 675 § 4; 1948, 423 § 7; 1951, 804 § 4; 1956, 686 § 3; 1963, 743 § 4; 1969, 769 § 4; 1972, 744 § 5.)

SECT. 16 revised, 1969, 769 § 2. (See 1969, 769 § 4.)

SECT. 18 amended, 1948, 423 § 5. (See 1948, 423 § 7.)

SECT. 20 revised, 1957, 694 § 1; 1969, 145; 1973, 1006.

SECT. 20A revised, 1947, 675 § 3; last sentence revised, 1951, 804 § 3; section revised, 1956, 686 § 2; 1957, 694 § 2; last sentence revised, 1963, 743 § 3; 1969, 769 § 3. (See 1947, 675 § 4; 1951, 804 § 4; 1956, 686 § 3; 1963, 743 § 4; 1969, 769 § 4.)

SECT. 20B added, 1969, 583 (authorizing the Norfolk District Attorney to appoint three special assistants).

SECT. 20C added, 1973, 831 (authorizing district attorneys to appoint additional special district attorneys under federally funded programs).

SECT. 22 revised, 1948, 423 § 6. (See 1948, 423 § 7.)

SECT. 23, sentence added at end, 1970, 811.

SECT. 24 amended, 1948, 111.

SECT. 25 amended, 1937, 64 § 1.

SECT. 31 added, 1972, 735 § 2 (establishing a local elections districts review commission in the department of the attorney general).

Chapter 13. — Department of Civil Service and Registration.

SECT. 1 revised, 1939, 238 § 1; repealed, 1969, 704 § 16. (See 1939, 238 §§ 52-55; 1969, 704 § 60.)

SECT. 2 revised, 1939, 238 § 2; first paragraph amended, 1945, 681 § 1; revised, 1969, 704 § 17; second paragraph amended, 1946, 591 § 11; 1948, 580; 1950, 821 § 2; 1951, 716; 1955, 730 § 9; 1957, 699; 1963, 801 § 13; last sentence revised, 1969, 766 § 11; amended, 1971, 116 § 11; revised, 1971, 1102 § 2; amended, 1972, 300 § 10; 1973, 426 § 11; paragraph inserted after second paragraph, 1941, 403. (See 1939, 238 §§ 52-55; 1945, 681 § 2; 1955, 730 § 43; 1969, 704 § 60; 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 2A added, 1939, 238 § 3 (relative to the appointment and compensation of civil service commissioners); fourth sentence revised, 1941, 457; same sentence amended, 1945, 725 § 6; section revised, 1946, 591 § 12; fourth sentence revised, 1948, 575; 1950, 821 § 1; 1951, 589; 1952, 473; 1955, 730 § 10; 1960, 735; 1963, 801 § 14; 1969, 766 § 12; amended, 1971, 116 § 12; 1972, 300 § 11; 1973, 426 § 12. (See 1939, 238 §§ 52-55; 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 3 amended, 1932, 180 § 3; revised, 1939, 238 § 4; second sentence revised, 1967, 780 § 1. (See 1939, 238 §§ 52-55.)

SECT. 4 revised, 1939, 238 § 5.

SECT. 5 revised, 1939, 238 § 6.

SECT. 6 revised, 1939, 238 § 7; paragraph added, 1967, 284.

SECT. 8 amended, 1934, 329; 1946, 591 § 13; 1948, 601 § 1; 1949, 787; 1952, 627 § 1; first sentence revised, 1955, 730 § 11; 1963, 801 § 15; first sentence revised, 1969, 766 § 13; amended, 1971, 116 § 13; first sentence stricken out and two sentences inserted, 1969, 704 § 18; 1972, 300 § 12; second sentence revised, 1973, 426 § 13; second sentence (as appearing in 1952, 627 § 1) revised, 1967, 844 § 7. (See 1948, 601 § 2; 1952, 627 § 2; 1955, 730 § 43; 1969, 704 § 60; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 9A added, 1945, 376 (authorizing the director of registration to make certain rules and regulations governing the conduct of examinations by the several boards of registration and examination).

SECT. 9B added, 1971, 1099 § 1 (regulating the membership of public or lay members on certain boards of registration).

SECT. 10 amended, 1932, 8; 1939, 36; 1960, 188; revised, 1971, 1099 § 2.

SECT. 11 amended, 1937, 379; last sentence revised, 1953, 529; 1955, 730 § 12; 1963, 801 § 16. (See 1955, 730 § 43.)

SECT. 12 repealed, 1937, 425 § 13. (See 1937, 425 § 15.)

SECTS. 12A-12C added under the heading "BOARD OF REGISTRATION IN CHIROPODY (PODIATRY)", 1937, 425 § 1; heading revised, 1970, 443 § 1. (See 1937, 425 §§ 14, 15.)

SECT. 12A, third sentence stricken out, 1952, 73; section amended, 1970, 443 § 2; revised, 1971, 1099, § 3.

SECT. 12B revised, 1950, 315.

SECT. 12C revised, 1955, 730 § 13; 1963, 801 § 17; amended, 1969, 508. (See 1955, 730 § 43.)

SECTS. 13-15 and the heading before section 13 stricken out and new sections 13-15D added under heading "BOARD OF REGISTRATION IN NURSING", 1941, 620 § 2. (See 1941, 620 §§ 1, 4-12.)

SECT. 13 amended, 1953, 350 § 1; revised, 1960, 693 § 1; amended, 1971, 1099 § 4; fourth sentence revised, 1961, 512; last sentence revised, 1969, 375. (See 1960, 693 §§ 14-19.)

SECT. 14, first sentence revised, 1964, 22; last sentence stricken out and two sentences inserted, 1960, 693 § 2.

SECT. 14A amended, 1953, 350 § 2.

SECT. 15 revised, 1955, 730 § 14; amended, 1960, 693 § 3; revised, 1963, 801 § 18. (See 1955, 730 § 43.)

SECT. 15A amended, 1952, 585 § 19; revised, 1953, 350 § 3; repealed, 1960, 693 § 4.

SECT. 15B repealed, 1960, 693 § 5.

SECT. 15C revised, 1955, 730 § 15; repealed, 1960, 693 § 6. (See 1955, 730 § 43.)

SECT. 15D amended, 1960, 693 § 7.

SECT. 16 amended, 1971, 1099 § 5.

SECT. 17 revised, 1934, 339 § 1.

SECT. 18 revised, 1955, 730 § 16; amended, 1958, 494 § 1; revised, 1963, 801 § 19. (See 1955, 730 § 43; 1958, 494 § 2.)

SECT. 19 revised, 1971, 1099 § 6; 1973, 707.

SECT. 20 revised, 1946, 550 § 1; 1947, 417.

SECT. 21, first sentence revised, 1955, 730 § 17; 1963, 801 § 20. (See 1955, 730 § 43.)

SECT. 22 revised, 1971, 1099 § 7.

SECT. 23 revised, 1952, 625 § 1; 1953, 280 § 1. (See 1952, 625 § 3; 1953, 280 § 3.)

SECT. 24 revised, 1952, 625 § 2; 1953, 280 § 2; 1963, 801 § 21. (See 1952, 625 § 3; 1953, 280 § 3.)

SECT. 25 revised, 1941, 596 § 6; 1951, 577; amended, 1973, 1124.

SECT. 26 amended, 1950, 192; revised, 1958, 533 § 1; 1971, 1099 § 8.

SECT. 27 revised, 1958, 533 § 2.

SECT. 28 amended, 1948, 647; revised, 1963, 801 § 22.

SECT. 29 and its caption stricken out and new section inserted, under the caption "BOARD OF REGISTRATION IN EMBALMING AND FUNERAL DIRECTING", 1936, 407 § 1; revised, 1954, 653 § 1; first paragraph revised, 1971, 1099 § 9; second paragraph amended, 1959, 276. (See 1936, 407 §§ 5-8; 1954, 653 §§ 4, 7.)

SECT. 30 revised, 1954, 653 § 1. (See 1954, 653 §§ 6, 7.)

SECT. 31 revised, 1936, 407 § 2; 1946, 591 § 14; 1954, 653 § 1; first sentence revised, 1963, 801 § 23. (See 1936, 407 §§ 5-8; 1954, 653 §§ 6, 7.)

SECT. 32 revised, 1935, 420 § 1; amended, 1939, 238 § 8; 1952, 585 § 20; first sentence revised, 1954, 238; 1971, 440; stricken out and three sentences inserted, 1971, 1099 § 10; fifth sentence revised, 1955, 730 § 18; 1963, 801 § 24; sentence inserted before said sentence, 1958, 628 § 1. (See 1935, 420 § 2; 1955, 730 § 43; 1958, 628 § 2.)

SECT. 32A added, under caption, 1961, 531 § 1 (establishing a board of electricians' appeals); third sentence revised, 1964, 369.

SECT. 33 and its caption stricken out and new section inserted, under the caption "BOARD OF PUBLIC ACCOUNTANCY", 1963, 663 § 1; amended, 1971,

1099 § 11; subsection (a) amended, 1972, 693 § 9; subsection (b), first paragraph amended, 1972, 693 § 10; clause 2 amended, 1972, 693 § 11. (See 1963, 663 §§ 3, 4, 5.)

SECT. 34 revised, 1963, 663 § 1; amended, 1972, 693 § 12.

SECT. 35, first sentence revised, 1953, 510 § 1; section revised, 1963, 663 § 1.

SECT. 36, first sentence revised, 1945, 517 § 1; first paragraph, sentence added at end, 1963, 191; first paragraph revised, 1971, 1099 § 12; second paragraph revised, 1941, 596 § 7; third paragraph revised, 1951, 691 § 2. (See 1945, 517 § 2; 1951, 691 § 1.)

SECT. 37 revised, 1964, 366; 1966, 102.

SECT. 38, first sentence revised, 1955, 730 § 19; 1963, 801 § 25. (See 1955, 730 § 43.)

SECT. 39 amended, 1941, 385 § 1; 1947, 509 § 1; revised, 1962, 200. (See 1941, 385 § 2; 1947, 509 § 2.)

SECT. 40 amended, 1933, 149 § 1; two sentences added at end, 1934, 299 § 1; section revised, 1957, 676 § 1. (See 1934, 299 § 2.)

SECT. 41 amended, 1938, 337 § 1; 1946, 591 § 15; revised, 1953, 556; sentence added at end, 1957, 676 § 2; section revised, 1963, 801 § 26; 1969, 766 § 14; amended, 1971, 116 § 14; 1972, 300 § 13; 1973, 426 §§ 14, 14A. (See 1938, 337 § 2; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECTS. 42-44 added, under caption "BOARD OF REGISTRATION OF HAIRDRESSERS 1935, 428 § 1. (See 1935, 428 §§ 5, 7.)

SECT. 42, two sentences inserted after first sentence, 1949, 580 § 1; section revised, 1960, 265.

SECT. 43 amended, 1937, 385 § 1; second sentence revised, 1949, 580 § 2; sentence added at end, 1955, 154; affected, 1956, 551.

SECT. 44 amended, 1946, 591 § 16; revised, 1951, 561; 1955, 730 § 20; 1960, 777; 1963, 801 § 27; 1969, 766 § 15; amended, 1971, 116 § 15; 1972, 300 § 14; 1973, 426 § 15. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECTS. 44A-44D added, under caption "BOARD OF REGISTRATION OF ARCHITECTS", 1941, 696 § 1. (See 1941, 696 §§ 3, 4.)

SECT. 44A revised, 1971, 1099 § 13.

SECT. 44D, first sentence revised, 1955, 730 § 21; 1963, 801 § 28. (See 1955, 730 § 43.)

SECTS. 45-47 added, under caption "BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND OF LAND SURVEYORS", 1941, 643 § 1. (See 1941, 643 §§ 3-5.)

SECT. 45, first two sentences stricken out and four sentences inserted, 1955, 646; same four sentences revised, 1958, 584 § 1; first two sentences revised, 1970, 707 § 1; section revised, 1971, 1099 § 14. (See 1958, 584 §§ 11-13.)

SECT. 47 amended, 1941, 722 § 1A.

SECTS. 48-50 added, under caption "BOARD OF REGISTRATION OF DISPENSING OPTICIANS", 1955, 688 § 1. (See 1955, 688 §§ 3, 4.)

SECT. 48 amended, 1971, 1099 § 15.

SECT. 50 revised, 1963, 801 § 29.

SECTS. 51-53 added, 1957, 673 § 1 (establishing a board of registration of sanitarians). (See 1957, 673 §§ 4, 5.)

SECT. 51 revised, 1971, 1099 § 16.

SECT. 53, first sentence revised, 1963, 801 § 30.

SECTS. 54-57 added, 1957, 726 § 1 (establishing a board of registration of real estate brokers and salesmen). (See 1957, 726 §§ 4-7.)

SECT. 54 revised, 1959, 351 § 1.

SECT. 55 revised, 1961, 363 § 1.

SECTS. 58-60 added, under caption, 1958, 625 § 1 (establishing a board of registration of electrologists). (See 1958, 625 §§ 4, 5.)

SECT. 58 revised, 1971, 1099 § 17.

SECT. 60 amended, 1960, 288; 1963, 801 § 31.

SECTS. 61-63 added, under caption, 1963, 604 § 1 (establishing a board of radio and television technicians). (See 1963, 604 § 3.)

SECT. 61 amended, 1971, 1099 § 18.

SECTS. 64-66 added, under caption, 1966, 409 § 1 (establishing a board of registration of chiropractors). (See 1966, 409 § 3.)

SECT. 64 amended, 1971, 1099 § 19.

SECT. 66, second sentence stricken out and two sentences inserted, 1968, 573.

SECT. 66A added, under caption, 1970, 781 § 1 (establishing a board of certification of operators of waste water treatment facilities); amended, 1971, 1099 § 20.

SECT. 66B added, under caption, 1971, 942 § 1 (establishing a board of certification of operators of drinking water supply facilities).

SECTS. 67-69 added, under caption, 1968, 473 § 1 (establishing a board of registration of landscape architects).

SECT. 67 amended, 1971, 1099 § 21.

SECTS. 70-72 added, under caption, 1970, 521 § 1 (establishing a board of certification of health officers).

SECT. 70 revised, 1971, 1099 § 22.

SECTS. 73-75 added, under caption, 1970, 865 § 1 (establishing a board of registration of nursing home administrators).

SECT. 73 amended, 1971, 1099 § 23; 1973, 1168 § 9. (See 1973, 1168 § 40.)

SECTS. 76-79 added, 1971, 1021 § 1 (establishing a board of registration of psychologists).

Chapter 14. — Department of Corporations and Taxation.

Chapter stricken out and new chapter 14 inserted, 1953, 654 § 1. (See 1953, 654 §§ 103-109.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 14, as so inserted:

SECT. 1, sentence added at end, 1954, 429.

SECT. 2, first paragraph amended, 1967, 844 § 8; third paragraph amended, 1963, 801 § 32; second sentence revised, 1969, 766 § 16; amended, 1971, 116 § 16; 1972, 300 § 15; 1973, 426 § 16. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 3, second paragraph amended, 1964, 460 § 1.

SECT. 4, subdivision 1 of second paragraph amended, 1954, 681 § 3. (See 1954, 681 §§ 20, 22.)

SECT. 5 added, 1956, 380 § 1 (authorizing the state tax commission to provide for certain tax returns and tax calculations without fractional parts of a dollar). (See 1956, 380 § 2.)

Chapter 15. — Department of Education.

SECT. 1 revised, 1947, 652 § 1.

SECTS. 1A-1C added, 1947, 652 § 2 (establishing a board of education which shall have supervision and control of the department of education). (See 1947, 652 §§ 14, 15.)

SECT. 1B revised, 1952, 585 § 1; second sentence revised, 1955, 730 § 22; 1960, 585; 1963, 801 § 33. (See 1952, 585 §§ 25, 26; 1955, 730 § 43.)

SECT. 1C revised, 1952, 585 § 1. (See 1952, 585 §§ 25, 26.)

SECT. 1D added, 1964, 712 § 1 (providing for the appointment of an assistant commissioner of education).

SECTS. 1-1D stricken out and sections 1-1H inserted, 1965, 572 § 2.

SECT. 1A amended, 1969, 396 § 2; 684 § 1; 1970, 418 § 1; 1972, 163; 1973, 1175 § 1.

SECT. 1B amended, 1969, 396 § 3; 684 § 1; 1973, 1175 § 2.

SECT. 1C amended, 1973, 779 § 1.

SECT. 1D, paragraph inserted after the ninth paragraph, 1973, 820; twentieth paragraph amended, 1967, 789 § 1; 1971, 1053; 1972, 611 § 1; twenty-first paragraph amended, 1967, 789 § 2; 1972, 611 § 2; paragraph added after twenty-first paragraph, 1967, 608; revised, 1969, 716; four paragraphs added, 1972, 354. (See 1965, 572 §§ 37-39, 41, 43-46, 53.)

SECT. 1E amended, 1966, 251 § 1; revised, 1971, 1009 § 1; amended, 1972, 227.

SECT. 1F, sentence inserted after fourth sentence, 1969, 254 § 1; third paragraph amended, 1966, 549; section revised, 1969, 837 § 1; first two paragraphs revised, 1970, 887 § 1; first paragraph amended, 1973, 779 § 2, 847 § 1; second paragraph revised, 1971, 964; 1973, 847 § 2; third paragraph amended, 1973, 847 § 3; sixth paragraph, clause (8) added, 1971, 842 § 2.

SECT. 1G, first paragraph revised, 1969, 837 § 2; two paragraphs added after fifth paragraph, 1967, 808 § 1; seventh paragraph, sentence added at end, 1969, 52; twelfth paragraph revised, 1972, 802 § 3; paragraph inserted after twelfth paragraph, 1970, 871 § 1; nineteenth paragraph amended, 1967, 759 § 2. (See 1972, 802 § 77.)

SECT. 1H, first paragraph revised, 1966, 251 § 2; seventh paragraph revised, 1966, 428; paragraph added, 1973, 404.

SECTS. 1I, 1J and 1K added, 1965, 641 § 2 (requiring the board of education to furnish assistance for the elimination of racial imbalance in the public schools).

SECT. 1I, second paragraph amended, 1966, 14 § 41.

SECT. 1L added, 1970, 753 § 1 (relative to school lunch programs for elderly persons); revised, 1973, 1168 § 10. (See 1973, 1168 § 40.)

SECTS. 1M-1Q added, 1972, 766 § 2 (relative to the powers and duties and administration of the division of special education). (See 1972, 766 § 23.)

SECT. 2 amended, 1946, 591 § 18; repealed, 1947, 652 § 13.

SECT. 2A added, 1946, 531 (providing for a deputy commissioner of education, and establishing his powers and duties); repealed, 1947, 652 § 13.

SECT. 3 amended, 1941, 138; repealed, 1947, 652 § 13.

SECT. 3A added, 1943, 549 § 1 (establishing a board of collegiate authority in the department of education); revised, 1947, 652 § 3; repealed, 1965, 572 § 8. (See 1965, 572 §§ 39, 53.)

SECT. 3B added, 1962, 429 § 1 (establishing in the department of education an advisory board of higher education policy); repealed, 1965, 572 § 8. (See 1965, 572 §§ 39, 53.) (See 1962, 429 § 2.)

SECT. 4 revised, 1939, 409 § 2; last sentence revised, 1947, 344 § 2; section revised, 1947, 652 § 4; 1952, 585 § 2; third sentence revised, 1954, 514 § 1; 1955, 514; 1957, 534; amended, 1960, 403 § 18; 1963, 642 § 1; sentence inserted after fourth sentence, 1964, 712 § 2; last sentence amended, 1953, 407 § 4; revised, 1963, 642 § 2; section repealed, 1965, 572 § 8. (See 1939, 409 §§ 1, 5; 1952, 585 §§ 25, 26; 1953, 407 §§ 7, 8.)

SECT. 4A added, 1961, 436 (providing for the appointment of a supervisor of conservation education in the department of education).

SECT. 5 revised, 1941, 596 § 9; 1947, 652 § 5; 1952, 585 § 3; repealed, 1965, 572 § 8. (See 1952, 585 §§ 25, 26.)

SECT. 6 revised, 1947, 652 § 6; sentence added at end, 1963; 406; section repealed, 1965, 572 § 8.

SECT. 6A amended, 1938, 446 § 13; revised, 1941, 531; 1946, 552 § 1; 1947, 652 § 7; 1952, 630 § 1; 1956, 602 § 3; repealed, 1965, 572 § 8. (See 1938, 446 § 14; 1956, 602 §§ 17-20.)

SECT. 6B added, 1941, 676 § 1 (relative to the supervisor of guidance and placement); revised, 1947, 652 § 8. (See 1941, 646; 1947, 652 § 13.)

SECT. 6C added, 1962, 585 § 1 (providing for an advisory commission on academically talented pupils). (See 1962, 585 § 2.)

SECT. 8, caption preceding section revised, 1952, 585 § 4; section amended, 1952, 585 § 5; repealed, 1960, 429 § 1. (See 1952, 585 §§ 25, 26.)

SECT. 9 amended, 1952, 585 § 6; revised, 1960, 429 § 2; amended, 1969, 254 § 2. (See 1952, 585 §§ 25, 26.)

SECT. 10 revised, 1960, 429 § 3.

SECT. 11 revised, 1952, 585 § 7; 1960, 429 § 4. (See 1952, 585 §§ 25, 26.)

SECT. 12 revised, 1935, 367; 1939, 409 § 3; repealed, 1965, 572 § 8. (See 1939, 409 §§ 1, 5.)

SECT. 13 repealed and caption preceding said section stricken out, 1966, 535 § 3.

SECT. 13A added, 1951, 676 § 1 (establishing certain bureaus in the division of the blind); repealed, 1966, 535 § 3.

SECT. 15 revised, 1951, 676 § 2; repealed, 1966, 535 § 3.

SECT. 15A added, 1954, 514 § 2 (establishing a division of special education for mentally retarded children); first sentence stricken out and two sentences inserted, 1964, 712 § 3; sentence added at end, 1956, 593; section repealed, 1970, 887 § 3.

SECT. 15B added, 1964, 535 (providing for the establishment in the division of special education of a library center for visually-handicapped children).

SECT. 16 revised, 1945, 658 § 4; first sentence revised, 1969, 704 § 19; second sentence revised, 1971, 481 § 1; section revised, 1973, 1176. (See 1945, 658 § 11; 1969, 704 § 60.)

SECT. 17 revised, 1945, 658 § 5. (See 1945, 658 § 11.)

SECT. 18 revised, 1945, 658 § 6. (See 1945, 658 § 11.)

SECT. 18A added, 1963, 466 § 1 (authorizing the purchase of annuities for employees of the department); amended, 1967, 769 § 1; 1973, 1175 § 3.

SECT. 19 amended, 1942, 1 § 2; revised, 1946, 257 § 7; 1947, 344 § 3; amended, 1953, 407 § 5; 1953, 488 § 2; revised, 1957, 347 § 3; 1960, 543 § 1; amended, 1964, 561 § 2; 1969, 396 § 4; 684 § 1; 1973, 1175 § 4. (See 1942, 1 § 9; 1953, 488 § 4.)

SECT. 19A added, 1965, 132 (relative to the appointment of teachers in the universities and colleges of the commonwealth who are blind).

SECT. 20, caption preceding section changed, 1947, 344 § 4; section amended, 1947, 344 § 5; 1962, 787 § 1; revised, 1969, 846 § 1; amended, 1970, 418 § 2; 1971, 725; 1972, 695 § 1.

SECT. 20A added, 1963, 642 § 3 (establishing a board of trustees of the state colleges); revised, 1964, 561 § 3; 1965, 572 § 3; first paragraph, first sentence amended, 1969, 286 § 1; second paragraph amended, 1969, 286 § 2; section revised, 1969, 846 § 2; first paragraph amended, 1970, 256 § 1; second paragraph amended, 1970, 256 § 2. (See 1965, 572 §§ 40, 43-46, 53.)

SECT. 20B added, 1965, 572 § 4 (establishing an advisory commission to the board of trustees of state colleges).

SECT. 20C added, 1969, 846 § 3 (providing for a student advisory commission to the board of trustees of state colleges).

SECT. 20D added, 1972, 178 (establishing a faculty advisory commission to the board of trustees of state colleges).

SECT. 21, caption preceding section changed, 1946, 257 § 9; section revised, 1946, 257 § 8; amended, 1953, 488 § 3; caption preceding section changed and section revised, 1957, 347 § 4. (See 1953, 488 § 4.)

SECT. 21A added, under caption, 1960, 543 § 2 (creating the southeastern Massachusetts technological institute); caption revised, 1969, 396 § 5; 684 § 1; first sentence amended, 1965, 572 § 5; 1969, 396 § 6; 684 § 1; second sentence amended, 1964, 207 § 1; section revised, 1969, 846 § 4; 1970, 529 § 1; two sentences added, 1972, 695 § 2. (See 1964, 207 § 2.)

SECT. 22, caption preceding section changed, 1942, 1 § 3; stricken out, 1964, 561 § 4; section amended, 1942, 1 § 4; revised, 1954, 594 § 1; repealed, 1964, 561 § 4. (See 1942, 1 § 9; 1954, 594 § 2.)

SECT. 23 repealed, 1964, 562 § 4.

SECT. 24 and caption preceding said section revised, 1953, 407 § 6; section revised, 1969, 846 § 5; sentence inserted after first sentence and last sentence stricken out, 1970, 322 § 1; two sentences added, 1972, 695 § 3; section revised, 1973, 1175 § 5.

SECTS. 25 and 26 added, 1957, 690 § 1 (providing for enlargement of the commonwealth scholarship program). (See 1957, 690 § 2.)

SECT. 25 amended, 1960, 403 § 19; second sentence revised, 1964, 561 § 5; section repealed, 1965, 572 § 8.

SECT. 26 repealed, 1965, 572 § 8.

SECT. 27 added, 1958, 605 § 1 (establishing a Massachusetts board of regional community colleges and providing for the establishment of such colleges); first sentence amended, 1960, 403 § 20; revised, 1964, 561 § 6; paragraph added at end, 1962, 559; sentence added at end, 1963, 414.

SECT. 28 added, 1963, 293 (authorizing the board of regional community colleges to establish activity fees in said colleges); amended, 1967, 59 § 1.

SECTS. 27 and 28 stricken out and sections 27-39 inserted, under caption, 1964, 737 § 1. (See 1964, 737 § 2.)

SECT. 27 amended, 1965, 572 § 6; first sentence revised, 1968, 113; two sentences added at end, 1969, 269; section revised, 1969, 846 § 6.

SECT. 27A added, 1969, 846 § 7 (providing for a student advisory commission to the board of trustees of regional community colleges).

SECT. 27B added, 1971, 891 (establishing a faculty advisory body to the board of regional community colleges).

SECT. 28 revised, 1965, 572 § 7; first paragraph amended, 1969, 837 § 3; sentence added at end, 1970, 689; second paragraph amended, 1967, 59 § 1; fifth and sixth sentences stricken out, 1969, 866.

SECT. 28A added, 1973, 1089 § 1 (authorizing banks to establish a branch on state college grounds).

SECT. 35 revised, 1968, 739 § 6.

SECT. 39, two sentences added, 1973, 1189 § 1.

SECT. 39A added, 1972, 331 (authorizing the board of regional community colleges to regulate certain parking).

SECTS. 40-45 added, under caption, 1966, 589 § 1 (establishing a council on the arts and humanities).

SECTS. 46-48 added, 1973, 847 § 4 (establishing an advisory commission for the division of educational personnel).

Chapter 16. — Department of Public Works.

Chapter stricken out and new chapter 16 (with same title) inserted, 1963, 821 § 1. (See 1963, 821 §§ 2-8.)

For prior changes see Table of Changes contained in Acts and Resolves of 1963.

The following references are to chapter 16, as so inserted:

SECT. 1, third sentence revised, 1967, 844 § 9; seventh sentence revised, 1969, 766 § 17; amended, 1971, 116 § 17; 1972, 300 § 16; 1973, 426 § 17. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 3A added, 1964, 563 § 1 (establishing in the department a bureau of transportation planning and development).

SECT. 4, second paragraph amended, 1968, 736 § 4; paragraph inserted after second paragraph, 1968, 736 § 5.

SECTS. 4A and 4B added, 1965, 897 (authorizing the commissioner of public works to establish within the department a highway engineer intern program and a co-operative engineering students program).

SECT. 5, second paragraph, first sentence revised, 1969, 766 § 18; stricken out and two sentences inserted, 1970, 605 § 1; third paragraph, subparagraph (b) amended, 1969, 766 § 18A; revised, 1970, 606 § 1; fourth paragraph amended, 1964, 645. (See 1969, 766 § 48.)

SECT. 6, third sentence revised, 1973, 999 § 1; paragraph added, 1973, 999 § 2.

SECT. 9, first sentence revised, 1969, 704 § 20; second and third sentences revised, 1967, 844 § 10; third sentence revised, 1969, 766 § 19; amended, 1971, 116 § 18; 1972, 300 § 17; 1973, 426 § 18. (See 1969, 704 § 60; 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 11A added, 1972, 638 (directing the registrar of motor vehicles to pay the cost of maintenance of certain employees' uniforms).

SECT. 12, second sentence revised, 1967, 844 § 11; first paragraph revised, 1971, 103 § 1; third sentence revised, 1969, 766 § 20; amended, 1971, 116 § 19; revised, 1971, 375; amended, 1972, 300 § 18; 1973, 426 § 19, 768 § 2; third paragraph revised, 1971, 103 § 2. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50, 768 § 3.)

SECT. 13 revised, 1969, 704 § 21. (See 1969, 704 § 60.)

SECTS. 15, 16 and 17 repealed and caption preceding section 15 stricken out, 1964, 636 § 3. (See 1964, 636 § 12.)

SECTS. 18-24 added, under caption; 1969, 834 § 1 (establishing a bureau of solid waste disposal in the department of public works).

SECT. 18, definition of "solid waste disposal facility" revised, 1971, 844.

SECT. 19 amended, 1973, 1217 § 1.

SECT. 20, five sentences added, 1973, 1217 § 2.

SECT. 21, five sentences added, 1973, 1217 § 3.

SECTS. 22-23 revised, 1973, 1217 § 4.

SECT. 24, first two sentences revised, 1973, 1217 § 5.

Chapter 17. — Department of Public Health.

SECT. 2 amended, 1946, 591 § 21; 1947, 658 § 1; 1950, 794; second sentence revised, 1967, 844 § 12; third sentence revised, 1955, 730 § 24; 1959, 570 § 1; 1963, 801 § 37; 1969, 766 § 21; amended, 1971, 116 § 20; 1972, 300 § 19; 1973, 426 § 20. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 2A added, 1965, 473 (granting certain powers to the commissioner of public health upon the declaration of an emergency).

SECT. 3 revised, 1939, 233 § 1; amended, 1946, 591 § 22; 1963, 801 § 38; 1972, 776 § 2A; 1973, 1168 § 11. (See 1939, 233 §§ 2, 3; 1972, 776 § 6; 1973, 1168 § 40.)

SECT. 4 revised, 1941, 596 § 11; 725 § 1; sentence added at end, 1957, 482 § 1; section revised, 1958, 612 § 1; first paragraph amended, 1963, 558 § 1; revised, 1971, 1076 § 1A; second paragraph revised, 1959, 611 § 3; amended, 1963, 527; revised, 1964, 477 § 1. (See 1941, 725 §§ 4-6; 1958, 612 § 2; 1964, 477 § 3.)

SECT. 4A added, 1971, 752 (establishing a poison information and control center in the department of public health).

SECT. 5 revised, 1948, 323.

SECT. 5A added, 1947, 658 § 2 (increasing the salary of the director of sanitary engineering and chief sanitary engineer in the department of public health); repealed, 1954, 564 § 1. (See 1954, 564 §§ 2, 3.)

SECT. 6 revised, 1941, 725 § 2; sentence added at end, 1957, 482 § 2; paragraph added at end, 1963, 558 § 2; revised, 1968, 504 § 1. (See 1941, 725 §§ 4-6.)

SECT. 6A added, 1966, 591 (authorizing superintendents of hospitals in the department of public health to establish programs for training of residents in medical specialties, and to grant fellowships to said residents).

SECT. 6B added, 1966, 713 § 1 (providing for the appointment of a hearings officer to hear certain matters affecting convalescent or nursing homes).

SECT. 7 revised, 1941, 725 § 3. (See 1941, 725 §§ 4-6.)

SECT. 8 amended, 1962, 598 § 1; repealed, 1963, 558 § 3. (See 1962, 598 § 2.)

SECT. 9 repealed, 1963, 558 § 3.

SECT. 9A added, 1962, 521 § 1 (establishing a pesticide board in the department of public health); first sentence revised, 1963, 102; section revised, 1970, 874 § 1.

SECT. 11 added, under caption, 1956, 728 (establishing a commission on hypertension).

SECT. 12 added, under caption, 1963, 763 § 1 (establishing the drug addiction rehabilitation board); first paragraph amended, 1966, 67; first sentence amended, 1969, 838 § 4; third paragraph third sentence revised, 1969, 766 § 22; section repealed, 1969, 889 § 4. (See 1969, 766 § 48; 838 § 74.)

SECT. 13 added, under caption, 1970, 717 § 1 (establishing a drug formulary commission).

SECT. 14 added, under caption, 1971, 1076 § 1B (establishing an advisory council on alcoholism).

Chapter 18. — Department of Public Welfare.

Chapter revised, 1967, 658, § 1.

For prior changes see Table of Changes contained in Acts and Resolves of 1968.

The following references are to chapter 18, as so revised:

SECT. 2, subsection (B) amended, 1969, 885 § 1; subsection (C) added, 1973, 1168 § 12. (See 1973, 1168 § 40.)

SECT. 3, fourth sentence revised, 1969, 766 § 23; section revised, 1969, 885 § 2; fourth sentence amended, 1971, 116 § 21; 1972, 300 § 20; 1973, 426 § 21. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 4, fourth sentence revised, 1969, 766 § 24; section revised, 1969, 885 § 3; first paragraph, third sentence amended, 1971, 116 § 22; 1972, 300 § 21; 1973, 426 § 22; second paragraph, second sentence revised, 1973, 426 § 22A; third paragraph, second sentence revised, 1973, 426 § 22B; fourth paragraph, second sentence revised, 1973, 426 § 22C; fifth paragraph, second sentence revised, 1973, 426 § 22D; sixth paragraph, second sentence revised, 1973, 426 § 22E. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 5, fourth paragraph revised, 1969, 885 § 4.

SECT. 5A revised, 1968, 275; second paragraph stricken out and three paragraphs inserted, 1969, 707 § 2; same three paragraphs revised, 1969, 885 § 5; section repealed, 1971, 943 § 1.

SECTS. 5B-5F added, 1969, 885 § 6 (further defining certain frauds relating to the department of public welfare and the penalties therefor).

SECT. 5B revised, 1973, 475.

SECT. 5C revised, 1970, 701 § 1. (See 1970, 701 § 3.)

SECT. 6 revised, 1969, 885 § 7; amended, 1973, 1210 § 11. (See 1973, 1210 § 39.)

SECT. 7 revised, 1969, 855 § 8; amended, 1973, 1210 § 12. (See 1973, 1210 § 39.)

SECT. 8 revised, 1968, 149.

SECT. 10, two sentences inserted after the second sentence, 1969, 885 § 9; third sentence revised, 1973, 1168 § 13. (See 1973, 1168 § 40.)

SECT. 12, sentence added at the end, 1969, 885 § 10.

SECT. 14, second sentence revised, 1973, 1210 § 13. (See 1973, 1210 § 39.)

SECT. 15 amended, 1973, 1210 § 14. (See 1973, 1210 § 39.)

SECT. 16 revised, 1969, 885 § 11.

SECT. 17 added, 1968, 541 (providing for regulation by Comptroller of funds advanced to Department of Public Welfare); repealed, 1969, 885 § 13.

SECTS. 18-27 added, 1969, 885 § 12 (further defining the powers and duties of the department, its social workers and case aides and matters relative to direct payment of recipients' rent to certain landlords).

SECT. 22 amended, 1973, 1210 § 15. (See 1973, 1210 § 39.)

SECT. 28 added, 1973, 1168 § 14 (establishing a board of accreditation of homemaker services). (See 1973, 1168 § 40.)

Chapter 18A. — Department of Youth Services.

New chapter inserted, 1969, 838 § 1. (See 1969, 838 § 74.)

SECT. 1, fourth sentence amended, 1972, 300 § 19A; 1973, 426 § 23. (See 1972, 300 § 44; 1973, 426 § 50.)

SECT. 5, second paragraph revised, 1971, 173.

SECT. 9 amended, 1970, 490; 1973, 242.

Chapter 19. — Department of Mental Health (former title, Department of Mental Diseases).

Title changed, 1941, 194 § 2.

Chapter revised, 1966, 735 § 1. (See 1966, 735 §§ 6A-10.)

For prior changes see Table of Changes contained in Acts and Resolves of 1966.

The following references are to chapter 19, as so revised:

SECT. 1, five paragraphs added, 1970, 888 § 1; third paragraph amended, 1971, 1076 § 2; sixth paragraph revised, 1971, 817. (See 1970, 888 § 31.)

SECT. 2, second paragraph revised, 1973, 90; third paragraph amended, 1971, 859; fifth paragraph revised, 1971, 193; sixth paragraph revised, 1969, 766 § 25; amended, 1971, 116 § 23; 1972, 300 § 21A; 1973, 426 § 24. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 2A added, 1973, 1068 § 1 (providing for an evaluation of each residential facility for the mentally retarded operated by the department).

SECT. 4 amended, 1967, 875 § 1; last sentence revised, 1968, 689 § 1.

SECT. 5 amended, 1967, 875 § 2; last sentence revised, 1968, 689 § 2.

SECT. 6 amended, 1967, 875 § 3.

SECT. 8 amended, 1967, 875 § 4; last sentence revised, 1968, 689 § 3.

SECT. 8A added, 1969, 889 § 2 (establishing the position of assistant commissioner of drug rehabilitation).

SECT. 10, third paragraph revised, 1969, 28.

SECT. 11, fourth sentence revised, 1968, 189 § 1.

SECT. 12, fourth sentence revised, 1968, 189 § 2.

SECT. 14, second paragraph revised, 1969, 647 § 2; amended, 1971, 1000 § 2.

SECTS. 14A-14D added, 1970, 888 § 2 (relative to the admission, treatment and discharge of certain mentally ill and retarded persons). (See 1970, 888 § 31.)

SECT. 14A amended, 1973, 1210 § 16. (See 1973, 1210 § 39.)

SECT. 14E added, 1972, 417 (requiring the weighing of farm produce received by any facility of the department of mental health.)

SECT. 14F added, 1973, 532 (requiring certain officers of certain state facilities to report any felonies committed on the premises to the district attorney of the district in which the facility is located).

SECT. 18, first paragraph amended, 1967, 595; revised, 1970, 372 § 1; third paragraph amended, 1967, 780 § 2; revised, 1970, 372 § 2; fifth sentence revised, 1970, 888 § 15; sixth sentence stricken out and two sentences inserted, 1971, 838. (See 1970, 888 § 31.)

SECT. 19, first paragraph amended, 1967, 875 § 5; last sentence stricken out and two sentences inserted, 1968, 689 § 4; second paragraph amended, 1967, 875 § 6; last sentence stricken out and two sentences inserted, 1968, 689 § 5; fourth paragraph amended, 1967, 875 § 7; revised, 1968, 689 § 6.

SECTS. 27-30 added, 1970, 888 § 3 (relative to the admission, treatment and discharge of certain mentally ill and retarded persons). (See 1970, 888 § 31.)

SECT. 27, fourth paragraph amended, 1973, 1194.

SECT. 29, paragraph (g) added, 1972, 785 § 3. (See 1972, 785 § 20.)

Chapter 19A. — Department of Elder Affairs.

New chapter inserted, 1973, 1168 § 15. (See 1973, 1168 § 40.)

Chapter 20. — Department of Agriculture.

Sects. 1-6 stricken out and new sections 1-6 inserted, 1954, 674 § 1. (See 1954, 674 §§ 3-5.)

For prior changes see Table of Changes contained in Acts and Resolves of 1953.

The following references are to sections 1 to 6, as so inserted:

SECT. 1, sixth and seventh sentences stricken out and one sentence inserted, 1967, 844 § 13.

SECT. 2, second sentence revised, 1955, 730 § 26; 1963, 801 § 41; 1969, 766 § 26; amended, 1971, 116 § 24; 1972, 300 § 22; 1973, 426 § 25. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 5 revised, 1963, 801 § 42; 1969, 766 § 27; amended, 1971, 116 § 25; revised, 1971, 988; amended, 1972, 300 § 23; 1973, 426 § 26. (See 1969, 766 § 48; 1971, 116 § 45; 1971, 300 § 44; 1973, 426 § 50.)

SECT. 6, first sentence revised, 1965, 678 § 1; 1967, 347 § 1.

SECT. 6A added, 1972, 91 (establishing an intern scholarship program in the department of agriculture).

SECTS. 7-9 added, under caption "DIVISION OF MILK CONTROL", 1941, 691 § 1. (See 1941, 691 §§ 3-6.)

SECT. 7 revised, 1945, 497 § 1; second sentence amended, 1951, 690; section revised, 1953, 604 § 1; amended, 1954, 674 § 2; first paragraph, first sentence revised, 1969, 704 § 22; third paragraph amended, 1954, 484; revised, 1963, 801 § 43. (See 1945, 497 § 2; 1953, 604 §§ 6, 8; 1969, 704 § 60.)

SECT. 8 revised, 1953, 604 § 1.

SECT. 9 revised, 1953, 604 § 1.

SECTS. 10-12 added, 1969, 807 § 1 (establishing the Massachusetts standard bred agricultural fair and breeding fund committee).

SECT. 10, first sentence stricken out and three sentences inserted, 1971, 861 § 1.

SECT. 11, first paragraph amended, 1971, 861 § 2; revised, 1971, 987 § 1; clause (c) stricken out and clauses (c) and (d) inserted; 1971, 861 § 3; clause (c) revised, 1973, 1000 § 1; clause (e) added, 1973, 1000 § 2.

(For prior temporary legislation see 1934, 376; 1936, 300; 1938, 334; 1939, 413; 1941, 418 § 1, 631 § 1.)

Chapter 21. — Department of Natural Resources (former title, Department of Conservation).

Chapter stricken out and new chapter 21 inserted, 1948, 651 § 1. (See 1948, 651 §§ 2-7.)

Chapter stricken out and new chapter (with new title) inserted, 1953, 631 § 1. (See 1953, 631 §§ 2-12.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 21, as so inserted:

SECT. 1, second paragraph amended, 1963, 664 § 1; fourth paragraph amended, 1956, 620 § 1; 1963, 664 § 2; 1968, 736 § 1.

SECT. 2, first sentence revised, 1956, 620 § 2.

SECT. 3, first sentence revised, 1967, 844 § 14.

SECT. 3, first sentence revised, 1967, 844 § 14.

SECT. 3A, second sentence revised, 1963, 801 § 44; amended, 1967, 802 § 5; revised, 1969, 766 § 28; amended, 1971, 116 § 26; 1972, 300 § 24; 1973, 426 § 27. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 4B amended, 1956, 657 § 1.

SECT. 5A added, 1962, 715 § 1 (establishing a marine fisheries advisory commission).

SECT. 6 revised, 1964, 524 § 1. (See 1964, 524 § 31.)

SECT. 6A, first paragraph amended, 1965, 665 § 1; revised, 1969, 37 § 1; amended, 1970, 779 § 3. (See 1965, 665 § 3.)

SECT. 6B revised, 1964, 524 § 2.

SECT. 6C revised, 1964, 524 § 3.

SECT. 6D revised, 1964, 524 § 4.

SECT. 6E added, 1964, 524 § 29 (providing that the commissioner of natural resources make rules and regulations governing the tours of duty and hours of work of the assistants to the director of law enforcement and natural resource officers); amended, 1971, 885; second sentence stricken out and two sentences inserted, 1971, 1004 § 2. (See 1964, 524 §§ 30, 31.)

SECTS. 8-15 added, under caption, 1956, 620 § 3 (establishing in the department of natural resources a water resources division). (See 1956, 620 § 4.)

SECT. 8 revised, 1969, 566 § 1.

SECT. 9, paragraph inserted after first paragraph, 1964, 646 § 1.

SECT. 9A added, 1970, 767 § 1 (authorizing the water resources commission to acquire water impoundment sites).

SECT. 10, second sentence revised, 1963, 801 § 45.

SECT. 16 added, 1962, 513 (requiring persons engaged in the business of digging or drilling wells to be registered, and to file certain reports).

SECT. 17 added, 1962, 715 § 2 (establishing a public access board); revised, 1964, 438; first sentence amended, 1966, 155.

SECT. 17A added, 1966, 621 § 2 (authorizing the department to provide public access to certain waters); revised, 1968, 594. (See 1966, 621 § 3.)

SECTS. 17-17A stricken out and new sections 17-17A inserted, 1970, 589 § 3. (See 1970, 589 § 4.)

SECT. 17A amended, 1971, 864.

SECT. 17B added, 1971, 840 (establishing a system of scenic and recreational rivers and streams in the commonwealth); paragraph inserted after first paragraph, 1973, 984 § 1.

SECT. 17C added, 1972, 575 (limiting the liability of landowners who permit the public to use their land gratuitously for recreational purposes).

SECTS. 18-25 added, under caption, 1963, 664 § 3 (establishing a division of conservation services). (See 1963, 664 §§ 5-7.)

SECT. 19, second, third, fourth, fifth and sixth sentences revised, 1966, 237.

SECTS. 26-50 added, under caption, 1966, 685 § 1 (establishing a division of water pollution control). (See 1966, 685 §§ 2, 3, 4.)

SECT. 26, first paragraph amended, 1967, 873 § 1; 1968, 648 § 1; 1973, 546 § 1; second paragraph, sentence added at end, 1969, 745 § 1; paragraph revised, 1970, 28.

SECT. 26A added, 1973, 546 § 2 (further regulating the administration of the Massachusetts Clean Waters Act).

SECT. 27, clauses (8) and (9) added, 1967, 873 § 2; clause (8) amended, 1970, 693 § 1; sentence added at end, 1970, 704 § 1; clause (10) added, 1968, 648 § 2; first two paragraphs stricken out and five paragraphs inserted, 1970, 827 § 1; section revised, 1973, 546 § 3.

SECT. 28, subsection (a) revised, 1967, 873 § 3; 1973, 1074 § 1; subsection (b) amended, 1973, 1074 § 2; subsection (c) amended, 1973, 1074 § 3.

SECT. 29 revised, 1970, 150; second paragraph revised, 1972, 601 § 1; amended, 1973, 1074 § 4; paragraph inserted after second paragraph, 1973, 1074 § 5.

SECT. 30A added, 1967, 873 § 5 (authorizing governmental units to construct and operate water pollution abatement facilities); amended, 1973, 546 § 4.

SECT. 32 amended, 1967, 873 § 6; 1973, 546 § 5; paragraph added, 1972, 601 § 3.

SECT. 33 revised, 1967, 873 § 7; 1973, 546 § 6.

SECT. 33A added, 1973, 744 (further providing for the financing of pollution control facilities in certain towns).

SECTS. 33B-33D added, 1973, 1074 § 6 (providing for the formation of water pollution abatement districts).

SECT. 36 amended, 1973, 1074 § 7.

SECT. 37 amended, 1967, 873 § 8.

SECT. 38 revised, 1967, 873 § 9; first paragraph amended, 1970, 692 § 1; sentence added, 1972, 678.

SECT. 38A added, 1968, 611 (establishing a clean waters scholarship intern program); third paragraph, sentence added at end, 1969, 745 § 2.

SECT. 39 revised, 1967, 873 § 10.

SECT. 40 revised, 1973, 546 § 7.

SECT. 42, first sentence amended, 1970, 704 § 2; sentence added, 1967, 873 § 11; section revised, 1973, 546 § 8.

SECT. 43, first sentence amended, 1970, 704 § 3; section revised, 1973, 546 § 9.

SECTS. 44-46 stricken out and new sections 44-46 inserted, 1970, 704 § 4.

SECT. 44 revised, 1973, 546 § 10.

SECT. 45 revised, 1973, 546 § 11.

SECT. 46 revised, 1973, 546 § 12.

SECT. 46A added, 1973, 546 § 13 (further regulating the administration of the Massachusetts Clean Waters Act).

SECT. 47, sentence added, 1967, 873 § 12; repealed, 1970, 704 § 5.

SECT. 49 repealed, 1970, 704 § 5.

SECT. 50 stricken out and sections 50-53 inserted, 1968, 648 § 3.

SECT. 50A added, 1969, 823 (requiring owners or operators of certain oil terminals or wharfs to provide a boom encircling ships or vessels depositing oil into receptacle at such terminal or wharf); revised, 1973, 437.

SECT. 50B added, 1970, 827 § 2 (further regulating vessels carrying cargoes of any bulk petroleum products). (See 1970, 827 § 4.)

SECT. 52A added, 1973, 1162 (providing for the installation and maintenance of waste oil retention facilities).

SECTS. 54-56 added, 1968, 736 § 2 (establishing a division of mineral resources).

SECT. 54, last sentence stricken out and seven paragraphs inserted, 1971, 567.

SECTS. 57-58 added, 1970, 692 § 2 (regulating the handling and disposal of hazardous wastes).

Chapter 22. — Department of Public Safety.

SECT. 2 amended, 1946, 591 § 32; 1948, 517 § 1; 1949, 690; 1951, 570; second sentence revised, 1955, 730 § 27; 1963, 801 § 46; section revised, 1967, 844 § 15; second sentence revised, 1969, 766 § 29; amended, 1971, 116 § 27; 1972, 300 § 25; 1973, 426 § 28. (See 1948, 517 § 2; 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 3, paragraph added at end, 1954, 650; amended, 1956, 584.

SECT. 3A added, 1955, 771 § 1 (establishing a criminal information bureau within the division of state police in the department of public safety).

SECT. 3B added, 1969, 749 § 1 (establishing within the bureau of criminal information a narcotics unit).

SECT. 4 revised, 1946, 591 § 33; 1948, 634 § 1. (See 1948, 634 § 3.)

SECT. 4A added, 1948, 634 § 2 (providing for the appointment of a chief of inspections in the department of public safety); amended, 1951, 721; revised, 1972, 802 § 4. (See 1948, 634 § 3; 1972, 802 § 77.)

SECT. 5 revised, 1953, 644; 1956, 713.

SECT. 6, third and fourth sentences revised, 1958, 486 § 2; paragraph added at end, 1963, 479 § 1.

SECT. 6A added, 1961, 260 (further regulating the appointment of persons as officers or inspectors of the department of public safety).

SECT. 7A amended, 1948, 318.

SECT. 7B added, 1945, 631 (relative to payment of compensation for injuries or death of officers or inspectors of the department of public safety performing police services).

SECT. 7C added, 1952, 595 (providing that no deductions shall be made from the salaries of state police officers for their subsistence).

SECT. 9A, first paragraph, fourth sentence revised, 1965, 785 § 1; sentence added, 1939, 503 § 4; same sentence revised, 1943, 175; 1954, 313 § 1; 1955, 88; 1973, 925 § 2; paragraph added, 1947, 407; amended, 1957, 343; revised, 1971, 521; paragraph added, 1949, 502. (See 1939, 503 § 5; 1973, 925 § 84.)

SECT. 9B amended, 1939, 508 § 11.

SECT. 9C added, 1933, 239 (relative to the uniform of members of the state police).

SECT. 9D added, 1945, 694 (relative to time off for certain members of the division of state police); amended, 1949, 487; revised, 1954, 489 § 1; 1970, 836 § 1; amended, 1971, 1004 § 3. (See 1954, 489 § 2; 1970, 836 § 2.)

SECT. 9E added, 1951, 335 (relative to training schools for local police officers); revised, 1963, 456.

SECT. 9F added, 1953, 474 § 1 (establishing a board of teletype-writer regulations in the department of public safety). (See 1953, 474 § 2.)

SECTS. 9G and 9H added, 1955, 552 § 1 (authorizing the department of public safety to provide police service for the Massachusetts Turnpike Authority). (See 1955, 552 § 2.)

SECT. 9I added, 1956, 548 (relative to time off for members of the detective branch of the division of state police); revised, 1971, 1004 § 4.

SECTS. 9J and 9K added, 1959, 274 § 1 (providing for the policing of the General Edward Lawrence Logan International Airport by the state police). (See 1959, 274 § 2.)

SECTS. 9L, 9M and 9N added, 1964, 400 § 1 (transferring the power to appoint railroad, street railway, railway express and steamboat police officers from the department of public utilities to the department of public safety).

SECTS. 9O, 9P, 9Q and 9R added, 1965, 785 § 2 (establishing the procedure for promotions within the uniformed branch of the division of state police). (See 1965, 785 §§ 3, 4.)

SECT. 9O, first paragraph, first sentence revised, 1970, 18 § 1; subparagraph (1) revised, 1969, 193; paragraph inserted after second paragraph, 1969, 124; fourth paragraph revised, 1970, 18 § 2; fifth paragraph revised, 1970, 18 § 3; section revised, 1973, 793 § 1.

SECT. 9P revised, 1973, 793 § 2.

SECT. 9Q revised, 1970, 17.

SECT. 10, third sentence revised, 1955, 730 § 28; 1963, 801 § 47. (See 1955, 730 § 43.)

SECT. 11 revised, 1945, 643 § 1; fourth paragraph revised, 1955, 730 § 29; 1963, 801 § 48. (See 1945, 643 § 3; 1955, 730 § 43.)

SECT. 11A added, 1959, 439 § 1 (establishing the board of elevator appeals); fourth paragraph revised, 1963, 801 § 49. (See 1959, 439 § 3.)

SECT. 12 revised, 1957, 639; third sentence revised, 1963, 801 § 50.

SECT. 13 added, 1943, 544 § 1 (establishing within the department of public safety, a board of standards and appeals); revised, 1945, 645 § 1; first two sentences revised, 1945, 722 § 3; 1946, 522; fourth paragraph revised, 1955, 730 § 30; 1963, 801 § 51; section repealed, 1972, 802 § 5. (See 1943, 544 § 7; 1945, 645 §§ 5, 6, 722 § 4; 1955, 730 § 43; 1972, 802 § 76.)

SECT. 13A added 1967, 724 § 1 (establishing a board to adopt rules for construction of public buildings for use by physically handicapped persons); fifth paragraph revised, 1971, 584 § 1; two paragraphs added, 1971, 827 § 1. (See 1971, 827 § 2.)

SECT. 14 added, 1945, 710 § 1 (establishing within the department of public safety a board of fire prevention regulations); first paragraph revised, 1960, 674; amended, 1971, 580; fourth paragraph revised, 1955, 730 § 31; 1963, 801 § 52. (See 1945, 710 § 18; 1955, 730 § 43.)

Chapter 23. — Department of Labor and Industries.

SECT. 2 revised, 1943, 321; 1946, 591 § 34; amended, 1950, 707; 1951, 560; first sentence revised, 1967, 844 § 16; second sentence revised, 1955, 730 § 32; 1963, 801 § 53; 1969, 766 § 30; amended, 1971, 116 § 28; 1972, 300 § 26; 1973, 426 § 29; revised, 1973, 768 § 1; section revised, 1973, 1192 § 1. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50, 768 § 1.)

SECT. 3 amended, 1934, 331 § 1; second and third sentences revised, 1935, 479 § 1; third sentence revised, 1941, 490 § 4; 1954, 578 § 1; amended, 1962, 498 § 1; revised, 1967, 765 § 2; 1968, 467 § 1; 1969, 704 § 23. (See 1935, 479 § 7; 1969, 704 § 60.)

SECT. 4 amended, 1934, 331 § 2; 1935, 479 § 2; first two sentences amended, 1939, 261 § 1; section amended, 1941, 490 § 5; first two sentences revised, 1941, 596 § 16; same two sentences revised, 1941, 707 § 1; second sentence revised, 1968, 467 § 2; first two sentences revised, 1969, 704 § 24. (See 1939, 261 § 25; 1969, 704 § 60.)

SECT. 5 amended, 1935, 479 § 3. (See 1935, 479 § 7.)

SECT. 7 revised, 1973, 1192 § 2.

SECT. 8 amended, 1939, 261 § 2; revised, 1968, 467 § 3; repealed, 1969, 704 § 25. (See 1939, 261 § 25; 1969, 704 § 60.)

SECT. 9 revised, 1935, 60 § 1; repealed, 1969, 704 § 25. (See 1969, 704 § 60.)

SECT. 9A revised, 1932, 99; repealed, 1933, 73.

SECT. 9B repealed, 1933, 73.

SECT. 9C revised, 1932, 187; repealed, 1933, 73.

SECT. 9D repealed, 1939, 261 § 3.

SECT. 9E amended, 1941, 490 § 6; repealed and heading preceding section stricken out, 1968, 467 § 4.

SECT. 9F repealed, 1968, 467 § 4.

SECT. 9G amended, 1939, 459 § 2; repealed, 1968, 467 § 4. (See 1939, 459 § 3.)

SECT. 9H revised, 1933, 362; 1939, 261 § 4; first sentence revised, 1971, 97.

SECTS. 9I-9N added, 1935, 479 § 4 (establishing the Unemployment Compensation Commission, and defining its powers and duties); same sections revised and the powers and duties of the commission conferred and imposed upon the director of the division of unemployment compensation, 1939, 20 § 1; name of said division changed to division of employment security, 1941, 685 § 4. (See 1935, 479 §§ 6, 7; 1939, 20 §§ 6-9.)

SECT. 9I paragraph (a) revised, 1941, 685 § 4, 709 § 4; paragraph (b) revised, 1941, 596 § 17; 1946, 591 § 35; section revised, 1950, 792; paragraph (a) amended, 1967, 844 § 17; paragraph (b) revised, 1955, 730 § 33; 1960, 730; 1963, 801 § 54; 1969, 766 § 31; amended, 1971, 116 § 29; 1972, 300 § 27; 1973, 426 § 30. (See 1941, 685 § 6, 709 §§ 1-3; 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 9K, first sentence revised, 1941, 709 § 5; fourth sentence (as appearing in 1939, 20 § 1) revised, 1947, 610 § 1. (See 1941, 709 §§ 1-3.)

SECT. 9L amended, 1941, 709 § 6; revised, 1956, 602 § 4. (See 1956, 602 §§ 17-20.)

SECT. 9N paragraph (b) revised, 1941, 611 § 1; section revised, 1941, 685 § 5; paragraph (a) amended, 1947, 610 § 2; 1963, 801 § 55; paragraph (b) amended, 1946, 591 § 36; 1949, 720; eighth sentence revised, 1951, 763 § 21A; 1962, 739; 1963, 801 § 56; 1969, 766 § 32; amended, 1971, 116 § 30; 1972, 300 § 28; 1973, 426 § 31. (See 1941, 611 §§ 2, 3, 685 § 6; 1951, 763 § 22; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECTS. 9O-9R added, under caption, 1938, 345 § 1 (incorporating the provisions of 1937, 436 relative to the labor relations commission as an addition to the general laws). (See 1938, 345 §§ 3, 4.)

SECT. 9P, first sentence revised, 1950, 709; 1955, 730 § 34; 1963, 801 § 57; 1969, 766 § 33; amended, 1971, 116 § 31; 1972, 300 § 29; 1973, 426 § 32; second sentence amended, 1950, 691 § 2. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 9R amended, 1965, 763 § 3; 1973, 1078 § 2A. (See 1973, 1078 § 8.)

SECTS. 10A-10C added, under caption, 1957, 778 § 1 (establishing a health, welfare and retirement trust funds board); said sections repealed, 1958, 655 § 1. (See 1957, 778 § 3; 1958, 655 § 5.)

SECTS. 10D-10F added, under caption preceding section 10A, 1958, 655 § 3. (See 1958, 655 § 5.)

SECT. 10D, first sentence revised, 1969, 704 § 26. (See 1969, 704 § 60.)

SECT. 10F, third sentence stricken out, 1968, 201.

SECT. 11A added, under caption, 1934, 331 § 3 (division of occupational hygiene).

SECTS. 11B-11D added, under caption, 1937, 427 (establishing the Massachusetts development and industrial commission for the promotion and development of the industrial, agricultural and recreational resources of the commonwealth).

SECT. 11C revised, 1941, 596 § 17A.

SECT. 11D, paragraph added at end, 1950, 652.

SECTS. 11B-11D repealed, 1953, 409 § 3.

SECTS. 11E-11L added, under the caption "DIVISION OF APPRENTICE TRAINING", 1941, 707 § 2. (For prior temporary legislation see 1938, 448; 1939, 471.)

SECT. 11E, sixth sentence revised, 1955, 730 § 35; 1963, 801 § 58. (See 1955, 730 § 43.)

SECT. 11K, first paragraph amended, 1954, 681 § 4. (See 1954, 681 §§ 20, 22.)

SECTS. 11M-11O added, 1954, 578 § 2 (establishing a council on the employment of the aging).

SECT. 11M, first sentence amended, 1955, 136; 1962, 498 § 2; section repealed, 1967, 765 § 3.

SECT. 11N revised, 1962, 498 § 3; repealed, 1967, 765 § 3.

SECT. 11O amended, 1962, 498 § 4; repealed, 1967, 765 § 3.

SECTS. 14-23 added, under caption, 1953, 314 § 1 (establishing a division of industrial accidents within the department of labor and industries). (See 1953, 314 §§ 7-13.)

SECT. 15, first sentence revised, 1955, 730 § 36; section revised, 1956, 683; first sentence revised, 1957, 719; section revised, 1961, 611 § 1; first paragraph revised, 1963, 801 § 59; 1969, 766 § 34; amended, 1971, 116 § 32; 1972, 300 § 30; 1973, 426 § 33, 1193 § 1; third paragraph revised, 1971, 907. (See 1955, 730 § 43; 1961, 611 § 9; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 15A added, 1971, 953 § 1 (authorizing recall of certain retired members of the industrial accident board for temporary service).

SECT. 15B added, 1972, 727 (authorizing the appointment of five temporary members to the industrial accident board).

SECT. 16 sentence added at end, 1955, 703; section revised, 1961, 611 § 2.

SECT. 19 revised, 1961, 611 § 3.

SECT. 20 revised, 1961, 611 § 3.

SECT. 21 amended, 1961, 611 § 4.

SECT. 22 amended, 1961, 611 § 5. (See 1961, 611 § 10.)

SECT. 23 amended, 1961, 611 § 6.

SECT. 24 added, 1956, 602 § 5 (establishing an industrial accident rehabilitation board); second paragraph amended, 1963, 801 § 60. (See 1956, 602 §§ 6, 17-20.)

Chapter 23A. — Department of Commerce and Development (former title, Department of Commerce).

New chapter inserted, 1953, 409 § 1. (See 1953, 409 §§ 9-13.)

Chapter stricken out and new chapter 23A (with new title) inserted, 1964, 636 § 1. (See 1964, 636 §§ 14-23.)

For prior changes see Table of Changes in Acts and Resolves of 1964.

The following references are to chapter 23A, as so inserted:

SECT. 1, first paragraph, second sentence revised, 1967, 844 § 18; fourth sentence revised, 1969, 766 § 35; amended, 1971, 116 § 33; 1972, 300 § 31; 1973, 426 § 34. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 2, clause (a½) added, 1965, 790 § 1; paragraphs (a½), (b) and (c) stricken out and paragraph (b) inserted, 1968, 761 § 2.

SECT. 3 amended, 1968, 761 § 3; first sentence revised, 1973, 1178 § 1.

SECT. 4 amended, 1968, 761 § 4; 1971, 679.

SECT. 5A added, 1965, 790 § 2 (establishing a bureau of relocation); stricken out, 1968, 761 § 5.

SECT. 6 amended, 1965, 16, 790 § 3; first paragraph revised, 1967, 159; 1968, 135; amended, 1968, 761 § 6.

SECT. 9, second paragraph amended, 1971, 1014.

SECT. 10 stricken out, 1968, 761 § 7.

SECTS. 11-13 added, under caption, 1967, 772 § 2 (establishing a state industrial finance board).

SECT. 14 added, 1973, 1038 § 1 (authorizing financial assistance to certain public and private agencies which promote tourism).

SECTS. 15-23 added, 1973, 1178 § 2 (establishing a division of small business assistance).

Chapter 23B. — Department of Community Affairs.

New chapter inserted, 1968, 761 § 1. (See 1968, 761 § 26.)

SECT. 1, fourth sentence revised, 1969, 766 § 36; amended, 1971, 116 § 34; 1972, 300 § 32; 1973, 426 § 35. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 3, second paragraph, clause (o) amended, 1972, 802 § 6. (See 1972, 802 § 77.)

SECT. 5A added, 1969, 774 § 2 (establishing a housing appeals committee within the department of community affairs).

SECT. 9 amended, 1969, 751 § 7.

SECT. 10 amended, 1973, 1168 § 16. (See 1973, 1168 § 40.)

SECT. 10A added, 1973, 1215 § 2 (authorizing advances to housing authorities for certain development costs).

SECTS. 11-15 added, 1970, 848 § 1 (establishing an urban job incentive bureau).

SECTS. 16-23 added, 1972, 802 § 1 (establishing a state building code commission).

SECT. 17, clause (a) amended, 1973, 1233 § 1; clause (c) amended, 1973, 1233 § 2.

SECT. 18, clause (a) amended, 1973, 1233 § 3; clause (b) amended, 1973, 1233 § 4; clause (c) amended, 1973, 1233 § 5.

SECT. 24 added, 1973, 1179 (authorizing the department to contract with community action agencies for certain services).

Chapter 24. — Department of Industrial Accidents.
Chapter repealed, 1953, 314 § 14.

Chapter 25. — Department of Public Utilities.

SECT. 2 amended, 1946, 591 § 38; 1950, 807; sentence inserted after third sentence, 1953, 296 § 1; fifth sentence revised, 1955, 730 § 38; 1956, 727; section revised, 1958, 557 § 1; amended, 1959, 606 § 1; fifth sentence revised, 1963, 801 § 62; 1969, 766 § 37; amended, 1971, 116 § 35; 1972, 300 § 33; 1973, 426 § 36. (See 1953, 296 § 2; 1955, 730 § 43; 1959, 606 § 3; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 3 revised, 1949, 257.

SECT. 4 revised, 1938, 221; amended, 1959, 606 § 2; paragraph added at end, 1951, 101; same paragraph stricken out, 1955, 285 § 1. (See 1955, 285, § 2.)

SECT. 4A added, 1950, 526 (relative to the place of holding certain hearings on rates or reductions in service); revised, 1953, 327; 1966, 372; sentence added, 1966, 545.

SECT. 5 revised, 1953, 575 § 1; second paragraph amended, 1971, 485; third paragraph revised, 1956, 190. (See 1953, 575 § 2.)

SECT. 5A revised, 1952, 453.

SECT. 7, paragraph added at end, 1970, 879.

SECT. 8A added, 1939, 442 § 2 (authorizing the appointment of employees for the administration and enforcement of the sale of securities law); repealed, 1972, 694 § 2.

SECT. 9A added, 1933, 76 § 2 (providing for certain employees serving directly under the commission of the department to perform its duties relative to smoke abatement in Boston and vicinity); repealed, 1934, 352 § 2.

SECT. 10 amended, 1933, 76 § 3; 1934, 352 § 3; 1939, 442 § 3; 1972, 694 § 3.

SECT. 10A added, 1933, 76 § 4 (providing for the apportionment of expenses incurred by the department in the performance of its duties relative to smoke abatement in Boston and vicinity); repealed, 1934, 352 § 4.

SECT. 10B added, 1963, 630 (establishing fees for filing certain documents with the department); revised, 1964, 499.

SECTS. 11 and 12 repealed, 1935, 411 § 1. (See 1935, 411 § 2.)

SECT. 12A revised, 1938, 445 § 1; repealed, 1939, 442 § 1.

SECT. 12B revised, 1932, 290 § 2; repealed, 1939, 442 § 1.

SECTS. 12C-12F repealed, 1933, 76 § 1; new sections 12C-12E added, under caption "DIVISION OF SMOKE INSPECTION", 1934, 352 § 1; repealed, 1954, 672 § 1. (See 1954, 672 §§ 2, 5, 6.)

SECT. 12C revised, 1941, 596 § 18; repealed, 1954, 672 § 1. (See 1954, 672 §§ 2, 5, 6.)

SECT. 12F added, 1935, 405 § 1 (establishing in the department a commercial motor vehicle division, under the charge of a director thereof); phrase added at end, 1935, 477 § 2; section amended, 1939, 335 § 1; revised, 1941, 596 § 19; new sentence added at end, 1941, 653 § 1; same sentence stricken out, 1951, 664 § 8. (See 1939, 335 § 2.)

SECT. 12G added, 1936, 117 (authorizing the director of the commercial motor vehicle division in the department of public utilities to summon witnesses, administer oaths and take testimony).

SECT. 12H added, 1960, 737 § 1 (providing for the promulgation of uniform rules and regulations to govern gas fitting in buildings throughout the commonwealth); first sentence revised, 1963, 223; second sentence amended, 1962, 497; last sentence of first paragraph revised, 1962, 623 § 1; same sentence stricken out and two sentences inserted, 1963, 557 § 1; first paragraph revised, 1964, 312 § 1; paragraph inserted after first paragraph, 1965, 181. (See 1960, 737 § 6.)

SECTS. 12I-12L added, 1962, 623 § 2 (relative to the powers and duties of the board established to regulate gas fittings in buildings throughout the commonwealth). (See 1962, 623 §§ 3, 4.)

SECT. 12I, definition of "Undiluted liquefied petroleum gas installer" added, 1963, 557 § 2; definition of "Limited undiluted liquefied petroleum gas installer" added, 1965, 635 § 1. (See 1965, 635 § 5.)

SECT. 12J revised, 1963, 557 § 3; 1965, 635 § 2.

SECT. 12K, sentence added at end, 1963, 557 § 4; 1965, 635 § 3.

SECT. 12L, first sentence amended, 1963, 557 § 5; section revised, 1965, 635 § 4.

SECTS. 17-17A added, 1971, 1093 (authorizing the imposition and collection of assessments from public utility companies).

SECT. 17 revised, 1973, 1224 § 3.

Chapter 26. — Department of Banking and Insurance.

For temporary legislation providing for the liquidation of certain trust companies, see 1939, 515; 1941, 143; 1943, 122.

SECT. 2 amended, 1943, 315; 1946, 591 § 39; 1949, 786; second sentence revised, 1955, 730 § 39; 1963, 801 § 63; first and second sentences revised, 1967, 844 § 19; second sentence revised, 1969, 766 § 38; amended, 1971, 116 § 36; 1972, 300 § 34; 1973, 426 § 37. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 3 revised, 1941, 596 § 20; sentence inserted after first sentence, 1963, 441; first two sentences stricken out and three sentences inserted, 1964, 269.

SECT. 4 revised, 1941, 596 § 21.

SECT. 5A added, 1956, 689 § 3 (establishing the small loans regulatory board); third sentence revised, 1963, 801 § 64. (See 1956, 689 §§ 8A, 9.)

SECT. 6 amended, 1943, 317; 1946, 591 § 40; 1951, 776; second sentence revised, 1955, 730 § 40; 1963, 801 § 65; section revised, 1967, 844 § 20; second sentence revised, 1969, 766 § 39; amended, 1971, 116 § 37; 1972, 300 § 35; 1973, 426 § 38. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 7 amended, 1964, 174.

SECT. 8 repealed, 1962, 434.

SECT. 8A revised, 1934, 2; amended, 1935, 419; second sentence revised, 1947, 94.

SECT. 8B added, 1968, 643 § 1 (establishing a fraudulent claims board); second and third paragraphs revised, 1970, 792.

SECT. 9 amended, 1947, 260 § 1; 1972, 421 § 1.

SECT. 10, sentence added at end, 1943, 346; section amended, 1947, 260 § 2; revised, 1972, 421 § 2.

SECTS. 11-12 repealed, 1972, 421 § 3.

Chapter 27. — Department of Correction.

Sections 1-6 stricken out and new sections 1-6 inserted, 1955, 770 § 1. (See 1955, 770 §§ 114-123.)

For prior changes see Table of Changes contained in Acts and Resolves of 1954.

The following references are to sections 1 to 6, as so inserted:

SECT. 1, third sentence revised, 1963, 801 § 66; 1969, 766 § 40; amended, 1971, 116 § 38; 1972, 300 § 36; 1973, 426 § 39, 703; fourth sentence revised, 1967, 844 § 21. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 2, first paragraph, first sentence revised, 1963, 801 § 67; 1969, 766 § 41; amended, 1971, 116 § 39; revised, 1971, 1102 § 1; amended, 1972, 300 § 37; third sentence amended, 1956, 16 § 1; paragraph revised, 1972, 777 § 1; first sentence amended, 1973, 426 § 40; second paragraph revised, 1957, 482 § 3. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 2A added, 1965, 286 (establishing certain educational qualifications for applicants for certain positions in the department).

SECT. 3 revised, 1956, 731 § 1; amended, 1957, 704; revised, 1960, 474. (See 1956, 731 §§ 29-33.)

SECT. 4 revised, 1960, 765 § 1; second paragraph revised, 1963, 801 § 68; 1969, 766 § 42; amended, 1971, 116 § 40; section revised, 1971, 994 § 1; fourth paragraph amended, 1972, 300 § 38; 1973, 426 § 41. (See 1960, 765 §§ 8, 9; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 5 revised, 1960, 765 § 2; first paragraph amended, 1972, 777 § 2; last paragraph amended, 1965, 769 § 1.

SECT. 6 stricken out, 1960, 765 § 2A.

Chapter 28. — Metropolitan District Commission.

For legislation abolishing the metropolitan district water supply commission and transferring its functions to the metropolitan district commission, see 1947, 583.

SECT. 1, second sentence revised, 1967, 844 § 22.

SECT. 2 amended, 1946, 591 § 42; revised, 1949, 795; 1963, 801 § 69; 1969, 766 § 43; amended, 1971, 116 § 41; 1972, 300 § 39; 1973, 426 § 42. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 3 revised, 1936, 244 § 1; 1941, 596 § 23; 1961, 562 § 1. (See 1936, 244 § 4.)

SECT. 4 amended, 1936, 244 § 2; revised, 1961, 562 § 2. (See 1936, 244 § 4.)

SECT. 4A added, 1960, 574 (providing for the furnishing of work clothes to certain employees of the sewerage division of the metropolitan district commission); section revised, 1967, 740.

SECTS. 4B-4C added, 1967, 533 (establishing within the metropolitan district commission a civil engineering intern program and an engineering student program).

SECTS. 5 and 6 repealed, 1941, 466 § 6.

Chapter 28A. — Office for Children.

New chapter inserted, 1972, 785 § 1. (See 1972, 785 § 20.)

Chapter 29. — State Finance.

For temporary legislation as to emergency state financing, see 1933, 49, 104, 307, 341, 365, 367, 368; 1934, 41, 66, 313, 335; 1935, 221, 300, 380, 392, 456; 1936, 309; 1937, 338; 1938, 20, 57, 481, 501 § 3; 1939, 288, 417, 418, 496; 1941, 129; 1943, 413; 1945, 324; 1947, 206.

For legislation relative to the collection of certain taxes and other charges due the commonwealth, see 1943, 568; 1945, 325, 712; 1946, 615.

SECT. 1, paragraph added at end, 1939, 502 § 1; same paragraph revised, 1941, 509 § 2; same paragraph stricken out, 1945, 242 § 2; section amended, 1962, 757 § 39; revised, 1969, 704 § 27. (See 1941, 509 § 9; 1969, 704 § 60.)

SECT. 2 revised, 1950, 40.

SECT. 2A added, 1966, 14 § 28 (establishing a Local Aid Fund); repealed, 1969, 546 § 5. (See 1969, 546 § 34.)

SECT. 2B added, 1967, 276 § 4 (establishing a Federal Capital Improvement Fund).

SECT. 2C added, 1968, 505 (providing for reporting by the commonwealth, its agencies or employees of receipt of Federal grant funds); fourth paragraph revised, 1969, 704 § 28; 1973, 1230 § 2. (See 1969, 704 § 60.)

SECT. 2D added, 1971, 813 § 1 (establishing the Local Aid Fund).

SECT. 3 revised, 1939, 502 § 2; amended, 1945, 242 § 3; 1962, 757 § 40; first sentence revised, 1969, 704 § 29; stricken out and two sentences inserted, 1973, 1230 § 3. (See 1969, 704 § 60.)

SECT. 3A added, 1963, 161 (requiring certain officers of the commonwealth to furnish estimates of the cost of certain proposed legislation); revised, 1969, 704 § 30; amended, 1971, 272 § 2. (See 1969, 704 § 60.)

SECT. 4 amended, 1939, 502 § 3; 1945, 242 § 4; 1962, 757 § 41; revised, 1969, 704 § 31; 1973, 1230 § 4. (See 1969, 704 § 60.)

SECT. 5 revised, 1939, 502 § 4; 1941, 656 § 2; 1945, 242 § 5, 637 § 2; subdivision (1) amended, 1962, 757 § 42. (See 1941, 656 § 17; 1945, 279.)

SECT. 5A amended, 1939, 502 § 5; 1945, 242 § 6; last sentence amended, 1962, 757 § 43; section repealed, 1963, 473 § 2.

SECT. 6 amended, 1937, 426 § 1; revised, 1939, 502 § 6; amended, 1941, 490 § 7, 656 § 3; revised, 1945, 242 § 7; first sentence amended, 1962, 757 § 44; third sentence revised, 1973, 1230 § 5; fifth sentence revised, 1945, 548 § 2. (See 1937, 426 § 2; 1941, 656 § 17; 1945, 548 § 3.)

SECT. 7 revised, 1963, 473 § 3; second paragraph, first sentence revised, 1969, 704 § 32. (See 1969, 704 § 60.)

SECT. 8 revised, 1947, 312; stricken out, 1953, 612 § 7.

SECT. 8A added, 1939, 427 (relative to competitive bidding on state contracts); revised, 1941, 547 § 1; first sentence amended, 1962, 757 § 45; 1951, 401; revised, 1969, 704 § 33. (See 1969, 704 § 60.)

SECT. 8B added, 1962, 754 (further regulating bidding procedures and the awarding of certain contracts by the department of public works); seventh paragraph amended, 1966, 113; section revised, 1966, 481; seventh paragraph amended, 1967, 54.

SECT. 8C added, 1973, 1013 (prohibiting nonemergency works on certain highways during peak traffic hours).

SECT. 9A revised, 1939, 502 § 7; amended, 1941, 656 § 4; 1945, 242 § 8. (See 1941, 656 § 17.)

SECT. 9B added, 1941, 564 § 1 (providing for the allotment of certain appropriations by the governor); amended, 1962, 757 § 46; third and fourth sentences stricken out and three sentences inserted, 1969, 136; last sentence revised, 1969, 704 § 34. (See 1941, 564 § 2; 1969, 704 § 60.)

SECT. 10 amended, 1936, 256; revised, 1939, 502 § 8; 1941, 656 § 5; amended, 1945, 242 § 9; repealed, 1945, 637 § 3. (See 1941, 656 § 17; 1945, 279.)

SECT. 11 amended, 1939, 502 § 9; 1941, 656 § 6; repealed, 1945, 242 § 10. (See 1941, 656 § 17.)

SECT. 12 amended, 1939, 502 § 10; revised, 1945, 242 § 11; 637 § 4; 1950, 41. (See 1945, 279.)

SECT. 13 revised, 1950, 42; 1961, 492; amended, 1962, 757 § 47.

SECT. 14 revised, 1939, 502 § 11; 1945, 242 § 12; 1950, 43.

SECT. 18, last sentence revised, 1945, 248 § 3; amended, 1953, 263 § 2. (See 1945, 248 §§ 4, 5; 1953, 263 § 3.)

SECT. 20 revised, 1950, 44.

SECT. 20A added, 1937, 407 (relative to public inspection of certain orders and claims, in advance of approval or rejection thereof, in connection with state contracts); amended, 1967, 509; paragraph added at end, 1969, 868; stricken out, 1972, 774 § 1. (See 1972, 774 § 12.)

SECT. 25 amended, 1941, 656 § 7. (See 1941, 656 § 17.)

SECT. 26 revised, 1939, 502 § 12; amended, 1941, 656 § 8; 1945, 242 § 13; revised, 1947, 636 § 1. (See 1941, 656 § 17.)

SECT. 27 amended, 1937, 359; revised, 1939, 502 § 13; amended, 1941, 656 § 9; revised, 1947, 636 § 2; 1950, 45; last sentence amended, 1962, 757 § 48. (See 1941, 656 § 17.)

SECTS. 27A-27B added, 1973, 1230 § 6 (further regulating expenditures of certain funds for certain equipment).

SECT. 29 amended, 1939, 502 § 14; 1943, 345; revised, 1947, 636 § 3; 1950, 46; amended, 1962, 757 § 49; revised, 1969, 704 § 35; 1973, 1230 § 7. (See 1969, 704 § 60.)

SECT. 29A added, 1963, 676 (providing that the commissioner of administration shall make rules and regulations governing the employment of consultants and determine the rate of their compensation); revised, 1973, 1230 § 8.

SECT. 31, last sentence amended, 1932, 127 § 2; section amended, 1941, 508; last sentence amended, 1945, 545; section revised, 1945, 635 § 1; 1946, 580 § 1; 1949, 386; first sentence stricken out and two sentences inserted, 1959, 473 § 1; last sentence revised, 1960, 618 § 1; sentence added, 1963, 466 § 2; amended, 1967, 769 § 2; three paragraphs added, 1968, 545; sentence added, 1972, 807 § 1. (See 1946, 580 § 3; 1947, 527; 1948, 501; 1959, 473 §§ 4, 5; 1960, 618 § 2.)

SECT. 31A added, 1946, 520 (providing for payment of accumulated vacation allowances of state employees upon death or separation from service); amended, 1954, 680 § 4; paragraph (a) amended, 1962, 757 § 50; paragraph (c) added, 1953, 521; amended, 1954, 680 § 4.

SECT. 31B added, 1946, 580 § 2 (providing that teachers in certain state institutions may be paid weekly).

SECT. 31C added, 1954, 352 § 1 (relative to the vacation time of persons holding non-teaching positions in any school or college of the commonwealth). (See 1954, 352 § 2.)

SECT. 31D added, 1959, 389 (relative to the payment of salaries, wages or other money owing by the commonwealth upon the death of officers or employees).

SECT. 32 revised, 1951, 759 § 1; amended, 1957, 531 § 2. (See 1951, 759 § 3.)

SECT. 32A added, 1951, 759 § 2 (relative to payment of unclaimed wages or salaries due from the commonwealth). (See 1951, 759 § 3.)

SECT. 34 amended, 1936, 333; 1948, 396; revised, 1953, 223; 1954, 135; first sentence amended, 1972, 258; sentence inserted after first sentence, 1955, 167; affected, 1946, 608 § 3.

SECT. 34A added, 1960, 230 (relative to deposits of public moneys and funds in co-operative banks); revised, 1961, 135; 1966, 139.

SECT. 38, subdivision (h) added, 1934, 356; subdivisions (i), (j) and (k) added, 1966, 414; first paragraph amended, 1945, 658 § 7; revised, 1972, 807 § 2; paragraph added, 1973, 304. (See 1945, 658 § 11.)

SECT. 47 stricken out and sections 47, 47A inserted, 1945, 637 § 5. (See 1945, 279.)

SECT. 48A added, 1937, 252 (authorizing the use of facsimile signatures of the governor on certain bonds and notes of the commonwealth); amended, 1946, 128.

SECT. 49, paragraph added, 1965, 633.

SECT. 50 revised, 1939, 502 § 15; 1941, 656 § 10; 1945, 242 § 14; amended, 1962, 757 § 51. (See 1941, 656 § 17.)

SECT. 52 revised, 1954, 389 § 1. (See 1954, 389 § 2.)

SECT. 54 revised, 1969, 720.

SECT. 56 revised, 1953, 272. (See 1956, 625 § 6.)

SECT. 57 repealed, 1968, 536.

SECT. 62 repealed, 1943, 83 § 2.

SECT. 63 added, 1937, 157 (providing for taxpayers' petitions for enforcement of certain provisions of law relative to state finance).

SECT. 64 added, 1972, 807 § 3 (authorizing deferred compensation programs for state, county and municipal employees).

SECT. 65 added, 1973, 1230 § 9 (relative to the powers of the secretaries of certain executive offices).

Chapter 30. — General Provisions Relative to State Departments, Commissions, Officers and Employees.

Provisions relative to expenses incurred for certain meals by state employees, 1933, 174 § 8; 1934, 162 § 6; 1935, 249 § 7; 1936, 304 § 7; 1937, 234 § 6; 1938, 356 § 5; 1939, 309 § 4; 1941, 419 § 4; 1943, 68 § 4, 370 § 4.

Provisions relative to the purchase of passenger automobiles, 1939, 309 § 4; 1941, 419 § 4; 1943, 68 § 4; 370 § 4.

Provisions relative to expenses incurred by state employees in the operation of motor vehicles, 1939, 309 § 5; 1941, 419 § 5; 1943, 68 § 5, 370 § 5; 1945, 404 § 5, 682 § 4; 1946, 309 § 5, 617 § 5; 1947, 219 § 5, 685 § 5.

For legislation relative to commencement of terms of certain state officers, see 1939, 304.

SECT. 1 amended, 1962, 757 § 52; revised, 1969, 704 § 36. (See 1969, 704 § 60.)

SECT. 6 revised, 1965, 655.

SECT. 6A amended, 1965, 314.

SECT. 7 revised, 1937, 414 § 1; amended, 1941, 512; 1947, 376; 1962, 757 § 53; first sentence revised, 1968, 529; 1969, 704 § 37; amended, 1969, 780; second sentence revised, 1973, 1230 § 10. (See 1969, 704 § 60.)

SECT. 9A added, 1946, 269 (regulating the separation from the service of the commonwealth of certain war veterans holding unclassified offices or positions); revised, 1947, 242.

SECT. 9B added, 1946, 524 (protecting certain officers and employees of the commonwealth against arbitrary removal); revised, 1950, 717; 1955, 643 § 5; 1960, 611; amended, 1969, 838 § 5. (See 1955, 643 § 12; 1969, 838 § 74.)

SECT. 9C added, 1956, 537 § 1 (providing indemnity to certain employees of the department of mental health or public health for clothing or other property damaged or destroyed by patients in certain institutions). (See 1956, 537 § 2.)

SECT. 9D added, 1958, 538 § 1 (providing tenure for certain teachers in the employ of the commonwealth after three years' service); amended, 1969, 838 § 6. (See 1969, 838 § 74.)

SECT. 9E added, 1969, 570 (exempting chaplains at state institutions from the provisions of certain laws).

SECT. 9F added, 1973, 131 (providing that certain state employees elected to public office shall be granted a leave of absence).

SECT. 11 revised, 1961, 18 § 1.

SECT. 13 revised, 1951, 409; 1964, 231 § 2; amended, 1972, 684 § 1. (See 1972, 684 § 136.)

SECT. 22A added, 1973, 1230 § 11 (requiring certain officers in charge of certain public units to submit annual reports).

SECT. 23A added, 1952, 142 (relative to the appointment of trustees of state institutions to certain offices or positions therein).

SECT. 24 revised, 1937, 430; 1945, 508; 1946, 408; amended, 1954, 680 § 5; revised, 1955, 643 § 8; amended, 1962, 757 § 54. (See 1955, 643 § 12.)

SECT. 24A added, 1945, 565 (relative to compensation for state employees who are required to work on state-wide legal holidays); amended, 1946, 411; revised, 1948, 498; amended, 1963, 639; 1953, 400; revised, 1964, 423; second paragraph amended, 1969, 838 § 7. (See 1969, 838 § 74.)

SECT. 24B added, 1957, 753 § 1 (relative to the method of filling certain vacancies in the state service); amended, 1962, 757 § 55.

SECT. 24C added, 1973, 1230 § 12 (regulating payments for overtime work by commonwealth employees).

SECT. 25A added, 1956, 612 (providing for the return of the body of a deceased state officer or member of a department who dies while away from home on state business).

SECT. 25B added, 1973, 1230 § 13 (further regulating out-of-state travel at public expense).

SECT. 26 repealed, 1948, 255.

SECT. 27 amended, 1962, 757 § 56.

SECT. 28 revised, 1941, 656 § 11. (See 1941, 656 § 17.)

SECT. 30A amended, 1945, 580 § 5; 1962, 757 § 57.

SECT. 32 revised, 1939, 499 § 4; 1945, 292 § 4; first sentence revised, 1950, 488.

SECT. 32A added, 1939, 499 § 4A (relative to the force and effect of rules and regulations included in annual reports); repealed, 1945, 292 § 5.

SECT. 33 revised, 1939, 499 § 5; 1945, 292 § 6; amended, 1948, 67; 1962, 757 § 58.

SECT. 33A amended, 1939, 499 § 6; 1945, 292 § 7.

SECT. 35 amended, 1945, 580 § 6. (See 1945, 580 § 9.)

SECT. 36 revised, 1948, 584 § 1; stricken out and sections 36-36A inserted, 1973, 1230 § 14 (relative to motor vehicles owned by the commonwealth).

SECT. 37 revised, 1951, 556 § 1; 1967, 561; first sentence revised, 1969, 808 § 1; 1970, 712 § 1; sentence inserted after first sentence, 1971, 862 § 1. (See 1951, 556 § 2; 1969, 808 § 12; 1970, 712 § 12.)

SECT. 37A added, 1951, 576 (providing for public hearings prior to issuance of rules and regulations containing penalties); repealed, 1954, 681 § 2. (See 1954, 681 §§ 20, 22.)

SECT. 38 amended, 1962, 757 § 59; paragraph added at end, 1954, 680 § 6; amended, 1962, 757 § 59.

SECT. 39 revised, 1934, 351; amended, 1935, 217 § 1; revised, 1935, 472 § 1; amended, 1955, 702 § 1; stricken out, 1957, 682 § 2. (See 1955, 702 § 3; 1957, 682 § 3.)

SECTS. 39A-39E added, 1951, 694 (requiring security for certain motor truck carriers performing work under contract with the commonwealth or any political subdivision thereof).

SECT. 39F added, 1954, 609 (providing a method of payment to certain subcontractors on contracts for the construction, reconstruction, altering, remodeling and repair of certain public works by the commonwealth or any political subdivision thereof); revised, 1955, 701; 1956, 677 § 1; paragraph inserted after first paragraph, 1965, 856; two paragraphs added at end, 1960, 771 § 1; section revised, 1972, 774 § 2. (See 1956, 677 § 2; 1972, 774 § 12.)

SECT. 39G added, 1955, 597 (to expedite the payments of sums due to contractors after completion of certain public works contracts); fourth sentence amended, 1955, 702 § 1A; first two paragraphs revised, 1956, 499; first paragraph amended, 1972, 461 § 1, 774 § 3; third paragraph amended, 1957, 360; fourth paragraph revised, 1972, 461 § 2. (See 1972, 774 § 12.)

SECT. 39H added, 1958, 681 (providing that the commonwealth shall agree to indemnify contractors for certain damages sustained by them in connection with the construction of public ways).

SECT. 39I added, 1960, 771 § 1A (regulating the performance of contracts for the construction, alteration, maintenance, repair and demolition of any public building or public works).

SECT. 39J added, 1961, 538 § 1 (permitting review of decisions involving questions arising under contracts for public construction). (See 1961, 538 § 2.)

SECT. 39K added, 1961, 627 § 1 (providing a method of prompt payment to contractors on contracts for the construction, reconstruction, altering,

remodeling, repair or demolition of buildings by the commonwealth or any political subdivision thereof); amended, 1971, 887 § 1; two paragraphs added, 1971, 887 § 2. (See 1961, 627 § 2.)

SECT. 39L added, 1963, 446 (relating to the performance of public construction work by foreign corporations and others residing outside of the commonwealth); amended, 1967, 3.

SECT. 39M added, 1963, 842 § 1 (requiring that all contracts for construction and for materials be awarded to the lowest responsible and eligible bidder, and to assure full competition in the taking of bids for such contracts); paragraph (a) amended, 1967, 535 § 4; paragraph (b) amended, 1967, 535 § 5. (See 1963, 842 § 2.)

SECT. 39N added, 1972, 774 § 4 (authorizing adjustments in contract prices in relation to certain differences discovered in physical conditions during work progress). (See 1972, 774 § 12.)

SECTS. 39O-39P added, 1973, 1164 (expediting the payments to general and subcontractors).

SECT. 40 revised, 1973, 1103 § 1.

SECT. 42 revised, 1936, 359; amended, 1941, 450 § 1; 1948, 21; revised, 1951, 397; first sentence amended, 1957, 477; section revised, 1962, 427 § 2; amended, 1962, 757 § 60; revised, 1964, 131, 726; sentence inserted after fifth sentence, 1966, 219; section revised, 1973, 1050 § 1A, 1218. (See 1973, 1050 § 7.)

SECT. 44B added, 1941, 678 § 1 (relative to pipe lines for conveying petroleum and its products and by-products).

SECT. 45, first sentence amended, 1947, 678 § 1; section revised, 1948, 311 § 1; 1954, 680 § 9; paragraph (1) amended, 1957, 648 § 1; 1964, 357 § 3; 1965, 749 § 1; paragraph (2) amended, 1962, 757 § 61; paragraph (3) amended, 1956, 729 § 1; paragraph (4) revised, 1956, 729 § 2; amended, 1963, 775 § 2; 1966, 210 § 2; paragraph (5) revised, 1956, 729 § 3; clause (c) of said paragraph amended, 1962, 757 § 62; paragraph (6) amended, 1955, 643 § 2; 1962, 757 § 63; paragraph 7(A) added, 1959, 474; amended, 1962, 757 § 64; paragraph (9) added, 1956, 729 § 4; amended, 1957, 648 § 2. (See 1948, 311 §§ 4, 5; 1955, 643 § 12; 1956, 729 §§ 15-21; 1957, 753 § 2, 648 § 3; 1963, 775 § 10; 1964, 357 § 11; 1965, 749 § 2.)

SECT. 46 revised, 1947, 613 § 1; 1948, 311 § 2; salary schedules revised, 1949, 785 § 1; 1951, 715 §§ 1, 2; 1954, 407 § 1; paragraph (1) amended, 1954, 680 § 10; revised, 1956, 729 § 5; salary schedule revised, 1959, 620 § 1; 1960, 782 § 2; 1963, 775 § 1; 1966, 210 § 1; 635 § 1; 1969, 547 § 1; 1971, 116 § 1; 1972, 300 § 1; 1973, 426 § 1; paragraph inserted after salary schedule, 1971, 66 § 1; sentence added, 1973, 428 § 1; paragraph (1A) inserted, 1950, 726; paragraph (1B) inserted, 1951, 621; paragraph (2) revised, 1952, 421 § 1; 1954, 407 § 2; 1956, 729 § 6; 1959, 473 § 2; amended, 1962, 757 § 65; 1972, 811; paragraph (2A) inserted, 1970, 281 § 2; paragraph (3) revised, 1956, 729 § 7; 1959, 473 § 3; paragraph (4) revised, 1955, 643 § 1; amended, 1956, 729 § 8; 1962, 757 § 66; paragraph (5) revised, 1954, 680 § 11; 1956, 729 § 9; amended, 1962, 757 § 67; paragraph (5A) added, 1956, 729 § 9; revised, 1973, 1230 § 15; paragraph (6) amended, 1949, 406 § 1; revised, 1954, 680 § 12; amended, 1956, 729 § 10; paragraph (7) amended,

1955, 643 § 3; revised, 1956, 729 § 11; paragraph (8) revised, 1949, 406 § 2; amended, 1956, 729 § 12; 1954, 680 § 13; paragraph (11) inserted, 1956, 729 § 13. (See 1947, 613 §§ 2, 3; 1948, 311 §§ 4, 5; 1949, 406 §§ 3-6; 1951, 715 §§ 3-5; 1952, 421 § 2; 1954, 407 §§ 3, 4; 1955, 643 § 12; 1956, 729 §§ 15-21; 1957, 753 § 2; 1959, 473 §§ 4, 5, 620 §§ 2-5; 1963, 775 § 10; 1966, 635 §§ 1A, 2; 1970, 281 § 3; 1971, 66 § 4, 116 § 45; 1972, 300 § 43; 1973, 426 § 49, 428 § 19.)

SECT. 46A added, 1954, 680 § 14 (relative to the allocation or reallocation of certain offices or positions in the state classified system); repealed, 1956, 729 § 14. (See 1956, 729 §§ 15-21.)

SECT. 46B added, 1963, 775 § 3 (establishing a salary schedule for the professional positions in the pay plan of the commonwealth); repealed, 1966, 210 § 3. (See 1963, 775 §§ 4, 10; 1966, 210 §§ 4, 5.)

SECT. 47, last sentence revised, 1941, 656 § 12; same sentence stricken out, 1945, 637 § 6; section revised, 1948, 311 § 3; 1955, 643 § 4. (See 1941, 656 § 17; 1945, 279; 1948, 311 §§ 4, 5; 1949, 406 § 3; 1955, 643 § 12.)

SECT. 48 amended, 1954, 680 § 15.

SECT. 49 amended, 1954, 680 § 16; last sentence stricken out and three sentences inserted, 1962, 690; section amended, 1962, 757 § 68; last sentence stricken out and four sentences inserted, 1963, 240 § 1. (See 1962, 757 § 75.)

SECTS. 53-57 added, under caption, 1945, 485 (providing for the prompt disposition of certain grievances of state employees relating to their employment); sections 53-57 revised, 1958, 615 § 1. (See 1958, 615 § 2.)

SECT. 53, first sentence amended, 1962, 757 § 69; 1960, 457; revised, 1965, 853.

SECT. 55, first sentence revised, 1963, 801 § 70.

SECT. 57 amended, 1962, 757 § 70.

SECT. 58 added, 1955, 602 (regulating the payment of compensation to state employees injured in the service of the commonwealth).

SECT. 59 added, 1962, 798 § 1 (authorizing appointing authorities to suspend persons from the service of the commonwealth during any period such persons are under indictment for misconduct in office); first paragraph revised, 1963, 829 § 1; amended, 1964, 528; third paragraph stricken out and two paragraphs inserted, 1963, 829 § 2. (See 1962, 798 § 2; 1963, 829 § 3.)

SECT. 60 added, 1968, 203 (expediting employment of certain students by commonwealth in co-operative education programs).

SECTS. 61-62 added, 1972, 781 § 2 (requiring environmental impact reports from certain subdivisions of the commonwealth engaged in certain works, projects and activities). (See 1972, 781 § 3.)

SECT. 61, second paragraph amended, 1973, 989 § 4.

Chapter 30A. — State Administrative Procedure.

New chapter inserted, 1954, 681 § 1. (See 1954, 681 §§ 20-22.)

SECT. 1, paragraph (1) amended, 1966, 14 § 42, 497; paragraph (2) revised, 1959, 511; 1965, 725; amended, 1968, 120 § 1; 1969, 838 § 8; paragraph (5) revised, 1969, 808 § 2; amended, 1970, 712 § 2. (See 1969, 808 § 12; 838 § 74; 1970, 712 § 12.)

SECT. 1A added, 1972, 777 § 3 (relative to the applicability of this chapter to the department of correction).

SECT. 2, paragraph (1) amended, 1969, 808 § 3. (See 1969, 808 § 12.)

SECT. 3, paragraph (1) amended, 1969, 808 § 4. (See 1969, 808 § 12.)

SECT. 5 revised, 1969, 808 § 5; fourth sentence stricken out, 1970, 712 § 3. (See 1969, 808 § 12; 1970, 712 § 12.)

SECT. 6 revised, 1962, 545; 1969, 808 § 6; amended, 1970, 168 § 1A; revised, 1970, 712 § 4; first paragraph amended, 1971, 1065 § 1; fourth paragraph amended, 1971, 862 § 2; last paragraph revised, 1971, 1065 § 2. (See 1969, 808 § 12; 1970, 712 § 12.)

SECTS. 6A-6B added, 1969, 808 § 7 (providing for publication and distribution by each agency of its regulations). (See 1969, 808 § 12.)

SECT. 6A, second and third sentences revised, 1970, 712 § 5. (See 1970, 712 § 12.)

SECT. 6B revised, 1970, 712 § 6. (See 1970, 712 § 12.)

SECT. 7 revised, 1973, 1114 § 1. (See 1973, 1114 § 351.)

SECT. 7A added, 1969, 808 § 8 (providing for certain action by the attorney general against certain agencies); repealed, 1970, 712 § 7. (See 1970, 712 § 12.)

SECT. 10A added, 1971, 732 § 2 (regulating intervention in causes of action where issue is or may be damage to the environment); first sentence revised, 1973, 1114 § 2. (See 1973, 1114 § 351.)

SECT. 11A added, 1958, 626 § 2 (providing that meetings of state boards and commissions be open to the public); second paragraph revised, 1960, 437 § 1; last paragraph revised, 1962, 331; section revised, 1964, 730 § 1; third paragraph amended, 1966, 77. (See 1964, 730 § 2.)

SECT. 11B added, 1971, 602 (requiring all state boards, commissions and public authorities to inform certain city and town officials of studies which relate to their areas).

SECT. 13, third paragraph amended, 1960, 245; 1962, 179.

SECT. 14, clause (1) amended, 1957, 193 § 1; last paragraph amended, 1968, 637 § 1.

SECTS. 14-15 revised, 1973, 1114 § 3. (See 1973, 1114 § 351.)

Chapter 31. — Civil Service.

For temporary legislation protecting the civil service rights of certain persons in the military or naval service of the United States, see 1941, 708; 1943, 172, 338, 548; 1945, 610; 1946, 61, 62, 238, 271 §§ 1-4; 1947, 4, 11, 14, 71, 203, 367; 1948, 447; 1949, 169; 1954, 627, 688; 1955, 205, 507, 708 §§ 1, 2.

For temporary legislation relative to transfers of civil service employees during the present emergency, see 1943, 492.

For temporary legislation making certain veterans eligible to take civil service examinations notwithstanding any age requirements, see 1945, 440 § 1; 1950, 179.

For legislation protecting the civil service rights of certain employees who are veterans attending school or "on-the-job" training under the G. I. Bill of Rights, see 1948, 228.

For legislation relative to promotional examinations for principal interviewer in the division of employment security, see 1948, 263.

For legislation subjecting certain employees of the division of employment security to the civil service laws, see 1949, 773; 1950, 461, 704.

For legislation reclassifying members of fire departments by changing the title of fireman to fire fighter, see 1952, 45.

SECT. 1, definitions contained in fourth to eighth lines revised, 1939, 238 § 9; revised, 1945, 703 § 1; definitions of "appointing authority" or "appointing officer" revised, 1953, 153; definition of "Competitive promotional examination" revised, 1971, 657 § 1; definition of "Continuous examination" inserted, 1967, 780 § 3; two definitions "Department" and "Departmental promotional examination" inserted after definition "Competitive promotional examination", 1968, 652 § 1; definition of "Departmental promotional examination" amended, 1971, 657 § 2; definition of "Division" revised, 1969, 704 § 38; definition of "Executive office promotional examination" inserted, 1971, 685 § 1; definition of "Mentally retarded person" inserted after definition "Layoff", 1968, 756 § 1; definition of "Noncompetitive examination" stricken out, 1966, 127 § 1; definition of "Noncompetitive examination" inserted after definition "Mentally retarded person", 1969, 36 § 2; definition of "Promotion" amended, 1971, 683 § 1; definition of "Reinstatement" revised, 1969, 3 § 1; definition of "Roster", revised, 1969, 4 § 1; definition of "Suspension" inserted after definition "Roster", 1969, 45 § 1; definition of "Unassembled examination" added at end, 1967, 780 § 4; revised, 1969, 298 § 1; definition of "Unauthorized absence" added, 1971, 179 § 1. (See 1939, 238 §§ 25-55; 1969, 704 § 60.)

SECT. 2 revised, 1939, 238 § 10; 1945, 725 § 1; paragraph (b) amended, 1962, 270; 1964, 720 § 3; second and third sentences stricken out and one sentence inserted, 1969, 15 § 1; paragraph revised, 1973, 320 § 1. (See 1969, 15 § 2.) For temporary act, see 1965, 271 § 1. (See 1965, 271 § 2.)

SECT. 2A added, 1939, 238 § 11 (relative to the duties of the director of civil service); clause (b) revised, 1939, 506 § 1; clause (e) revised, 1941, 402 § 2; clause (c) amended, 1941, 721; section revised, 1945, 725 § 2; paragraph (b) revised, 1951, 302; two sentences added at end, 1953, 286 § 1; sentence added at end, 1954, 295 § 1; paragraph revised, 1969, 12 § 1; paragraph (d) amended, 1954, 680 § 17; revised, 1967, 780 § 5; last sentence stricken out and three sentences inserted, 1968, 469; paragraph (e) revised, 1965, 53; 1971, 221; paragraph (f) amended, 1970, 4; 1972, 612 § 1; paragraph (g) revised, 1971, 220; paragraph (i) amended, 1961, 287; paragraph (k) amended, 1965, 9; revised, 1969, 5; 1973, 490; paragraph (l) revised, 1973, 320 § 2; paragraphs (m), (n) and (o) added, 1967, 780 § 6; paragraph (n) revised, 1971, 289; amended, 1972, 612 § 2. (See 1939, 238 §§ 52-55; 1953, 286 § 2.)

SECT. 3, clause (g) added, 1937, 223 (giving preference to blind persons in the employment of typists in certain cases by state departments, boards and commissions); section amended, 1939, 238 § 12; revised, 1939, 498 § 1; clause (a) revised, 1941, 190; section revised, 1945, 702; clause (a) revised, 1955, 643 § 10; section revised, 1967, 780 § 7. (See 1939, 238 §§ 51-55; 1955, 643 § 12.)

SECT. 4, fourth paragraph amended, 1938, 72; paragraph in line 19 stricken out and new paragraph inserted, 1941, 49; sixth paragraph revised, 1932, 282 § 1; section amended, 1939, 238 § 13; paragraph added at end, 1939, 256 § 1; paragraphs added at end by 1941, 625 § 1; 1941, 627 § 1 and 1941, 686 § 2, respectively; paragraphs added at end by 1943, 246 § 1 and 1943, 402 § 1, respectively; section revised, 1945, 701 § 4; third paragraph revised, 1966 § 19 § 2; paragraph in line 12 revised, 1959, 320 § 1; paragraph in line 15 revised, 1957, 142; paragraph in line 19 revised, 1959, 320 § 2; 1964, 24 § 1; paragraph in line 22 revised, 1949, 397; 1956, 294; 1958, 583 § 1; eleventh and twelfth paragraphs stricken out, 1970, 5 § 1; paragraph added at end, 1949, 765 § 1; same paragraph stricken out, 1958, 583 § 2; paragraph added at end, 1949, 779 § 1; same paragraph stricken out, 1966, 19 § 1; paragraph added, 1956, 438 § 1; revised, 1964, 24 § 2; paragraph added at end, 1956, 652 § 1; stricken out, 1970, 5 § 2; paragraph added at end, 1970, 599. (See 1932, 282 § 4; 1943, 246 § 2; 402 § 2; 1949, 765 § 2; 779 § 2; 1956, 438 § 2; 652 § 2.)

SECT. 4A added, 1965, 157 (placing certain regional school districts and regional vocational school districts under the civil service law).

SECT. 5 amended, 1935, 405 § 2; 1936, 244 § 3; 1939, 238 § 14; revised, 1941, 402 § 3; amended, 1945, 355; 701 § 4A; 1948, 387 § 2; 1950, 397; 1951, 26; 1954, 298; 1963, 162 § 1; 1964, 199, 526; revised, 1965, 31; amended, 1965, 365 § 2, 471 § 1; 1967, 60; revised, 1967, 780 § 8; amended, 1968, 461 § 1; 1970, 161, 165; 1971, 187, 294; 1972, 311 § 1. (See 1948, 387 § 1; 1963, 162 § 2; 1965, 471 § 2.)

SECT. 5A added, 1937, 414 § 2 (relative to the employment by certain municipal officers of persons to serve in a confidential capacity).

SECT. 5B added, 1970, 162 § 2 (relative to the height and weight of members of fire or police forces); first two paragraphs revised, 1971, 370; 1973, 351 § 1; third paragraph revised, 1973, 351 § 2. (See 1973, 351 § 4.)

SECT. 6, first sentence revised, 1949, 430; 1966, 18; 1970, 154; sentence added at end, 1932, 260; same sentence amended, 1939, 238 § 15.

SECT. 6A added, 1935, 228 (dispensing with educational requirements as a condition of taking certain civil service examinations); revised, 1965, 580 § 1, 775 § 1; paragraph added, 1967, 443; section revised, 1967, 780 § 9; amended, 1968, 261; paragraph inserted after second paragraph, 1969, 484; amended, 1970, 155 § 1; 1972, 297; fourth paragraph revised, 1970, 155 § 2.

SECT. 6B added, 1967, 780 § 10 (providing for unassembled examinations for certain positions); revised, 1969, 298 § 2; first paragraph amended, 1972, 389; paragraph inserted after second paragraph, 1970, 468 § 1; revised, 1973, 320 § 3.

SECT. 7 revised, 1939, 397; repealed, 1967, 780 § 11.

SECT. 8 amended, 1939, 238 § 16; revised, 1939, 396; 1945, 703 § 3; second paragraph revised, 1959, 318; first two paragraphs revised, 1971, 683 § 2; third paragraph amended, 1969, 6 § 1; paragraph inserted after third paragraph, 1964, 521; amended, 1967, 74 § 1; 1971, 683 § 3; paragraph added at end, 1962, 547.

SECT. 8A added, 1967, 110 § 1 (authorizing director to hold open competitive examinations whenever he determines public convenience re-

quires); second paragraph, second sentence revised, 1969 § 501; last sentence stricken out, 1969, 117; second sentence amended, 1970, 468 § 2; revised, 1973, 320 § 4.

SECT. 8B added, 1967, 780 § 12 (authorizing the director to waive residence requirements in certain cases); revised, 1970, 6; 1971, 197 § 1.

SECT. 8C added, 1968, 655 (providing for competitive examinations for management interns); second paragraph, sentence added, 1970, 468 § 3; revised, 1973, 320 § 5.

SECT. 8D added, 1970, 7 (exempting certain students employed by cities or towns from civil service law).

SECT. 9 amended, 1967, 110 § 2.

SECT. 10 revised, 1939, 238 § 17, 498 § 2; first paragraph amended, 1945, 703 § 4; 1969, 6 § 2; 1972, 76; sentence added, 1973, 320 § 6; four paragraphs added, 1967, 562; second paragraph revised, 1968, 756 § 2; fourth paragraph revised, 1968, 756 § 3.

SECT. 10A added, 1972, 619 (authorizing the appointment of paraplegics to certain positions in police and fire departments).

SECT. 11 amended, 1959, 27; revised, 1971, 237 § 1.

SECT. 11A added, 1973, 164 (imposing penalties for altering or substituting civil service examination papers).

SECT. 12 amended, 1939, 238 § 18; revised, 1945, 704 § 1; first paragraph amended, 1954, 627 § 2; amended, 1946, 271 § 5; paragraph added at end, 1948, 121 § 1; same paragraph amended, 1951, 27; section revised, 1955, 571; first paragraph, two sentences inserted after first sentence, 1965, 445; fourth sentence revised, 1973, 320 § 7; seventh sentence stricken out and two sentences inserted, 1972, 406 § 1; paragraph added, 1964, 241; amended, 1966, 70; paragraph added, 1969, 25. (See 1948, 121 § 2; 1954, 627 §§ 65, 67; 1972, 406 § 2.)

SECT. 12A added, 1945, 704 § 2 (providing procedure for reviewing markings on civil service examination papers); revised, 1948, 297; 1965, 261; first paragraph revised, 1966, 115 § 1; third paragraph amended, 1967, 64; fourth paragraph revised, 1966, 115 § 2; section revised, 1967, 780 § 13; first paragraph, two sentences added, 1971, 235 § 1; paragraph revised, 1972, 147; third paragraph, two sentences added, 1971, 235 § 2; fourth paragraph amended, 1971, 235 § 3; section revised, 1973, 320 § 8.

SECT. 12B added, 1957, 401 (providing that applicants for the position of wire inspector must hold a master or journeyman electrician's license before being certified for such position).

SECT. 13 amended, 1938, 174 § 2; revised, 1945, 703 § 5; first sentence revised, 1971, 186; sentence added, 1952, 214; revised, 1971, 796; 1972, 382; 1973, 201.

SECT. 13A amended, 1939, 238 § 19; revised, 1945, 725 § 3; amended, 1968, 20.

SECT. 14 amended, 1939, 238 § 20; repealed, 1945, 725 § 5.

SECT. 15 revised, 1939, 238 § 21; 1939, 506 § 2; 1941, 491; second paragraph revised, 1945, 704 § 3; last paragraph stricken out and three paragraphs inserted, 1945, 704 § 4; section revised, 1946, 103; first paragraph revised, 1951, 41 § 1; 1960, 598; sixth sentence revised, 1963, 119;

two sentences added at end, 1962, 743 § 2; amended, 1967, 74 § 2; second paragraph revised, 1957, 46; fourth paragraph revised, 1951, 41 § 2; fifth paragraph revised, 1954, 376; paragraph inserted after fifth paragraph, 1962, 236; same paragraph revised, 1963, 396; paragraph inserted after sixth paragraph, 1963, 152 § 1; paragraph A amended, 1948, 489; revised, 1952, 317 § 1; 1954, 267; paragraph B revised, 1952, 317 § 2; paragraph C amended, 1955, 643 § 9; two paragraphs inserted after paragraph C, 1964, 455; paragraph added at end, 1947, 13; section revised, 1964, 720 § 1; first paragraph amended, 1968, 652 § 2; second sentence revised, 1973, 1230 § 16; third sentence revised, 1969, 9 § 1; 1971, 232 § 1; paragraph inserted after first paragraph, 1970, 281 § 1; stricken out, 1973, 1230 § 17; second paragraph amended, 1969, 9 § 2; revised, 1971, 232 § 2; amended, 1973, 1230 § 18; fifth paragraph amended, 1967, 57 § 1; sixth paragraph revised, 1968, 636; 1971, 214; amended, 1973, 1230 § 19; seventh paragraph amended, 1967, 780 § 14; ninth paragraph revised, 1966, 127 § 2; 1969, 36 § 1; amended, 1970, 392; tenth paragraph revised, 1966, 290; paragraph A amended, 1966, 192; revised, 1967, 112; amended, 1968, 91; 1969, 8; 1971, 213; paragraph B amended, 1965, 237; revised, 1966, 349; 1967, 125; 1967, 683 § 1; 1968, 652 § 3; amended, 1970, 65; 1971, 685 § 2; paragraph added at end, 1969, 896; revised, 1971, 685 § 3; paragraph C, third from last paragraph revised, 1969, 9 § 3; paragraph D added, 1965, 580 § 2; amended, 1965, 775 § 2; 1973, 1230 § 20; last paragraph stricken out, 1968, 652 § 4; seventeenth paragraph amended, 1970, 50; paragraph added at end, 1968, 652 § 8. (See 1955, 643 § 12; 1962, 743 §§ 4, 5, 7; 1970, 281 § 3.)

SECT. 15A added, 1933, 267 (restricting the appointment of persons for temporary employment under the civil service laws); amended, 1934, 105; repealed, 1943, 523.

SECT. 15B added, 1943, 520 (authorizing certain promotions from the labor service to the official service of a department, board or commission under the civil service laws); amended, 1946, 52; revised, 1952, 313; 1953, 459; amended, 1958, 51; revised, 1962, 274; last sentence stricken out, 1968, 652 § 5; three paragraphs added, 1971, 683 § 4.

SECTS. 15C and 15D added, 1945, 704 § 5 (requiring lists of civil service officers and employees to be filed annually with the director of civil service and establishing the method of determining seniority).

SECT. 15C amended, 1946, 53; paragraph inserted after first paragraph, 1950, 385; section revised, 1953, 195; second paragraph revised, 1965, 341; amended, 1972, 282; last paragraph revised, 1968, 652 § 6.

SECT. 15D, paragraph 1 amended, 1952, 447 § 1; 1955, 40; revised, 1969, 45 § 2; amended, 1970, 9 § 1; paragraph 2 revised, 1947, 426; 1962, 510; second sentence stricken out and two sentences inserted, 1969, 45 § 3; fourth sentence added, 1969, 217; amended, 1970, 9 § 2; revised, 1971, 480; paragraph 3 revised, 1969, 45 § 4; definition of "Absence" revised, 1949, 167; 1969, 45 § 5; last paragraph revised, 1968, 652 § 7. (See 1952, 447 § 2.)

SECT. 15E added, 1946, 540 (providing that injuries received by persons employed in a provisional capacity shall not disqualify them for permanent employment under the civil service laws).

SECT. 15F added, 1951, 157 (relative to provisional promotions under civil service laws and probationary periods served therein); revised, 1958 529; last sentence revised, 1967, 118; section revised, 1968, 652 § 9; second sentence amended, 1971, 212; sentence inserted after second sentence, 1970, 319; paragraph added, 1973, 1230 § 21.

SECT. 15G added, 1967, 780 § 15 (relative to appointment from lists of three eligible persons willing to serve); amended, 1968, 652 § 10; 1971, 195.

SECT. 16A added, 1939, 506 § 3 (relative to transfers under the civil service laws); revised, 1945, 703 § 6; 1958, 55; first paragraph amended, 1962, 743 § 3; section revised, 1964, 720 § 2; second paragraph amended, 1966, 20; 1967, 74 § 3; sixth paragraph revised, 1967, 780 § 16; seventh paragraph amended, 1967, 57 § 2; section revised, 1968, 637 § 2; first paragraph amended, 1971, 439 § 1; second paragraph revised, 1971, 439 § 2; paragraph inserted, 1973, 1230 § 22; third paragraph stricken out, 1971, 439 § 3. (See 1962, 743 §§ 6, 7.)

SECT. 16B added, 1971, 185 (providing for transfer of civil service employees from the official service to the labor service); paragraph added, 1973, 1230 § 23.

SECT. 17 amended, 1934, 94; revised, 1939, 76; amended, 1939, 238 § 22; 1963, 25.

SECT. 18 amended, 1939, 238 § 23; revised, 1945, 703 § 9; amended, 1947, 22; revised, 1967, 98; amended, 1971, 179 § 2; paragraph added, 1971, 179 § 3.

SECT. 18A added, 1941, 627 § 4 (positions in the labor service of the department of public works to be classified by districts); sentence added at end, 1945, 389.

SECT. 19 revised, 1971, 197 § 2.

SECT. 19A added, 1932, 146 (relative to appointments to the regular fire forces in certain cities having reserve fire forces); amended, 1939, 238 § 24; revised, 1941, 38; amended, 1943, 530; revised, 1949, 55.

SECT. 19B added, 1949, 288 (relative to appointments of intermittent firemen to the regular force in cities and towns); three sentences inserted after second sentence, 1966, 75 § 1; section revised, 1969, 53 § 1. (See 1966, 75 § 2.)

SECT. 19C added, 1968, 263 (prohibiting residency requirements for appointment of firemen in certain cities and towns); amended, 1971, 184.

SECT. 20 amended, 1939, 238 § 25; revised, 1939, 419 § 3; 1945, 704 § 6; 1947, 354 § 1; first paragraph amended, 1959, 115; paragraph added at end, 1951, 279; revised, 1963, 150; paragraph added at end, 1964, 40; section revised, 1969, 196; paragraph inserted after first paragraph, 1971, 183. (See 1947, 354 § 2.)

SECT. 20A amended, 1939, 238 § 26; revised, 1941, 39; 1952, 167 § 1; 1953, 255 § 1; amended, 1954, 136 § 1. (See 1952, 167 § 3; 1953, 255 § 2.)

SECT. 20B added, 1937, 416 § 3 (providing for appointments to the regular police force of the metropolitan district commission from the list of members of the reserve police force); amended, 1939, 238 § 27; repealed, 1939, 441 § 2. (See 1937, 416 § 5; repealed, 1939, 441 § 3.)

SECT. 20C added, 1941, 621 (relative to appointments to the regular police force in certain cities and towns); revised, 1952, 167 § 2; amended, 1954, 136 § 2; first sentence revised, 1969, 53 § 2. (See 1952, 167 § 3.)

SECT. 20D added, 1945, 703 § 2 (relative to the serving of probationary periods in offices and positions subject to civil service); first sentence revised, 1961, 255; amended, 1968, 93; 1970, 8; revised, 1971, 182 § 1; second paragraph revised, 1968, 506; four paragraphs added, 1971, 182 § 2.

SECT. 21 amended, 1932, 89; revised, 1933, 137; amended, 1939, 238 § 28; 1943, 194, 469; 1946, 216; 1950, 289 § 1; revised, 1951, 663; 1954, 627 § 3; amended, 1956, 248, 249; 1972, 98. (See 1950, 289 § 2; 1954, 627 §§ 65, 67.)

SECT. 21A added, 1954, 688 § 1 (further defining the word "veteran" as used in certain laws); amended, 1956, 702.

SECT. 22 amended, 1939, 238 § 29; first sentence revised, 1954, 627 § 4; paragraph added at end, 1946, 345. (See 1954, 627 §§ 65, 67.)

SECT. 22A added, 1946, 221 (making certain veterans eligible for examinations and appointment to police and fire departments notwithstanding certain age requirements); revised, 1947, 287; repealed, 1973, 351 § 3.

SECT. 23 amended, 1939, 238 § 30; sentence added at end, 1949, 642 § 1; section revised, 1954, 627 § 5; second sentence revised, 1971, 219; third sentence amended, 1971, 1051 § 1. (See 1954, 627 §§ 65, 67.)

SECT. 23A added, 1954, 627 § 6 (defining "Disabled Veteran"); revised, 1956, 430 § 1; first paragraph amended, 1958, 69 § 1; 1971, 1051 § 2. (See 1954, 627 §§ 65, 67; 1956, 430 § 2; 1958, 69 § 2.)

SECT. 23B added, 1954, 627 § 6 (providing for preference in civil service appointments for widows and widowed mothers of certain veterans); revised, 1956, 430 § 1. (See 1954, 627 §§ 65, 67; 1956, 430 § 2; 1958, 69 § 2.)

SECT. 23C added, 1971, 346 (providing that certain police officers and fire fighters have equal preference with veterans in their placement on eligible lists for promotion); revised, 1972, 380.

SECT. 24 amended, 1939, 238 § 31; sentence added at end, 1949, 642 § 2; same sentence revised, 1956, 247.

SECT. 25 amended, 1939, 238 § 32; 1946, 145; revised, 1948, 407; 1969, 502; amended, 1973, 1230 § 24.

SECTS. 27-28 repealed, 1971, 181.

SECT. 29 amended, 1939, 238 § 33; revised, 1945, 725 § 4; amended, 1948, 138; revised, 1967, 459; second sentence stricken out and three sentences inserted, 1968, 2; sentence inserted after fifth sentence, 1971, 234; section revised, 1973, 320 § 9.

SECT. 30 amended, 1939, 238 § 34; repealed, 1945, 725 § 5.

SECT. 31 amended, 1939, 238 § 35; revised, 1939, 422 § 1; first paragraph amended, 1959, 319; 1965, 32.

SECT. 31A added, 1939, 422 § 2 (relative to the making of reports by department heads pertaining to civil service employees).

SECT. 31B added, 1941, 165 § 1 (relative to the preparation and keeping of rosters of positions in the classified civil service and incumbents thereof in connection with the payment of salaries or compensation); amended, 1967, 63; 1969, 4 § 2. (See 1941, 165 § 2.)

SECT. 32 amended, 1939, 238 § 36; revised, 1939, 420 § 1; first sentence revised, 1967, 780 § 17; sentence added at end, 1969, 24.

SECT. 32A added, 1939, 420 § 2 (providing that records and files relating to civil service employees be public records); repealed, 1945, 703 § 10.

SECT. 33 amended, 1939, 238 § 37; revised, 1939, 420 § 3.

SECT. 34 amended, 1939, 238 § 38; revised, 1939, 420 § 4.

SECT. 35 repealed, 1941, 559.

SECT. 36 amended, 1939, 238 § 39; revised, 1945, 701 § 1; second and third sentences stricken out, 1971, 188 § 1.

SECT. 37 amended, 1939, 238 § 40; repealed, 1971, 188 § 2.

SECT. 38 amended, 1939, 238 § 41; revised, 1939, 422 § 3.

SECT. 39 amended, 1939, 238 § 42.

SECT. 40 amended, 1939, 238 § 43; repealed, 1945, 703 § 10.

SECT. 41 repealed, 1970, 141.

SECT. 42 amended, 1939, 238 § 44; revised, 1960, 722; sentence added at end, 1964, 364; section revised, 1970, 720 § 1.

SECT. 42A repealed, 1945, 667 § 4.

SECT. 42B repealed, 1945, 667 § 4.

SECT. 43 revised, 1945, 667 § 1; paragraph (f) revised, 1946, 379; section revised, 1947, 373 § 1; paragraph (a) amended, 1949, 170 § 1; second sentence revised, 1949, 429 § 1; paragraph (a) revised, 1957, 432; 1959, 569 § 1; amended, 1965, 361; 1968, 637 § 3; second sentence revised, 1970, 72 § 1; paragraphs (b) and (c) revised, 1948, 240; paragraph (b), first sentence amended, 1968, 637 § 4; revised, 1970, 72 § 2; second sentence revised, 1962, 205; paragraph (d) amended, 1955, 407 § 1; 1968, 637 § 5; revised, 1970, 72 § 3; paragraph (e), first sentence revised, 1949, 429 § 2; paragraph (e) revised, 1956, 629 § 1; 1959, 569 § 2; amended, 1963, 26; second third and fourth sentences revised, 1964, 275; eighth sentence stricken out, 1965, 33 § 1; eighth sentence revised, 1970, 72 § 4; paragraph (f) amended, 1963, 801 § 72; fourth sentence stricken out, 1969, 766 § 43A; paragraph (g) added, 1956, 629 § 2; revised, 1959, 569 § 3; seventh sentence stricken out, 1965, 33 § 2; paragraph (g) revised, 1965, 281; paragraph (h) added, 1957, 569; revised, 1959, 569 § 4; 1962, 776; amended, 1968, 637 § 6; first sentence revised, 1970, 72 § 5; paragraph (i) added, 1965, 33 § 3; paragraph (j) added, 1971, 179 § 4. (See 1955, 407 § 3; 1956, 629 § 3; 1969, 766 § 48.)

SECT. 45 amended, 1934, 249 § 2; revised, 1945, 667 § 2; amended, 1955, 407 § 2; 1970, 72 § 6; revised, 1970, 711. (See 1955, 407 § 3.)

SECT. 45A added, 1934, 190 (providing a method of avoiding multiplicity of petitions for judicial review to determine seniority rights in the classified labor service); amended, 1941, 166.

SECT. 45B added, 1941, 135 (requiring clerks of district courts to furnish certain information to the director of civil service); amended, 1945, 667 § 3; repealed, 1973, 171.

SECT. 46 amended, 1932, 282 § 2; revised, 1934, 249 § 1; amended, 1941, 257; repealed, 1945, 667 § 4.

SECT. 46A revised, 1959, 569 § 5.

SECT. 46B amended, 1939, 238 § 45; repealed, 1945, 667 § 4.

SECTS. 46C and 46D added, 1933, 320 (providing for the reinstatement of certain municipal officers and employees).

SECT. 46C amended, 1934, 84; 1936, 66; revised, 1938, 297 § 1; amended, 1939, 238 § 46; revised, 1945, 704 § 8; amended, 1947, 373 § 2; first sentence revised, 1964, 482; amended, 1969, 3 § 2; last two sentences stricken out and one sentence inserted, 1969, 3 § 3.

SECT. 46D repealed, 1945, 704 § 7.

SECT. 46E added, 1934, 207 (providing that a leave of absence of less than six months shall not be deemed a separation from the classified civil service in certain cases); first paragraph revised, 1945, 703 § 7; amended, 1951, 37; revised, 1967, 143; first sentence amended, 1969, 3 § 4; third sentence stricken out and two sentences inserted, 1968, 12; paragraph added at end, 1936, 297; same paragraph amended, 1939, 238 § 47; 1941, 136; stricken out, 1969, 45 § 6; paragraph added, 1965, 703 § 1; paragraph added at end, 1969, 3 § 5. (See 1965, 703 § 2.)

SECT. 46F added, 1935, 337 (providing for the reinstatement of members of the police force of the metropolitan district commission in certain cases); amended, 1939, 238 § 48; repealed, 1945, 704 § 7.

SECT. 46G added, 1935, 408 (relative to seniority rights in respect to the suspension and re-employment of persons in the classified civil service in certain cases); revised, 1938, 297 § 2; 1945, 704 § 9; amended, 1949, 170 § 2; first sentence revised, 1967, 96.

SECT. 46H added, 1936, 287 § 1 (providing for the reinstatement in the classified civil service of retired municipal officers and employees in certain cases of invalid retirement); amended, 1939, 238 § 49.

SECT. 46I added, 1945, 703 § 8 (providing for the establishment of re-employment lists of persons separated from the official or labor service otherwise than by resignation or discharge); amended, 1946, 60; revised, 1947, 12; first two sentences revised, 1960, 231 § 1; first sentence revised, 1967, 88; paragraph added at end, 1951, 420. (See 1960, 231 § 2.)

SECT. 46J added, 1946, 288 (relative to the right of civil service employees to petition the general court and to appear before committees thereof).

SECT. 46K added, 1952, 138 (authorizing civil service employees to petition their municipal government and to appear before committees thereof).

SECT. 46L added, 1961, 150 § 1 (making permanent certain positions in the labor service in cities). (See 1961, 150 § 2.)

SECT. 46M added, 1961, 378 § 1 (relative to the removal of certain persons refusing appointment as permanent full time junior building custodians in any school system in the commonwealth).

SECT. 47 revised, 1945, 701 § 2; caption preceding section changed, 1957, 29.

SECT. 47A added, 1941, 195 (providing that certain employees in the classified public service shall not be subject to a probationary period); revised, 1945, 701 § 3; second paragraph amended, 1946, 59; first two paragraphs revised, 1948, 278; first paragraph amended, 1967, 74 § 4; second paragraph amended, 1967, 74 § 5; third paragraph amended, 1971, 152; paragraph added at end, 1950, 376 § 1; 1970, 49. (See 1950, 376 § 2.)

SECT. 47B added, 1941, 290 (relative to the classification and establishment of seniority of certain civil service employees); revised, 1945, 701 § 5; paragraph inserted after first paragraph, 1956, 49; second paragraph amended, 1967, 74 § 6; third paragraph amended, 1967, 74 § 7; fourth paragraph amended, 1960, 73.

SECTS. 47C and 47D added, 1941, 402 § 1 (establishing a merit system, substantially similar to the civil service system, for certain officers and employees of local boards of public welfare). (See 1941, 402 §§ 4-9.)

SECT. 47C, paragraph (1) revised, 1941, 588 § 1; 1950, 793 § 1; 1951, 741 § 3; amended, 1963, 432 § 2; revised, 1965, 387 § 1; paragraph (3) revised, 1965, 580 § 3, 775 § 3; section repealed, 1967, 658 § 1A. (See 1941, 588 § 3; 1950, 793 § 2.)

SECT. 47D, first sentence revised, 1965, 387 § 2; section repealed, 1967, 658 § 1A.

SECT. 47E added, 1951, 537 (providing annual step-rate increases for municipal public welfare employees); second paragraph stricken out, 1961, 529; section revised, 1962, 579 § 1; second paragraph revised, 1964, 702; section repealed, 1967, 658 § 1A. (See 1962, 579 §§ 2, 3.)

SECT. 48 revised, 1945, 701 § 6; first paragraph amended, 1953, 306; 1954, 90; 1967, 246 § 1; revised, 1970, 162 § 1; paragraph added at end, 1947, 239.

SECT. 48A added, 1967, 857 (relative to residency requirements for appointment of police officers); amended, 1968, 746; 1969, 16; 1972, 226.

SECT. 48B added, 1968, 461 § 2 (providing for subjecting position of parking meter supervisor to civil service laws).

SECT. 48C added, 1970, 51 (increasing minimum age requirement for certain lifeguards). (See 1970, 437 §§ 1, 2.)

SECT. 49 repealed, 1945, 701 § 7.

SECT. 49A added, 1939, 183 (authorizing cities and towns to place certain offices under the civil service laws by vote of the voters thereof); revised, 1941, 414; 1945, 701 § 8.

SECT. 51 revised, 1971, 237 § 2.

Chapter 32. — Retirement Systems and Pensions.

For temporary legislation providing for the return of certain moneys paid into the state retirement fund by certain former members of the general court, see 1954, 615.

For temporary legislation relative to make-up payments in the annuity savings fund by surviving beneficiaries of certain former constitutional officers or members of the general court, see 1956, 335.

For temporary legislation protecting the retirement rights of certain persons in the military or naval service of the United States, see 1941, 708; 1943, 172, 419, 548; 1945, 455, 610, 699; 1947, 4, 11, 14, 203, 367; 1954, 627, 688; 1955, 708 §§ 1, 2.

For legislation relative to the temporary re-employment of former officers and employees of the commonwealth or of any political sub-division thereof during the continuance of the existing state of war between the United States and any foreign country, see 1942, 16; 1943, 502; 1946, 55, 306.

For temporary legislation authorizing the employment of certain nurses who have been retired, see 1955, 553.

For legislation relative to the retirement of assistant attorneys general, see 1948, 659.

For legislation relative to the retirement of county commissioners, see 1948, 662.

For legislation relative to increasing the amounts of pensions and retirement allowances payable to certain former public employees, see 1950, 820; 1951, 781; 1952, 624; 1953, 471, 472; 1955, 670; 1956, 415, 605; 1958, 392; 1959, 493; 1960, 647; 1961, 111; 1963, 478.

For legislation to restore the pension rights to members of the general court and the constitutional officers, see 1955, 554; 1956, 386.

Sects. 1-38A, as amended, stricken out and twenty-eight new sections, 1-28, inserted, 1945, 658 § 1. (See 1945, 658 §§ 9-11.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to sections 1 to 28, as so inserted:

SECT. 1, definition of "Beneficiary" revised, 1949, 618 § 1; definition of "District" amended, 1953, 583 § 1; 1956, 306 § 1; definition of "Employee" revised, 1947, 660 § 1; 1950, 537; sentence added at end, 1950, 600 § 1; definition of "Employee" revised, 1951, 543 § 1; amended, 1952, 185; 1956, 306 § 2; 1967, 597 § 1; amended, 1971, 1012 § 1; 1972, 436 § 1; 1973, 324, 1211 § 1, 767 § 1, 1003 § 1; definition of "Governmental Unit" revised, 1957, 667 § 1; definition of "Head of his department" revised, 1967, 597 § 2; definition of "Maximum age" revised, 1958, 321 § 1; 1967, 826 § 1; definition of "Member" revised, 1967, 597 § 3; 1971, 1012 § 2; 1973, 1003 § 2; definition of "Political subdivision" revised, 1948, 507 § 1; 1967, 597 § 4; amended, 1967, 814 § 1; 1969, 751 § 8; revised, 1971, 1012 § 3; amended, 1972, 436 § 2; revised, 1973, 633 § 1, 767 § 2, 1003 § 3; definition of "Regular compensation" revised, 1948, 606; amended, 1967, 769 § 3; 1952, 515 § 2; 1952, 423 § 1; 1957, 516 § 2; 1963, 466 § 5; 1969, 84; 1971, 287; 1973, 279; definition of "System" revised, 1967, 597 § 5; 1971, 1012 § 4; 1973, 1003 § 4; definition of "Teacher" amended, 1951, 543 § 22; revised, 1952, 434 § 1; 1957, 516 § 1; definition of "Veteran" amended, 1950, 710; sentence added at end, 1951, 526 § 1; revised, 1954, 627 § 7; amended, 1954, 688 § 2. (See 1950, 600 § 3; 1951, 543 § 3; 1952, 423 § 2; 1954, 627 §§ 65, 67; 1957, 516 § 4; 1973, 767 § 6, 1211 § 9.)

SECT. 2 amended, 1956, 306 § 3; fourth sentence amended, 1964, 532 § 1; revised, 1967, 597 § 6; amended, 1967, 814 § 2; 1971, 1012 § 5; 1972, 436 § 3; revised, 1973, 633 § 2, 767 § 3, 1003 § 5; paragraph added, 1964, 532 § 2. (See 1973, 767 § 6.)

SECT. 3, subdivision (1), paragraph (a), clause (i) amended, 1970, 751; 1971, 94; subdivision (2), paragraph (a), clause (iv) revised, 1951, 644 § 1; 1956, 609 § 1; amended, 1958, 321 § 2; revised, 1959, 381; amended, 1969, 740 § 1; clause (v) revised, 1951, 644 § 1; amended, 1969, 740 § 2; clause (vi) revised, 1947, 660 § 2; 1951, 644 § 1; amended, 1969, 740 § 3; clause (x) added, 1950, 600 § 2; clause (xi) added, 1952, 515 § 1; clause (xii) added, 1967, 597 § 7; first sentence revised, 1966, 622; clause (xiii) added, 1973,

1003 § 6; clause (xiv) added, 1973, 1211 § 2; paragraph (b) revised, 1947, 660 § 2; paragraph (d) revised, 1947, 660 § 2; amended, 1947, 667 § 2; 1958, 578 § 1; (see 1958, 578 § 2); paragraph (e) revised, 1963, 749 § 1; paragraph (f) revised, 1951, 644 § 2; 1956, 609 § 2; (see 1957, 664); amended, 1969, 740 § 4; definition of *Group B* in paragraph (g), amended, 1946, 403 § 1; revised, 1947, 423; amended, 1947, 667 § 3; 1949, 746 § 1; revised, 1950, 728; amended, 1952, 157; revised, 1954, 445 § 1; amended, 1957, 255; revised, 1957, 630 § 1; paragraph (g) revised, 1958, 321 § 3; definition of *Group 2* revised, 1958, 550; amended, 1958, 589 § 1; revised, 1960, 602; amended, 1967, 826 § 2; 1968, 516; 1968, 542 § 1; revised, 1968, 650 § 1; amended, 1969, 110 § 1, 219; 1970, 662 § 1; 1971, 969 § 1; revised, 1971, 992 § 1; 1972, 284 § 1, 809 § 1; amended, 1973, 725, 987 § 1, 1083 § 1; revised, 1222 § 1; definition of *Group 3* revised, 1964, 514 § 1; definition of *Group 4* added, 1967, 826 § 3; revised, 1968, 542 § 2, 650 § 2; amended, 1969, 816; 1970, 662 § 2; revised, 1971, 992 § 2; amended, 1971, 1012 § 18; 1972, 809 § 2; amended, 1973, 609, 947, 987 § 2, 1083 § 2; revised, 1222 § 2; subdivision (3), first sentence stricken out and two sentences inserted, 1947, 388 § 1; first sentence revised, 1949, 578 § 1 (see 1949, 578 § 1); subdivision revised, 1952, 428 § 1; 1954, 684 § 1; 1955, 695 § 1; first sentence revised, 1960, 535; subdivision (3A) added, 1946, 538 § 1; subdivision (4) revised, 1946, 403 § 2, 492; first sentence amended, 1947, 416; subdivision revised, 1951, 505 § 1; amended, 1954, 684 § 2; 1955, 695 § 3; paragraph added, 1971, 886; subdivision (5) amended, 1946, 481; revised, 1946, 603 § 1; paragraph (a) added, 1947, 660 § 4; subdivision revised, 1947, 667 § 4; first sentence revised, 1952, 524 § 1; amended, 1954, 684 § 3; subdivision revised, 1955, 695 § 2; first sentence amended, 1961, 409; revised, 1962, 548; subdivision (6), paragraph (c) amended, 1961, 474; paragraph (d) revised, 1946, 403 § 3; amended, 1952, 524 § 2; 1954, 684 § 4; revised, 1955, 695 § 4; amended, 1956, 418 § 1; paragraph (e) amended, 1947, 388 § 2; 1958, 359 § 1 (see 1958, 359 § 2); paragraph (f) amended, 1948, 393; revised, 1955, 560; affected, 1956, 414; subdivision (8), paragraph (b) amended, 1952, 524 § 3; 1954, 684 § 5; revised, 1955, 695 § 5; amended, 1956, 418 § 2; paragraph (c) amended, 1960, 571; 1947, 388 § 3; 1969, 625 § 2. (See 1950, 600 § 3; 1950, 715; 1951, 644 § 3, 790, 505 § 2; 1952, 423, § 2, 428 § 2; 1954, 445 § 2; 1954, 684 § 8; 1955, 695 § 7; 1969, 740 § 5; 1972, 284 § 2.)

SECT. 4, subdivision (1), paragraph (a) amended, 1947, 660 § 3; paragraph (h) revised, 1954, 627 § 8; third subparagraph of paragraph (h) revised, 1959, 576 § 1A; 1960, 619 § 2; amended, 1961, 597 § 4; revised, 1962, 544 § 2, first sentence revised, 1964, 580 § 2; amended, 1965, 726 § 2; revised, 1966, 671 § 2; amended, 1969, 625 § 1; second sentence revised, 1963, 239 § 1; paragraph (i) added, 1946, 493 § 1; paragraph (j) added, 1946, 538 § 2; paragraph (k) added, 1959, 548 § 1; paragraph (l) added, 1961, 433; paragraph (m) added, 1962, 584; paragraph (n) added, 1969, 778; paragraph (o) added, 1971, 894; paragraph (p) added, 1973, 760; subdivision (2), paragraph (b) revised, 1946, 403 § 4; amended, 1964, 125; revised, 1964, 738; 1965, 73; 1966, 509 § 1; paragraph (c) revised, 1946, 403 § 5; amended, 1952, 524 § 4; 1954, 684 § 6; revised, 1955, 695

§ 6; 1961, 494. (See 1946, 493 § 2; 1954, 627 §§ 65, 67; 1954, 684 § 8; 1955, 695 § 7; 1959, 548 §§ 2, 3, 576 § 2; 1962, 544 § 4; 1963, 239 § 2; 1964, 580 § 4; 1966, 509 § 2, 671 § 4.)

SECT. 5, subdivision (1), first sentence of paragraph (a) amended, 1947, 388 § 4; 1958, 321 § 4; 1967, 826 § 4; paragraph (c) revised, 1958, 321 § 5; paragraph (d), first two sentences stricken out, 1947, 660 § 5; same paragraph amended, 1948, 15 § 1; revised, 1953, 486; 1959, 574 § 1; paragraph (f) added, 1954, 348; paragraph (g) added, 1961, 410 § 1; revised, 1966, 256 § 1; paragraphs (h) and (i) added, 1967, 597 § 8; paragraph (j) added, 1967, 889; amended, 1973, 1183; paragraphs (k) and (l) added, 1973, 1003 § 7; subdivision (2), paragraph (a), first paragraph amended, 1947, 388 § 5; 1949, 656; revised, 1950, 809 § 1; 1951, 783 § 1; clause (i) revised, 1949, 679; clause (ii) revised, 1946, 403 § 6; amended, 1947, 388 § 6; clause (iv) added, 1946, 538 § 3; paragraph (b) amended, 1950, 809 § 1A; paragraph (f) amended, 1950, 809 § 2; paragraph (g) added, 1954, 492; stricken out, 1955, 590 § 2; subdivision (2) revised, 1957, 661 § 1; paragraph (a) amended, 1958, 321 § 6; 1960, 215; table in paragraph (a) revised, 1958, 321 § 7; paragraph (d) amended, 1958, 321 § 8; paragraph (d) amended, 1958, 321 § 9; subdivision (2) revised, 1961, 190 § 1; paragraph (a) revised, 1966, 274 § 1; amended, 1967, 826 § 5; table in paragraph (a) revised, 1967, 826 § 6; paragraph (b) amended, 1967, 826 § 7; paragraph (c) amended, 1966, 274 § 2; 1967, 826 § 8; subdivision (3), paragraph (a) amended, 1966, 274 § 3; paragraph (b) amended, 1966, 274 § 4. (See 1950, 809 § 3; 1951, 783 §§ 2, 3; 1957, 661 § 4; 1959, 574 § 2; 1961, 190 § 3, 410 § 2, 444 §§ 1, 2; 1966, 256 § 2, 274 § 5.)

SECT. 6, subdivision (1) amended, 1947, 667 § 5; 1949, 618 § 2, 657; 1958, 321 § 10; 1964, 514 § 2; 1967, 826 § 9; subdivision (2) amended, 1958, 321 § 11; 1964, 514 § 3; paragraph (a) amended, 1967, 826 § 10; paragraph (b) amended, 1967, 826 § 11; paragraph (c) added, at end, 1964, 514 § 4; subdivision (3), first sentence of paragraph (a) amended, 1946, 603 § 2; 1947, 388 § 7; second sentence of same paragraph amended, 1949, 618 § 3; stricken out and two sentences inserted, 1961, 473; paragraph (c) revised, 1952, 181; amended, 1973, 543; paragraph (d) added, 1956, 289.

SECT. 7, subdivision (1), first sentence amended, 1958, 321 § 12; 1967, 826 § 12; three sentences added at end, 1949, 618 § 4; subdivision (2), paragraph (a) amended, 1958, 321 § 13; first sentence amended 1967, 826 § 13; clause (ii) amended, 1948, 446 § 1; 1970, 644 § 1; clause (iii) amended, 1950, 712; 1951, 545 § 1; paragraph (b) amended, 1958, 321 § 14; 1962, 81; 1967, 826 § 14; revised, 1968, 208; amended, 1973, 155; subdivision (3), paragraph (a) amended, 1958, 321 § 15; 1967, 826 § 15; paragraph (b) amended, 1958, 321 § 16; 1967, 826 § 16; subdivision (4), paragraph (b) sentence added, 1967, 597 § 9; revised, 1973, 1003 § 8; subdivision (5) added, 1949, 618 § 5. (See 1948, 446 § 5.)

SECT. 8, subdivision (1), paragraph (b) amended, 1947, 667 § 6.

SECT. 9, subdivision (2), first paragraph amended, 1948, 446 § 2; second sentence amended, 1968, 600 § 1; revised, 1971, 960 § 1; paragraph (d) revised, 1951, 545 § 2.

SECT. 10, see 1949, 491 § 1; subdivisions (1) and (2) revised, 1950, 813 § 1; 1951, 784 § 1; subdivision (1) revised, 1957, 661 § 2; amended,

1958, 321 § 17; revised, 1961, 190 § 2; amended, 1967, 826 § 17; second and third sentences revised, 1967, 826 § 18; subdivision (2), paragraph (a) revised, 1957, 661 § 3; amended, 1962, 516 § 1; second sentence amended, 1967, 826 § 19; paragraph (b) amended, 1951, 809; 1958, 321 § 18; first sentence amended, 1967, 826 § 20; revised, 1973, 1041; paragraph (b)¹/₂ added, 1973, 928 § 1. (See 1949, 491 § 2; 1951, 784 § 3; 1957, 661 § 4; 1962, 516 §§ 2, 3; 1973, 928 § 2.)

SECT. 11, subdivision (2), paragraph (a) amended, 1950, 670 § 1; 1965, 857 § 1; paragraph (c), first sentence revised, 1947, 667 § 7; sentence added at end, 1949, 618 § 6; amended, 1965, 857 § 2; revised, 1966, 556; subdivision (3) added, 1957, 531 § 1; second paragraph revised, 1967, 597 § 10; 1973, 1003 § 9. (See 1950, 670 § 3.)

SECT. 12, subdivision (1) amended, 1963, 378; 1971, 831; subdivision (2), option (c), two sentences inserted after first sentence, 1946, 403 § 7; option (c), paragraph added at end, 1948, 284; option (c) stricken out and options (c) and (d) inserted, 1949, 618 § 7; option (c), first paragraph amended, 1968, 600 § 2; last paragraph revised, 1958, 291; paragraph added at end, 1960, 713 § 1; option (d) amended and sentence added at end, 1949, 808; sentence added at end, 1950, 670 § 2; 1952, 610 § 1; option (d) revised, 1955, 494; paragraph added at end, 1958, 614 § 1; amended, 1959, 515 § 1; revised, 1959, 617 § 1; 1960, 805 § 1; amended, 1961, 547 § 1; revised, 1963, 515; amended, 1965, 857 § 3; option revised, 1972, 793 § 1. (See 1952, 610 § 2; 1959, 515 § 3, 617 § 4; 1960, 713 § 3, 805 § 5; 1961, 547 § 2; 1972, 793 § 8.)

SECT. 12A added, 1956, 505 (providing for the payment of allowances to certain beneficiaries pending determination of claims for accidental death benefits); revised, 1963, 497.

SECT. 12B added, 1958, 614 § 2 (providing survivor benefits to certain eligible widows and children under the contributory retirement law); revised, 1959, 515 § 2; first paragraph amended, 1959, 617 § 2; 1960, 805 § 2; paragraph inserted after second paragraph, 1960, 702; fourth paragraph revised, 1961, 597 § 5; last paragraph stricken out, 1960, 583; paragraph added at end, 1960, 492; section revised, 1972, 793 § 2. (See 1959, 515 § 3, 617 § 4; 1960, 805 § 5; 1972, 793 § 8.)

SECT. 12C added, 1959, 617 § 3 (providing survivor benefits to certain widows and children of certain employees who were not members of a contributory retirement system); revised, 1960, 805 § 3. (See 1959, 617 § 4; 1960, 805 § 5.)

SECT. 13, subdivision (1), paragraph (a) revised, 1951, 379 § 1; subdivision (2), paragraphs (a) and (b) revised, 1957, 536. (See 1951, 379 § 2.)

SECT. 14, subdivision (1), paragraph (a), last sentence revised, 1958, 404 § 1; paragraph inserted after paragraph (a), 1951, 99; same paragraph revised, 1952, 484 § 1; last sentence revised, 1958, 404 § 2; same paragraph revised, 1967, 597 § 11; paragraph (c) revised, 1967, 597 § 12; subdivision (2), paragraph (a) revised, 1951, 542; 1958, 360; paragraph (b) revised, 1951, 542; 1958, 360; paragraph (c) revised, 1951, 542. (See 1952, 152, 484 § 2.)

SECT. 15, subdivision (2) revised, 1967, 597 § 13; 1973, 1003 § 10.

SECT. 16, subdivision (1), paragraph (b) amended, 1958, 321 § 19; first sentence amended, 1967, 826 § 21; subdivision (2) revised, 1949, 746 § 2; 1951, 784 § 2; amended, 1958, 321 § 20; 1962, 114 § 1; first sentence amended, 1967, 826 § 22; subdivision (3), paragraph (a) amended, 1958, 321 § 21; 1962, 114 § 2; first sentence amended, 1967, 826 § 23; subdivision (4), first paragraph amended, 1962, 391; sentence added at end, 1949, 618 § 8; paragraph added at end, 1956, 422 § 1; subdivision (5) amended, 1958, 321 § 22. (See 1951, 784 § 3.)

SECT. 18, subdivision (1) revised, 1947, 467; 667 § 8.

SECT. 19 revised, 1952, 599; last sentence revised, 1955, 628 § 2; section revised, 1956, 691; second sentence revised, 1971, 555 § 1; fourth sentence revised, 1973, 1128 § 1. (See 1971, 555 § 67.)

SECT. 19A added, 1953, 509 § 1 (authorizing withholding of retirement allowances for payment of subscriber premiums for certain policies or contracts with non-profit hospital and medical service corporations); paragraph added, 1973, 1128 § 2.

SECT. 20, subdivision (2), first sentence of paragraph (c) revised, 1948, 508 § 1 (See 1949, 491 § 2); subdivision (3), paragraph (b) amended, 1971, 481 § 2; paragraph (d) revised, 1946, 267; subdivision (4), paragraph (b) amended, 1971, 481 § 3; paragraph (c) amended, 1950, 163; 1966, 266 § 1; paragraph (e) amended, 1973, 94; paragraph (f) added, 1960, 240; amended, 1966, 266 § 2; subdivision (4½) added, 1973, 1003 § 11; subdivision (4½) added, 1967, 597 § 14; subdivision (4¾) added, 1971, 1012 § 6; subdivision (5), paragraph (b) amended, 1956, 422 § 2; paragraph (e) revised, 1956, 609 § 3; paragraph (i) amended, 1954, 642 § 1; 1958, 408; sentence inserted after fifth sentence, 1967, 597 § 15; sentence inserted after sixth sentence, 1971, 1012 § 7; sentence inserted after the seventh sentence, 1973, 1003 § 12; paragraph (j) added at end 1948, 488 § 1. (See 1948, 488 § 2, 508 § 2; 1954, 642 § 2.)

SECT. 21, subdivision (1), paragraph (c), last sentence revised, 1967, 597 § 16; amended, 1971, 1012 § 8; revised, 1973, 1003 § 13; subdivision (2) amended, 1946, 432 § 3; sentence added, 1967, 597 § 17; 1971, 1012 § 9; 1973, 1003 § 14.

SECT. 22, subdivision (1), paragraph (b) amended, 1947, 617; paragraph (c), sentence added at end, 1952, 434 § 2; same sentence stricken out, 1957, 516 § 3; paragraph (g), first sentence revised, 1947, 388 § 8; fourth sentence amended, 1952, 433; last sentence stricken out and two sentences inserted, 1954, 656 § 1; subdivision (4), paragraph (a), sentence added at end, 1949, 560 § 1; paragraph (b), first sentence revised, 1961, 597 § 1; paragraph (c) amended, 1949, 560 § 2; revised, 1951, 407; 1952, 392; first sentence revised, 1961, 597 § 2; paragraph (d) revised, 1961, 597 § 3; 1963, 514; subdivision (7), paragraph (c), clause (i) amended, 1969, 849 § 2; clause (ii) revised, 1951, 530 § 1; amended, 1969, 849 § 3; 1971, 766 § 1; paragraph (e) added, 1967, 597 § 18; paragraph (f) added, 1971, 1012 § 10; paragraph (g) added, 1973, 1003 § 15. (See 1949, 560 § 3; 1954, 656 § 2; 1956, 409; 1957, 516 § 4; 1969, 849 § 79.)

SECT. 23, subdivision (1), paragraph (b), second sentence revised, 1957, 533; stricken out, 1961, 441 § 1; paragraph (d) added, 1961, 441 § 2;

clause (i) revised, 1972, 343 § 1; subdivision (2), paragraph (a), first sentence revised, 1967, 597 § 19; 1971, 1012 § 11; 1973, 1003 § 16; paragraph (b), clause (i) revised, 1956, 417; 1958, 407; 1972, 343 § 2; 1973, 300; clause (iii) revised, 1954, 126 § 1; clause (iv) inserted, 1950, 162 § 1; paragraph (c) amended, 1960, 744 § 1; paragraph (f) added, 1960, 744 § 2.

SECT. 24, subdivision (1), first sentence revised, 1967, 597 § 20; amended, 1971, 1012 § 12; revised, 1973, 1003 § 17.

SECT. 25, subdivision (1), paragraph (a) revised, 1950, 783 § 1; subdivision (3), sentence inserted after third sentence, 1958, 669 § 3; last sentence revised, 1962, 682 § 1; subdivision (4) revised, 1967, 597 § 21; amended, 1971, 1012 § 13; revised, 1973, 1003 § 18; subdivision (5) revised, 1956, 525. (See 1950, 783 § 2; 1962, 682 § 20.)

SECT. 26, subdivision (1), definition of "Officer" revised, 1958, 589 § 2; subdivision (2), paragraph (a) amended, 1958, 321 § 23; paragraph (b), clause (ii) amended, 1948, 446 § 3; revised, 1973, 721; clause (iii) added, 1947, 412; revised, 1961, 451; paragraph (c) added, 1948, 446 § 4; subdivision (3), paragraph (a) amended, 1958, 321 § 24; paragraph (b) amended, 1958, 321 § 25; paragraph (c) amended, 1949, 492; 1951, 670 § 1; 1963, 463 § 1; subdivision (4) amended, 1958, 321 § 26. (See 1948, 446 § 5; 1963, 463 § 2.)

SECT. 28, subdivision (2), paragraph (a) revised, 1946, 166 § 1; paragraph (f) added, 1946, 166 § 2; paragraph (g) added, 1946, 403 § 8; paragraph (h) added, 1946, 603 § 3; subdivision (3), paragraph (a) revised, 1946, 166 § 3; last sentence amended, 1946, 403 § 9; subdivision (4), paragraph (a) amended, 1964, 532 § 3; 1953, 583 § 2; 1956, 306 § 4; paragraph added at end, 1968, 593; subdivision (5) added, 1948, 507 § 2; amended, 1957, 150 § 2, 415; paragraph (a) amended, 1969, 751 § 9; paragraph (c) added, 1967, 158; subdivision (6) added, 1967, 597 § 22; subdivision (7) added, under caption, 1971, 1012 § 14; subdivision (8) added, 1973, 1003 § 19. (See 1953, 583 § 3.)

SECT. 28A added, 1945, 720 § 1 (relative to the retirement of certain officers in the division of state police); paragraph added at end, 1946, 373 § 1. (See 1945, 720 § 2; 1946, 373 § 2.)

SECT. 28B added, 1946, 605 (relative to the retirement of state detectives and inspectors in the division of state police); revised, 1951, 670 § 2.

SECT. 28C added, 1947, 660 § 6 (relative to the retirement of certain members of the general court and constitutional officers); repealed, 1948, 589 § 1. (See 1947, 660 § 7; 1948, 589 §§ 3, 4.)

SECT. 28C added, 1947, 667 § 9 (providing benefits to certain employees of governmental units who are prohibited from joining the contributory retirement systems thereof, in case of accidental disability or accidental death); designation changed from 28C to 28F, 1948, 589 § 4.

SECTS. 28D and 28E added, 1948, 589 § 2 (relative to retirement of certain members of the general court and constitutional officers). (See 1948, 589 § 3; 1949, 546, 807 §§ 3, 4.)

SECT. 28D revised, 1949, 807 § 1; last sentence revised, 1952, 581; section repealed, 1952, 634 § 1. (See 1949, 807 §§ 3, 4.)

SECT. 28E revised, 1949, 809 § 1; repealed, 1952, 634 § 2.

SECT. 28F. (See 1948, 589 § 4.)

SECT. 28G added, 1949, 809 § 2 (relative to the use of the words "fails of re-election"); repealed, 1950, 813 § 2.

SECT. 28H added, 1949, 807 § 2 (relative to the retirement of certain employees of governmental units who are former members of the general court); repealed, 1952, 634 § 3. (See 1949, 807 §§ 3, 4.)

SECT. 28I added, 1950, 700 § 1 (extending benefits of state retirement systems to certain employees of an interstate commission). (See 1950, 700 § 2.)

SECT. 28J added, 1952, 574 § 1 (relative to retirement of certain former members of the general court); repealed, 1952, 634 § 4. (See 1952, 574 § 2.)

SECT. 39, sentence added at end, 1948, 207.

SECT. 40 amended, 1967, 155.

SECT. 41 amended, 1971, 555 § 2. (See 1971, 555 § 67.)

SECT. 42, second sentence revised, 1957, 59.

SECT. 43 amended, 1945, 707; 1949, 748 § 1; 1960, 728 § 1. (See 1949, 748 § 2; 1960, 728 § 18.)

SECT. 44 revised, 1934, 135; paragraph added at end, 1934, 285 § 1; section amended, 1936, 223; first paragraph amended, 1960, 728 § 2; last paragraph amended, 1937, 102 § 1. (See 1937, 202; 1960, 728 § 18.)

SECT. 44A added, 1967, 330 § 1 (granting school janitors pensions).

SECT. 44B added, 1968, 277 (providing pensions for widows of certain janitors in noncontributory pension systems); Option B, first sentence amended, 1968, 600 § 3.

SECT. 44C added, 1969, 189 (providing non-contributory pensions for certain dental assistants).

SECT. 45 revised, 1945, 483 § 1.

SECT. 45A added, 1945, 708 § 1 (relative to retirement allowances of school janitors in certain cities and towns). (See 1945, 708 § 2.)

SECT. 45B added, 1949, 407 § 1 (relative to the retirement of certain school janitors and custodians). (See 1949, 407 § 2.)

SECT. 45C added, 1960, 239 § 1 (increasing the non-contributory pensions of certain school janitors).

SECT. 46 revised, 1941, 344 § 1; 1955, 770 § 2; 1960, 728 § 3. (See 1955, 770 §§ 117, 118, 123; 1960, 728 § 18.)

SECT. 47 amended, 1941, 344 § 2.

SECT. 48 revised, 1938, 379; amended, 1955, 770 § 3. (See 1955, 770 §§ 117, 123.)

SECTS. 49-51 and caption preceding section 49 stricken out, 1954, 627 § 9. (See 1954, 627 §§ 65, 67.)

SECT. 52 amended, 1932, 114 § 1; 1954, 627 § 10. (See 1954, 627 §§ 65, 67.)

SECT. 53 amended, 1932, 114 § 2; 1954, 627 § 11. (See 1954, 627 §§ 65, 67.)

SECT. 56 revised, 1943, 514 § 1; first paragraph amended, 1947, 453 § 1; revised, 1948, 665 § 1; 1949, 602; 1950, 668 § 1; amended, 1965, 498 § 1; revised, 1973, 207 § 1; paragraph added at end, 1945, 677. (See 1943, 514 § 4; 1948, 665 §§ 4, 5; 1965, 498 § 5, 680 § 2.)

SECT. 57 revised, 1943, 514 § 2; amended, 1947, 453 § 2; revised, 1948, 665 § 2; amended, 1950, 668 § 2; 1954, 627 § 12; 1965, 498 § 2; revised, 1973, 207 § 2. (See 1943, 514 § 4; 1948, 665 §§ 4, 5; 1954, 627 §§ 65, 67; 1964, 733; 1965, 498 § 5, 680 § 2.)

SECT. 57A added, 1945, 658 § 8 (making certain provisions of the contributory pension laws applicable to the retirement of veterans under veterans' non-contributory pension laws).

SECT. 57B added, 1963, 149 (relative to the creditable service of certain police officers and fire fighters for purposes of retirement).

SECT. 58 revised, 1943, 514 § 3; 1948, 665 § 3; amended, 1950, 668 § 3; 1965, 498 § 3; revised, 1968, 700; amended, 1973, 207 § 3. (See 1943, 514 § 4; 1948, 665 §§ 4, 5; 1965, 498 § 5, 680 § 2.)

SECT. 58A added, 1945, 671 (further regulating the creditable service of certain veterans in the public service upon their retirement therefrom); revised, 1954, 627 § 13; amended, 1959, 576 § 1B; revised, 1960, 619 § 3; 1962, 544 § 3; paragraph added at end, 1962, 604; section revised, 1964, 580 § 3; first paragraph amended, 1965, 498 § 4, 726 § 3; section revised, 1966, 671 § 3; first paragraph amended, 1971, 682 § 1, 727 § 1; revised, 1973, 207 § 4. (See 1954, 627 §§ 65, 67; 1959, 576 § 2; 1960, 619 § 4; 1962, 544 § 4; 1964, 580 § 4; 1965, 498 § 5, 680 § 2, 726 § 4; 1966, 671 § 4; 1971, 727 § 2.)

SECT. 58B added, 1956, 541 (providing that certain veterans eligible for retirement may exercise an option for the benefit of the surviving spouse); first sentence revised, 1957, 113 § 1; amended, 1968, 600 § 4; first two paragraphs revised, 1970, 697 § 1; paragraph added at end, 1957, 413; amended, 1958, 669 § 1; paragraph added at end, 1957, 708 § 1; amended, 1958, 669 § 2; paragraph added at end, 1970, 697 § 2. (See 1957, 113 § 2, 708 § 2; 1958, 669 § 4.)

SECT. 58C added, 1967, 400 § 1 (increasing retirement allowance of certain police and firemen); amended, 1968, 98 § 1.

SECT. 58D added, 1968, 338 § 1 (increasing retirement allowance of city or town employees under the Veterans Retirement Act).

SECT. 59 revised, 1960, 728 § 4; 1963, 511 § 1; amended, 1965, 680 § 1; revised, 1973, 207 § 5. (See 1960, 728 § 18.)

SECT. 59A added, 1968, 601 § 1 (providing for reimbursement for certain veterans' pensions under the noncontributory law). (See 1968, 601 § 2.)

SECT. 60, paragraph added at end, 1934, 285 § 2; same paragraph amended, 1937, 102 § 2; 1938, 452 § 1; section revised, 1945, 483 § 2, 678; 1954, 627 § 14; 1954, 688 § 3; second paragraph amended, 1965, 498 § 6; revised, 1973, 207 § 7. (See 1938, 452 § 2; 1954, 627 §§ 65, 67; 1961, 297; 1963, 511 § 3; 1965, 498 § 5, 680 § 2; 1968, 174.)

SECT. 60A, paragraph added at end, 1934, 285 § 3; amended, 1937, 102 § 3; revised, 1945, 483 § 3; section repealed, 1954, 627 § 15. (See 1954, 627 §§ 65, 67.)

SECTS. 61-64 repealed, 1937, 409 § 2. (See 1937, 409 §§ 5-7.)

SECT. 65, last sentence stricken out, 1937, 336 § 22; section repealed, 1937, 409 § 2. (See 1937, 409 §§ 5-7.)

SECT. 65A added, 1937, 409 § 1 (relative to the retirement or resignation of members of the judiciary); amended, 1939, 451 § 5; first sentence stricken out and three sentences inserted, 1956, 670; sentence added at end, 1946, 525; same sentence revised, 1950, 747 § 1; 1951, 775; section revised, 1958, 341 § 1; first paragraph, first sentence revised, 1969, 859 § 4; 1972, 731 § 4; 1973, 883 § 1; second paragraph revised, 1964, 551; sentence added at end, 1968, 702; paragraph revised, 1969, 513 § 1; third paragraph revised, 1968, 765; amended, 1972, 455 § 1. (See 1937, 409 §§ 5-7; 1950, 747 § 2; 1957, 668; 1958, 341 § 2; 1969, 513 § 2; 1972, 455 § 2; 1973, 883 § 3.)

SECT. 65B added, 1941, 689 § 1 (providing pensions for special justices of district courts); revised, 1943, 398; amended, 1956, 738 § 9; paragraph added, 1967, 886; section revised, 1967, 888 § 1; amended, 1969, 333. (See 1941, 689 § 2; 1956, 738 §§ 13, 14; 1967, 888 § 2.)

SECT. 65C added, 1960, 724 § 1 (providing benefits for the widows of certain judges); two paragraphs added at end, 1963, 571 § 1; paragraph inserted before last paragraph, 1964, 464 § 1; section revised, 1968, 699; third paragraph amended, 1970, 738 § 1; revised, 1971, 931; last paragraph revised, 1969, 30 § 1. (See 1960, 724 § 2; 1963, 571 § 2; 1964, 464 § 2; 1969, 30 § 3; 1970, 738 § 2.)

SECTS. 65A-65C stricken out and new sections 65A-65D inserted, 1973, 1211 § 3. (See 1973, 1211 § 9.)

SECT. 66, paragraph added at end, 1934, 285 § 4; amended, 1937, 102 § 4.

SECT. 68 revised, 1943, 545 § 1; 1945, 322.

SECTS. 68A-68C added, 1939, 503 § 3 (relative to the retirement of members of the state police). (See 1939, 503 § 5.)

SECT. 68C revised, 1943, 545 § 2.

SECTS. 68A-68C stricken out, 1945, 658 § 1. (See 1945, 658 § 11.)

SECT. 69 revised, 1946, 576 § 1; 1960, 728 § 5. (See 1960, 728 § 18.)

SECT. 70, paragraph added at end, 1934, 285 § 5; amended, 1937, 102 § 5; section revised, 1937, 416 § 4; repealed, 1939, 441 § 4. (See 1937, 416 § 5; 1939, 441 §§ 3, 5.)

SECT. 70, paragraph added at end, 1934, 285 § 5; amended, 1937, 102 § 5; section revised, 1937, 416 § 4; repealed, 1939, 441 § 4. (See 1937, 416 § 5; 1939, 441 §§ 3, 5.)

SECT. 75, paragraph added at end, 1934, 285 § 6; amended, 1937, 102 § 6; section revised, 1938, 323 § 1; amended, 1957, 643 § 1; revised, 1960, 728 § 6. (See 1960, 728 § 18.)

SECT. 76 revised, 1938, 323 § 2; 1956, 649; 1957, 643 § 2.

SECT. 76A added, 1957, 643 § 2 (relative to the apportionment of the payment of pensions of probation officers in the superior court); revised, 1960, 757; amended, 1965, 837.

SECT. 77, paragraph (a) revised, 1936, 290 § 1; 1939, 243; first sentence revised, 1960, 728 § 7; 1965, 408; second sentence revised, 1963, 650; paragraph (b) amended, 1945, 483 § 3A; paragraph (c) added at end, 1936, 290 § 2; amended, 1945, 483 § 3B. (Affected, 1937, 102 § 7, 283.) (See 1948, 515; 1960, 728 § 18.)

SECT. 77A added, 1957, 750 § 1 (providing pensions for widows of

laborers under the non-contributory pension system); paragraph defining Option B revised, 1963, 237 § 1; Option B, first sentence amended, 1968, 600 § 5. (See 1957, 750 § 2.)

SECT. 77B added, 1960, 239 § 1 (increasing the non-contributory pensions of certain laborers).

SECT. 77C added, 1965, 539 (protecting the pension rights of laborers in certain cities and towns).

SECT. 77D added, 1967, 330 § 2 (granting certain laborers pensions).

SECT. 78 revised, 1939, 361 § 1; amended, 1945, 483 § 4. (Affected, 1937, 102 § 7, 283; 1939, 361 § 2.)

SECT. 78A added, 1934, 285 § 7 (providing for the ultimate abolition of non-contributory pensions under certain provisions of general law for laborers); amended, 1937, 102 § 7; revised, 1937, 283 § 1; amended, 1967, 330 § 3. (See 1937, 283 § 2.)

SECTS. 80-85. (See 1949, 636.)

SECT. 80, paragraph added at end; 1934, 285 § 8; section amended, 1936, 439 § 1; last paragraph amended, 1937, 102 § 8; section amended, 1945, 483 § 5; first sentence revised, 1960, 728 § 8. (See 1960, 728 § 18.)

SECT. 81 amended, 1933, 103; 1938, 277 § 1. (See 1938, 277 § 3.)

SECTS. 81A and 81B added, 1946, 576 § 2 (additional provisions for the retirement of members of fire departments in certain cities). (See 1946, 576 § 8.)

SECT. 81A revised, 1960, 728 § 9. (See 1960, 728 § 18; 1965, 278.)

SECT. 81B revised, 1961, 86 § 1; first paragraph amended, 1970, 644 § 2; second paragraph revised, 1964, 68. (See 1961, 86 § 2.)

SECT. 83 amended, 1936, 439 § 2; 1938, 277 § 2; last sentence of first paragraph revised, 1939, 264 § 1; section amended, 1945, 483 § 6; first sentence revised, 1960, 728 § 10. (See 1938, 277 § 3; 1939, 264 § 2; 1960, 728 § 18.)

SECT. 83A added, 1946, 576 § 3 (additional provisions for the retirement of members of police departments in certain cities); second paragraph amended, 1960, 222; section revised, 1960, 728 § 11; first paragraph, subdivision (c) revised, 1969, 113; second paragraph amended, 1964, 353 § 1; first sentence amended, 1970, 644 § 3. (See 1946, 576 § 8; 1960, 728 § 18; 1964, 353 § 2; 1965, 277.)

SECT. 84 amended, 1945, 483 § 7.

SECT. 85, first sentence amended, 1945, 483 § 8; 1960, 283; revised, 1960, 728 § 12; second sentence revised, 1936, 439 § 3. (See 1960, 728 § 18.)

SECT. 85A revised, 1935, 31 § 1; amended, 1945, 483 § 9; revised, 1946, 576 § 4. (See 1935, 31 § 2.)

SECT. 85B added, 1932, 253 (regulating the retirement and pensioning of certain members of the police forces of park boards of cities and towns); amended, 1945, 483 § 10; first sentence revised, 1960, 728 § 13. (See 1960, 728 § 18.)

SECT. 85C added, 1934, 285 § 9 (providing for the ultimate abolition of non-contributory pensions under certain provisions of general law for policemen and firemen); amended, 1937, 102 § 9.

SECT. 85D added, 1937, 220 (relative to the retirement of certain call members of fire departments in certain towns); amended, 1945, 483 § 11; revised, 1946, 576 § 5.

SECT. 85E added, 1946, 576 § 6 (additional provisions for the retirement of members of police and fire departments in certain towns); third paragraph amended, 1960, 221; section revised, 1960, 728 § 14; third paragraph revised, 1964, 426 § 1; amended, 1970, 644 § 4. (See 1946, 576 § 8; 1960, 728 § 18; 1964, 426 § 2.)

SECT. 85F added, 1946, 576 § 6 (relative to the retirement for accidental or ordinary disability of members of police and fire departments in certain cities and towns); first sentence revised, 1952, 431 § 1.

SECT. 85G added, 1948, 483 (relative to the retirement of certain police officers and firemen of certain cities and towns).

SECT. 85H added, 1952, 431 § 2 (providing for retirement of certain disabled call firemen and policemen injured in line of duty); revised, 1954, 633; amended, 1968, 213; 1970, 382 § 1; sentence added at end, 1970, 382 § 2.

SECT. 85I added, 1954, 268 (relative to creditable service in the retirement of certain police officers and fire fighters in certain cities and towns).

SECT. 85J added, 1956, 374 (relative to providing pensions for widows of policemen and fire fighters under the non-contributory retirement law); first paragraph amended, 1957, 583; second paragraph amended, 1957, 583; 1958, 128; section revised, 1961, 71 § 1; paragraph defining Option B revised, 1963, 237 § 2; Option B, first sentence amended, 1968, 600 § 6. (See 1961, 71 § 2.)

SECT. 86 revised, 1946, 576 § 7; 1949, 562; repealed, 1950, 395.

SECT. 89 revised, 1932, 276; amended, 1933, 340 § 1; 1934, 343; revised, 1935, 466; amended, 1936, 326; paragraph inserted after second paragraph, 1957, 286; first paragraph amended, 1943, 366; first sentence amended, 1945, 641; first paragraph revised, 1945, 696; 1952, 431 § 3; first sentence amended, 1956, 666 § 1; revised, 1963, 614 § 1; third paragraph amended, 1947, 96; revised, 1960, 728 § 15; paragraph added at end, 1949, 503. (See 1933, 340 § 2; 1960, 728 § 18.)

SECT. 89A added, 1948, 552 (increasing annuities to dependents of certain public employees killed or who died from injuries received or hazards undergone in the performance of duty); first sentence amended, 1950, 757; 1956, 666 § 2; revised, 1963, 614 § 2; sentence inserted after first sentence, 1960, 622; third sentence amended, 1951, 147 § 1; fourth sentence revised, 1952, 431 § 4; paragraph inserted after second paragraph, 1956, 424; third paragraph (as appearing in 1948, 552) revised, 1960, 728 § 16; last sentence revised, 1949, 423 § 1; last paragraph revised, 1949, 522. (See 1949, 423 § 2; 1951, 147 § 2; 1960, 728 § 18.)

SECT. 89B added, 1956, 733 (providing annuities to dependents of certain police officers and fire fighters killed in the performance of duty); first paragraph amended, 1963, 614 § 3; paragraph inserted after fifth paragraph, 1957, 357; sixth paragraph (as appearing in 1956, 733) revised, 1960, 728 § 17. (See 1960, 728 § 18.)

SECT. 89C added, 1961, 371 (authorizing cities and towns to grant annuities to certain widows of employees killed or who died as a result of injuries received, in line of duty.)

SECT. 89D added, 1965, 433 (providing for an increase in the amount of the annuities to certain widows of employees killed or who died as a result of injuries received in line of duty).

SECT. 90 revised, 1936, 439 § 4.

SECT. 90A added, 1943, 452 § 1 (authorizing certain cities and towns to increase the retirement allowances of certain former employees retired on account of accidental disability); paragraph added at end, 1970, 607 § 1. (See 1943, 452 § 2; 1970, 607 § 2.)

SECT. 90B added, 1955, 590 § 1 (authorizing certain retired persons and those claiming under them to waive their rights to any portion of their retirement allowances).

SECT. 90C added, 1968, 138 (authorizing cities, towns and districts to increase certain retirement allowances).

SECT. 90D added, 1971, 300 (providing increases for certain employees retired for ordinary disability.)

SECT. 91 revised, 1938, 439 § 5; amended, 1941, 670 § 24; first sentence amended, 1947, 462; revised, 1948, 15 § 2; amended, 1949, 511; 1950, 656; revised, 1951, 417; 1961, 367; first two sentences stricken out and three sentences inserted, 1963, 482; first sentence revised, 1963, 749 § 2; amended, 1968, 258; sentence inserted after first sentence, 1967, 326; second sentence amended, 1965, 611; sentence added at end, 1947, 394; same sentence revised, 1950, 264; 1954, 343, 549; two sentences added at end, 1957, 291; revised, 1963, 457; next to last sentence amended, 1964, 37; revised, 1967, 729; last sentence amended, 1967, 344; section revised, 1968, 676; paragraph (a), first sentence amended, 1971, 953 § 2; second sentence revised, 1968, 747; 1971, 67; paragraphs (b) and (c) revised, 1973, 587. (See 1938, 439 § 7; 1941, 670 § 26.)

SECT. 91A added, 1957, 766 § 1 (providing for the annual adjustment of pensions and retirement allowances payable to persons engaged in gainful occupation after retirement for disability).

SECT. 91A added, 1958, 684 § 1 (approved by the people at state election on November 4, 1958. This act impliedly supersedes section 91A, as inserted by 1957, 766 § 1, according to opinion of Attorney General, December 23, 1958); first sentence amended, 1959, 504 § 1; 1961, 303; second sentence revised, 1966, 431 § 1. (See 1959, 504 § 2; 1966, 431 § 2.)

SECT. 92 amended, 1953, 509 § 2.

SECT. 92A added, 1955, 686 (securing to the wives and children of pensioners residing outside the United States the benefits of such pensions in certain cases).

SECT. 94 added, 1950, 551 (presumption that hypertension or heart disease was suffered in line of duty in certain cases relative to retirement for accidental disability); revised, 1951, 594; amended, 1956, 411; revised, 1956, 511, 580; amended, 1963, 610; paragraph added at end, 1968, 15 § 1; section amended, 1971, 1012 § 16. (See 1968, 15 § 2.)

SECT. 94A added, 1962, 164 (presumption that certain diseases resulting in disability or death to fire fighters were suffered in line of duty).

SECTS. 95-97 added, 1953, 387 (authorizing cities and towns to grant or increase retirement allowances, pensions or annuities to certain employees or their survivors).

SECT. 95 amended, 1963, 656 § 1; sentence added, 1972, 793 § 3. (See 1972, 793 § 8.)

SECT. 95A added, 1958, 559 § 1 (authorizing cities and towns to grant annuities to the surviving spouse, or children, of certain officials or employees); revised, 1960, 670 § 1; 1961, 488; first paragraph amended, 1963, 656 § 2; revised, 1965, 727; amended, 1968, 716; 1969, 738; revised, 1971, 763; amended, 1972, 793 § 4; revised, 1973, 347. (See 1955, 559 § 3; 1972, 793 § 8.)

SECT. 96 revised, 1959, 513 § 1; 1961, 238 § 1; amended, 1967, 102. (See 1961, 238 § 3.)

SECT. 97 amended, 1958, 559 § 2; revised, 1959, 513 § 2; amended, 1960, 670 § 2; revised, 1961, 238 § 2.

SECT. 98 added, 1958, 403 (authorizing advance payments to certain employees of the commonwealth who are eligible for retirement).

SECT. 99 added, 1959, 121 (authorizing advance payments to certain municipal employees who are eligible for retirement).

SECT. 100 added, 1964, 268 (providing for pensions to widows of certain fire fighters or police officers who are killed in the performance of duty); first sentence revised, 1969, 123; 1970, 318; 1971, 506; last paragraph amended, 1971, 1012 § 17; section revised, 1973, 685.

SECT. 101 added, 1964, 490 (providing an annual allowance for the widow of certain public employees who retired for disability); revised, 1967, 176 § 1; amended, 1972, 793 § 5. (See 1967, 176 § 2; 1972, 793 § 8.)

SECT. 102 added, 1966, 661 § 3 (relative to cost of living increases to certain retired employees of the commonwealth and its political subdivisions); revised, 1967, 408 § 2; first paragraph amended, 1971, 640 § 2, 743 § 1; second paragraph revised, 1971, 1011 § 1; section revised, 1972, 793 § 7; paragraph (a) amended, 1973, 1211 § 4; paragraph (d) revised, 1973, 1185. (See 1967, 408 § 4; 1971, 640 § 3, 743 § 2; 1972, 793 § 8; 1973, 1211 § 9.)

Chapter 32A. — Contributory Group General or Blanket Insurance for Persons in the Service of the Commonwealth.

New chapter inserted, 1955, 628 § 1. (See 1955, 628 §§ 2-4.)

SECT. 2, paragraph (a) revised, 1962, 193 § 1; paragraph (b) revised, 1956, 582 § 1; 1958, 301; 1958, 558 § 1; 1960, 534; first sentence revised, 1965, 637 § 1; 1969, 813 § 1; amended, 1972, 686 § 1; 1973, 770 § 1; four sentences added; 1973, 765; paragraph (d) revised, 1959, 426 § 1; two sentences added at end, 1959, 516; four sentences added at end, 1963, 513; paragraph (e) inserted, 1956, 582 § 2; paragraph (f) added, 1962, 647 § 1; paragraph (g) added, 1965, 840 § 1; paragraph (h) added, 1971, 946 § 1. (See 1969, 813 § 3.)

SECT. 3 revised, 1958, 355 § 1; amended, 1962, 193 § 2; 1971, 1052 § 1.

SECT. 4, second sentence amended, 1960, 389 § 1.

SECT. 5 revised, 1956, 582 § 3; 1960, 389 § 2; 1965, 840 § 2. (See 1960, 389 § 6.)

SECT. 6 amended, 1960, 389 § 3; second sentence revised, 1965, 840 § 3; sentence added, 1971, 166.

SECT. 8, paragraph (a), first sentence revised, 1965, 480 § 4; second sentence added, 1959, 426 § 2; paragraph revised, 1973, 888 § 1; paragraph (b) revised, 1956, 582 § 4; last sentence amended, 1968, 758 § 2; paragraph (c) revised, 1956, 582 § 4; amended, 1958, 355 § 2; sentence inserted after first sentence, 1958, 558 § 2; revised, 1965, 637 § 2; paragraph revised, 1972, 686 § 2; 1973, 770 § 2.

SECT. 9 revised, 1958, 424 § 1; 1961, 572 § 1; amended, 1971, 432 § 1. (See 1958, 424 § 2.)

SECT. 9A added, 1961, 572 § 2 (establishing an investment committee to supervise the investment of funds retained in the group insurance commission trust fund); second sentence amended, 1963, 625; seventh sentence stricken out and two sentences inserted, 1963, 625; sentence inserted after seventh sentence 1967, 469; revised, 1973, 830; tenth sentence revised, 1971, 432 § 2.

SECT. 10, first sentence amended, 1960, 389 § 4; first sentence stricken out and three sentences inserted, 1960, 505 § 1; section revised, 1965, 840 § 5; first paragraph revised, 1971, 825 § 1; second paragraph, sentence added at end, 1969, 813 § 2; section revised, 1971, 946 § 3; first paragraph revised, 1971, 1048 § 1; 1973, 888 § 2; second paragraph, second sentence revised, 1973, 823. (See 1960, 389 § 6, 505 §§ 2, 3; 1969, 813 § 3; 1971, 1048 § 2.)

SECT. 10A added, 1960, 389 § 5 (providing for increased amounts of group life insurance for state employees on an optional basis without premium contribution by the commonwealth); sentence inserted after first sentence, 1969, 633; fifth paragraph revised, 1969, 229. (See 1960, 389 § 6.)

SECT. 10B added, 1962, 647 § 2 (directing the group insurance commission to negotiate policies of group general or blanket insurance providing hospital, surgical and medical benefits for elderly governmental retirees and their dependents); first paragraph revised, 1964, 461 § 1; amended, 1965, 840 § 6; paragraphs (b) and (c) revised, 1964, 461 § 2; paragraph (e) amended, 1965, 840 § 6A.

SECT. 10C added, 1965, 840 § 7 (authorizing purchases on behalf of certain eligible retired employees of group policies to be known as optional medicare extension). Temporarily affected, 1968, 18.

SECT. 11 added, 1960, 386 § 1 (extending group general or blanket insurance to the surviving spouse and dependents of insured persons retired from the service of the commonwealth); revised, 1961, 414 § 1; 1971, 791. (See 1961, 414 § 2; 1962, 647 § 5.)

SECTS. 12-13 added, 1970, 626 § 1 (permitting retired teachers to transfer group health and life insurance to the group insurance commission and to allow withholding of certain premiums by the teachers' retirement board).

SECT. 12, first paragraph, first sentence revised, 1972, 763 § 4; amended, 1973, 430 § 1.

SECT. 14 added, 1971, 946 § 2 (authorizing the group insurance commission and certain public authorities to make available to eligible active and retired employees certain regional area insurance in lieu of unregionalized group insurance for medical care).

SECT. 15 added, 1973, 1086 (authorizing the group insurance commission to contract for catastrophic illness coverage).

Chapter 32B. — Contributory Group General or Blanket Insurance for Persons in the Service of Counties, Cities, Towns and Districts, and their Dependents.

New chapter inserted, 1955, 760 § 1.

Chapter stricken out and new chapter 32B inserted, 1956, 730 § 1. (See 1956, 730 §§ 2, 3.)

For prior changes see Table of Changes contained in Acts and Resolves of 1956.

The following references are to chapter 32B, as so inserted:

SECT. 2, paragraph (g) revised, 1958, 136 § 2; section revised, 1958, 536; paragraph (b) revised, 1960, 214 § 1; paragraph (d) revised, 1958, 580; paragraph (g) revised, 1958, 558 § 3; paragraph (h) added, 1960, 337 § 1; revised, 1962, 193 § 3; paragraph (i) added, 1965, 841 § 1; paragraph (j) added, 1971, 946 § 4. (See 1958, 558 §§ 5, 6.)

SECT. 3, first paragraph amended, 1957, 242; 1959, 170; first sentence stricken out and five sentences inserted, 1960, 337 § 2; first sentence stricken out and three sentences inserted, 1961, 236; first four sentences revised, 1961, 334 § 1; eighth and ninth sentences revised, 1968, 100 § 4; sentence inserted after second sentence, 1971, 196; sixth, seventh and eighth sentences stricken out, 1973, 843 § 1.

SECT. 4, first sentence revised, 1961, 334 § 2; section revised, 1965, 841 § 2.

SECT. 5 revised, 1960, 337 § 3; 1961, 334 § 3; 1965, 841 § 3; sentence added at end, 1970, 269; section revised, 1973, 843 § 2.

SECT. 7, paragraph (a), first sentence revised, 1965, 841 § 4; second sentence added, 1960, 214 § 2.

SECT. 7A added, 1968, 100 § 1 (providing for certain payments by local governmental units of group and life insurance premiums for certain active and retired employees and dependents); first paragraph, sentence added, 1973, 789 § 1; paragraph (d) revised, 1972, 641 § 1.

SECT. 8A added, 1965, 374 § 1 (providing for the use of local governmental employees' group insurance dividends or refunds to reduce the employees' share of premium costs); amended, 1971, 432 § 3.

SECT. 9, sentence inserted after first sentence, 1961, 100; section revised, 1961, 334 § 4; 1965, 841 § 5; first paragraph revised, 1968, 100 § 3; section revised, 1971, 946 § 6; first paragraph revised, 1972, 763 § 1.

SECT. 9A added, 1959, 595 (authorizing certain political subdivisions of the commonwealth to contribute one half of the cost of certain premiums of insurance of retired employees); amended, 1973, 789 § 2.

SECT. 9B added, 1960, 386 § 2 (extending group general or blanket insurance to the surviving spouse and dependents of insured persons retired

from the service of any political subdivision of the commonwealth); revised, 1961, 214. (See 1962, 647 § 6.)

SECT. 9C added, 1967, 303 (providing for payment of part of cost of group health insurance for widows and children of certain deceased firefighters).

SECT. 9D added, 1967, 402 (providing for payment of health insurance for surviving spouse of employees); amended, 1973, 789 § 3.

SECT. 9E added, 1968, 100 § 2 (permitting local governmental units to pay subsidiary or additional premium rates for retired employees and dependents); second sentence revised, 1972, 641 § 2; section revised, 1973, 789 § 4.

SECT. 9F added, 1972, 763 § 2 (authorizing increases in certain insurance benefits for certain retired governmental employees); first two sentences revised, 1973, 789 § 5; third sentence amended, 1973, 430 § 2.

SECT. 10 revised, 1962, 150. (Governor declared said chapter 150 an emergency law, effective April 9, 1962.); section revised, 1962, 647 § 4; 1965, 374 § 2; amended, 1967, 352; sentence added, 1967, 373 § 1; section revised, 1968, 100 § 5; 1970, 626 § 2; 1971, 203 § 1, 946 § 7; 1972, 763 § 3.

SECT. 11, first two paragraphs revised, 1960, 337 § 4; section revised, 1965, 841 § 6; 1973, 843 § 3.

SECT. 11A added, 1961, 334 § 5 (providing for increased amounts of group life insurance for persons in the service of counties, cities, towns and districts on an optional basis, without premium contribution by the political subdivisions); first two paragraphs revised, 1962, 383; sixth paragraph revised, 1971, 167; seventh paragraph amended, 1973, 843 § 4.

SECT. 11B added, 1962, 647 § 3 (authorizing certain political subdivisions to appropriate funds for payment of group general or blanket insurance providing hospital, surgical and medical insurance for certain elderly governmental retirees); revised, 1964, 461 § 3; second sentence revised, 1972, 641 § 3; section revised, 1973, 789 § 6. (See 1964, 461 § 4.)

SECT. 11C added, 1965, 841 § 7 (authorizing purchases on behalf of certain eligible retired employees of group policies to be known as optional medicare extension); third paragraph stricken out, 1973, 843 § 5.

SECT. 11D added, 1967, 383 (payment of one half cost of life insurance for police and firefighters); amended, 1973, 789 § 7, 843 § 6.

SECT. 11E added, 1970, 626 § 3 (relative to payment of certain costs for group life and health insurance coverage for retired teachers); first sentence revised, 1973, 789 § 8.

SECT. 11F added, 1971, 203 § 2 (authorizing certain public authorities to negotiate for group disability income insurance covering nonoccupational injury or disease for public employees); first paragraph amended, 1973, 789 § 9.

SECT. 13 revised, 1958, 136 § 1; repealed, 1958, 558 § 4.

SECT. 14 revised, 1960, 337 § 5; 1973, 843 § 7.

SECT. 15 added, 1967, 373 § 2 (relative to the power of political subdivisions of the commonwealth to provide group insurance for their employees and their employees' dependents).

SECT. 16 added, 1971, 946 § 5 (authorizing certain public authorities to contract for the services of a public health organization for certain

eligible retired employees and dependents); amended, 1973, 789 § 10; second paragraph, second sentence stricken out, 1973, 843 § 8; fourth paragraph, second sentence stricken out, 1973, 843 § 9; sixth paragraph amended, 1973, 843 § 10.

Chapter 33. — Militia

Act establishing a special military reservation commission, and authorizing the acquisition by the commonwealth for military purposes of certain properties in Sandwich, Bourne, Falmouth and Mashpee, 1935, 196; powers and duties of the commission defined, 1936, 344 §§ 1, 2; reservation enlarged, 1941, 5. (See 1938, 331.)

Chapter stricken out and new chapter 33 inserted, 1939, 425 § 1. (See 1939, 425 § 2.)

Chapter stricken out and new chapter 33 inserted, 1954, 590 § 1. (See 1954, 590 § 2.)

For prior changes see Tables of Changes contained in Acts and Resolves of 1952 and 1953.

The following references are to chapter 33, as so inserted:

SECT. 4 revised, 1963, 408; amended, 1964, 722 § 1.

SECT. 4A added, 1964, 722 § 2 (relative to the inclusion of the National Lancers in the organized militia, and preserving certain rights of the National Lancers); second sentence revised, 1973, 1184. (See 1964, 722 § 5.)

SECT. 15, subsection (c) revised, 1960, 402 § 1; subsection (f) revised, 1963, 395, 801 § 71.

SECT. 18, subsection (b) stricken out, 1960, 402 § 2.

SECT. 19, paragraph (b) revised, 1959, 383.

SECT. 19A added, 1969, 704 § 39 (placing the armory commission and the civil defense division within the military division); amended, 1973, 1230 § 25.

SECT. 26, third sentence revised, 1962, 226.

SECT. 31, second paragraph amended, 1962, 458.

SECT. 38 revised, 1968, 181.

SECT. 59 amended, 1956, 378.

SECT. 59A added, 1969, 2 (authorizing release from work for certain drills of public employees as members of the armed forces of the commonwealth or of the United States reserve).

SECT. 61, paragraph added at end, 1962, 242.

SECT. 88 revised, 1958, 629 § 1; third paragraph revised, 1973, 925 § 3. (See 1973, 925 § 84.)

SECT. 90 amended, 1958, 629 § 2.

SECT. 97, paragraph (a) (1) amended, 1955, 468; paragraph (a) revised, 1960, 370.

SECT. 99 revised, 1955, 204.

SECT. 108 amended, 1968, 389 § 1.

SECT. 109 revised, 1968, 389 § 2.

SECT. 122, subsection (e), paragraph (2) amended, 1963, 219.

SECT. 129 revised, 1962, 263 § 1; amended, 1964, 722 § 3.

SECT. 132A added, 1962, 263 § 2 (preserving certain rights of the National Lancers); repealed, 1964, 722 § 4.

Chapter 34. — Counties and County Commissioners.

SECT. 1 revised, 1933, 278 § 2.

SECT. 3, sentence added at end, 1963, 665; revised, 1965, 513.

SECT. 4 amended, 1935, 257 § 1; revised, 1939, 31 § 1. (See 1935, 257 § 12.)

SECT. 5, schedule revised, 1943, 102 § 1; 1949, 193 § 1, 767 § 1; 1951, 743 § 3; 1963, 640 § 1; 1964, 690 § 1; 1966, 500 § 1; 1967, 186 § 2; 1969, 858 § 2A. (See 1943, 102 § 2; 1949, 193 § 2, 767 § 2; 1951, 743 §§ 4-6; 1963, 640 § 2; 1964, 690 § 2; 1966, 500 § 2; 1969, 858 § 4.)

SECT. 7 amended, 1935, 257 § 2; last sentence stricken out, 1939, 31 § 2. (See 1935, 257 § 12.)

SECT. 9F added, 1958, 626 § 3 (providing that meetings of county boards and commissions be open to the public); second paragraph revised, 1960, 437 § 2.

SECT. 12 revised, 1935, 257 § 3. (See 1935, 257 § 12.)

SECT. 14, last sentence amended, 1947, 58.

SECT. 16 revised, 1947, 449 § 1. (See 1947, 449 § 7.)

SECT. 17 revised, 1932, 74; third sentence stricken out and two sentences inserted, 1949, 797; sentence inserted before last sentence, 1949, 481 § 3; affected, 1939, 452 § 7; section revised, 1951, 479; paragraph added, 1973, 908 § 1.

SECT. 19 amended, 1935, 257 § 4. (See 1935, 257 § 12.)

SECT. 23 added, 1932, 297 (authorizing counties to receive certain gifts); revised, 1950, 162 § 2; second sentence revised, 1954, 126 § 2.

SECT. 24 added, 1964, 138 (providing that counties may accept and disburse federal grants for county purposes).

SECT. 25 added, 1967, 698 (acquisition by counties of land for conservation purposes).

Chapter 35. — County Treasurers, State Supervision of County Accounts and County Finances.

For legislation enabling counties to secure the benefits provided by the federal government to assist them in public works projects, see 1945, 74; 1947, 526. [For prior legislation, see 1933, 366; 1934, 21; 1935, 404; 1936, 64, 83, 414; 1937, 159; 1938, 50, 82; 1939, 423; 1941, 639; 1943, 58.]

Provisions relative to travel allowance of county employees using certain cars on official business, 1933, 322 § 4; 1939, 452 § 2; 1941, 528 § 3; 1943, 465 § 3; 1945, 550 § 3; 1946, 348 § 3.

Provisions relative to expenses incurred for meals by county employees, 1939, 452 § 3; 1941, 528 § 2; 1943, 465 § 2; 1945, 550 § 2; 1946, 348 § 2.

For legislation increasing the salaries of justices, clerks and probation officers of district courts, probation officers of the superior court, trial justices and county commissioners, see 1946, 348 § 4.

SECT. 2 revised, 1945, 289.

SECT. 3 revised, 1932, 56; sentence added at end, 1939, 109 § 2.

SECT. 11 amended, 1943, 65; revised, 1950, 659 § 1; first sentence revised, 1962, 40.

SECT. 14, last sentence stricken out, 1969, 849 § 4. (See 1969, 849 § 79.)

SECT. 16 revised, 1969, 849 § 5. (See 1969, 849 § 79.)

SECT. 19, two paragraphs added, 1966, 207.

SECT. 19A added, 1945, 635 § 2 (providing for advances of their vacation pay to officers and employees of counties); two paragraphs added at end, 1958, 293.

SECT. 19B added, 1953, 436 § 1 (relative to the payment of salaries, wages or other sums owing by cities and towns upon the death of their officers and employees); revised, 1954, 562 § 2. (See 1953, 436 § 7.)

SECT. 20 revised, 1950, 659 § 2.

SECT. 21 amended, 1937, 64 § 2.

SECT. 22 revised, 1948, 153; 1952, 87.

SECT. 23, second sentence revised, 1969, 849 § 6. (See 1969, 849 § 79.)

SECT. 24 revised, 1951, 530 § 2.

SECT. 25 amended, 1933, 175 § 1; first sentence revised, 1969, 849 § 7. (See 1969, 849 § 79.)

SECT. 26, first sentence revised, 1969, 849 § 8. (See 1969, 849 § 79.)

SECT. 27 amended, 1933, 175 § 2; 1969, 849 § 9. (See 1969, 849 § 79.)

SECT. 28 amended, 1933, 318 § 2; 1934, 291 § 2; revised, 1939, 501 § 1; 1945, 158 § 1; first sentence revised, 1952, 80; 1953, 33; amended, 1955, 316 § 1; 1971, 766 § 2; 1969, 849 § 10; two sentences inserted after first sentence, 1949, 481 § 1; second sentence amended, 1969, 849 § 11; 1971, 766 § 3; next to last sentence amended, 1950, 543 § 4; 1952, 516; 1953, 70. (See 1933, 318 § 9; 1934, 291 § 6; 1969, 849 § 79.)

SECT. 28A added, 1943, 414 § 2 (establishing a budget system for county tuberculosis hospitals); amended, 1945, 158 § 7; revised, 1945, 398 § 3; first sentence revised, 1968, 487 § 2; 1969, 849 § 12. (See 1945, 398 §§ 4, 5; 1969, 849 § 79.)

SECT. 28B added, 1973, 1166 § 1 (creating county advisory boards to review estimates of certain county receipts and expenditures). (See 1973, 1166 § 2.)

SECT. 29 revised, 1939, 501 § 2; amended, 1945, 158 § 2; 1969, 849 § 13. (See 1969, 849 § 79.)

SECT. 30 revised, 1939, 501 § 3; sentence added at end, 1943, 39; section revised, 1945, 158 § 3; amended, 1969, 849 § 14. (See 1969, 849 § 79.)

SECT. 32 revised, 1960, 282 § 1; paragraph added, 1967, 62; section revised, 1970, 147 § 1. (See 1970, 147 § 2.)

SECT. 33 repealed, 1960, 282 § 2.

SECT. 34 revised, 1937, 36; amended, 1939, 501 § 4; 1945, 158 § 4; last sentence amended, 1948, 591 § 3; stricken out and two sentences inserted, 1965, 227; paragraph added at end, 1959, 51; first two sentences stricken out, 1969, 849 § 15. (See 1948, 591 §§ 4-7; 1969, 849 § 79.)

SECT. 34A added, 1947, 201 (relative to agreements entered into by county commissioners for highway work in anticipation of appropriations); amended, 1969, 849 § 16; revised, 1971, 766 § 4. (See 1969, 849 § 79.)

SECT. 36 amended, 1969, 849 § 17. (See 1969, 849 § 79.)

SECT. 36A amended, 1939, 501 § 5; revised, 1943, 80; first sentence amended, 1945, 158 § 5.

SECT. 37 amended, 1933, 28; 1969, 849 § 18. (See 1969, 849 § 79.)

SECT. 37A amended, 1933, 29; second sentence revised, 1973, 908 § 2; sentence inserted before last sentence, 1952, 66; revised, 1966, 10.

SECT. 37B added, 1968, 7 (providing for temporary borrowing by certain county treasurers in anticipation of serial loans); sentence inserted after first sentence, 1970, 44.

SECT. 38 amended, 1953, 75.

SECTS. 39A-39F added, 1949, 488 (relative to the furnishing and certification of county notes by the director of accounts).

SECT. 39B revised, 1963, 37.

SECTS. 39G and 39H added, 1962, 232 § 1 (permitting the use of facsimile seals by counties and the use of facsimile signatures and countersignatures upon their bonds, notes and certificates of indebtedness).

SECT. 40 amended, 1936, 23 § 1; revised, 1969, 849 § 19. (See 1969, 849 § 79.)

SECT. 43A revised, 1939, 214 § 1.

SECT. 43B added, 1939, 214 § 2 (relative to the effect of the filing of annual fidelity bonds by county officers and employees).

SECT. 44 amended, 1949, 481 § 2; sentence added at end, 1969, 195.

SECT. 45 amended, 1953, 319 § 5; 1969, 849 § 20. (See 1953, 319 §§ 39, 40; 1969, 849 § 79.)

SECT. 46 revised, 1953, 654 § 2; amended, 1969, 849 § 21. (See 1969, 849 § 79.)

SECT. 48, fourth sentence revised, 1947, 102 § 1; last sentence of first paragraph revised, 1949, 538; 1963, 801 § 73; paragraph added at end, 1947, 102 § 2.

SECT. 49 amended, 1935, 182 § 1; 1938, 347 § 1; 1939, 165 § 1; 1941, 447 § 1; 1943, 136 § 1; 1945, 486 § 2; 1946, 262 § 1; revised, 1946, 512 § 1; amended, 1947, 290 § 1; first sentence amended, 1947, 400 § 1; revised, 1960, 801 § 5; 1963, 841 § 1; amended, 1966, 463 § 1; revised, 1969, 859 § 3; amended, 1969, 867 § 1; 1970, 20 § 1, 526 § 1, 769 § 3; 1971, 843 § 2; 1972, 492 § 1; revised, 1972, 731 § 3. (See 1935, 182 § 6; 1938, 347 § 3; 1939, 165 § 3; 1941, 447 §§ 4, 5; 1943, 136 § 3; 1946, 262 §§ 4, 5, 512 § 3; 1947, 400 §§ 3, 4; 1949, 774 § 5; 1956, 738 §§ 13, 14; 1959, 609 § 9; 1963, 841 § 7; 1966, 463 §§ 4, 5; 1969, 859 § 33; 867 § 3; 1970, 20 § 3, 769 § 4; 1971, 843 § 27.)

SECT. 51 amended, 1938, 73 § 2; paragraph added at end, 1948, 345; second paragraph revised, 1969, 389; third, fourth and fifth paragraphs added, 1955, 645; third paragraph amended, 1960, 433; first sentence revised, 1967, 625; 1970, 70.

SECTS. 51A and 51B added, 1948, 591 § 1 (establishing a salary schedule for certain officers and employees of counties, except Suffolk, and providing for certain temporary cost-of-living adjustments). (See 1948, 591 §§ 4-7; 1949, 782 §§ 2, 4, 5, 6.)

SECT. 51A revised, 1957, 621 § 1. (See 1957, 621 §§ 3-10.)

SECT. 51B, salary schedule revised, 1949, 782 § 1; 1951, 743 §§ 1, 2; 1954, 566 § 1; paragraph (2) revised, 1954, 566 § 2; paragraph (7) revised,

1949, 782 § 3; section revised, 1957, 621 § 2; paragraph (1), salary schedule revised, 1960, 250 § 1; 1961, 136 § 2; 1963, 833 § 1; 1966, 267 § 1; 1967, 186 § 1; 1969, 858 § 1; 1971, 755 § 1; 1972, 600 § 1; 1973, 772 § 1; paragraph (4A) added, 1971, 1091; paragraph (4B) added, 1972, 441; paragraph (8) revised, 1967, 66. (See 1949, 782 §§ 2, 4, 5, 6; 1951, 743 §§ 4-6; 1954, 566 §§ 3, 4; 1957, 621 §§ 3-10; 1960, 250 § 2; 1961, 136 §§ 1, 3; 1963, 833 § 2; 1966, 267 § 2; 1969, 858 § 4; 1971, 755 § 3; 1972, 600 § 3; 1973, 772 § 4.)

SECT. 52, second paragraph revised, 1938, 73 § 1.

SECT. 54 revised, 1948, 591 § 2. (See 1948, 591 §§ 4-7.)

SECT. 55 amended, 1949, 774 § 6.

SECT. 56 added, 1972, 807 § 4 (authorizing county treasurers to implement certain deferred compensation programs for certain employees); renumbered by corrective change to SECT. 57, 1973, 430 § 2A.

Chapter 36. — Registers of Deeds.

SECT. 3 revised, 1937, 219 § 1; 1939, 214 § 3.

SECT. 4 amended, 1947, 352 § 2; 1973, 493 § 1.

SECT. 5 revised, 1947, 352 § 1; 1960, 761 § 2; 1969, 399 § 1; paragraph added at end, 1970, 769 § 1. (See 1970, 769 § 4.)

SECT. 5A added, 1971, 578 (providing for a second assistant register in Norfolk county).

SECT. 6 revised, 1960, 761 § 3.

SECT. 11 revised, 1947, 449 § 2. (See 1947, 449 § 7.)

SECT. 12A added, 1972, 259 (further regulating the acceptance of certain documents for recording by the register of deeds).

SECT. 13A amended, 1951, 191.

SECT. 13B added, 1958, 61 (authorizing the filing of certain plans in registries of deeds).

SECT. 14A added, 1963, 697 § 2 (requiring a notice of certification of an historic site or a withdrawal of such certification to be recorded with the registry of deeds); amended, 1973, 1155 § 5.

SECT. 15 revised, 1949, 395 § 1. (See 1949, 395 § 3; 1950, 182, 350.)

SECT. 18A added, 1947, 256 § 2 (authorizing registers and assistant registers to print or type names of persons on filed instruments if not clearly legible).

SECT. 24, first sentence amended, 1955, 306 § 2; revised, 1961, 416; sentence added at end, 1952, 245; sentence inserted after second sentence, 1962, 62; sentence added at end, 1956, 644; section revised, 1963, 242 § 1; first sentence amended, 1971, 209.

SECT. 24A added, 1941, 89 (authorizing the recording of certified copies of petitions, decrees and orders filed or made pursuant to the federal bankruptcy laws and thereby giving effect to certain provisions of said laws).

SECT. 24B added, 1945, 569 § 1 (relative to the furnishing of abstract cards and photostatic copies of recorded instruments in the Norfolk county registry of deeds and Norfolk registry district to the assessors of municipalities of said county); first paragraph revised, 1949, 189; section revised, 1950, 539 § 1; amended, 1973, 202.

SECT. 28 amended, 1952, 250 § 1. (See 1952, 250 § 3.)

SECT. 31 repealed, 1952, 250 § 2. (See 1952, 250 § 3.)

SECT. 33, paragraph added at end, 1948, 664 § 2; revised, 1952, 543; 1956, 661; 1960, 769; paragraph added at end, 1960, 761 § 4; stricken out, 1970, 769 § 2. (See 1970, 769 § 4.)

Chapter 37. — Sheriffs.

SECT. 2 revised, 1937, 219 § 2.

SECT. 17 amended, 1945, 63; 1946, 121; paragraph added, 1966, 463 § 2; revised, 1970, 789 § 1; 1972, 797 § 1. (See 1966, 463 § 5; 1970, 789 § 2; 1972, 797 § 2.)

SECT. 21 revised, 1943, 159 § 1. (See 1943, 159 § 2.)

SECT. 22 amended, 1932, 180 § 5; 1969, 849 § 22. (See 1969, 849 § 79.)

SECT. 23 amended, 1936, 31 § 2; repealed, 1937, 148.

Chapter 38. — Medical Examiners.

SECT. 1 amended, 1966, 278 § 1; paragraph in lines 7-11 revised, 1970, 492; 1973, 859 § 1; paragraph in lines 31-39 amended, 1973, 859 § 2; paragraph in lines 70-76 amended, 1939, 260; 1947, 69 § 1; section amended, 1939, 451 § 6; paragraph added at end, 1952, 44. (See 1966, 278 § 2.)

SECT. 2, last sentence stricken out and two sentences inserted, 1945, 632 § 1.

SECT. 2A added, 1943, 153 § 1 (authorizing associate medical examiners in Barnstable County to perform the duties of medical examiner thereof in certain cases); repealed, 1945, 632 § 2. (See 1943, 153 § 2.)

SECT. 3 revised, 1939, 214 § 4.

SECT. 5, first three sentences revised, 1947, 579; first sentence revised, 1955, 422; 1970, 783 § 1; third sentence amended, 1949, 510; 1970, 783 § 2; last sentence revised, 1945, 632 § 3; 1959, 301 § 1; 1967, 670 § 1. (See 1970, 783 § 3.)

SECT. 6 amended, 1939, 475; revised, 1945, 632 § 4; amended, 1973, 1076 § 1.

SECT. 6A added, 1972, 180 (requiring medical examiners to take blood samples in certain motor vehicle accident death cases).

SECT. 6C added, 1973, 1072 (authorizing the payment for autopsies of certain children and for autopsy reports to their parents or guardians).

SECT. 7 amended, 1941, 366; revised, 1945, 632 § 5; amended, 1953, 319 § 6; last sentence revised, 1950, 143; paragraph added, 1964, 662. (See 1953, 319 §§ 39, 40.)

SECT. 8 revised, 1932, 118 § 1; amended, 1939, 30 § 1. (See 1939, 30 § 2.)

SECT. 9 amended, 1953, 319 § 7. (See 1953, 319 §§ 39, 40.)

SECT. 11 amended, 1941, 499.

SECT. 16 amended, 1959, 301 § 2; 1967, 670 § 2.

SECT. 18 revised, 1953, 320; 1955, 162.

SECT. 19 revised, 1945, 632 § 6.

SECTS. 20-22 repealed, 1962, 413.

Chapter 39. — Municipal Government.

SECT. 6A added, 1952, 259 § 1 (relative to salaries of certain mayors, city councillors and aldermen); amended, 1958, 72 § 1; sentence added at

end, 1958, 513 § 1; third and fourth sentences stricken out and sentence inserted, 1963, 731 § 2. (See 1952, 259 § 4.)

SECT. 8A added, 1950, 132 § 1 (relative to the removal of certain officers of cities by the city council). (See 1950, 132 § 2.)

SECT. 9, sentence added at end, 1969, 10; section amended, 1969, 849 § 23. (See 1969, 849 § 79.)

SECT. 10 amended, 1935, 403 § 1; 1939, 182; sentence inserted after third sentence, 1949, 152 § 1; same sentence stricken out and two sentences inserted, 1959, 64 § 1; fifth and sixth sentences revised, 1954, 32; paragraph added at end, 1963, 169; amended, 1964, 1 § 1. (See 1935, 403 § 2.)

SECT. 12, sentence added at end, 1964, 193.

SECT. 14, first and second paragraphs revised, 1943, 453 §§ 1 and 2, respectively; second paragraph amended, 1969, 505 § 1; paragraph added at end, 1949, 152 § 2; amended, 1959, 64 § 3; paragraph added at end, 1969, 505 § 2.

SECT. 15, first paragraph, third sentence revised, 1970, 78 § 1; paragraph added at end, 1963, 320; revised, 1966, 73.

SECT. 16, first paragraph revised, 1950, 56.

SECT. 19 repealed, 1934, 39 § 1.

SECT. 20 amended, 1934, 39 § 2; 1973, 1136.

SECT. 23 amended, 1934, 39 § 3; 1973, 1135.

SECTS. 23A and 23B added, 1958, 626 § 4 (providing that meetings of certain local boards, commissions, committees and authorities shall be open to the public).

SECT. 23A, first paragraph revised, 1960, 274; section revised, 1960, 437 § 3; first paragraph, sentence added at end, 1970, 571; third paragraph amended, 1964, 195.

SECT. 23B revised, 1960, 437 § 4.

SECT. 23C added, 1960, 437 § 5 (relative to the remedy in case of non-compliance with the law requiring that certain meetings be open to the public); revised, 1964, 323 § 1. (See 1960, 437 § 7.)

SECT. 24 amended, 1970, 78 § 2.

Chapter 40. — Powers and Duties of Cities and Towns.

For temporary legislation relative to the appointment of veterans to civil service employments under the apprentice training provisions of the G. I. Bill of Rights, so called, see 1946, 586; 1947, 673; 1948, 392.

For temporary legislation relative to the emergency housing commission and to local boards of appeals, see 1946, 592; 1947, 609; 1948, 657.

SECT. 1A added, 1967, 44 § 1 (relative to definition of "district"); revised, 1969, 505 § 3.

SECT. 3A added, 1973, 160 (confirming the binding effect of certain deeds executed by municipal corporations and certain districts).

SECT. 4, first paragraph amended, 1951, 798 § 1; revised, 1957, 227 § 1; 1966, 202 § 1; amended, 1969, 412; three paragraphs inserted after first paragraph, 1969, 758 § 1; second paragraph amended, 1941, 351 § 3; 1958, 613 § 2A; 1969, 758 § 2; paragraph inserted after second paragraph, 1965, 874 § 3; third paragraph revised, 1932, 271 § 6; 1961, 307; paragraph inserted after third paragraph, 1963, 115; paragraph added, 1946, 358 § 1;

1950, 521; same paragraph amended, 1954, 33; revised, 1966, 63 § 1; paragraph inserted, 1961, 313; revised, 1966, 63 § 2; paragraph inserted, 1965, 50; 1966, 381; 1971, 3; paragraph added, 1951, 798 § 2; stricken out, 1969, 849 § 24; paragraph added, 1968, 621; revised, 1969, 758 § 3; 1970, 238, 674; paragraph inserted, 1971, 71, 128, 952; 1972, 25; 1973, 6; paragraph added, 1969, 758 § 4. (See 1932, 271 § 7; 1951, 798 § 8; 1957, 227 § 2; 1969, 849 § 79.)

SECT. 4A added, 1945, 438 (authorizing cities and towns and certain districts to make agreements relative to the performance of certain public services); revised, 1966, 286; first paragraph amended, 1969, 85; sentence inserted after second sentence, 1969, 356; last sentence revised, 1969, 758 § 5. (See 1955, 760 § 3.)

SECT. 4B added, 1951, 25 § 3 (relative to advertising for proposals for certain contracts of towns); sentence added at end, 1951, 678; section revised, 1960, 592 § 1; amended, 1967, 44 § 2; 1967, 79 § 1; first sentence revised, 1969, 758 § 6; paragraph added, 1972, 61 § 1, 320 § 1.

SECT. 4C added, 1960, 561 (allowing cities and towns to enter into collective bargaining agreements); repealed, 1965, 763 § 1.

SECT. 4D added, 1967, 883 § 1 (relative to joint contracts for construction of public works).

SECT. 4E added, 1970, 889 (authorizing school committees to contract for the operation of model educational programs); revised, 1972, 753.

SECT. 4F added, 1973, 84 (regulating the purchase of items of apparel by cities and towns).

SECT. 5, clause (1) amended, 1933, 318 § 3 (see 1933, 318 § 9); 1935, 106; revised, 1935, 179; amended, 1951, 798 § 3 (see 1951, 798 § 8); amended, 1939, 19; 1945, 391 § 2; 1948, 174; 1950, 157; 1946, 358 § 2; 1953, 149; revised, 1953, 209; 1955, 291, 385; 1958, 176; amended, 1964, 173; 1965, 179; 1969, 256; 1970, 382 § 3; clause (2) amended, 1936, 390; 1950, 478; clause (5A) added, 1938, 172 § 1 (authorizing appropriations to establish a water supply); clause (9A) added, 1961, 357 (authorizing appropriations for the control of beavers); clause (11) revised, 1946, 358 § 3, 526; clause (12) amended, 1932, 114 § 3; 1933, 153 § 2, 245 § 2; revised, 1936, 132 § 1, 163; amended, 1941, 217 § 2; 1943, 99; 1946, 409 § 2; 1947, 144; revised, 1947, 468 § 2; amended, 1948, 445 § 1; 1949, 118 § 2; revised, 1950, 27 § 2; amended, 1954, 627 § 16; 1950, 354 § 2, 492 § 2; 1951, 718; 1955, 271 § 1; revised, 1956, 211; amended, 1958, 118 § 2; 1959, 59 § 2; 1960, 626 § 3; 1967, 101; 1972, 236; clause (16A) added, 1946, 358 § 4 (authorizing appropriations for the employment of legal counsel for general purposes); clause (19A) added, 1955, 85 § 1 (authorizing cities and towns to construct, operate and maintain incinerators and to appropriate funds for same); clause (20) amended, 1946, 358 § 5; revised, 1966, 79; amended, 1973, 1210 § 17; clause (23) revised, 1948, 660 § 24 (see 1948, 660 § 26); amended, 1949, 761 § 11; clause (25A) added, 1946, 358 § 6 (authorizing appropriations for the maintenance and supervision of beaches and swimming pools for recreation and physical exercise); revised, 1948, 89; 1956, 596 § 1; clause (25B) added, 1967, 160 § 1 (authorizing the acquisition of land for construction of municipal golf courses); clause (26) amended, 1946,

358 § 7; clause (27) revised, 1946, 358 § 8; amended, 1960, 91; clause (27A) inserted, 1969, 506; clause (28) revised, 1936, 211 § 5 (see 1936, 211 § 7); amended, 1947, 340 § 5; revised, 1953, 674 § 9; clause (29) amended, 1953, 535 § 1; clause (32) revised, 1962, 580 § 2; clause (33) revised, 1946, 358 § 9; clause (34) amended, 1951, 149; 1961, 20; revised, 1963, 60; 1964, 248; amended, 1969, 849 § 25; clause (36A) added, 1949, 163 (authorizing appropriations for suppression and eradication of ragweed); amended, 1950, 141; clause (36B) added, 1961, 498 § 2 (authorizing appropriations for the control of algae, weeds and aquatic nuisances in lakes, ponds, streams and other bodies of water); two paragraphs added at end, 1969, 722 § 1; clause (37) revised, 1943, 177 § 1 (see 1943, 177 § 2; 1947, 635); 1956, 77; amended, 1969, 849 § 26; clause (38) added, 1934, 154 § 1 (authorizing appropriations for protection of interests in real estate held under tax title or taking); clause (39) added, 1935, 28 (authorizing appropriations for the purpose of co-operating with the federal government in certain unemployment relief and other projects); clause (40) added, 1937, 185 (authorizing appropriations for eyeglasses for needy school children); amended, 1960, 3; clause (40A) added, 1947, 525 (authorizing appropriations for payment of expenses incurred by or in behalf of certain injured school children); clause (40B) added, 1952, 247 § 1 (authorizing appropriations for payment of certain expenses incurred for injuries sustained by school pupils in shop or laboratory work); revised, 1972, 553; clause (40C) added, 1958, 124 (authorizing cities and towns to provide co-operative or complementary facilities to mental health outpatient clinics); amended, 1967, 132 § 1 (See 1967, 132 § 3); clause (41) added, 1938, 142 § 1 (authorizing cities and towns to appropriate money for stocking inland waters therein with fish and for liberating game therein); amended, 1941, 599 § 4; first sentence revised, 1950, 101; amended, 1965, 117; third sentence amended, 1965, 201; clause (42) added, 1951, 113 (allowing the granting of token awards by a playground or recreation commission); amended, 1969, 849 § 27; clause (43) added, 1952, 118 (allowing the granting of awards to municipal employees for suggestions relative to the improvement of municipal services); amended, 1969, 849 § 28; clause (44) added, 1952, 239 (authorizing appropriations for the payment of premiums for group life insurance for permanent employees); clause (44A) added, 1955, 760 § 2; clause (45) added, 1953, 576 § 2 (authorizing appropriations for erecting and maintaining public bath houses in public beach districts); clause (46) added, 1954, 149 (authorizing appropriations for certain celebrations); clause (46A) added, 1956, 152 (authorizing appropriations for the annual observance of United Nations Day and Veterans Day and certain other days); amended, 1958, 118 § 1; 1959, 57; amended, 1967, 80; clause (47) added, 1954, 297 § 2 (authorizing appropriations for the establishment of business and industrial commissions); revised, 1967, 638; clause (48) added, 1955, 716 § 1 (authorizing cities and towns to construct, maintain and operate outdoor artificial ice skating rinks); amended, 1959, 73 § 1; clause (49) added, 1956, 495 § 2 (authorizing appropriations for the purpose of conducting programs dealing with problems of the aging); amended, 1957, 361; revised, 1957, 406 § 2; 1959, 376; amended, 1965, 66; revised, 1966,

184; clause (50) added, 1957, 22 (authorizing towns to appropriate money for the control of encephalitis); clause (51) added, 1957, 223 § 2 (authorizing towns to appropriate money for the purpose of establishing and maintaining a conservation commission); amended, 1959, 208; revised, 1964, 234; 1966, 108; clause (52) added, 1958, 390 (authorizing towns to appropriate money for the control of diseases of epidemic proportions); clause (53) added, 1960, 236 (authorizing cities and towns to appropriate money for the acquisition and maintenance of tidal marshes and estuaries as reservations); clause (54) added, 1962, 672 § 1 (authorizing cities and towns to appropriate money for participation with the water resources commission in developing water resources); clause (55) added, 1963, 479 § 2 (authorizing the payment to skin divers for certain services); clause (56) added, 1963, 697 § 3 (authorizing the development of places of historical value and the establishment and maintenance of historical commission); revised, 1973, 1155 § 6; clause (57) added, 1964, 581 § 2 (authorizing the director of personnel and standardization to establish inservice training programs for engineering employees of cities and towns); clause (58) added, 1964, 643 § 2 (authorizing towns to pay to the commonwealth their share of the cost of conducting water favorability studies by or under the direction of the water resources commission); clause (59) added, 1965, 327 (authorizing towns to appropriate money for the towing of motor vehicles abandoned on private property); clause (60) added, 1966, 247 (authorizing cities and towns to employ student interns in police departments); clause (61) added 1967, 90 (authorizing cities and towns to appropriate money for local programs under Economic Opportunity Act of 1964); clause (62) added, 1969, 330; clause (63) added, 1969, 391 § 2; clause (64) added, 1970, 82; clause (65) added, 1971, 784 § 1; clause (66) added, 1972, 220 § 1; clause (67) added, 1973, 480 (authorizing certain moving expenses of newly appointed chief executive or administrative officers). (See 1938, 142 § 2; 1954, 627 §§ 65, 67; 1969, 849 § 79; 1973, 1210 § 39.)

SECT. 5A added, 1936, 40 (providing for the establishment of reserve funds for cities); amended, 1937, 34; 1949, 135; 1971, 766 § 5.

SECT. 5B added, 1945, 124 (authorizing cities and towns to appropriate money for a stabilization fund); first paragraph revised, 1957, 404 § 1; amended, 1969, 849 § 29; 1971, 766 § 6; second paragraph amended, 1957, 215; revised, 1962, 463; third paragraph revised, 1957, 404 § 2; amended, 1966, 62. (See 1969, 849 § 79.)

SECT. 5C added, 1967, 44 § 3 (providing for extraordinary expenditures for a reserve fund); amended, 1971, 766 § 7.

SECT. 6 amended, 1971, 766 § 7.

SECT. 6A amended, 1969, 849 § 30. (See 1969, 849 § 79.)

SECT. 6B revised, 1957, 213; 1962, 484; first paragraph revised, 1973, 124; paragraph added, 1965, 150.

SECTS. 6C and 6D added, 1943, 225 (relative to the removal by cities and towns of snow and ice from private ways therein open to public use).

SECT. 6E added, 1950, 538 (relative to the repair by cities and towns of private ways therein open to public use); amended, 1951, 299.

SECT. 6F added, 1953, 386 § 1 (further regulating the repair by cities and towns of private ways therein open to public use).

SECT. 6G added, 1958, 195 (authorizing cities and towns to provide temporary resurfacing of certain private ways open to public use upon payment of one half the cost by certain abutting owners).

SECT. 6H added, 1961, 319 (providing that cities and towns may make repairs on private ways without liability for damages).

SECT. 6I added, 1961, 381 (authorizing certain cities and towns to construct, reconstruct, resurface and repair certain private ways).

SECT. 6J added, 1963, 190 (authorizing cities and towns to purchase stormy weather work clothes and rubber boots for certain employees); revised, 1964, 90.

SECT. 6K added, 1964, 89 (authorizing cities and towns to purchase uniforms for certain public health nurses).

SECT. 6L added, 1969, 806 (authorizing a city or town to lease or rent certain clothing for employees).

SECT. 8A added, 1954, 297 § 1 (authorizing cities and towns to establish commissions to promote business and industry); first paragraph amended, 1961, 291; second paragraph amended, 1955, 102 § 1. (See 1954, 511; 1955, 102 § 2.)

SECT. 8B added, 1956, 495 § 1 (authorizing cities and towns to establish local councils for the aging and to appropriate funds therefor); amended, 1957, 406 § 1; revised, 1964, 430 § 3; 1966, 242; 1973, 1168 § 17. (See 1964, 430 § 4; 1973, 1168 § 40.)

SECT. 8C added, 1957, 223 § 1 (authorizing cities and towns to establish conservation commissions); third and fourth sentences stricken out and five sentences inserted, 1971, 893 § 1; sixth sentence (as appearing in 1957, 223 § 1) revised, 1971, 893 § 2; last two sentences revised, 1961, 258; thirteenth and fourteenth sentences (as appearing in 1957, 223 § 1) stricken out and three sentences inserted, 1971, 893 § 3; four sentences added, 1965, 768 § 2; sentence inserted after fourteenth sentence, 1967, 885.

SECT. 8D added, 1963, 697 § 4 (authorizing cities and towns to establish historical commissions); first three sentences stricken out and four sentences inserted, 1973, 1155 § 7; sentence inserted after third sentence, 1971, 517 § 3.

SECT. 8E added, 1969, 391 § 1 (authorizing cities and towns to establish youth commissions).

SECT. 8F added, 1970, 153 (authorizing cities and towns to establish consumer advisory commissions).

SECT. 8G added, 1972, 220 § 2 (authorizing cities and towns to enter into police mutual aid programs).

SECT. 9 amended, 1933, 245 § 3; 1935, 305; 1936, 271; first paragraph revised, 1946, 51, 209 § 2, 409 § 3; 1947, 468 § 3, 671; amended, 1949, 118 § 3; revised, 1949, 343 § 1; paragraph added at end, 1937, 255; section revised, 1949, 563 § 1; first sentence amended, 1950, 303; 1952, 115, 443; 1953, 469; revised, 1959, 59 § 3; amended, 1960, 203, 626 § 4; revised, 1961, 57; amended, 1964, 5; sentence inserted after first sentence, 1953, 175; last sentence amended, 1969, 849 § 31. (See 1949, 343 § 2; 1969, 849 § 79.)

SECT. 9A repealed, 1949, 563 § 2.

SECT. 11 amended, 1941, 490 § 9; 1953, 535 § 2; 1948, 355; revised, 1956, 573; first sentence amended, 1969, 849 § 32. (See 1969, 849 § 79.)

SECT. 11A added, 1953, 576 § 3 (relative to the forming of public beach districts by cities).

SECT. 12A repealed, 1941, 598 § 5.

SECTS. 12B-12G added, 1953, 576 § 1 (authorizing cities and towns to form public beach districts).

SECT. 13, first sentence revised, 1970, 12; 1973, 613; paragraph added at end, 1941, 130.

SECT. 13A, sentence added at end, 1963, 127; first sentence amended, 1969, 849 § 33. (See 1969, 849 § 79.)

SECT. 14 revised, 1933, 283 § 1; paragraph added, 1967, 59 § 3.

SECT. 15, second sentence revised, 1961, 117; paragraph added at end, 1958, 680.

SECT. 15A added, 1951, 798 § 4 (authorizing cities and towns to transfer certain land in certain cases); revised, 1954, 105. (See 1951, 798 § 8.)

SECT. 15B added, 1957, 552 (permitting the sale, rental or use of certain lands no longer needed for public water supply purposes, and the granting of certain easements or rights over such land); paragraph added at end, 1969, 555 § 1.

SECT. 15C added, 1973, 67 (authorizing cities and towns to designate scenic roads).

SECT. 17 amended, 1933, 254 § 2. (See 1933, 254 § 66.)

SECT. 21, second sentence amended, 1953, 319 § 8; revised, 1965, 316; clause (14) revised, 1961, 383; clause (16) added, 1941, 346 § 1; clause (16A) added, 1971, 83; clause (16B) added, 1973, 806 § 1; clause (17) added, 1949, 98; amended, 1951, 352; revised, 1959, 220; 1967, 870; amended, 1973, 317; clause (18) added, 1952, 594; clause (19) added, 1953, 402; amended, 1955, 24; revised, 1957, 436; 1970, 470; clause (20) added, 1954, 213; clause (21) added, 1956, 509; clause (22) added, 1969, 383. (See 1953, 319 §§ 39, 40.)

SECT. 21A added, 1951, 798 § 5 (authorizing cities and towns to establish work weeks and hours for certain municipal employees). (See 1951, 798 § 8.)

SECT. 21B added, 1955, 294 (providing for the adjustment of certain grievances of certain employees of cities and towns).

SECT. 21C added, 1963, 233 (permitting time off without loss of pay for employees in cities and towns to attend union conventions).

SECT. 22, first paragraph, sentence inserted after first sentence, 1968, 694 § 1; paragraph added at end, 1949, 644 § 1; same paragraph amended, 1955, 458 § 1; revised, 1957, 417 § 1; paragraph added, 1966, 273; revised, 1966, 566; 1967, 86.

SECT. 22A added, 1947, 442 § 1 (authorizing the installation and operation of parking meters in cities and towns); first sentence amended, 1962, 338 § 16; sentence added at end, 1949, 644 § 2; revised, 1957, 417 § 2; sentence added, 1952, 592; 1955, 458 § 2; same sentence stricken out, 1957, 417 § 3; sentence added, 1973, 183 § 1.

SECT. 22B added, 1949, 776 (authorizing the use of receipts from parking meters for the acquisition and maintenance of off-street parking areas and facilities); amended, 1953, 92; revised, 1959, 270; amended, 1964, 20; revised, 1964, 122; 1973, 183 § 2.

SECT. 22C added, 1951, 326 (relative to parking meters in off-street parking lots); revised, 1960, 449; 1967, 38; amended, 1973, 183 § 3.

SECT. 22D added, 1961, 322 (authorizing the towing of vehicles from city and town ways where such vehicles are parked or standing in violation of the law); fourth sentence revised, 1968, 369; amended, 1971, 438.

SECT. 22E added, 1962, 796 (authorizing cities and towns to lease the space above municipal parking lots); first sentence revised, 1969, 815 § 1; second paragraph revised, 1963, 147; amended, 1969, 815 § 2.

SECTS. 25-33. For special zoning provisions for Boston, see 1924, 488 and amendments prior to 1932; 1932, 143; 1933, 204; 1934, 210; 1936, 240; 1941, 373; 1946, 198.

SECTS. 25-30A stricken out, and new sections 25-30A (municipal zoning laws) inserted, 1933, 269 § 1. (See 1933, 269 § 4.)

SECT. 25, first paragraph amended, 1950, 325 § 1.

SECT. 26 amended, 1952, 438.

SECT. 27 revised, 1941, 320.

SECT. 27A added, 1938, 133 § 1 (to prevent multiplicity of proposals for the same change in zoning ordinances or by-laws).

SECT. 28 revised, 1941, 176.

SECT. 30, first paragraph (as appearing in 1933, 269 § 1) amended, 1945, 167; second paragraph (as so appearing) amended, 1951, 205; paragraph in lines 54-60 (as appearing in 1933, 269 § 1) stricken out and two paragraphs added, 1941, 198 § 1; paragraph in lines 61-70 (as so appearing) amended, 1935, 388 § 1; clause (1) in lines 72-76 (as so appearing) revised, 1941, 198 § 2; paragraph in lines 80-90 (as so appearing) amended, 1935, 388 § 2; next to last paragraph amended, 1953, 102. (See 1941, 198 § 3.)

SECTS. 25-30. Temporarily affected, 1951, 307.

SECT. 30A stricken out and reinserted as section 30B and new section 30A inserted, 1938, 133 § 2 (to prevent multiplicity of proposals for the same change in the application of zoning ordinances or by-laws).

SECT. 30B, sentence added at end, 1950, 325 § 2.

SECTS. 25-30B stricken out, 1954, 368 § 1. (See 1954, 368 § 3.)

SECT. 32 revised, 1933, 185 § 1; amended, 1941, 520 § 1; revised, 1952, 337; sentence inserted after first sentence, 1967, 97; fifth sentence amended, 1967, 308. (See 1933, 185 § 2; 1941, 520 § 2.)

SECT. 32B added, 1973, 602 § 1 (authorizing cities and towns to publish zoning ordinances and by-laws).

SECT. 36 amended, 1956, 176; second sentence revised, 1971, 81.

SECT. 37A added, 1968, 563 (authorizing cities and towns to impose curfews).

SECT. 38 revised, 1938, 172 § 2; paragraph added at end, 1941, 465 § 1.

SECTS. 39A-39G added, 1938, 172 § 3 (authorizing the establishment and maintenance of water supply and distributing systems).

SECT. 39A revised, 1941, 465 § 2.

SECT. 39H added, 1943, 125 (authorizing cities, towns and districts through their water departments, and water companies, to aid similar municipal and other corporations relative to their water supply).

SECT. 39I added, 1958, 527 § 1 (further regulating the testing of water meters).

SECT. 40 revised, 1933, 314; 1945, 606; first sentence, amended, 1966, 331. (See 1965, 582.)

SECT. 41A added, 1949, 793 (authorizing certain governmental agencies to restrain the use of water during an emergency).

SECT. 41B added, 1958, 254 (requiring that the will of the voters be ascertained before any public water supply system is fluoridated); revised, 1962, 485 § 1; repealed, 1968, 548 § 2. (See 1962, 485 § 2.)

SECT. 41C added, 1962, 485 § 1 (relative to the discontinuance of the fluoridation of a public water supply system); revised, 1964, 60; repealed, 1968, 548 § 2.

SECT. 42A revised, 1932, 197 § 2; amended, 1936, 42 § 1; revised, 1938, 415 § 1; amended, 1941, 380 § 1; first three sentences stricken out and two sentences inserted, 1954, 487 § 1. (See 1932, 197 § 3; 1938, 415 § 7; 1941, 380 § 7; 1954, 487 § 3.)

SECT. 42B amended, 1935, 56 § 1; revised, 1936, 42 § 2; 1938, 415 § 2; revised, 1941, 380 § 2; sentence inserted after fourth sentence, 1947, 132; section revised, 1954, 487 § 2. (See 1935, 56 § 2; 1938, 415 § 7; 1941, 380 § 7; 1954, 487 § 3.)

SECT. 42C amended, 1935, 248 § 1; revised, 1938, 415 § 3; 1941, 380 § 3; 1954, 487 § 2; first sentence revised, 1965, 250. (See 1938, 415 § 7; 1941, 380 § 7; 1954, 487 § 3.)

SECT. 42D, last sentence revised, 1935, 248 § 2; section revised, 1938, 415 § 4; 1941, 380 § 4; second paragraph amended, 1950, 80; section revised, 1954, 487 § 2. (See 1938, 415 § 7; 1941, 380 § 7; 1954, 487 § 3.)

SECT. 42E, last sentence amended, 1932, 180 § 6; same sentence revised, 1939, 451 § 7; section amended, 1941, 380 § 5. Affected, 1938, 415 § 7. (See 1941, 380 § 7.)

SECT. 42F affected, 1938, 415 § 7; 1941, 380 § 7.

SECTS. 42G-42I added, 1955, 332 (to authorize the levy of special assessments to meet the cost of laying water pipes in public and private ways).

SECT. 42G, first sentence amended, 1957, 268 § 1. (See 1957, 268 § 2.)

SECT. 42I, first sentence revised, 1955, 639.

SECT. 43A added, under caption 1941, 678 § 2 (relative to pipe lines for conveying petroleum and its products and by-products).

SECTS. 44A-44I added, 1961, 609 (authorizing the formation of regional incinerator districts).

SECT. 44A revised, 1967, 149.

SECT. 44B revised, 1967, 149; amended, 1969, 199.

SECT. 44C amended, 1964, 502 § 1.

SECT. 44E, first paragraph revised, 1964, 502 § 2.

SECT. 44F, clauses (a) to (e), inclusive, revised, 1964, 502 § 3.

SECT. 44H, last sentence stricken out and two sentences inserted, 1964, 502 § 4; section amended, 1969, 849 § 34. (See 1969, 849 § 79.)

SECTS. 44J and 44K added, 1964, 502 § 5 (relative to agreements made in forming regional incinerator districts).

SECTS. 44A-44K revised, 1965, 748 § 1.

SECT. 49 amended, 1971, 766 § 8.

SECT. 51 revised, 1937, 196; two sentences added at end, 1945, 340; section revised, 1946, 584 § 3. (See 1946, 584 § 22.)

SECT. 53 revised, 1969, 507.

SECT. 54 added, under caption "RESTRICTIONS ON ISSUANCE OF BUILDING PERMITS", 1965, 385 § 1 (prohibiting the issuance of building permits for the construction of buildings which would necessitate the use of water therein under certain conditions).

SECT. 54A added, 1973, 963 (regulating the use of certain railroad right-of-way land).

SECT. 55 added, 1970, 337 (authorizing cities and towns to contract for certain annuities for employees of municipal hospitals).

Chapter 40A. — Zoning Regulations.

New chapter inserted, 1954, 368 § 2. (See 1954, 368 § 3.)

SECT. 2, first paragraph revised, 1956, 586; 1957, 145; amended, 1959, 607 § 1.

SECT. 4, last sentence stricken and two sentences inserted, 1965, 63; sentence added, 1966, 26; revised, 1966, 199.

SECT. 5, last sentence revised, 1962, 340; amended, 1969, 572.

SECT. 5A added, 1958, 492 (exempting certain lots from the application of certain zoning ordinances or by-laws); first paragraph revised, 1961, 435 § 1; paragraph added at end, 1960, 789 § 1. (See 1960, 789 § 2; 1961, 435 § 3.)

SECT. 6, third and fourth sentences revised, 1957, 137; section revised, 1959, 317 § 1; sentence added at end, 1961, 151; section revised, 1962, 201 § 1; sentence inserted after second sentence, 1968, 194; sentence inserted after fourth sentence, 1973, 296 § 1; sentence added at end, 1962, 327.

SECT. 7A added, 1957, 297 (relative to the effect of the adoption or amendment of zoning laws on a recorded subdivision plan); revised, 1959, 221; sentence added at end, 1960, 291; section revised, 1961, 435 § 2; two sentences added at end, 1963, 591; first paragraph revised, 1964, 688; paragraph added at end, 1963, 578; section revised, 1965, 65; first sentence revised, 1965, 366 § 1. (See 1961, 435 § 3; 1965, 366 § 2.)

SECT. 13 revised, 1955, 325 § 1; second paragraph stricken out, 1963, 207 § 1.

SECT. 14, second sentence stricken out and two sentences inserted, 1957, 124; second paragraph, last sentence revised, 1954, 551 § 1; 1958, 202; sentence added at end, 1961, 276 § 1. (See 1954, 551 § 2.)

SECT. 15, paragraph 1 revised, 1955, 325 § 2; paragraph 3 revised, 1958, 381; last paragraph amended, 1957, 123.

SECT. 16 revised, 1963, 207 § 2.

SECT. 17 revised, 1959, 317 § 2; 1962, 201 § 2; first sentence revised,

1971, 569; sentence inserted after first sentence, 1968, 336; sentence inserted after second sentence, 1973, 296 § 2.

SECT. 18, first sentence revised, 1962, 203; fifth sentence revised, 1962, 387; 1969, 870 § 1; sixth sentence revised, 1970, 271; stricken out and two sentences inserted, 1971, 1018; two sentences added at end, 1960, 326; same two sentences stricken out and three sentences inserted, 1962, 212.

SECT. 19, second paragraph revised, 1955, 349.

SECT. 20 revised, 1969, 610; amended, 1969, 870 § 2.

SECT. 21 revised, 1957, 199 § 1; first paragraph, first sentence stricken out and two sentences inserted, 1958, 175; paragraph stricken out and two paragraphs inserted, 1960, 365; 1969, 706; second paragraph amended, 1970, 80; first sentence revised, 1972, 334; section revised, 1973, 1114 § 4. (See 1973, 1114 § 351.)

SECT. 22, first paragraph amended, 1970, 678 § 1. (See 1970, 678 § 2.)

SECT. 5A added, 1964, 643 § 3 (authorizing district planning commissions to enter into agreements with the water resources commission for the purpose of conducting water favorability studies).

SECT. 7, first sentence amended, 1969, 849 § 35; fourth sentence revised, 1966, 135 § 2; sentence added, 1964, 327 § 3; revised, 1967, 839 § 2. (See 1969, 849 § 79.)

SECT. 8 added, 1967, 173 § 1 (relative to borrowing by district planning commissions); first sentence amended, 1969, 849 § 36. (See 1969, 849 § 79.)

SECTS. 9-19 added, under caption, 1968, 663 (providing for the establishment of the Southeastern Regional Planning and Economic Development District).

Chapter 40B. — Regional Planning.

New chapter inserted, 1955, 374.

SECT. 2 revised, 1955, 656 § 1. (See 1955, 656 § 3.)

SECT. 3, first sentence revised, 1955, 656 § 2; section revised, 1964, 327 § 2; amended, 1967, 83 § 1; revised, 1967, 839 § 1. (See 1955, 656 § 3.)

SECT. 4 revised, 1964, 327 § 2; first sentence amended, 1968, 761 § 23; first two sentences stricken out and five sentences inserted, 1971, 644; fourth sentence stricken out, and two sentences inserted, 1966, 135 § 1; seventh sentence revised, 1973, 181; three sentences added, 1973, 222. (See 1968, 761 § 26.)

SECT. 4A added, 1972, 379 (authorizing district planning commissions to establish executive committees for certain purposes).

SECT. 4B added, 1973, 140 (authorizing regional planning districts to have and use seals).

SECT. 4C added, 1973, 1082 § 1 (further regulating the membership and the apportionment of costs of regional planning districts).

SECT. 5, three sentences stricken out and eight sentences inserted, 1972, 361.

SECT. 5B added, 1972, 240 (authorizing district planning commissions to act as economic development regional commissions).

SECT. 7, first two sentences stricken out and sentence inserted, 1973, 112; second sentence revised, 1973, 1082 § 2.

SECT. 12, sentence added, 1972, 755 § 1; stricken out, 1973, 430 § 3.

SECT. 13, fifth and sixth sentences revised, 1972, 755 § 2.

SECT. 14, sentence added, 1972, 755 § 3; paragraph added, 1973, 430 § 4.

SECT. 15 revised, 1972, 755 § 4; eighth paragraph revised, 1973, 257.

SECT. 18, first paragraph amended, 1969, 849 § 37; third paragraph, first sentence revised, 1969, 849 § 38; fifth sentence revised, 1969, 849 § 39. (See 1969, 849 § 79.)

SECTS. 20-23 added, 1969, 774 § 1 (providing procedures for application to local boards for construction of low or moderate income housing and for appeals from adverse decisions).

SECTS. 24-29 added, under caption, 1970, 849 § 3 (defining the powers and duties of the metropolitan area planning council).

SECT. 26 amended, 1973, 215.

Chapter 40C. — Historic Districts.

New chapter inserted, 1960, 372.

SECT. 3 revised, 1966, 525 § 1. (See 1966, 525 § 2.)

SECTS. 2-13 stricken out and new sections 2-17 inserted, 1971, 359 § 1.

Chapter 40D. — Industrial Development of Cities and Towns.

New chapter inserted, 1967, 722 § 1.

SECT. 1, clauses (k) and (l) revised, 1970, 326; clause (o½) added, 1972, 775 § 1; clause (p½) added, 1971, 1017 § 1; two sentences added, 1972, 373 § 1; stricken out, 1973, 1160 § 1.

SECT. 8, clause (i) revised, 1973, 245.

SECT. 10, first paragraph, third sentence stricken out, 1972, 739 § 1; second paragraph revised, 1972, 739 § 2; fourth paragraph revised, 1972, 739 § 3.

SECT. 20, paragraph added, 1967, 815.

SECT. 21 added, 1971, 1017 § 2 (authorizing cities and towns to establish authorities for the financing of solid waste disposal facilities); revised, 1972, 373 § 2; 1973, 1160 § 2.

SECT. 22 added, 1972, 775 § 2 (providing for the financing of municipal pollution control facilities).

SECT. 23 added, 1972, 775 § 3 (authorizing municipalities to apply for and accept state and federal grants and loans for pollution control facilities).

Chapter 41. — Officers and Employees of Cities, Towns and Districts.

SECT. 1, first paragraph revised, 1943, 453 § 3; paragraph in line 10 revised, 1934, 155 § 1; paragraph in line 11 revised, 1953, 267 § 1; paragraph in lines 12, 13 and 14 stricken out, 1967, 658 § 2; paragraph in lines 15, 16 revised, 1939, 129; paragraph in line 25 revised, 1939, 3; paragraph in lines 26, 27 revised, 1955, 33; 1961, 354 § 1; paragraph added, 1938, 341 § 2; 1973, 1134.

SECT. 1A added, 1967, 45 § 1 (relative to definition of "district"); revised, 1969, 505 § 4.

SECT. 4A, sentence added at end, 1951, 6; section revised, 1969, 718.

SECT. 5 amended, 1934, 39 § 4.

SECT. 10 revised, 1954, 201.

SECT. 11 amended, 1938, 341 § 3; second sentence stricken out and two sentences inserted, 1971, 151 § 1; last sentence revised, 1969, 296.

SECT. 13 amended, 1936, 18; 1937, 143 § 1; 1962, 233 § 1.

SECT. 13A added, 1932, 289 § 5 (provisions relative to bonds of city clerks); revised, 1962, 233 § 2. [For prior legislation, see G. L. chapter 140 § 148, repealed by 1932, 289 § 6.]

SECT. 13B added, 1954, 139 (relative to the renewal of licenses and permits in certain cities).

SECT. 15A revised, 1949, 136; amended, 1967, 45 § 2.

SECT. 17 revised, 1954, 83.

SECTS. 18A and 18B added, 1948, 56 (providing that the records of city clerks may be attested by the volume and that a facsimile of the signature of the city clerk shall be valid in certain cases).

SECT. 19, second sentence stricken out and two sentences inserted, 1960, 47; last sentence revised, 1938, 66; same sentence amended, 1945, 245; sentence added at end, 1947, 391; last two sentences revised, 1971, 8.

SECT. 19A added, 1933, 70 § 1 (requiring the filing with the state secretary of certificates of appointment or election of clerks or assistant or temporary clerks of cities or towns, and granting authority to said secretary to authenticate attestations of any such officer); first sentence revised, 1964, 14; amended, 1967, 45 § 3. (See 1933, 70 § 2.)

SECTS. 19B-19E added, 1950, 388 (relative to the tenure of office of city and town clerks).

SECT. 19F added, 1962, 386 (providing that certain city clerks shall be paid additional compensation for serving as clerks of the city council).

SECT. 19G added, 1967, 346 (providing for additional compensation for city and town clerks serving on boards of registrars of voters); revised, 1968, 5; amended, 1971, 64 § 1.

SECT. 19H added, 1971, 64 § 2 (regulating the additional compensation payable to a city or town clerk for serving as a member of the board of registrars of voters).

SECT. 20 amended, 1967, 658 § 3.

SECT. 21, first paragraph revised, 1953, 101 § 2; amended, 1967, 658 § 4; last paragraph revised, 1934, 155 § 2. (See 1934, 155 § 4.)

SECT. 23A added, 1956, 145 (providing for the establishment of the office of executive secretary of the selectmen).

SECT. 23B added, 1959, 98 (authorizing the selectmen to make an investigation of any town department).

SECT. 23C added, 1965, 344 (providing that any person authorized by vote of a town to act on behalf of the board of selectmen shall be appointed and may be removed by said board).

SECT. 23D added, 1966, 551 (authorizing the establishment of municipal data processing centers).

SECT. 24, paragraph added at end, 1945, 136 § 1; section revised, 1951, 364; 1953, 267 § 2; last sentence revised, 1967, 123 § 1. (See 1945, 136 § 2.)

SECT. 24A repealed, 1937, 129 § 1.

SECT. 25 revised, 1937, 129 § 2.

SECT. 25A revised, 1937, 129 § 3; first sentence revised, 1950, 151; third sentence revised, 1951, 77; section revised, 1968, 107; first sentence revised, 1969, 447.

SECT. 26 revised, 1937, 129 § 4.

SECT. 26A added, 1935, 149 (relative to employment of counsel by boards of assessors in certain cases); revised, 1951, 215 § 2.

SECT. 27 revised, 1936, 118 § 1. (See 1936, 118 § 3.)

SECT. 28 amended, 1939, 342 § 2.

SECT. 30A added, 1946, 211 (relative to the effect of a vacancy in the office of assessor).

SECT. 31, caption preceding section stricken out and section repealed, 1967, 658 § 5.

SECT. 32, sentence added at end, 1950, 793 § 3; section amended, 1959, 141 § 1; 1963, 432 § 3.

SECT. 32 repealed, 1967, 658 § 5.

SECT. 32A repealed, 1967, 658 § 5.

SECT. 33 repealed, 1967, 658 § 5.

SECT. 33, second and third sentences added, 1950, 793 § 4; second sentence amended, 1965, 304.

SECT. 34 repealed, 1967, 658 § 5.

SECT. 35 revised, 1937, 143 § 2; first sentence revised, 1963, 66; second sentence amended, 1972, 766 § 3; third sentence revised, 1967, 255; sentence added, 1939, 109 § 1. (See 1972, 766 § 23.)

SECT. 37 revised, 1933, 82 § 2; amended, 1934, 259 § 2.

SECT. 38A amended, 1936, 201; revised, 1941, 211; first sentence revised, 1948, 197.

SECT. 39A added, 1939, 89 (providing for the appointment of assistant treasurers of cities and towns); last sentence revised, 1953, 55.

SECT. 39B added, 1943, 284 (authorizing the suspension and removal of city and town collectors and the appointment of temporary collectors under certain circumstances); first sentence amended, 1951, 256; revised, 1963, 257; 1967, 45 § 4.

SECT. 40 revised, 1937, 143 § 3; sentence inserted after first sentence, 1973, 143; second sentence revised, 1963, 105; sentence inserted before last sentence, 1951, 83.

SECT. 41 revised, 1968, 168.

SECT. 41A added, 1971, 441 (authorizing the city or town treasurer to deliver payroll checks to department heads for the employees of such departments).

SECT. 42 revised, 1959, 299.

SECT. 43A added, 1939, 88 (requiring municipalities to indemnify and protect collectors of taxes in the performance of their duties in certain cases); revised, 1941, 99.

SECT. 45A added, 1952, 79 (providing that the selectmen shall be the commissioners of trust funds in certain small towns).

SECT. 46 revised, 1957, 203.

SECT. 49A added, 1948, 211 (providing for the appointment of an assistant by auditors, accountants, and officers having similar duties, of cities and towns); last sentence revised, 1964, 70.

SECT. 53, last sentence revised, 1948, 84.

SECT. 54A amended, 1936, 62; 1969, 849 § 40; 1973, 52 § 1. (See 1969, 849 § 79.)

SECT. 56 revised, 1950, 55; second sentence amended, 1967, 890; two sentences inserted after third sentence, 1956, 485; sentence inserted after third sentence, 1967, 249.

SECT. 59 amended, 1936, 94; revised, 1969, 849 § 41; first sentence revised, 1973, 1099. (See 1969, 849 § 79.)

SECT. 60, first sentence revised, 1969, 849 § 42; second sentence amended, 1969, 849 § 43. (See 1969, 849 § 79.)

SECT. 61A revised, 1937, 143 § 4; last sentence revised, 1963, 68.

SECT. 66 revised, 1934, 155 § 3.

SECTS. 69A and 69B added, 1938, 172 § 4 (relative to the establishment and powers and duties of boards of water commissioners in certain towns).

SECT. 69B, first paragraph amended, 1971, 766 § 9; paragraph added, 1965, 99.

SECTS. 69C-69F added, 1953, 101 § 1 (relative to the establishment in towns of a department of public works exercising the powers of certain other departments and town officers).

SECT. 69E amended, 1954, 45.

SECT. 69F revised, 1965, 30.

SECT. 69G added, 1970, 233 (authorizing cities and towns to establish an office of lands and natural resources).

SECT. 70, first paragraph amended, 1957, 273 § 1; paragraph added at end, 1936, 211 § 1; amended, 1947, 340 § 1. (See 1936, 211 § 7.)

SECT. 71 amended, 1943, 266; 1953, 409 § 6; revised, 1966, 126.

SECT. 72 revised, 1936, 211 § 2; first sentence amended, 1947, 340 § 2; 1953, 674 § 1. (See 1936, 211 § 7.)

SECT. 73, paragraph added at end, 1936, 211 § 3; amended, 1947, 340 § 3; two sentences added at end, 1953, 674 § 8. (See 1936, 211 § 7.)

SECTS. 81A-81J added, under caption "IMPROVED METHOD OF MUNICIPAL PLANNING", 1936, 211 § 4. (See 1936, 211 § 7.)

SECT. 81A, last paragraph revised, 1938, 113.

SECTS. 81A-81J stricken out and sections 81A to 82Y inserted, 1947, 340 § 4.

SECT. 81A, fourth sentence amended, 1957, 273 § 2; seventh sentence revised, 1959, 143; sentence added at end of first paragraph, 1961, 276 § 2.

SECT. 81B amended and paragraph added at end, 1953, 674 § 2.

SECT. 81C amended, 1953, 409 § 7; second sentence revised, 1967, 83 § 2; stricken out and two sentences inserted, 1973, 795 § 1.

SECT. 81D, sentence inserted after second sentence, 1954, 643 § 1; sentence inserted after fourth sentence, 1973, 795 § 2.

SECT. 81E, first paragraph, sentence inserted after third sentence, 1973, 795 § 3; two sentences and two paragraphs added, 1953, 674 § 3.

SECT. 81F, sentence inserted after third sentence, 1957, 235; sentence added at end, 1953, 674 § 4.

SECT. 81G revised, 1953, 674 § 5.

SECT. 81J, first sentence amended and sentence inserted after third sentence, 1953, 674 § 6; section revised, 1956, 279.

Sects. 81K to 81Y stricken out and sections 81K to 81GG inserted, under caption "Subdivision Control", 1953, 674 § 7. (See 1953, 674 § 11.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to sections 81K to 81GG, as so inserted:

SECT. 81L, definition of "Industrial" stricken out, 1955, 411 § 2; definition of "Applicant" inserted 1957, 163; revised, 1961, 331; definition of "Preliminary plan" inserted, 1958, 206 § 1; definition of "Registered mail" inserted, 1957, 138 § 1; definition of "Subdivision" revised, 1956, 282; first sentence revised, 1963, 580; amended, 1965, 61.

SECT. 81M, second sentence revised, 1969, 884 § 2; sentence added at end, 1957, 265.

SECT. 81N, last sentence revised, 1957, 146; 1959, 144.

SECT. 81O, paragraph added at end, 1963, 804.

SECT. 81P, first sentence revised, 1955, 326 § 1; 1957, 293 § 1; stricken out and two sentences inserted, 1961, 332; second sentence revised, 1960, 197; sentence added at end, 1955, 326 § 2; paragraph added at end, 1957, 293 § 2; section revised, 1963, 363 § 1.

SECT. 81Q, first sentence revised, 1955, 370; 1957, 139; 1965, 64; sentence inserted after second sentence, 1960, 417; two sentences inserted after the third sentence, 1959, 410; sentence inserted after sixth sentence, 1969, 884 § 3; sentence added at end, 1956, 307; revised, 1960, 196; sentence added at end, 1958, 206 § 3.

SECT. 81R, second paragraph stricken out, 1955, 411 § 1.

SECT. 81S, second sentence revised, 1957, 138 § 2; section revised, 1958, 206 § 2; 1959, 189; third sentence amended, 1963, 206; revised, 1964, 105 § 1.

SECT. 81T, second sentence amended, 1957, 122; last sentence amended, 1960, 266 § 1; revised, 1962, 207 § 1; 1963, 363 § 2.

SECT. 81U, last sentence revised, 1955, 324; section revised, 1958, 377 § 1; first paragraph amended, 1964, 105 § 2; revised, 1972, 749 § 1; second paragraph revised, 1960, 153; first sentence revised, 1972, 749 § 2; fourth paragraph revised, 1960, 266 § 2; fifth paragraph amended, 1963, 581; eighth paragraph amended, 1965, 62; 1963, 299; paragraph inserted after eighth paragraph, 1967, 567. (See 1958, 377 § 2.)

SECT. 81W, second paragraph amended, 1973, 605.

SECT. 81X amended, 1958, 207; first paragraph revised, 1960, 189; paragraph inserted after first paragraph, 1962, 313; paragraph added, 1966, 380; paragraph added, 1967, 248.

SECT. 81Z, third sentence stricken out and two sentences inserted, 1957, 134; last paragraph amended, 1958, 201.

SECT. 81AA, second sentence of second paragraph revised, 1960, 198; 1962, 207 § 2.

SECT. 81BB, paragraph added at end, 1955, 348; section revised, 1957, 199 § 2.

SECT. 86 amended, 1939, 261 § 5; first sentence revised, 1968, 467 § 5.

SECT. 87A added, 1954, 386 (providing for the appointment of certain employees of the registry of motor vehicles as weighers and measurers); first sentence revised, 1968, 467 § 6.

SECT. 87B added, 1956, 200 (providing for the appointment of certain employees of the department of public utilities as weighers and measurers); first sentence revised, 1968, 467 § 7.

SECT. 90A added, 1957, 178 (providing a penalty for interfering with a public weigher of fish or his deputies in the performance of their official duties).

SECT. 91, first sentence revised, 1962, 89.

SECT. 91A revised, 1961, 354 § 2.

SECT. 91B added, 1933, 128 (further regulating the appointment of constables).

SECT. 92, last sentence revised, 1965, 228; 1968, 74; amended, 1971, 1061; revised, 1972, 237.

SECT. 96A added, 1938, 342 (disqualifying felons from appointment to the police forces or departments of cities, towns and districts).

SECT. 96B added, 1964, 564 § 3 (requiring police officers in cities and in certain towns to attend a police training school); revised, 1967, 504; first paragraph amended, 1969, 252 § 1; second paragraph amended, 1969, 252 § 2; paragraph added at end, 1968, 742; first sentence revised, 1971, 172; section revised, 1972, 697. (See 1964, 564 § 5.)

SECT. 97A added, 1948, 540 (relative to the establishment of police departments in certain towns); revised, 1948, 595.

SECT. 98 amended, 1953, 319 § 9; third sentence revised, 1954, 162 § 1; 1957, 688 § 1; fourth sentence amended, 1967, 368 § 1; paragraph inserted after first paragraph, 1970, 181; paragraph added, 1967, 368 § 2. (See 1953, 319 §§ 39, 40.)

SECT. 98A added, 1967, 263 (right of police officer to make arrest on fresh and continued pursuit).

SECT. 98B added, 1968, 233 (requiring certain cities and towns to provide foot patrolmen).

SECT. 98C added, 1970, 628 (relative to the wearing of identification by uniformed police officers and certain other uniformed persons).

SECT. 98D added, 1971, 231 (requiring cities and towns to issue identification cards to their full-time police officers).

SECT. 99 amended, 1932, 124; revised, 1951, 214; amended, 1958, 53; revised, 1965, 382.

SECT. 99A added, 1965, 411 (allowing certain municipal police officers to live outside the city or town in which they are employed); revised, 1971, 956 § 1.

SECTS. 99B-99K added, under caption, 1969, 878 (authorizing the establishment of regional police districts).

SECT. 100, sentence added at end, 1933, 324 § 3; section amended, 1938, 298; revised, 1945, 670; second sentence revised, 1950, 337; sentence inserted after second sentence, 1950, 398; sentence inserted before last sentence, 1950, 550; same sentence amended, 1955, 168; revised, 1958, 267;

last sentence revised, 1950, 412 § 1; first paragraph stricken out and three paragraphs inserted, 1962, 580 § 1; first paragraph, first sentence revised, 1969, 879; 1970, 27; paragraph added at end, 1957, 342; 1966, 322. (See 1950, 412 § 2.)

SECT. 100A amended, 1933, 318 § 4; 1934, 291 § 3; 1945, 391 § 1; 1949, 128; revised, 1965, 108. (See 1933, 318 §§ 8, 9; 1934, 291 § 6; 1945, 391 § 3.)

SECT. 100B added, 1953, 628 § 1 (providing for the indemnification by cities and towns of certain retired police officers and fire fighters for certain hospital, medical and surgical expenses); clause (4) revised, 1961, 152 § 1; clause (1) stricken out and clauses (2)-(6) renumbered clauses (1)-(5), 1970, 227; section revised, 1972, 317; amended, 1973, 266. (See 1953, 628 § 2; 1961, 152 § 2.)

SECT. 100C added, 1959, 451 (providing for the indemnification of public school teachers against certain actions and claims); revised, 1961, 405; 1964, 513; 1968, 143; 1969, 691; 1971, 379 § 1; 1973, 289; sentence added, 1973, 530.

SECT. 100D added, 1964, 596 (increasing the amount of indemnification for officers or employees for damages incurred on account of injuries arising out of their operation of municipally owned vehicles or vessels).

SECT. 100E added, 1969, 413 (permitting indemnification of certain city or town officers for expenses incurred in defending or settling certain claims brought against them); first paragraph revised, 1971, 217.

SECT. 100F added, 1970, 613 (authorizing indemnification of harbor masters against certain actions and claims).

SECT. 100G added, 1971, 310 (providing for the payment of funeral and burial expenses of police officers and fire fighters killed in the performance of duty); revised, 1973, 200.

SECT. 100H added, 1972, 495 § 1 (indemnifying law enforcement officers for expenses and damages arising from their care or maintenance of dogs in connection with their official duties).

SECT. 102B added, 1973, 281 (authorizing certain towns to appoint a full-time health inspector).

SECT. 103 amended, 1967, 79 § 2.

SECT. 105 amended, 1936, 132 § 2; sentence added at end, 1954, 627 § 17. (See 1954, 627 §§ 65, 67.)

SECT. 107, second sentence revised, 1953, 44; 1955, 123; sentence added at end, 1964, 63.

SECT. 108 revised, 1947, 540 § 1; amended, 1969, 849 § 44; amended, 1971, 766 § 10. (See 1969, 849 § 79.)

SECT. 108A added, 1947, 540 § 2 (authorizing cities and towns to establish salary plans for certain employees thereof); revised, 1948, 351; paragraph added at end, 1960, 87; stricken out, 1969, 849 § 45; paragraph added at end, 1969, 12 § 2. (See 1969, 849 § 79.)

SECT. 108B added, 1949, 235 (providing for additional compensation and expenses for assessors and collectors in towns for assessing and collecting district taxes); amended, 1967, 45 § 5.

SECT. 108C added, 1954, 295 § 2 (relative to rules and regulations pro-

mulgated in connection with compensation plans for municipal officers and employees and municipal personnel administration).

SECT. 108D added, 1958, 621 (establishing a minimum annual compensation for fire fighters in certain cities and towns); revised, 1960, 260.

SECT. 108E added, 1959, 228 (establishing a minimum annual compensation for police officers in certain cities and towns).

SECT. 108F added, 1962, 520 (establishing a minimum annual compensation for fire fighters in certain cities and towns).

SECT. 108G added, 1963, 19 (establishing an alternate schedule of minimum annual compensation for police officers in certain cities and towns).

SECTS. 108H and 108I added, 1966, 33 (providing additional compensation to fire fighters assigned to photographic work and to police officers assigned to photographic work or fingerprint identification work in certain cities and towns).

SECT. 108J added, 1966, 129 (providing that male and female employees in classified civil service in certain cities and towns shall receive equal pay for equal work).

SECT. 108K added, 1966, 499 (equalizing the compensation of female police officers).

SECT. 108L added, 1970, 835 (establishing a career incentive pay program for full-time police officers and for partial reimbursement by the commonwealth); first paragraph amended, 1973, 369 § 1; fourth paragraph amended, 1973, 369 § 2. (See 1973, 369 § 3.)

SECT. 108M added, 1971, 115 (providing certain benefits for police officers attending law enforcement and related courses at certain educational institutions).

SECT. 109 revised, 1960, 592 § 2; 1964, 54; first sentence revised, 1970, 381; sentence inserted after first sentence, 1971, 151 § 2.

SECT. 110, sentence added at end, 1950, 242.

SECT. 110A added, 1947, 265 (authorizing the closing of public offices in cities and towns on Saturdays).

SECT. 111 revised, 1932, 109; amended, 1936, 242; revised, 1937, 15; 1941, 368; fourth sentence stricken out and two sentences inserted, 1943, 280; first paragraph revised, 1946, 301; same paragraph stricken out and three paragraphs inserted, 1948, 330 § 1; same three paragraphs stricken out and one paragraph inserted, 1949, 475 § 1; same paragraph revised, 1951, 242 § 1. (See 1948, 330 § 2; 1951, 242 § 2.)

SECT. 111A amended, 1934, 107; revised, 1949, 172; first sentence stricken out and two sentences inserted, 1956, 46; first sentence amended, 1960, 154; 1967, 335.

SECT. 111B added, 1945, 156 (providing sick leaves for laborers, workmen and mechanics regularly employed by certain cities and towns); amended, 1946, 187; sentence added at end, 1949, 686.

SECT. 111C added, 1945, 348 (authorizing attendance at funerals or memorial services of war veterans by certain municipal employees without loss of pay); revised, 1953, 179.

SECT. 111D added, 1949, 384 (relative to vacations without loss of pay for regular members of police and fire forces in certain cities and towns). (See 1950, 36 § 1.)

SECT. 111E added, 1949, 475 § 2 (providing for payment of compensation to certain municipal employees and their beneficiaries in lieu of vacations in certain cases); amended, 1953, 436 § 2; revised, 1954, 13; sentence added at end, 1956, 45.

SECT. 111F added, 1952, 419 (providing injured leave for certain incapacitated police officers and fire fighters); first sentence amended, 1961, 218; sentence added at end, 1958, 266; section revised, 1964, 149.

SECT. 111G added, 1952, 488 (relative to annual vacations for certain employees of certain cities and towns).

SECT. 111G½ added, 1965, 735 (relative to computation of length of service of certain municipal employees for vacation purposes).

SECT. 111H added, 1953, 293 (relative to overtime service by police officers of cities and towns); revised, 1954, 573 § 1. (See 1954, 573 § 2.)

SECT. 111I added, 1953, 436 § 3 (relative to the payment of salaries, wages or other sums owing by cities and towns upon the death of their officers and employees); revised, 1954, 562 § 3; amended, 1962, 321 § 2; revised, 1967, 663. (See 1953, 436 § 7.)

SECT. 111J added, 1963, 412 (providing that employees of cities and towns who are delegates to a state or national convention of certain veterans' organizations may attend such convention without loss of pay or vacation leave).

SECT. 111K added, 1966, 162 (providing that in certain cities and towns members of the regular or permanent fire force shall be granted summer vacations).

SECT. 111L added, 1968, 33 (regulating vacations for police and fire fighting forces in certain cities and towns).

SECT. 112 revised, 1954, 627 § 18; 1961, 330. (See 1954, 627 §§ 65, 67.)

SECT. 112A added, 1947, 276 (regulating the separation from the service of certain cities and towns of certain war veterans holding unclassified offices or positions).

SECT. 113 amended, 1967, 45 § 6.

SECT. 115, last sentence revised, 1967, 45 § 7.

SECT. 116 revised, 1967, 45 § 8.

SECT. 119, first paragraph amended, 1967, 45 § 9; second paragraph revised, 1967, 45 § 10; two sentences added at end, 1950; 137; paragraph added at end, 1950, 779.

SECT. 120 added, 1949, 133 § 1 (establishing the financial year of fire, water, light and improvement districts); amended, 1967, 45 § 11; revised, 1969, 849 § 46. (See 1949, 133 § 2; 1969, 849 § 79.)

SECT. 121 added, 1950, 211 (requiring the treasurer of fire, water, light and improvement districts to be bonded); amended, 1967, 45 § 12.

SECT. 122 added, 1963, 106 (providing for the appointment of a temporary treasurer in districts); revised, 1967, 45 § 13; 1969, 563 § 1.

SECT. 123 added, 1964, 3 (providing for the appointment of a temporary clerk in districts); amended, 1967, 45 § 14.

SECT. 123A added, 1969, 563 § 2 (relative to the appointment of a temporary or assistant treasurer and clerks of districts).

SECT. 124 added, 1964, 643 § 4 (authorizing fire and water districts to appropriate money for the payment to the commonwealth of the districts'

share of the cost of conducting water favorability studies under the direction of the water resources commission).

SECT. 125 added, 1972, 556 (directing cities and towns to formulate plans for temporary housing for victims of fire or other disasters).

SECTS. 126-132 added, 1973, 170 (relative to granting tenure to incumbents of certain appointive municipal offices).

Chapter 42. — Boundaries of Cities and Towns.

SECT. 1 revised, 1933, 278 § 3.

SECT. 2 revised, 1973, 231 § 1.

SECT. 3 repealed, 1973, 231 § 2.

SECT. 5 revised, 1973, 231 § 3.

SECT. 7 revised, 1962, 157.

Chapter 43. — City Charters.

SECT. 1, definition of "Plan D" revised, 1948, 459 § 1; three paragraphs inserted after word "inclusive" in line 22, 1938, 378 § 1; definition of "Plan F" inserted, 1959, 448 § 1.

SECT. 5, paragraph added at end, 1938, 378 § 2; same paragraph revised, 1948, 459 § 2.

SECT. 7 amended, 1939, 451 § 8; revised, 1948, 459 § 3; paragraph added at end, 1954, 67.

SECT. 8, form of petition revised, 1938, 378 § 3; amended, 1948, 459 § 4; section revised, 1959, 448 § 2.

SECT. 9 revised, 1941, 640 § 1; 1948, 459 § 5; 1954, 155; first sentence amended; 1959, 448 § 3; revised, 1961, 146 § 1; 1962, 165 § 1. (See 1941, 640 § 7.)

SECT. 9A added, 1959, 448 § 4 (proceeding after filing of petition for the adoption of Plan F); repealed, 1961, 146 § 2.

SECT. 9B added, 1962, 165 § 2 (providing that Plan F may be submitted to the voters either at biennial state elections or at regular city elections).

SECT. 10, paragraph added at end, 1938, 378 § 4.

SECT. 11 revised, 1941, 640 § 2. (See 1941, 640 § 7.)

SECT. 12 amended, 1959, 268.

SECT. 15 amended, 1933, 313 § 7; last paragraph amended, 1938, 378 § 5; section revised, 1941, 640 § 3. (See 1941, 640 § 7.)

SECT. 16 revised, 1959, 448 § 5.

SECT. 16A added, 1959, 448 § 6 (city primary and election under Plan F, and nomination of candidates).

SECT. 17 revised, 1938, 378 § 6.

SECT. 17A added, 1952, 259 § 2 (relative to salaries of certain mayors, city councillors and city managers); amended, 1958, 72 § 2; sentence added at end, 1958, 513 § 2; third and fourth sentences stricken out, 1963, 731 § 1; sentence added at end, 1959, 448 § 7.

SECT. 17B added, 1959, 448 § 8 (salary of mayor and members of city council under Plan F).

SECTS. 17C-17D added, 1971, 311 (permitting the question of a four-year term for mayors in certain cities to be placed on the official ballot used at regular city elections).

SECT. 18, paragraph 2, third sentence revised, 1958, 626 § 5; paragraph 4 inserted, 1938, 378 § 7; amended, 1949, 723 § 1.

SECT. 19 revised, 1938, 378 § 8; amended, 1948, 459 § 6.

SECT. 23 amended, 1935, 68 § 1.

SECT. 26, first paragraph revised, 1937, 224 § 1; amended, 1938, 378 § 9; 1959, 448 § 9.

SECT. 28 amended, 1951, 25 § 1; 1967, 79 § 3; 1972, 61 § 2, 320 § 2.

SECT. 29 revised, 1938, 378 § 10; first sentence revised, 1949, 723 § 2; amended, 1951, 25 § 2; section revised, 1959, 448 § 10; 1967, 79 § 4; sentence added, 1973, 191.

SECT. 30 revised, 1938, 378 § 11; first sentence revised, 1948, 459 § 7; 1959, 448 § 11; amended, 1967, 59 § 2.

SECT. 31 amended, 1938, 378 § 12; 1959, 448 § 12.

SECT. 32 amended, 1949, 318; second sentence revised, 1970, 24.

SECT. 34 revised, 1964, 407.

SECT. 35, first sentence revised, 626 § 6.

SECT. 36 revised, 1938, 378 § 13.

SECT. 38, paragraph added, 1967, 406 § 1.

SECTS. 39-40 revised, 1972, 38.

SECT. 42 amended, 1935, 68 § 2; first paragraph revised, 1961, 550; second paragraph amended, 1967, 406 § 2.

SECT. 44A amended, 1933, 313 § 8; last two sentences stricken out, and paragraph added at end, 1934, 30; first paragraph revised, 1938, 378 § 14; amended, 1959, 448 § 13; last sentence of first paragraph stricken out, 1941, 640 § 4. (See 1941, 640 § 7.)

SECT. 44C, first paragraph amended, 1937, 147; 1943, 229 § 1.

SECT. 44H amended, 1932, 180 § 7; 1941, 640 § 5. (See 1941, 640 § 7.)

SECT. 46 amended, 1939, 451 § 9.

SECT. 50A added, 1936, 135 (relative to the filling of vacancies in the city council in cities having a Plan A form of charter).

SECT. 51 repealed, 1952, 259 § 3.

SECT. 56 amended, 1937, 224 § 2.

SECT. 59A added, 1937, 224 § 3 (relative to the filling of vacancies in the city council in cities having a Plan B form of charter); two paragraphs inserted before first paragraph, 1955, 222.

SECT. 62 repealed, 1952, 259 § 3.

SECT. 71, second sentence revised, 1958, 626 § 7.

SECT. 78 repealed, 1952, 259 § 3.

SECTS. 79-92 stricken out and new sections 79-92A (relative to Plan D form of charter) inserted, 1948, 459 § 8.

SECT. 84, fourth sentence revised, 1958, 626 § 8.

SECT. 87 repealed, 1952, 259 § 3.

SECTS. 93-116 added, under caption, 1938, 378 § 15 (providing an additional optional standard form of city charter under which substantial control of the city government is vested in a city council elected at large by proportional representation, with a city manager appointed and removable at pleasure by the city council).

SECTS. 93-116 repealed in so far as they provide for election by pro-

portional representation of city councils and school committees, 1949, 661 § 1; 1952, 281 § 1. (See 1949, 661 §§ 1A-3; 1952, 281 § 2; 1953, 118.)

SECT. 98, fourth sentence revised, 1958, 626 § 9.

SECT. 100 amended, 1941, 722 § 5.

SECT. 101 repealed, 1952, 259 § 3.

SECT. 102 amended, 1941, 722 § 6.

SECT. 103, first paragraph amended, 1950, 353; first sentence revised, 1967, 36; third sentence revised, 1973, 128.

SECT. 110, first paragraph amended, 1949, 181; form of petition amended, 1941, 722 § 7.

SECT. 114, last sentence revised, 1952, 78.

SECT. 115 repealed, 1972, 596 § 1.

SECTS. 117-127 added, under caption, 1959, 448 § 14 (establishing an additional optional standard form of city charter under which the city government is vested in a mayor and a city council elected partly at large and partly by wards, said mayor and city councillors being nominated in party primaries).

Chapter 43A. — Standard Form of Representative Town Meeting Government.

SECT. 3, first paragraph amended, 1937, 267 § 2.

SECT. 4, first paragraph amended, 1936, 128.

SECT. 6 revised, 1943, 1 § 1; 1943, 453 § 4; amended, 1945, 359; next to last sentence amended, 1947, 291. (See 1943, 1 § 2.)

SECT. 8, first sentence revised, 1943, 453 § 5.

SECT. 10 amended, 1973, 69; sentence added, 1973 § 70.

Chapter 43B. — Home Rule Procedures.

New chapter inserted, 1966, 734 § 1. (See 1966, 734 §§ 3, 4.)

SECT. 9, subsection (b) amended, 1970, 786 § 1; sentence added at end, 1970, 786 § 2; subsection (c), sentence added at end, 1970, 786 § 3; amended, 1971, 37 § 1.

SECT. 10, subsection (c), first sentence amended, 1970, 786 § 4; sentence inserted after second sentence, 1970, 786 § 5.

SECT. 12, first paragraph amended, 1970, 786 § 6; revised, 1971, 37 § 2.

SECT. 12A added, 1970, 237 (providing for resubmission of a city or town charter for acceptance).

SECT. 16, sentence added at end, 1970, 786 § 7.

SECT. 19 revised, 1969, 787.

Chapter 44. — Municipal Finance.

For temporary legislation establishing an emergency finance board in the department of the state treasurer, and providing for the borrowing of money by cities and towns against certain tax titles, see 1933, 49, 104; 1934, 313; 1935, 221, 300, 456; 1936, 281; 1938, 57; 1939, 288; 1941, 129; 1943, 413; 1945, 324; 1947, 206; 1949, 79; 1951, 438; 1953, 467; 1955, 262, 726; 1957, 209; 1959, 387; 1961, 205.

For legislation enabling cities, towns and districts to secure the benefits provided by the federal government to assist them in public works projects, see 1945, 74; 1947, 526; 1949, 327; 1951, 22; 1953, 173; 1955, 284; 1957, 222; 1959, 106; 1960, 279; 1961, 8. [For prior legislation, see 1933, 366; 1934, 21; 1935, 213, 404; 1936, 64, 83, 414; 1937, 159; 1938, 50, 82; 1939, 423; 1941, 639; 1943, 58.]

For emergency legislation authorizing cities, towns and districts to make certain appropriations during the existing state of war, see 1943, 5 §§ 1, 6; 75 §§ 1, 2, 4, 5; 1946, 10. [For prior legislation, see 1941, 487; 1942, 4.]

For legislation authorizing the renewal by cities and towns of certain temporary revenue loans, see 1947, 108; 1949, 134.

For legislation relative to the collection of certain taxes and other charges due to the commonwealth, see 1943, 568; 1945, 325, 712; 1946, 615.

For legislation authorizing cities, towns and districts to borrow on account of public welfare and veterans' benefits (and in certain years for additional specified purposes), see 1933, 307, 344; 1934, 335; 1935, 188, 456; 1936, 80, 257; 1937, 107; 1938, 58; 1939, 72, 453; 1941, 92; 1943, 44; 1945, 73; 1946, 584 § 17; 1947, 611; 1949, 90; 1951, 108; 1953, 479; 1955, 18; 1957, 252; 1959, 329.

For legislation regulating the use of receipts from the sale by cities and towns of federal surplus commodity stamps, 1941, 65.

For legislation authorizing cities and towns to borrow for remodeling, reconstructing or making extraordinary repairs to public buildings, see 1948, 275; 1952, 54; 1957, 226.

SECT. 1, definition of "District" added, 1967, 46 § 1; revised, 1969, 505 § 5; definition of "Equalized valuation" added, 1968, 23 § 1; definition of "Revenue" revised, 1946, 358 § 10; definitions of "Sewage" and "Sewage treatment and disposal facilities" added, 1969, 597 § 1.

SECT. 2 revised, 1936, 224 § 4; amended, 1946, 358 § 11; revised, 1963, 121. (See 1936, 224 §§ 11, 12.)

SECT. 4 amended, 1934, 11 § 1; affected, 1934, 11 §§ 2, 3; amended, 1936, 16; 1946, 358 § 12; 1947, 298 § 2; first sentence revised, 1964, 246; amended, 1967, 46 § 1A; section revised, 1967, 73 § 1; first sentence revised, 1969, 849 § 47. (See 1969, 849 § 79.)

SECT. 4A added, 1935, 68 § 3 (temporary loans by cities in anticipation of revenue exempted from charter provisions relative to publication and referendum).

SECT. 5 amended, 1939, 37; first sentence revised, 1967, 73 § 2; section repealed, 1969, 849 § 48. (See 1969, 849 § 79.)

SECT. 5A amended, 1935, 68 § 4; first sentence revised, 1967, 73 § 3; section repealed, 1969, 849 § 48. (See 1969, 849 § 79.)

SECT. 5B added, 1943, 61 § 1 (relative to borrowing for liabilities incurred by districts prior to the annual appropriations); repealed, 1969, 849 § 48. (See 1969, 849 § 79.)

SECT. 6 revised, 1957, 385; amended, 1962, 607 § 1; 1969, 428 § 1.

SECT. 6A amended, 1962, 607 § 2; first paragraph amended, 1969, 428 § 2; revised, 1973, 1140 § 1; paragraph added, 1968, 598 § 1. Temporarily affected, 1956, 412. (See 1973, 1140 § 30.)

SECT. 7 amended, 1936, 224 § 5; first paragraph amended, 1946, 358 § 13; 1947, 207 § 1; 1948, 275 § 3; revised, 1951, 54, 181 § 1; 1962, 380; 1963, 81; clause (1A) added, 1957, 219; clause (2A) added, 1955, 716 § 2; amended, 1959, 73 § 2; clause (2B) added, 1956, 596 § 2; clause (3A) added, 1947, 207 § 2; repealed, 1948, 275 § 4; clause (4A) added, 1955, 75 § 2; clause (5) revised, 1947, 101; amended, 1951, 282 § 1; clause (6) amended, 1951, 282 § 2; clause (12) repealed, 1946, 358 § 14; clause (14) revised, 1953, 100; amended, 1973, 401; clause (15) added, 1948, 383; clause (16) added, 1951, 181 § 2; amended, 1952, 38; clause (17) added, 1964, 28; section revised, 1965, 206 § 1; first paragraph amended, 1969, 849 § 49; 1971, 766 § 11; clause (1) revised, 1969, 481 § 1; amended, 1970, 63; clause (2) amended, 1969, 481 § 2; clause (3A) added, 1966, 234 § 1; clause (4) amended, 1971, 54; clause (4B) added, 1970, 79 § 1; clause (11) revised, 1969, 849 § 50; clause (18) added, 1966, 63 § 3; clause (19) added, 1967, 883 § 2; clause (20) inserted, 1968, 228 § 1; clauses (21)-(22) inserted, 1969, 481 § 3; clause (21) revised, 1970, 79 § 2; paragraph added, 1965, 581 § 1; clause (22) revised, 1973, 57. (See 1936, 224 §§ 11, 12; 1965, 206 §§ 2, 3, 581 § 2; 1968, 228 § 2; 1969, 849 § 79.)

SECT. 8, clause (1) revised, 1965, 98; clause (3) revised, 1938, 172 § 5; clause (4) revised, 1958, 383 § 1; 1963, 82; 1965, 68; clause (4A) added, 1966, 60; clause (5) revised, 1941, 83; amended, 1952, 123 § 1; revised, 1958, 383 § 2; clause (6) amended, 1952, 123 § 2; 1970, 55; clause (7A) added, 1957, 224; revised, 1967, 31; clause (7B) added, 1962, 672 § 2; clause (8) amended, 1958, 70 § 1; revised, 1968, 23 § 2; 1973, 933 § 2; clause (8A) added, 1963, 347 § 1; revised, 1973, 933 § 3; clause (9) amended, 1939, 457; 1947, 298 § 3; clause (10) revised, 1968, 23 § 3; clause (11) stricken out, 1968, 23 § 4; clause (12) revised, 1968, 23 § 5; clause (13) added, 1946, 358 § 15; amended, 1947, 298 § 4; revised, 1957, 431; first sentence revised, 1968, 23 § 6; clause (14) added, 1954, 106; clause (15) added, 1964, 736 § 1; revised, 1969, 481 § 4; clause (16) added, 1967, 160 § 2; clause (17) added, 1967, 883 § 3; clause (18) added, 1969, 635; second paragraph amended, 1968, 23 § 6A; last paragraph revised, 1960, 592 § 6; 1962, 672 § 3; 1968, 23 § 7; clause (19) added, 1972, 761. (See 1952, 123 § 3.)

SECT. 8A added, 1939, 108 § 1 (providing for submitting to the voters of certain cities the question of approving or disapproving orders authorizing the issue of bonds, notes or certificates of indebtedness for certain purposes); amended, 1968, 28. (See 1939, 108 § 2.)

SECT. 8B added, 1972, 565 (authorizing cities and towns to borrow sums necessary to replace funds lost by insolvency or liquidation of a bank depository).

SECT. 8C added, 1973, 734 (authorizing cities and towns to incur temporary debt for certain conservation and recreation purposes).

SECT. 9 amended, 1941, 376; 1946, 384 § 1; first paragraph amended, 1950, 169; revised, 1967, 46 § 2; paragraph added at end, 1947, 298 § 5; revised, 1968, 23 § 8; amended, 1969, 849 § 51. (See 1969, 849 § 79.)

SECT. 10 amended, 1936, 224 § 6; 1939, 24 § 1; 1946, 329; second sentence revised, 1950, 51; section revised, 1952, 56; second sentence revised, 1959, 99; first two sentences revised, 1967, 133; section revised, 1968, 23 § 9; third paragraph amended, 1971, 766 § 12. Temporarily affected, 1968, 25. (See 1936, 224 §§ 11, 12.)

SECT. 11 amended, 1936, 224 § 7. (See 1936, 224 §§ 11, 12.)

SECT. 12 amended, 1936, 224 § 8; repealed, 1946, 358 § 16. (See 1936, 224 §§ 11, 12.)

SECT. 13 revised, 1946, 358 § 17; first sentence stricken out, 1969, 849 § 52; paragraph added at end, 1948, 5; revised, 1963, 62; amended, 1969, 849 § 53; section repealed, 1971, 766 § 11. (See 1969, 849 § 79.)

SECT. 13A added, 1943, 61 § 2 (relative to the incurring of liabilities by districts prior to the annual appropriations); repealed, 1969, 849 § 48. (See 1969, 849 § 79.)

SECT. 16, first sentence stricken out and two sentences inserted, 1956, 98; last sentence stricken out, 1936, 224 § 10; section revised, 1964, 27; amended, 1969, 849 § 54; 1970, 64 § 1; paragraph added at end, 1970, 132. (See 1936, 224 §§ 11, 12; 1969, 849 § 79.)

SECT. 16A added, 1957, 58 § 1 (authorizing the use of facsimile countersignatures on bonds, notes and certificates of indebtedness issued by certain cities).

SECTS. 16B and 16C added, 1962, 232 § 2 (permitting the use of facsimile seals by cities, towns or districts and the use of facsimile signatures and countersignatures upon their bonds, notes and certificates of indebtedness).

SECT. 17 amended, 1946, 358 § 18; revised, 1962, 607 § 3; 1963, 80.

SECT. 18 amended, 1946, 358 § 19.

SECT. 19 amended, 1946, 358 § 20.

SECT. 20 amended, 1946, 358 § 21; revised, 1947, 60; sentence added at end, 1949, 403; section revised, 1966, 61.

SECT. 21 amended, 1946, 358 § 22.

SECT. 22 amended, 1936, 224 § 9; 1970, 64 § 2. (See 1936, 224 §§ 11, 12.)

SECT. 23, first sentence revised, 1967, 46 § 3.

SECT. 24 revised, 1963, 85; first three sentences revised, 1967, 46 § 4.

SECT. 26 amended, 1951, 265.

SECT. 28A added, 1951, 16 (making certain provisions of municipal finance laws applicable to regional school districts); revised, 1957, 262 § 1. (See 1957, 262 § 2.)

SECT. 28B added, 1967, 173 § 2 (relative to countersigning of notes by district planning commission).

SECT. 29. As to tax limit of Boston, see 1932, 125; 1933, 159; 1934, 201; 1935, 284; 1936, 224; repealed, 1969, 849 § 48. (See 1969, 849 § 79.)

SECT. 30 amended, 1969, 849 § 55. (See 1969, 849 § 79.)

SECT. 31 revised, 1946, 358 § 23; 1949, 138; first sentence revised, 1955, 259; sentence added, 1954, 46; amended, 1971, 766 § 14; revised, 1973, 832; paragraph added, 1969, 505 § 7.

SECT. 31A added, 1941, 473 § 1 (relative to budgets in certain cities); amended, 1953, 654 § 3; first paragraph amended, 1969, 849 § 56; second

paragraph amended, 1969, 849 § 57; fourth paragraph revised, 1969, 849 § 58. (See 1969, 849 § 79.)

SECT. 31B added, 1950, 173 (relative to the liabilities which may be incurred by fire, water, light and improvement districts); repealed, 1969, 505 § 6.

SECT. 31C added, 1964, 693 § 1 (providing that payment for certain public construction contracts shall not be barred by reason of being in excess of appropriations). (See 1964, 693 § 2.)

SECT. 32, paragraphs added at end, 1938, 175 § 1, 378 § 16; section revised, 1941, 473 § 2; first paragraph amended, 1969, 849 § 59; subdivision (2) amended, 1953, 51; fourth paragraph amended, 1969, 849 § 60; paragraph added at end, 1953, 79. (See 1969, 849 § 79.)

SECT. 33 revised, 1941, 473 § 3.

SECT. 33A stricken out and new sections 33A and 33B inserted, 1943, 62 (amending and clarifying the law relative to budgets in cities).

SECT. 33A revised, 1947, 298 § 1; sentence added at end, 1950, 370; section revised, 1955, 358; amended, 1960, 301; second sentence revised, 1969, 849 § 61. (See 1969, 849 § 79.)

SECT. 33B, first sentence amended, 1971, 766 § 15; two sentences added at end, 1951, 798 § 6; second sentence revised, 1965, 204. (See 1951, 798 § 8.)

SECT. 34 revised, 1938, 170; paragraph added at end, 1941, 93; repealed, 1969, 849 § 48. (See 1969, 849 § 79.)

SECT. 35 amended, 1941, 454; revised, 1951, 17 § 1; 1967, 46 § 5.

SECT. 40 amended, 1939, 339; first sentence amended, 1945, 29 § 1; revised, 1967, 46 § 6; sentence inserted after first sentence, 1947, 298 § 6; section revised, 1948, 82; 1951, 17 § 2. (See 1945, 29 § 2; repealed by 1946, 109.)

SECT. 41 revised, 1946, 432 § 4.

SECT. 43, two sentences added at end, 1951, 276.

SECT. 46 amended, 1953, 654 § 4.

SECT. 46A added, 1932, 155 (making permanent certain provisions of law relative to investigations of municipal accounts and financial transactions by the director of accounts). [For prior temporary legislation, see 1926, 210; 1929, 335.]

SECT. 51 amended, 1934, 355; repealed, 1938, 458.

SECT. 53 revised, 1960, 592 § 3; 1962, 246; amended, 1967, 46 § 7; first sentence revised, 1972, 766 § 4; second sentence revised, 1968, 598 § 2; amended, 1970, 525; revised, 1972, 88. (See 1972, 766 § 23.)

SECT. 53A added, 1964, 99 (providing that officers and departments of cities, towns and districts may accept grants or gifts for municipal purposes and may expend the same without appropriation); amended, 1967, 46 § 8; sentence added, 1967, 388 § 1.

SECT. 53B added, 1968, 598 § 3 (providing for application of sums paid by commonwealth to a city, town, or district for useful public works projects as contributions to cost).

SECT. 53C added, 1970, 344 (establishing a revolving fund for payment of police officers for off-duty work details in certain cities and towns); revised, 1973, 773.

SECT. 54 amended, 1933, 200; 1946, 358 § 24; revised, 1948, 194 § 1; 1949, 243; amended, 1953, 83; 1954, 47; first sentence amended, 1971, 299; sentence inserted after first sentence, 1962, 257; revised, 1970, 53.

SECT. 55, sentence added at end, 1948, 143 § 1; 1951, 59; section revised, 1953, 103; amended, 1960, 592 § 4; first sentence revised, 1967, 46 § 9; sentence added at end, 1960, 253; revised, 1967, 91; last two sentences revised, 1971, 545; fourth sentence revised, 1973, 224.

SECT. 55A revised, 1948, 143 § 2, 194 § 2; 1950, 224; amended, 1954, 48.

SECT. 56 revised, 1969, 849 § 62; 1971, 766 § 16; amended, 1973, 52 § 13. (See 1969, 849 § 79.)

SECT. 56A added, 1934, 229 § 1 (relative to the financial year of cities); revised, 1969, 849 § 63; 1971, 766 § 17; amended, 1973, 52 § 14. (See 1934, 229 §§ 2, 3; 1969, 849 § 79.)

SECT. 58 amended, 1951, 15.

SECT. 60 amended, 1967, 46 § 10.

SECT. 63 amended, 1946, 358 § 25; revised, 1962, 377; 1966, 111.

SECT. 63A added, 1955, 247 (providing for a payment in lieu of taxes in the event of a sale of real estate by a city or town); amended, 1971, 766 § 18. (See 1955, 401.)

SECT. 64 added, 1941, 179 (authorizing towns to appropriate money for the payment of certain unpaid bills of previous years); last paragraph revised, 1960, 592 § 5; 1969, 505 § 8; section revised, 1969, 730; 1971, 766 § 18.

SECT. 65 added, 1945, 635 § 3 (providing for advances of their vacation pay to officers and employees of cities and towns).

SECT. 66 added, 1956, 21 (authorizing advances to municipal officers and employees on account of certain necessary expenses).

SECT. 67 added, 1972, 807 § 5 (authorizing city and town treasurers to implement certain deferred compensation programs for certain employees).

SECT. 68 added, 1973, 47 (authorizing cities, towns and districts to pay salary increases retroactively).

Chapter 45. — Public Parks, Playgrounds and the Public Domain.

SECT. 1, sentence added, 1967, 790 § 1.

SECT. 2 amended, 1941, 10 § 1.

SECT. 5A added, 1969, 430 (requiring sealed proposals for leasing of concessions in certain public parks); amended, 1970, 92.

SECT. 14 revised, 1949, 256; second sentence stricken out and two sentences inserted, 1955, 96; sixth sentence revised, 1970, 86.

SECT. 17A added, 1938, 220 (authorizing cities and towns to use certain ways therein for playground purposes); revised, 1953, 80; 1955, 1; amended, 1962, 338 § 17.

SECT. 18 revised, 1954, 131.

SECT. 21 amended, 1971, 893 § 4.

Chapter 46. — Return and Registry of Births, Marriages and Deaths.

SECT. 1, first paragraph amended, 1968, 42 § 1; second paragraph amended, 1933, 280 § 1; revised, 1968, 84 § 1, 358 § 1; third paragraph

amended, 1971, 254; fourth paragraph amended, 1941, 51; revised, 1954, 627 § 23. (See 1954, 627 §§ 65, 67; 1968, 358 § 5.)

SECT. 1A added, 1939, 61 § 1 (further regulating the making and recording of certificates of birth of certain abandoned children and foundlings).

SECTS. 1B and 1C added, 1952, 72 (relative to filing evidence of certain births and deaths occurring without the commonwealth).

SECT. 1B, second paragraph revised, 1965, 12 § 1.

SECT. 1C, second paragraph revised, 1965, 12 § 2.

SECT. 2 revised, 1968, 42 § 2.

SECT. 2A added, 1933, 279 (regulating the impounding of birth records of children born out of wedlock); amended, 1937, 78 § 1; revised, 1939, 269 § 1; amended, 1954, 324; 1960, 48 § 1; sentence added, 1965, 10. (See 1960, 48 § 8.)

SECT. 3, first sentence revised, 1957, 24; third sentence revised, 1960, 48 § 2; fourth sentence stricken out, 1955, 95 § 1; sentence inserted after third sentence, 1959, 48 § 1; second paragraph revised, 1961, 51; paragraph added at end, 1939, 326 § 1; stricken out, 1963, 22 § 1. Section stricken out and sections 3-3A inserted, 1968, 84 § 2; section 3 amended, 1968, 358 § 2. (See 1959, 48 § 3; 1960, 48 § 8; 1968, 84 § 6.)

SECT. 3B added, 1971, 288 (requiring physicians to report a birth whenever the mother and child are not admitted immediately to a hospital for postnatal care).

SECT. 4 revised, 1968, 84 § 3. (See 1968, 84 § 6.)

SECT. 4A added, 1941, 434 (providing for the verification of returns of births); first sentence revised, 1960, 15 § 1; paragraph added at end, 1960, 15 § 2; section revised, 1968, 84 § 4. (See 1968, 84 § 6.)

SECT. 5 repealed, 1968, 84 § 5. (See 1968, 84 § 6.)

SECT. 6 revised, 1939, 61 § 2.

SECT. 7A added, 1950, 22 (requiring reports of births in airplanes).

SECT. 9 amended, 1936, 100; 1945, 113; sentence inserted after first sentence, 1954, 137; revised, 1959, 48 § 2; 1960, 48 § 3; section revised, 1969, 106; first sentence revised, 1972, 260. (See 1959, 48 § 3; 1960, 48 § 8.)

SECTS. 9A and 9B added, 1960, 48 § 4 (relative to the filing of certain certificates of death). (See 1960, 48 § 8.)

SECT. 10 revised, 1954, 627 § 24. (See 1954, 627 §§ 65, 67.)

SECT. 11, first sentence amended, 1960, 48 § 5; second sentence stricken out, 1955, 95 § 2. (See 1960, 48 § 8.)

SECT. 12 amended, 1937, 78 § 2; revised, 1945, 439; first sentence amended, 1972, 401; second sentence amended, 1960, 48 § 6. (See 1960, 48 § 8.)

SECT. 13, paragraph in first to sixth lines amended, 1939, 61 § 3; revised, 1960, 342 § 1; second paragraph amended, 1933, 280 § 2; second paragraph stricken out and two new paragraphs inserted, 1938, 63; first paragraph so inserted revised, 1943, 72 § 2; paragraph in eighteenth and nineteenth lines, as appearing in Tercentenary Edition, amended, 1938, 97; revised, 1953, 261 § 1; 1955, 107 § 3; 1959, 146; second sentence of

said paragraph stricken out and four sentences inserted, 1960, 342 § 2; fourth paragraph, as so appearing, amended, 1941, 50; same paragraph amended, 1945, 65; 1953, 261 § 2; revised, 1955, 107 § 4; 1956, 342; first sentence of said paragraph revised, 1966, 120; second sentence revised, 1971, 266; fourth sentence revised, 1966, 310; paragraph added at end, 1939, 61 § 4; 1948, 550 § 2.

SECT. 13A added, 1945, 542 (providing for the recording of certain births upon the determination of facts relating thereto by a probate court); revised, 1965, 12 § 3; 1968, 29.

SECT. 16 amended, 1941, 351 § 4; 1958, 613 § 2B; sentence added at end, 1955, 107 § 5.

SECT. 17 revised, 1932, 12; amended, 1939, 269 § 2; revised, 1960, 21 § 1. (See 1960, 21 § 2.)

SECT. 18 revised, 1957, 95.

SECT. 19 revised, 1943, 228 § 1; amended, 1945, 570 § 1; sentence added at end, 1950, 366; 1969, 478. (See 1943, 228 § 2; 1945, 570 § 2.)

SECT. 19A added, 1969, 759 (prohibiting reproduction of certified copies of certain birth, marriage and death records).

SECT. 19B added, 1970, 151 (providing for the issuance of abbreviated certified copies of restricted birth records).

SECT. 20 revised, 1941, 351 § 5; amended, 1958, 613 § 2C; revised, 1961, 396 § 1.

SECT. 21 revised, 1964, 508 § 1. (See 1964, 508 § 4.)

SECT. 24 revised, 1960, 48 § 7. (See 1960, 48 § 8.)

SECT. 26, first sentence revised, 1947, 283; sentence inserted after second sentence, 1939, 326 § 2; stricken out, 1963, 22 § 2.

SECT. 30 added, 1964, 310 (providing a penalty for alterings, forging or counterfeiting copies of records of birth, marriage or death).

Chapter 47. — Infirmaries.

SECT. 2 amended, 1967, 658 § 6.

SECT. 11 amended, 1961, 396 § 2.

Chapter 48. — Fires, Fire Departments and Fire Districts.

SECT. 8 amended, 1941, 490 § 10; revised, 1954, 104.

SECT. 10 amended, 1973, 62.

SECT. 11 amended, 1973, 45.

SECT. 13 amended, 1938, 204; revised, 1941, 581; 1945, 269; amended, 1951, 274; revised, 1964, 303; amended, 1973, 925 § 4. (See 1973, 925 § 84.)

SECT. 15 amended, 1932, 180 § 8; 1941, 490 § 11.

SECT. 16 revised, 1943, 103 § 1; amended, 1952, 222; revised, 1973, 108.

SECT. 18 revised, 1943, 103 § 2.

SECT. 20A repealed, 1950, 442.

SECT. 24 amended, 1953, 535 § 3; third sentence amended, 1956, 590.

SECT. 27 revised, 1973, 504.

SECT. 28A amended, 1941, 490 § 12; revised, 1953, 496; 1963, 572; repealed, 1971, 571.

SECT. 28B revised, 1953, 535 § 4.

SECT. 28C added, 1948, 131 (providing for the closing of privately owned forest lands during periods of fire hazard).

SECT. 36 amended, 1973, 232 § 1.

SECT. 36A added, 1948, 149 § 1 (providing for the promotion of certain call firemen to membership in the permanent fire force in certain cities and towns); amended, 1973, 232 § 2.

SECT. 37 revised, 1948, 149 § 2.

SECT. 38 revised, 1963, 160 § 2.

SECT. 42 amended, 1973, 1048 § 1.

SECT. 42A added, 1973, 1048 § 2 (providing for the establishment of fire departments in certain towns).

SECT. 43 revised, 1973, 1048 § 3.

SECT. 44 revised, 1973, 1048 § 4.

SECT. 51A added, 1948, 337 § 1 (providing for the furnishing of gas masks for the use of members of fire departments); second paragraph revised, 1949, 467 § 1; section revised, 1972, 288; 1973, 186. (See 1948, 337 § 2; 1949, 467 § 2.)

SECT. 57A added, 1953, 640 (relative to additional pay or time off for fire fighters and others who are required to work on legal holidays); amended, 1970, 547 § 1. (See 1970, 547 § 6.)

SECT. 57B added, 1959, 285 § 1 (granting time off without loss of pay to delegates to the state convention of the Associated Fire Fighters of Massachusetts AFL-CIO).

SECT. 57C added, 1962, 291 (permitting time off without loss of pay for delegates to certain conventions of fire fighters).

SECT. 57D added, 1962, 517 (providing that fire fighters and others in certain cities and towns be granted an additional day off duty or an additional day's pay when required to work on certain legal holidays); revised, 1967, 522; amended, 1970, 547 § 2. (See 1970, 547 § 6.)

SECT. 57E added, 1965, 141 (providing that certain fire chiefs who are on duty on certain holidays shall be granted an additional day's pay); revised, 1967, 799; amended, 1970, 547 § 3. (See 1970, 547 § 6.)

SECT. 57F added, 1965, 786 (providing that certain police chiefs who are on duty on certain holidays shall be granted an additional day's pay); repealed, 1969, 435 § 2.

SECT. 57G added, 1971, 1082 (increasing the annual rate of compensation of certain heads of fire and police departments).

SECT. 58A added, 1941, 638 (further regulating the hours of duty of permanent members of fire departments in certain cities and towns); first sentence amended, 1964, 329 § 1.

SECT. 58B added, 1945, 413 § 1 (further regulating the hours of duty of permanent members of fire departments in certain cities and towns); second paragraph amended, 1955, 151; section revised, 1957, 713 § 1; first paragraph amended, 1964, 329 § 2; second paragraph revised, 1958, 279. (See 1945, 413 § 2; 1946, 114, 371, 436, 597; 1947, 64, 200; 1964, 329 § 3.)

SECT. 58C added, 1955, 195 (authorizing compensation for overtime service by fire fighters of cities and towns); revised, 1956, 206; 1968, 368; 1969, 62; amended, 1969, 544 § 2; revised, 1972, 234.

SECT. 58D added, 1965, 452 (providing for a forty-two hour work week for fire fighters); second paragraph stricken out and two paragraphs inserted, 1967, 177; third paragraph revised, 1968, 245.

SECT. 58E added, 1966, 272 (allowing certain municipal fire fighters to live outside the city or town in which they are employed); revised, 1972, 370.

SECT. 59, fifth paragraph revised, 1955, 150.

SECT. 59A amended, 1949, 77; first sentence revised, 1960, 14.

SECT. 59E added, under caption, 1939, 419 § 1 (providing for the ultimate abolition of reserve fire forces in certain cities and towns).

SECT. 65 revised, 1956, 95; 1970, 283.

SECT. 66 revised, 1950, 121.

SECT. 69 revised, 1959, 91.

SECT. 70 repealed, 1950, 170.

SECT. 79 revised, 1948, 133; first sentence amended, 1951, 392.

SECTS. 84, 85 and 86 repealed and caption preceding section 84 stricken out, 1967, 129.

SECT. 88 added, 1959, 367 (providing that a fire fighter in certain cities and towns shall not be required to perform the duties of a police officer); first sentence revised, 1970, 354; sentence added at end, 1962, 345.

SECT. 89 added, 1970, 295 (providing that no fire fighter shall be required to carry firearms).

Chapter 49. — Fences, Fence Viewers, Pounds and Field Drivers.

SECT. 6 revised, 1948, 550 § 3.

SECT. 10 amended, 1951, 143 § 2.

SECT. 26 revised, 1957, 233.

SECT. 29 amended, 1951, 143 § 1.

SECT. 36 revised, 1948, 550 § 4.

SECT. 42 repealed, 1963, 185.

Chapter 49A. — Use of Certain Animals for Scientific Investigation, Experiment or Instruction.

New chapter inserted, 1957, 298 § 1.

SECT. 3, paragraph (b) amended, 1973, 49 § 1.

Chapter 50. — General Provisions relative to Primaries, Caucuses and Elections.

SECT. 1. "Ballot labels" defined, 1941, 511 § 1; "City election" defined, 1943, 453 § 6; "Official ballot" defined, 1941, 511 § 2; "Political committee" defined, 1943, 318 § 5; amended, 1954, 224; definition of "Political party" amended, 1951, 805 § 4; "State officer" defined, 1943, 453 § 7; "Town officer" defined, 1943, 453 § 8. (See 1951, 805 §§ 6, 7.)

SECT. 2 amended, 1932, 141 § 1; sentence added at end, 1938, 341 § 4.

SECT. 3A added, 1947, 37 (relative to the placing on nomination papers of acceptances of nominations); revised, 1953, 26.

SECT. 4, paragraph added at end, 1947, 30 § 2; revised, 1963, 113 § 1; amended, 1966, 16; revised, 1969, 119 § 1.

SECT. 6A added, 1948, 15 § 3 (providing for the filling of vacancies in certain elective offices in case of the retirement of an incumbent by reason of superannuation prior to the next regular election).

SECT. 7 and caption preceding section revised, 1965, 530 § 1.

SECT. 8 amended, 1943, 453 § 9.

Chapter 51. — Voters.

For legislation providing for a state wide verification of voting lists, see 1938, 427; repealed and superseded by 1939, 450; amended, 1943, 537; 1945, 127.

SECT. 1, first paragraph amended, 1943, 453 § 10; first sentence revised, 1962, 437 § 1; second sentence amended, 1954, 627 § 19; 1963, 160 § 3; third sentence revised, 1966, 109; four sentences added at end of first paragraph, 1961, 582 § 1; same four sentences stricken out, 1962, 437 § 2; first paragraph stricken out and two paragraphs inserted, 1971, 382 § 1; first two paragraphs stricken out and paragraph inserted, 1972, 28 § 1; first sentence revised, 1972, 587 § 1; paragraph added at end, 1932, 206; amended, 1960, 300. (See 1954, 627 §§ 65, 67.)

SECTS. 1A-1D added, 1961, 582 § 2 (relative to qualifications of certain absentee voters in presidential elections); stricken out and sections 1A and 1B inserted, 1962, 437 § 3.

SECT. 1A, first paragraph revised, 1965, 536; section revised, 1966, 367 § 1; first paragraph amended, 1971, 382 § 2; first sentence revised, 1972, 637 § 1; second paragraph amended, 1971, 320 § 1.

SECT. 1B repealed, 1966, 367 § 2.

SECTS. 1E-1F added, 1972, 637 § 2 (facilitating the rights of certain persons to vote for presidential electors).

SECT. 2 amended, 1933, 254 § 3; revised, 1945, 310; sentence added at end, 1962, 437 § 4; paragraph added, 1966, 666. (See 1933, 254 § 66.)

SECT. 3 amended, 1933, 254 § 4; revised, 1943, 453 § 11; first sentence revised, 1972, 549; first two sentences stricken out and four sentences inserted, 1973, 255; sentence added, 1962, 437 § 5. (See 1933, 254 § 66.)

Heading before section 4 revised, 1943, 453 § 12.

SECT. 4 amended, 1933, 254 § 5; first paragraph revised, 1935, 345 § 1; amended, 1937, 1 § 1; revised, 1938, 186 § 1; section revised, 1938, 440 § 2; section amended, 1943, 453 § 13; last paragraph revised, 1947, 26; section amended, 1955, 67 § 1; first paragraph amended, 1971, 382 § 3; second paragraph revised, 1963, 160 § 4. (See 1933, 254 §§ 65, 66; 1937, 226; 1938, 186 § 5, 440 § 23.)

SECT. 5 revised, 1938, 440 § 3; 1939, 188 § 1; repealed, 1963, 160 § 5. (See 1938, 440 § 23.)

SECT. 6 revised, 1938, 440 § 4; 1939, 188 § 2; next to last sentence revised, 1949, 196; last sentence stricken out, 1963, 160 § 5A; sentence added, 1973, 60. (See 1938, 440 § 23.)

SECT. 7 amended, 1933, 254 § 6; revised, 1935, 345 § 2; amended, 1938, 440 § 5; revised, 1939, 188 § 3; amended, 1955, 67 § 2; 1959, 137; 1969, 205 § 1. (See 1933, 254 §§ 65, 66; 1938, 440 § 23.)

SECT. 8 amended, 1933, 254 § 7; 1937, 1 § 2; revised, 1938, 186 § 2, 440 § 6; second sentence amended, 1963, 160 § 6. (See 1933, 254 § 66; 1938, 186 § 5, 440 § 23.)

SECT. 9 amended, 1933, 254 § 8; revised, 1938, 440 § 7; repealed, 1973, 1137 § 1. (See 1933, 254 § 66; 1938, 440 § 23; 1973, 1137 § 11.)

SECT. 10 amended, 1938, 440 § 8; repealed, 1943, 453 § 14. (See 1938, 440 § 23.)

SECTS. 10A and 10B added, 1939, 369 § 1 (providing for the securing of information relative to persons residing at inns, lodging houses and public lodging houses); sections stricken out and new section 10A inserted, 1943, 320 § 1; revised, 1955, 176; amended, 1971, 382 § 4; sentence added, 1972, 30.

SECT. 11 revised, 1938, 440 § 9. (See 1938, 440 § 23.)

SECT. 12 revised, 1938, 440 § 10; first sentence revised, 1962, 437 § 6; sentence added at end, 1945, 715 § 1. (See 1938, 440 § 23.)

SECT. 13 repealed, 1943, 453 § 15.

SECT. 14 amended, 1973, 925 § 5. (See 1973, 925 § 84.)

SECT. 14A revised, 1938, 440 § 11. (See 1938, 440 § 23.)

SECT. 14B added, 1933, 254 § 9 (amending special acts relative to the listing of voters in certain municipalities so as to conform to the change in taxing date from April 1 to January 1); revised, 1938, 440 § 12; amended, 1943, 453 § 16. (See 1933, 254 §§ 65, 66; 1938, 440 § 23.)

SECT. 15 amended, 1959, 127 § 2.

SECT. 16 repealed, 1959, 127 § 1.

SECT. 16A added, 1955, 218 (authorizing the establishment of boards of election commissioners and defining their powers and duties); amended, 1956, 723 § 1.

SECT. 18 amended, 1950, 142.

SECT. 19, first sentence revised, 1962, 260.

SECT. 20 revised, 1943, 453 § 17.

SECT. 22 amended, 1938, 280; revised, 1943, 453 § 18; amended, 1950, 172; 1973, 83.

SECT. 22A added, 1945, 715 § 2 (providing for registration as voters of persons who are physically unable to apply in person); revised, 1946, 196 § 1; first sentence revised, 1967, 239.

SECT. 23 amended, 1943, 453 § 19; revised, 1945, 715 § 3.

SECT. 24 amended, 1950, 177.

SECT. 25 revised, 1961, 286; sentence revised, 1973, 294.

SECT. 26 amended, 1932, 48 § 1; 1935, 37 § 1; 1938, 473 § 2; 1943, 453 § 20; revised, 1947, 34 § 1; first sentence stricken out and two sentences inserted, 1962, 437 § 7; first sentence revised, 1966, 236 § 1; second sentence amended, 1968, 212; revised, 1971, 382 § 5; sentence inserted before last sentence, 1948, 42; last sentence revised, 1962, 437 § 8; section revised, 1973, 853 § 1.

SECT. 27 revised, 1932, 48 § 2; amended, 1935, 37 § 2; 1938, 473 § 3; amended, 1943, 109 § 1; revised, 1943, 453 § 21; 1947, 34 § 2.

SECT. 28 revised, 1947, 34 § 3; sentence added, 1971, 382 § 6; amended, 1973, 107; section revised, 1973, 853 § 2.

SECT. 29 amended, 1947, 34 § 4; 1956, 134; first sentence revised, 1967, 763; section revised, 1970, 89; 1973, 853 § 3.

SECT. 29A amended, 1943, 109 § 2; revised, 1947, 34 § 5.

SECT. 29B added, 1938, 179 (providing for sessions of registrars of voters in all the wards of every city prior to each biennial state election); amended, 1943, 453 § 22; 1947, 34 § 6; sentence added at end, 1962, 437

§ 9; first sentence stricken out and two sentences inserted, 1966, 236 § 2; first sentence stricken out and two sentences inserted, 1969, 102.

SECT. 30, first sentence amended, 1943, 453 § 23; section revised, 1947, 34 § 7; first two sentences stricken out and three sentences inserted, 1966, 236 § 3; first sentence stricken out and two sentences inserted, 1967, 238 § 1; sentence added at end, 1962, 437 § 10.

SECT. 31, sentence added, 1966, 236 § 4.

SECT. 32 amended, 1933, 254 § 10; sentence added at end, 1962, 437 § 11; section revised, 1973, 1137 § 2. (See 1933, 254 § 66; 1973, 1137 § 11.)

SECT. 33, paragraph added, 1945, 246; revised, 1946, 160; section revised, 1962, 437 § 12; amended, 1973, 1137 § 3. (See 1973, 1137 § 11.)

SECT. 34 amended, 1933, 254 § 11; sentence added, 1962, 437 § 13; section revised, 1973, 1137 § 4. (See 1933, 254 § 66; 1973, 1137 § 11.)

SECT. 35 revised, 1938, 440 § 13; amended, 1939, 451 § 10; sentence added at end, 1947, 244 § 1; section amended, 1971, 201. (See 1938, 440 § 23.)

SECT. 36 amended, 1933, 254 § 12; 1943, 453 § 24; 1955, 67 § 3; 1962, 437 § 14; revised, 1971, 932; revised, 1973, 1137 § 5. (See 1933, 254 § 66; 1973, 1137 § 11.)

SECT. 37 amended, 1933, 254 § 13; revised, 1938, 440 § 14; fourth sentence amended, 1939, 369 § 2; 1943, 320 § 2; last sentence stricken out, 1941, 328 § 2; section revised, 1943, 453 § 25; third sentence revised, 1969, 205 § 2; fifth sentence revised, 1973, 1137 § 6; sentence added, 1962, 437 § 15. (See 1933, 254 § 66; 1938, 440 § 23; 1973, 1137 § 11.)

SECT. 38 revised, 1943, 453 § 26; sentence inserted after first sentence, 1966, 308; third sentence revised, 1962, 437 § 16.

SECT. 39 amended, 1938, 440 § 15; repealed, 1969, 205 § 3. (See 1938, 440 § 23.)

SECT. 40, sentence inserted after second sentence, 1962, 437 § 17; revised, 1973, 1137 § 7. (See 1973, 1137 § 11.)

SECT. 41 revised, 1943, 453 § 27.

SECT. 41A added, 1941, 328 § 1 (ensuring that certain laws relative to registration of persons residing at inns and lodging houses are of general application); revised, 1943, 320 § 3.

SECT. 42 revised, 1945, 715 § 4; 1962, 437 § 18; paragraph added, 1965, 477; first sentence revised, 1971, 382 § 7; 1972, 28 § 2; section revised, 1973, 1137 § 8. (See 1973, 1137 § 11.)

SECT. 42A added, 1945, 715 § 5 (relative to registration as voters of persons who are physically unable to apply in person); revised, 1946, 196 § 2; first paragraph amended, 1961, 130; 1962, 265; section revised, 1973, 1137 § 8A. (See 1973, 1137 § 11.)

SECT. 42B added, 1959, 332 (providing for registration sessions in certain factories and mills); sentence added at end, 1962, 437 § 19; section revised, 1963, 308; 1972, 113; 1973, 655.

SECT. 42C added, 1973, 492 (authorizing voter registration sessions in high schools and vocational schools).

SECT. 43 amended, 1933, 254 § 14; revised, 1938, 440 § 16; repealed, 1969, 205 § 4. (See 1933, 254 § 66; 1938, 440 § 23.)

SECT. 44 amended, 1943, 453 § 28; revised, 1945, 715 § 6; first sentence revised, 1962, 437 § 20; seventh sentence revised, 1966, 13; section revised, 1971, 382 § 8; 1973, 1137 § 9. (See 1973, 1137 § 11.)

SECT. 45 revised, 1943, 108; 1945, 715 § 7; first sentence revised, 1962, 437 § 21; section repealed, 1971, 320 § 2.

SECT. 46 revised, 1945, 715 § 8; 1962, 437 § 22; 1973, 1137 § 9A. (See 1973, 1137 § 11.)

SECT. 46A added, 1973, 1137 § 9A (requiring the transmittal of copies of certain affidavits of registration). (See 1973, 1137 § 11.)

SECT. 47 revised, 1945, 715 § 9; 1973, 1137 § 9B. (See 1973, 1137 § 11.)

SECT. 47A added, 1973, 1137 § 9B (providing for the registration of certain voters under age eighteen). (See 1973, 1137 § 11.)

SECT. 47B added, 1973, 1137 § 9B (authorizing complaints by registrars against persons making false statements). (See 1973, 1137 § 11.)

SECT. 48, first sentence revised, 1962, 437 § 23.

SECT. 49 revised, 1962, 437 § 24.

SECT. 50 amended, 1938, 440 § 17; 1945, 378; revised, 1962, 511 § 2; 1966, 283. (See 1938, 440 § 23; 1962, 511 § 5.)

SECT. 51 revised, 1962, 511 § 3; last two sentences revised, 1966, 123 § 1.

SECT. 54, paragraph added at end, 1946, 537 § 1. (See 1946, 537 § 12.)

SECT. 55 amended, 1933, 254 § 15; sentence added at end, 1936, 2 § 1; same sentence revised, 1938, 473 § 4; section amended, 1943, 453 § 29; 1950, 193; third and fourth sentences revised, 1949, 212; last sentence revised, 1946, 140 § 15; section revised, 1950, 255; first sentence revised, 1967, 103; fifth sentence revised, 1971, 59. (See 1933, 254 § 66.)

SECT. 57 amended, 1943, 453 § 30.

SECT. 58 revised, 1945, 253.

SECT. 58A added, 1962, 437 § 25 (relative to the preparation of lists of persons qualified to vote for electors of president and vice-president).

SECT. 59 revised, 1962, 437 § 26; 1973, 555.

SECT. 60, first sentence revised, 1962, 437 § 27.

SECT. 61 amended, 1937, 21 § 1; paragraph inserted after first paragraph, 1962, 437 § 28.

SECT. 62 amended, 1943, 453 § 31.

SECT. 63 revised, 1943, 453 § 32.

Chapter 52. — Political Committees.

Chapter stricken out and new chapter inserted, 1938, 346 § 1. (See 1938, 346 §§ 3, 4.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 52, as so inserted:

SECT. 1, first two paragraphs revised, 1948, 614 § 1; section revised, 1950, 280 § 1; amended, 1955, 138 § 1; first paragraph revised, 1961, 145. (See 1948, 614 §§ 8, 9.)

SECT. 1A added, 1948, 614 § 2 (relative to nominations of candidates for members of state political committees); repealed, 1950, 280 § 2. (See 1948, 614 §§ 8, 9.)

SECT. 2, first sentence amended, 1955, 138 § 2; sentence added at end, 1948, 23; section revised, 1958, 111.

SECT. 4 amended, 1955, 138 § 3.

SECT. 5, sentence inserted after first sentence, 1967, 105; sentence added at end, 1963, 303.

SECT. 6 revised, 1957, 38.

SECT. 9 revised, 1941, 337 § 1; first sentence revised, 1953, 406 § 1; third sentence revised, 1971, 920 § 1; last sentence revised, 1969, 825 § 1; section revised, 1973, 429 § 1. (See 1971, 920 § 11.)

Chapter 53. — Nominations, Questions to be submitted to the Voters, Primaries and Caucuses.

SECT. 1 amended, 1939, 371; 1973, 110.

SECT. 2 amended, 1932, 310 § 4; last sentence revised, 1934, 32 § 1; section revised, 1938, 473 § 5; 1941, 337 § 2; first sentence amended, 1953, 406 § 2; revised, 1966, 407 § 1; amended, 1973, 429 § 1A. (See 1937, 384, 435.)

SECT. 3 revised, 1936, 116 § 1; amended, 1937, 45 § 1; revised, 1943, 334 § 1; first sentence revised, 1965, 584 § 1; first sentence stricken out and three sentences inserted, 1971, 224; sentence inserted after first sentence, 1963, 287; sentence added at end, 1945, 55.

SECT. 5, first paragraph amended, 1954, 31; 1966, 56 § 1; paragraph added at end, 1947, 141; revised, 1955, 288 § 1; section revised, 1973, 429 § 2.

SECT. 6 amended, 1936, 101; revised, 1939, 191; 1941, 266; amended, 1943, 50; revised, 1943, 334 § 2; second sentence stricken out, 1972, 51; first sentence stricken out and two sentences inserted, 1973, 849; sentence inserted after first sentence, 1972, 400 § 1; third sentence revised, 1960, 224.

SECT. 7 amended, 1933, 254 § 16; sentence inserted, 1936, 2 § 2; section revised, 1936, 4 § 1; amended, 1937, 25 § 1; 1938, 341 § 5; first and second sentences revised, 1943, 334 § 3; first sentence revised, 1968, 112; 1971, 512 § 1; second sentence revised, 1968, 114; last three sentences revised, 1954, 183 § 2; 1963, 210; last sentence amended, 1968, 488; paragraph added, 1971, 512 § 2. (See 1933, 254 § 66.)

SECT. 7A added, 1943, 229 § 2 (relative to the certification of nomination petitions for preliminary elections in cities).

SECT. 8, first paragraph amended, 1932, 135 § 4; section amended, 1933, 35 § 1; first sentence amended, 1938, 473 § 6; section revised, 1943, 334 § 4; first paragraph amended, 1955, 288 § 2; 1957, 14; revised, 1957, 278 § 1; amended, 1971, 202; second paragraph amended, 1951, 805 § 5; 1963, 307; third sentence revised, 1970, 869 § 1; 1972, 400 § 2. (See 1951, 805 §§ 6, 7.)

SECT. 9 revised, 1961, 390.

SECT. 9A added, 1962, 249 § 1 (regulating the issuance of nomination papers for use in city and town primaries and elections, and limiting the number of such papers obtainable); amended, 1964, 175.

SECT. 10, first paragraph amended, 1934, 111; revised, 1937, 45 § 2; amended, 1938, 373 § 4; 1946, 20 § 2; revised, 1963, 236 § 1; last sentence

stricken out and two sentences inserted, 1968, 762 § 1; paragraph revised, 1971, 920 § 1A; second paragraph revised, 1933, 313 § 2; 1941, 278; amended, 1941, 472 § 4; first two sentences stricken out and one sentence inserted, 1954, 114; 1943, 229 § 3; first sentence revised, 1968, 762 § 2; last sentence revised, 1971, 920 § 2; third paragraph revised, 1937, 77 § 2; amended, 1943, 334 § 5; revised, 1947, 74; paragraph inserted after third paragraph, 1948, 63. (See 1971, 920 § 11.)

SECT. 11, sentence added at end, 1933, 313 § 3; revised, 1937, 77 § 3; section revised, 1937, 212 § 1; amended, 1943, 334 § 6; second sentence revised, 1956, 135.

SECT. 12 revised, 1937, 212 § 2; first paragraph amended, 1943, 334 § 7; paragraph added at end, 1939, 166.

SECT. 12A added, 1933, 305 (to prevent certain fraudulent nominations).

SECT. 13, sentence added at end, 1933, 313 § 4; section amended, 1937, 26, 77 § 4; revised, 1955, 221.

SECT. 14, sentence inserted after first sentence, 1972, 400 § 3; sentence inserted after third sentence, 1943, 334 § 8.

SECT. 15 amended, 1943, 334 § 9.

SECT. 17 amended, 1943, 334 § 10; two sentences added at end, 1962, 249 § 2.

SECT. 17A added, under the heading "ENDORSEMENT FOR NOMINATION OF MEMBERS OF STATE POLITICAL COMMITTEES BY CONVENTIONS", 1938, 397; second paragraph amended, 1945, 237 § 1; fifth paragraph amended, 1945, 20; last paragraph stricken out, 1964, 76 § 1.

SECT. 18 revised, 1934, 282.

SECT. 20 revised, 1943, 334 § 11.

SECT. 21 amended, 1945, 237 § 2; second sentence revised, 1971, 322.

SECT. 22A amended, 1932, 80; 1938, 192; 1943, 51; 1948, 596.

SECT. 22B added, 1938, 191 (requiring persons circulating initiative and referendum petitions to attest the validity of signatures thereto under the penalties of perjury); amended, 1961, 344.

SECT. 24. See 1937, 275.

SECT. 26 amended, 1943, 334 § 12; three sentences inserted after first sentence, 1967, 496; paragraph added at end, 1945, 51.

SECT. 28 amended, 1932, 310 § 5; revised, 1933, 313 § 5; amended, 1934, 32 § 2; revised, 1938, 473 § 7; first paragraph amended, 1946, 20 § 3; revised, 1968, 762 § 3. (See 1937, 384, 435.) Temporarily affected, 1958, 73.

SECT. 32 amended, 1932, 310 § 6; 1938, 473 § 8. (See 1937, 384, 435.)

SECT. 33, sentence added at end, 1941, 511 § 3.

SECT. 34 revised, 1932, 310 § 7; first paragraph revised, 1938, 436 § 1; fourth paragraph revised, 1937, 22; section revised, 1938, 473 § 9; second and third paragraphs revised, 1941, 337 § 3; fifth paragraph revised, 1941, 352; amended, 1943, 334 § 13; section revised, 1953, 406 § 3; second paragraph revised, 1954, 225; 1958, 289; 1960, 216; 1962, 758; third paragraph revised, 1964, 76 § 2; fourth paragraph amended, 1970, 41; seventh paragraph revised, 1961, 261; 1962, 272; amended, 1964, 55 § 1; section revised, 1973, 429 § 3. (See 1937, 384, 435.)

SECT. 34A added, 1971, 920 § 6 (requiring the state secretary to prepare certain papers for absentee voting at each biennial or special state primary). (See 1971, 920 § 11.)

SECT. 35 amended, 1932, 310 § 8; 1938, 473 § 10; amended, 1941, 337 § 4. (See 1937, 384, 435.)

SECT. 35A added, 1943, 301 (relative to pasters or stickers for use at primaries).

SECT. 35B added, 1965, 584 § 2 (providing that city or town clerks notify persons nominated by pasters or write-ins of the necessity of complying with certain laws).

SECT. 36 amended, 1941, 511 § 4.

SECT. 37 revised, 1943, 334 § 14; first paragraph, first sentence revised, 1973, 1137 § 10; second sentence revised, 1971, 920 § 3; third paragraph, first sentence revised, 1967, 191; sentence added, 1949, 194; revised, 1957, 26. (See 1971, 920 § 11; 1973, 1137 § 11.)

SECT. 37A added, 1971, 920 § 4 (relating to party designation by absentee voters in a primary). (See 1971, 920 § 11.)

SECT. 38 amended, 1938, 299; 1943, 334 § 15; 1945, 237 § 3; revised, 1959, 74; first sentence stricken out and two sentences inserted, 1963, 113 § 2; first sentence amended, 1967, 238 § 2; revised, 1969, 119 § 2; sentence inserted after first sentence, 1971, 920 § 5; section revised, 1972, 115. (See 1971, 920 § 11.)

SECT. 38A added, 1962, 375 (providing for a biennial count of the enrolled and unenrolled voters of the commonwealth).

SECT. 39A added, 1961, 109 (regulating the counting of votes for members of ward and town committees); repealed, 1966, 176 § 1.

SECT. 40 revised, 1932, 30.

SECT. 40A added, 1943, 334 § 16 (requiring petitions for recounts at primaries of a political party to be signed by enrolled voters thereof).

SECT. 41 revised, 1932, 310 § 9; section and title preceding it stricken out and new section inserted under the heading "PROVISIONS APPLYING TO STATE PRIMARIES", 1938, 473 § 11; section revised, 1941, 337 § 5. (See 1937, 384, 435.)

SECT. 42 amended, 1932, 310 § 10; 1937, 24 § 2; revised, 1938, 373 § 1; 1953, 406 § 4. (See 1937, 384, 435.)

SECT. 43 amended, 1932, 310 § 11; 1937, 201; 1949, 109 § 1; 1971, 935; revised, 1972, 279; amended, 1973, 144. (See 1937, 384, 435.)

SECT. 44 revised, 1932, 310 § 12; amended, 1935, 38; revised, 1938, 373 § 2, 473 § 12; amended, 1941, 337 § 6; revised, 1952, 221; 1953, 406 § 5; last sentence stricken out and two sentences inserted, 1954, 183 § 1; third sentence revised, 1955, 249; section revised, 1964, 260; second sentence revised, 1966, 56 § 2; 1972, 50; first and second sentences revised, 1973, 429 § 4; third sentence amended, 1966, 335 § 1. (See 1937, 384, 435.)

SECT. 45 amended, 1932, 310 § 13; first paragraph amended, 1936, 22; 1938, 84; section revised, 1938, 473 § 13; amended, 1941, 337 § 7; first paragraph amended, 1947, 338 § 1; third paragraph revised, 1966, 176 § 2; 1972, 8; paragraph added at end, 1946, 537 § 2. (See 1937, 384, 435; 1946, 537 § 12.)

SECT. 46 amended, 1936, 4 § 2; revised, 1937, 25 § 2; amended, 1941, 337 § 8.

SECT. 47 amended, 1932, 310 § 14; 1938, 473 § 14. (See 1937, 384, 435.)

SECT. 48 amended, 1932, 310 § 15; first paragraph revised, 1938, 373 § 3; paragraph added at end, 1938, 272; same paragraph amended, 1941, 563; paragraph added at end, 1941, 675; section amended, 1943, 53; first paragraph amended, 1946, 20 § 4; section revised, 1951, 332; first paragraph revised, 1953, 406 § 6; 1963, 236 § 2; amended, 1963, 284; revised, 1971, 920 § 7; second paragraph amended, 1964, 254; paragraph added, 1966, 66. (See 1937, 384, 435; 1971, 920 § 11.)

SECT. 48A added, 1956, 232 (relative to the nomination of certain candidates at state primaries).

SECT. 49 revised, 1932, 310 § 16; 1938, 473 § 15. (See 1937, 384, 435.)

SECT. 51 amended, 1932, 310 § 17; 1938, 473 § 16; revised, 1960, 434 § 2. (See 1937, 384, 435.)

SECT. 52 amended, 1932, 310 § 18; revised, 1938, 473 § 17; amended, 1941, 337 § 9; revised, 1948, 614 § 3; 1950, 280 § 3; sentence added, 1965, 584 § 2A. (See 1937, 384, 435; 1948, 614 §§ 8, 9.)

SECT. 53 revised, 1932, 310 § 19; 1938, 473 § 18; amended, 1941, 337 § 10; 1948, 614 § 4; 1950, 280 § 4. (See 1937, 384, 435; 1948, 614 §§ 8, 9.)

SECT. 53A amended, 1932, 310 § 20; revised, 1938, 473 § 19. (See 1937, 384, 435.)

SECT. 54 revised and heading inserted preceding said section, 1932, 310 § 21; two sentences added, 1935, 482 § 1; section amended, 1936, 11 § 1; 1937, 24 § 3; section (and heading) revised, 1938, 346 § 2; section amended, 1941, 337 § 11; section revised, under new heading, 1953, 406 § 7; section amended, 1955, 138 § 4; first sentence revised, 1957, 278 § 2; stricken out and two sentences inserted, 1958, 230; first sentence amended, 1959, 553; section revised, 1960, 83; first sentence revised, 1966, 29; third fourth and fifth sentences revised, 1964, 399; seventh sentence stricken out and three sentences inserted, 1966, 141; section revised, 1969, 825 § 2; repealed, 1973, 429 § 5. (See 1936, 11 §§ 2, 3; 1937, 384, 435; 1938, 346 §§ 3, 4.)

SECTS. 54A and 54B added, 1932, 310 § 22 (relative to proceedings at pre-primary conventions, to the form of certificates of nomination of candidates thereat, and to the acceptance of such nominations); repealed, 1938, 473 § 20. (See 1937, 384, 435.)

SECTS. 54C and 54D added, 1953, 406 § 8 (relative to the certification and seating of candidates and delegates at state conventions).

SECT. 54C, first paragraph amended, 1966, 56 § 3.

SECTS. 54C-54D repealed, 1973, 429 § 5.

SECT. 55, paragraph added at end, 1936, 116 § 2.

SECT. 56 amended, 1943, 334 § 17.

SECT. 57 amended, 1937, 410; 1945, 237 § 4.

SECT. 58, sentence added at end, 1962, 249 § 3.

SECT. 59, fifth sentence stricken out and two sentences inserted, 1962, 269 § 1.

SECT. 60 revised, 1962, 269 § 2.

SECT. 61 amended, 1936, 140; 1937, 411; 1941, 272; 1971, 920 § 8. (See 1971, 920 § 11.)

SECT. 62 revised, 1966, 12.

SECTS. 65-70 (and caption) repealed, 1932, 310 § 23. (See 1937, 384, 435; 1938, 473 § 21.)

SECTS. 70A-70H added, under heading "PROVISIONS APPLYING TO PRESIDENTIAL PRIMARIES," 1938, 473 § 21.

SECT. 70B amended, 1941, 337 § 12; revised, 1966, 407 § 2; amended, 1970, 104 § 1; 1971, 920 § 8A. (See 1971, 920 § 11.)

SECT. 70D, fourth sentence stricken out and two sentences inserted, 1947, 338 § 2; section revised, 1948, 614 § 5; first sentence stricken out and two sentences inserted, 1966, 407 § 3; second and third sentences (as appearing in 1950, 280 § 5) revised, 1957, 299; second sentence (as so appearing) revised, 1972, 6 § 1; fourth sentence revised, 1956, 74 § 1; sentence inserted after fourth sentence, 1964, 76 § 3. (See 1948, 614 §§ 8, 9; 1956, 74 § 2.)

SECT. 70E, sentence inserted before last sentence, 1947, 31; four paragraphs added at end, 1951, 764; section revised, 1966, 407 § 4; amended, 1969, 61 § 1; first two paragraphs revised, 1969, 819 § 1; first paragraph, first sentence amended, 1972, 6 § 2; second, third and fourth sentences revised, 1972, 7 § 1.

SECT. 70F amended, 1939, 452 § 11; revised, 1948, 614 § 6; 1950, 280 § 6; 1966, 407 § 5; amended, 1969, 61 § 2; 819 § 2. (See 1948, 614 §§ 8, 9.)

SECT. 70G, first sentence revised, 1966, 407 § 6; second paragraph, as appearing in 1938, 473 § 21, amended, 1948, 614 § 7; 1950, 280 § 7; two paragraphs inserted after first paragraph, 1953, 406 § 9. (See 1948, 614 §§ 8, 9.)

SECTS. 70I-70K added, 1966, 407 § 7 (relative to presidential primaries).

SECT. 70I revised, 1972, 63.

SECT. 70J, first paragraph, first sentence amended, 1972, 7 § 2.

SECT. 70J, second sentence stricken out, 1969, 61 § 3; second paragraph amended, 1970, 104 § 2.

SECT. 70K repealed, 1969, 61 § 4.

SECT. 71. See 1937, 275.

SECT. 72A added, 1933, 313 § 6 (relative to caucuses before regular city elections in cities having absent voting); revised, 1937, 77 § 5; 1945, 1.

SECT. 76, paragraph added at end, 1946, 537 § 3. (See 1946, 537 § 12.)

SECT. 87, paragraph added at end, 1946, 537 § 4. (See 1946, 537 § 12.)

SECT. 112 amended, 1935, 59 § 2.

SECT. 117 amended, 1932, 141 § 2.

SECT. 121 added, 1932, 141 § 3 (authorizing the nomination by caucuses other than those of political or municipal parties of two candidates for each town office); revised, 1936, 204.

Chapter 54. — Elections.

For legislation relative to absent voting by members of the armed forces during time of war, see 1948, 531.

SECT. 1 revised, 1965, 424; 1971, 820 § 3; 1972, 735 § 3.

SECT. 2 amended, 1943, 411 § 1; 1971, 820 § 4; 1972, 735 § 4.

SECT. 3 repealed, 1971, 820 § 5.

SECT. 4 revised, 1935, 482 § 2; amended, 1936, 185; revised, 1937, 412; amended, 1971, 820 § 6; revised, 1973, 38.

SECT. 5 revised, 1943, 209 § 1.

SECT. 6 revised, 1943, 411 § 2; amended, 1971, 820 § 7; revised, 1972, 735 § 5.

SECT. 7 revised, 1943, 411 § 3; amended, 1947, 267 § 1; amended, 1971, 820 § 8; revised, 1972, 735 § 6.

SECT. 7A added, 1947, 267 § 3 (authorizing the division of precincts in certain towns for the sole purpose of facilitating voting therein).

SECT. 9 amended, 1971, 820 § 9; revised, 1972, 735 § 7.

SECT. 9A added, 1937, 267 § 1 (relative to the use of precincts in certain towns in the formation of representative districts); revised, 1947, 267 § 2; 1966, 282; 1971, 820 § 10; second and fourth paragraphs stricken out, 1972, 735 § 8.

SECT. 11 amended, 1932, 76 § 1; 1934, 158 § 1; 1937, 27; 1938, 341 § 6; revised, 1941, 432 § 1; first sentence amended, 1964, 186; two sentences inserted after first sentence, 1962, 437 § 29.

SECT. 11A added, 1932, 76 § 2 (dispensing with the appointment of deputy election officers in certain cities).

SECT. 11B added, 1941, 432 § 2 (relative to the appointment of election officers in certain cities); revised, 1943, 230.

SECT. 12 amended, 1934, 158 § 2; revised, 1945, 363; first paragraph revised, 1960, 431 § 1; first two paragraphs revised, 1962, 266; first paragraph amended, 1962, 437 § 30.

SECT. 13 amended, 1934, 158 § 3; 1943, 411 § 4; fourth sentence revised, 1962, 437 § 31.

SECT. 14 amended, 1943, 411 § 5.

SECT. 15, sentence added at end, 1961, 335.

SECT. 16, paragraph added at end, 1962, 437 § 32.

SECT. 16A added, 1943, 411 § 6 (relative to the temporary filling of vacancies in the offices of election officers); amended, 1960, 431 § 2.

SECT. 17 amended, 1960, 431 § 3.

SECT. 18 repealed, 1960, 431 § 4.

SECT. 19 amended, 1934, 158 § 4; repealed, 1960, 431 § 4.

SECT. 21 amended, 1934, 158 § 5; repealed, 1960, 431 § 4.

SECT. 22 amended, 1943, 411 § 7.

SECT. 23, first paragraph amended, 1943, 411 § 8; 1962, 437 § 33; 1966, 107; paragraph added at end, 1946, 537 § 5. (See 1946, 537 § 12.)

SECT. 24, sentence inserted after first sentence, 1962, 437 § 34; fourth sentence revised, 1969, 259; 1972, 735 § 9; last sentence stricken out and two new sentences inserted, 1943, 209 § 2; last sentence amended, 1966, 118.

SECT. 25 revised, 1943, 411 § 9; paragraph added, 1967, 564 § 1.

SECT. 26 amended, 1938, 281 § 1; 1943, 240; revised, 1963, 624 § 1.

SECT. 27, paragraph added at end, 1946, 537 § 6. (See 1946, 537 § 12.)

SECT. 30 amended, 1943, 310 § 1; revised, 1962, 437 § 35.

SECT. 30A added, 1943, 310 § 2 (relative to election officers in places where voting machines are used); revised, 1947, 255 § 1.

SECT. 31, paragraph added at end, 1943, 310 § 3.

SECT. 32, paragraph added, 1967, 564 § 2.

SECT. 33, last sentence stricken out, and paragraph inserted at end, 1935, 238 § 1; first sentence amended, 1969, 200; last sentence of same paragraph revised, 1951, 709 § 1; paragraph added at end, 1951, 709 § 2; stricken out and three paragraphs inserted, 1967, 564 § 3.

SECTS. 33A-33D added, 1943, 310 § 4 (relative to the use of voting machines at primaries and elections).

SECT. 33B; third sentence revised, 1964, 72 § 1.

SECT. 33C, first sentence revised, 1967, 564 § 4; last sentence revised, 1967, 564 § 4.

SECTS. 33E-33H added, 1967, 564 § 5 (relative to electronic voting).

SECT. 33E, second paragraph, three sentences added at end, 1970, 61.

SECT. 33F, second paragraph stricken out, 1969, 551 § 1.

SECT. 33H, paragraph inserted after first paragraph, 1968, 27; third paragraph, third sentence revised, 1969, 551 § 2.

SECT. 34 revised, 1936, 205 § 1; first sentence revised, 1967, 410; second paragraph stricken out, 1938, 281 § 2; section amended, 1945, 84; sentence inserted after first sentence, 1962, 437 § 36; last sentence amended, 1962, 376; section revised, 1967, 564 § 6; first paragraph, last sentence revised, 1969, 57 § 1; third paragraph revised, 1969, 57 § 2.

SECT. 35 revised, 1943, 310 § 5; amended, 1971, 65; 1973, 150.

SECTS. 35A and 35B added, 1938, 281 § 3 (relative to voting by challenged voters at polling places where voting machines are used and to the counting of votes where such machines are used).

SECT. 35A, sentence added at end, 1941, 511 § 5; section amended, 1945, 62; first sentence revised, 1963, 374 § 1; 1966, 123 § 2; second sentence revised, 1969, 58 § 1; fourth sentence revised, 1969, 58 § 2.

SECT. 35B, second sentence of second paragraph revised, 1941, 511 § 6; second paragraph revised, 1943, 310 § 6; sentence inserted after fifth sentence, 1963, 184 § 2; eighth sentence (as appearing in 1943, 310 § 6) amended, 1963, 374 § 2; revised, 1966, 123 § 3; third paragraph amended, 1941, 511 § 7.

SECT. 37 revised, 1967, 564 § 7.

SECT. 38 revised, 1936, 205 § 2.

SECT. 40, sentence inserted after first sentence, 1967, 564 § 8.

SECT. 41, first paragraph revised, 1962, 437 § 37; second paragraph amended, 1965, 584 § 3; first sentence revised, 1970, 869 § 2; third paragraph amended, 1933, 35 § 2; 1938, 190; second sentence of same paragraph revised, 1938, 436 § 2; same paragraph amended, 1946, 78; 1955, 256; second sentence revised, 1970, 869 § 3; last paragraph stricken out and three paragraphs inserted, 1943, 411 § 11; sentence added at end, 1952, 128; same sentence revised, 1953, 1; 1954, 127.

SECT. 41A added, 1970, 869 § 4 (relative to the election of governor and lieutenant governor as a team); revised, 1972, 400 § 4.

SECT. 42 amended, 1932, 135 § 5; first paragraph amended, 1935, 238 § 2; same paragraph revised and paragraph inserted, 1941, 292; first two paragraphs revised, 1948, 272; first paragraph revised, 1970, 869 § 5; 1972, 400 § 5; second paragraph amended, 1953, 212, 432; 1964, 55 § 2; 1965, 584 § 4; last paragraph amended, 1943, 411 § 12; first sentence revised, 1970, 869 § 6; amended, 1972, 97; last sentence revised, 1962, 437 § 38; sentence added at end, 1970, 424 § 1.

SECT. 42A added, 1947, 138 § 1 (relative to questions appearing upon ballots at state and municipal elections).

SECT. 43 revised, 1932, 135 § 1.

SECT. 43A added, 1957, 126 § 1 (placing the office of United States senator ahead of state constitutional officers on ballots, ballot labels and voting machines at state elections and primaries); first paragraph revised, 1959, 298; 1962, 358; 1970, 869 § 7; amended, 1972, 400 § 6; third paragraph revised, 1970, 869 § 8; amended, 1972, 400 § 7.

SECT. 44 amended, 1943, 411 § 13; third and fourth sentences stricken out and sentence inserted, 1957, 126 § 2.

SECT. 45, first sentence revised, 1943, 281 § 1; paragraph added at end, 1943, 281 § 2; revised, 1967, 564 § 9.

SECT. 48 amended, 1943, 290; sentence inserted after third sentence, 1967, 564 § 10.

SECT. 49 amended, 1943, 411 § 14; sentence added at end, 1962, 437 § 39.

SECT. 53 amended, 1945, 64; first sentence revised, 1962, 437 § 40; second sentence revised, 1969, 575; paragraph added, 1973, 1014.

SECT. 58A added, 1956, 180 (relative to the form of question to be used in placing provisions of the general laws on the ballot for acceptance by the voters of cities and towns); paragraph added at end, 1959, 43; 1964, 256.

SECT. 60, last sentence amended, 1938, 281 § 6.

SECT. 62 amended, 1935, 257 § 5. (See 1935, 257 § 12.)

SECT. 64, second paragraph amended, 1967, 247 § 1; third paragraph revised, 1949, 109 § 2; 1972, 395 § 1; fourth paragraph amended, 1967, 386; last paragraph amended, 1934, 39 § 5; last paragraph stricken out and two paragraphs inserted, 1967, 247 § 2; last paragraph amended, 1969, 203; stricken out, 1972, 395 § 2.

SECT. 65 revised, 1933, 289 § 1; amended, 1943, 411 § 15; second sentence stricken out and two sentences inserted, 1952, 129; same sentence stricken out and one sentence inserted, 1955, 266; paragraph inserted after first paragraph, 1951, 257; paragraph added at end, 1946, 537 § 7; section revised, 1957, 54; sentence inserted after first sentence, 1970, 62. (See 1946, 537 § 12.)

SECT. 66 revised, 1961, 147; third sentence revised, 1962, 437 § 41; fourth paragraph amended 1967, 104.

SECT. 67 revised, 1964, 72 § 2.

SECT. 68, paragraph added at end, 1946, 537 § 8. (See 1946, 537 § 12.)

SECT. 69 amended, 1947, 255 § 2.

SECT. 70 revised, 1943, 411 § 16; amended, 1947, 255 § 3.

SECT. 71. See 1937, 275.

SECT. 71A added, 1943, 411 § 17 (requiring that election officers in cities and in certain towns be supervised by the city or town clerk); amended, 1961, 288.

SECT. 73, paragraph added at end, 1946, 537 § 9. (See 1946, 537 § 12.)

SECT. 75 amended, 1943, 411 § 18.

SECT. 76 revised, 1943, 411 § 19; second sentence revised, 1964, 72 § 3; sentence inserted after second sentence, 1966, 436.

SECT. 76A added, 1943, 411 § 20 (requiring a person applying to vote to write his name upon request of any election officer); amended, 1965, 283 § 1.

SECT. 77 revised, 1967, 564 § 11; 1970, 869 § 10.

SECT. 77A added, 1970, 869 § 9 (relative to the election of governor and lieutenant governor); repealed, 1972, 400 § 8.

SECT. 78 revised, 1932, 135 § 2; amended, 1967, 564 § 12; sentence added at end, 1970, 424 § 2; sentence added, 1972, 400 § 9.

SECT. 78A added, 1970, 424 § 3 (relative to the candidates for presidential electors and the office of president and vice president).

SECT. 79 amended, 1943, 411 § 21; 1965, 283 § 2; revised, 1972, 52 § 1.

SECT. 80 revised, 1958, 194; sentence added, 1966, 134.

SECT. 83, first sentence revised, 1964, 72 § 4; fourth sentence stricken out, 1964, 72 § 5.

SECT. 85, paragraph inserted after first paragraph, 1962, 437 § 42.

SECT. 85A added, 1937, 275 § 1 (relative to the challenging of voters at polling places at certain elections, primaries and caucuses). (See 1937, 275 § 2.)

SECT. 86 revised, 1945, 466 § 1; amended, 1950, 21; 1951, 153 § 1; revised, 1954, 101; 1959, 178 § 1; 1961, 213 § 1; amended, 1968, 632 § 1; 1971, 409 § 1, 920 § 9. (See 1971, 920 § 11.)

SECT. 87, subsection (a) revised, 1945, 52; subsection (b) revised, 1936, 404 § 1; amended, 1961, 212; 1945, 466 § 2; 1951, 153 § 2; 1959, 178 § 2; 1961, 213 § 2; paragraph added at end, 1948, 477 § 1; subsection (b) revised, 1966, 368 § 1; amended, 1969, 545 §§ 1, 2; 1971, 409 § 2; amended, 1972, 218 § 1; subsection (c) revised, 1936, 404 § 2; amended, 1937, 162 § 2; 1941, 279 § 2; 1944, 1 § 9; 1945, 231 §§ 1, 2, 466 § 3; 1960, 685 § 1; 1962, 267 § 1; 1961, 209; 1962, 267 § 2; revised, 1966, 368 § 1; 1967, 134 § 1; amended, 1969, 545 § 3; revised, 1973, 106; subsection (d) revised, 1941, 333; subsection (e) revised, 1946, 140 § 13; subsection (f) added, 1965, 592; amended, 1969, 545 § 4; 1971, 409 § 3; revised, 1972, 218 § 2.

SECT. 89 revised, 1936, 404 § 3; second sentence amended, 1965, 329 § 1; 1966, 368 § 2; sentence inserted after second sentence, 1960, 16; 1963, 111; sentence added at end, 1963, 374 § 3; revised, 1969, 60.

SECT. 90 repealed, 1946, 140 § 14.

SECT. 91, first sentence amended, 1965, 329 § 2; sentence inserted after first sentence, 1971, 409 § 4; second sentence revised, 1963, 374 § 4; last sentence revised, 1963, 374 § 5; two sentences added, 1966, 123 § 4.

SECT. 92 revised, 1936, 404 § 4; amended, 1937, 162 § 1; 1941, 279 § 1; revised, 1945, 466 § 4; second sentence revised, 1960, 685 § 2; first para-

graph revised, 1961, 242 § 1; last paragraph revised, 1961, 133; section revised, 1966, 368 § 3; amended, 1967, 134 § 2; second paragraph amended, 1967, 106.

SECT. 93 revised, 1936, 404 § 5; amended, 1941, 722 § 8.

SECT. 94 amended, 1952, 39 § 1; revised, 1954, 102; 1956, 67; 1963, 374 § 6; 1966, 123 § 5.

SECT. 95 revised, 1936, 404 § 6; amended, 1945, 466 § 5; first sentence amended, 1952; 39 § 2; revised, 1959, 70; section revised, 1960, 685 § 3; 1963, 374 § 7; third sentence amended, 1963, 624 § 2; section revised, 1966, 123 § 6.

SECT. 96 amended, 1936, 404 § 7; 1963, 374 § 8; 1966, 123 § 7; 1972, 218 § 3.

SECT. 98 amended, 1945, 466 § 6; revised, 1961, 242 § 2; amended, 1965, 283 § 3; revised, 1972, 52 § 2.

SECT. 100 revised, 1936, 404 § 8; 1963, 374 § 9; 1966, 123 § 8.

SECT. 103A added, 1933, 313 § 1 (providing for absent voting at regular city elections); affected, 1936, 404 § 9; revised, 1937, 77 § 1; first paragraph amended, 1939, 152; revised, 1948, 477 § 2; 1968, 632 § 2; 1971, 920 § 10; amended, 1972, 42; paragraph added at end, 1946, 118; stricken out, 1969, 39. (See 1971, 920 § 11.)

SECTS. 103B-103Q added, under caption ABSENT VOTING FOR FEDERAL SERVICE PERSONNEL, 1962, 511 § 1. (See 1962, 511 § 5.)

SECT. 103B, definition of "Federal service personnel" revised, 1971, 783.

SECT. 103I repealed, 1967, 115 § 1.

SECT. 103J, first paragraph amended, 1967, 378; 1972, 587 § 2; fifth paragraph amended, 1967, 115 § 2.

SECT. 103L revised, 1969, 204 § 1.

SECT. 103M amended, 1963, 374 § 10; revised, 1966, 123 § 9; 1969, 204 § 2.

SECT. 103N revised, 1969, 204 § 3; amended, 1973, 925 § 6. (See 1973, 925 § 84.)

SECT. 103O, paragraph (c) amended, 1972, 587 § 3; paragraph (f) revised, 1969, 205 § 5.

SECT. 104 amended, 1934, 39 § 6.

SECT. 105, first paragraph amended, 1952, 39 § 3; 1959, 133; revised, 1959, 155 § 1; first sentence stricken out and two sentences inserted, 1967, 564 § 13; second and third sentences revised, 1962, 437 § 43; third sentence amended, 1965, 242; fifth sentence stricken out, 1961, 304; seventh sentence revised, 1963, 374 § 11; stricken out, 1966, 123 § 10; second paragraph revised, 1947, 95; 1962, 437 § 44; 1963, 374 § 12; 1966, 123 § 11; paragraph inserted after second paragraph, 1964, 719 § 1; fourth paragraph amended, 1938, 341 § 7; stricken out, 1960, 434 § 1.

SECT. 105A added, 1967, 564 § 14 (relative to counting of ballots of voting machines).

SECT. 107 revised, 1943, 411 § 22; amended, 1946, 93; third sentence revised, 1962, 437 § 45; amended, 1965, 412 § 1; fifth sentence amended, 1965, 412 § 2; sentence added, 1967, 564 § 15.

SECT. 108 revised, 1963, 374 § 13; 1966, 123 § 12.

SECT. 109 amended, 1943, 411 § 23; 1962, 343.

SECT. 110A added, 1964, 719 § 2 (relative to central tabulation facilities for state elections and the returns transmitted thereto).

SECT. 112 amended, 1935, 257 § 6; 1939, 31 § 3; first sentence revised, 1946, 130 § 2. (See 1935, 257 § 12.)

SECT. 115, second sentence revised, 1952, 207.

SECT. 116, first sentence revised, 1946, 130 § 3.

SECT. 122 amended, 1935, 257 § 7. (See 1935, 257 § 12.)

SECTS. 124-128 repealed, 1946, 130 § 4.

SECT. 132 amended, 1932, 33; first sentence stricken out and three sentences inserted, 1963, 374 § 14; first sentence revised, 1966, 123 § 13; sentence added at end, 1962, 437 § 46.

SECT. 133 amended, 1937, 21 § 2.

SECT. 134 amended, 1943, 411 § 24.

SECT. 135, first paragraph amended, 1933, 254 § 17; section revised, 1933, 270; first paragraph revised, 1935, 59 § 1; 1938, 250 § 1; 1941, 236; third paragraph revised, 1937, 303; same paragraph amended, 1941, 350; last paragraph revised, 1938, 250 § 2; paragraph inserted after first paragraph, 1938, 281 § 4; section revised, 1943, 417; paragraph inserted after first paragraph, 1945, 149; first paragraph stricken out and three paragraphs inserted, 1945, 315; first paragraph revised, 1961, 263; 1962, 264; first sentence revised, 1971, 178; sentence added, 1971, 208; second paragraph amended, 1957, 45; revised, 1963, 234; amended, 1966, 123 § 14; revised, 1967, 321; amended, 1973, 722; third paragraph amended, 1963, 627 § 1; third paragraph (as appearing in 1943, 417) revised, 1947, 353 § 1; fourth paragraph (as so appearing) amended, 1963, 627 § 2; fifth paragraph (as so appearing) amended, 1959, 155 § 2; revised, 1966, 123 § 15; seventh paragraph (as so appearing) revised, 1947, 353 § 2. (See 1933, 254 § 66.)

SECT. 135A added, 1938, 281 § 5 (relative to the recounting of votes where voting machines are used); amended, 1943, 411 § 25; sentence inserted after first sentence, 1945, 142; sentence inserted after first sentence, 1949, 188; third sentence revised, 1969, 79.

SECT. 135B added, 1967, 564 § 16 (relative to recounting of voting machine votes).

SECT. 137 amended, 1935, 55.

SECT. 138, last paragraph amended, 1937, 23 § 1.

SECT. 139 amended, 1943, 49.

SECT. 140 amended, 1973, 268.

SECT. 141 amended, 1939, 508 § 16; first paragraph stricken out, 1946, 130 § 5; second paragraph amended, 1945, 38 § 7; 1946, 20 § 1.

SECT. 144 revised, 1935, 257 § 8; first paragraph amended, 1939, 31 § 4. (See 1935, 257 § 12.)

SECT. 146 amended, 1935, 257 § 9. (See 1935, 257 § 12.)

SECT. 148 amended, 1937, 23 § 2.

SECT. 151 amended, 1932, 135 § 3.

SECT. 158 amended, 1935, 257 § 10; first paragraph revised, 1939, 31 § 5. (See 1935, 257 § 12.)

SECT. 161 (except last paragraph) amended, 1934, 265; second paragraph amended, 1967, 877 § 2; paragraph added at end, 1946, 594; section repealed, 1972, 735 § 10. (See 1939, 467; 1967, 877 § 8.)

Chapter 54A. — Election of City and Town Officers by Proportional Representation and Preferential Voting.

New chapter inserted, 1937, 345.

Chapter inserted by 1937, 345 stricken out and new chapter inserted, 1938, 341 § 1.

The following references are to chapter 54A, as so inserted:

SECT. 1 amended, 1941, 345.

SECT. 2, paragraph added at end, 1938, 378 § 17; section revised, 1941, 640 § 6. (See 1941, 640 § 7.)

SECT. 8 revised, 1960, 166.

SECT. 9, paragraph (r) added, 1950, 28.

Chapter repealed, 1972, 596 § 2.

Chapter 55. — Disclosure of Campaign Expenditures and Contributions and Election Inquests (former title, Corrupt Practices and Election Inquests).

Chapter stricken out and new chapter 55 inserted, 1946, 537 § 10. (See 1946, 537 § 12.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

New title inserted, 1962, 444 § 1.

The following references are to chapter 55, as so inserted:

SECT. 1 revised, 1962, 444 § 2; 1973, 1173 § 1. (See 1973, 1173 § 17.)

SECT. 2 amended, 1973, 167, 730 § 1; revised, 1973, 1173 § 1. (See 1973, 1173 § 17.)

SECT. 2A added, 1973, 1173 § 1 (establishing a director of campaign and political finance). (See 1973, 1173 § 17.)

SECT. 3 revised, 1962, 444 § 3; 1967, 264; 1973, 1173 § 1. (See 1973, 1173 § 17.)

SECT. 4, first paragraph, first sentence stricken out and three sentences inserted, 1954, 287; sentence inserted after first sentence, 1962, 444 § 4; two sentences added, 1972, 241 § 1; revised, 1973, 1173 § 1. (See 1973, 1173 § 17.)

SECT. 5 revised, 1973, 285.

SECT. 6, first sentence revised, 1962, 518; third and fourth sentences stricken out and six sentences inserted, 1962, 444 § 5; seventh sentence revised, 1971, 253; third sentence amended, 1973, 1173 § 2; fourth sentence amended, 1973, 1173 § 3; fifth sentence amended, 1973, 1173 § 4; sixth sentence amended, 1973, 1173 § 4A. (See 1973, 1173 § 17.)

SECT. 7, sentence inserted after first sentence, 1972, 458; amended, 1973, 348; second paragraph revised, 1973, 1173 § 4B. (See 1973, 1173 § 17.)

SECT. 7A added, 1973, 1173 § 5 (prohibiting individual political contributions exceeding a certain amount). (See 1973, 1173 § 17.)

SECT. 8 revised, 1962, 444 § 6.

SECT. 11, first paragraph revised, 1954, 644.

SECT. 13, paragraph inserted after first paragraph, 1954, 530.

SECT. 16 amended, 1954, 272; revised, 1962, 444 § 7; first paragraph revised, 1973, 730 § 2; second paragraph amended, 1967, 281; clause (f) added, 1972, 241 § 2; paragraph revised, 1972, 472; section revised, 1973, 1173 § 6. (See 1973, 1173 § 17.)

SECT. 17 revised, 1962, 444 § 8; first paragraph revised, 1973, 1173 § 7. (See 1973, 1173 § 17.)

SECT. 17A added, 1972, 810 § 1 (limiting the amounts of certain campaign expenditures); amended, 1973, 391; revised, 1973, 1173 § 8. (See 1972, 810 § 2; 1973, 1173 § 17.)

SECT. 18 revised, 1973, 1173 § 9. (See 1973, 1173 § 17.)

SECT. 19 amended, 1962, 444 § 9.

SECT. 20, first sentence revised, 1954, 223; section revised, 1962, 444 § 10; 1973, 1173 § 10. (See 1973, 1173 § 17.)

SECT. 21 revised, 1962, 444 § 11; 1973, 1173 § 10. (See 1973, 1173 § 17.)

SECT. 21A added, 1973, 1173 § 10 (requiring city and town clerks to retain certain campaign reports and statements). (See 1973, 1173 § 17.)

SECT. 22 amended, 1962, 444 § 12; 1973, 1173 § 10. (See 1973, 1173 § 17.)

SECT. 23 revised, 1973, 1173 § 10. (See 1973, 1173 § 17.)

SECT. 24 revised, 1973, 1173 § 10. (See 1973, 1173 § 17.)

SECT. 27 amended, 1962, 444 § 13.

SECT. 28 paragraph (j) revised, 1973, 1173 § 11. (See 1973, 1173 § 17.)

SECT. 29 amended, 1956, 230.

SECT. 30 amended, 1955, 131 § 1.

SECT. 31 amended, 1955, 131 § 2.

SECT. 32 amended, 1955, 131 § 3.

SECT. 33 amended, 1955, 131 § 4.

SECT. 34 amended, 1955, 131 § 5.

SECT. 35 amended, 1955, 131 § 6.

SECT. 37 revised, 1973, 1173 § 12. (See 1973, 1173 § 17.)

Chapter 56. — Violations of Election Laws.

Chapter stricken out and new chapter 56 inserted, 1946, 537 § 11. (See 1946, 537 § 12.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 56, as so inserted:

SECT. 11A added, 1971, 301 (imposing a penalty for altering the district designation of a nomination paper).

SECT. 20 repealed, 1965, 530 § 2.

SECT. 27A added, 1964, 266 (providing a penalty for the unlawful distribution of absent voter ballots).

SECT. 39 amended, 1973, 1226.

SECT. 41, first paragraph revised, 1950, 88.

SECT. 41A added, 1950, 91 (relative to the unauthorized use of persons' names in political advertising); revised, 1964, 147 § 1.

SECT. 42 revised, 1964, 147 § 2.

SECT. 43A added, 1951, 104 (regulating use of the word "Veteran" by candidates for public office).

SECT. 44A added, 1949, 238 (prohibiting the distribution of certain lists of candidates for state office unless the name of the person responsible therefor appears thereon).

Chapter 57. — Congressional, Councillor and Senatorial Districts, and Apportionment of Representatives.

SECT. 1 revised, 1941, 556; 1962, 315 § 1; 1967, 472 § 1; amended, 1967, 816 § 1; revised, 1971, 1074 § 1. (See 1967, 816 § 2.)

SECT. 2 revised, 1939, 507 § 1; 1948, 250 § 1; 1960, 432 § 1; amended, 1965, 127 § 1; revised, 1970, 498 § 1; amended, 1971, 42 § 1; 1972, 3 § 1; 1973, 14 § 1, 16 § 1; revised, 1973, 663 § 1. (See 1948, 250 §§ 3, 4; 1960, 432 §§ 3, 4; 1973, 663 § 3.)

SECT. 3 revised, 1939, 507 § 2; 1948, 250 § 2; 1960, 432 § 2; amended, 1965, 127 § 2; revised, 1970, 498 § 2; amended, 1971, 42 § 2; 1972, 3 § 2; 1973, 14 § 2; 16 § 2; revised, 1973, 663 § 1. (See 1948, 250 §§ 3, 4; 1960, 432 §§ 3, 4; 1973, 663 § 3.)

SECT. 4 revised, 1939, 467 § 1; 1947, 182 § 1; 1963, 666 § 1; 1967, 877 § 3; 1973, 326 § 1. (See 1939, 467 §§ 2, 3, 4; 1947, 182 §§ 2, 3, 4; 1963, 666 §§ 2, 3, 4; 1967, 877 § 8; 1973, 326 § 4.)

SECT. 5. See 1939, 467; revised, 1967, 877 § 4; section repealed, 1973, 326 § 2. (See 1967, 877 § 8; 1973, 326 § 4.)

Chapter 58. — General Provisions relative to Taxation.

For legislation relative to the collection of certain taxes and other charges due the commonwealth, see 1932, 309; 1933, 369; 1934, 386; 1935, 498; 1936, 440; 1937, 444; 1938, 503; 1939, 516; 1941, 731; 1943, 568; 1945, 325, 712; 1946, 615.

SECT. 1, first sentence revised, 1943, 428 § 2; two sentences inserted after the second sentence, 1971, 895 § 1; fifth sentence amended, 1932, 180 § 9; same sentence revised, 1937, 108 § 2.

SECT. 2 amended, 1933, 254 § 18; paragraph added at end, 1941, 726 § 2; same paragraph revised, 1953, 654 § 5; section revised, 1958, 490 § 1; second paragraph revised, 1965, 696 § 1; 1969, 537 § 1. (See 1933, 254 § 66; 1958, 490 § 3; 1965, 696 § 2; 1969, 537 § 2.)

SECT. 3 amended, 1933, 254 § 19; first paragraph amended, 1971, 926; paragraph added at end, 1963, 660 § 5. (See 1933, 254 § 66; 1963, 660 § 9.)

SECTS. 7A-7E added, under caption, 1955, 649 (relative to assessment systems in cities and towns).

SECT. 7A, first sentence revised, 1961, 165.

SECT. 8 revised, 1935, 322 § 1; 1945, 351 § 2; amended, 1953, 654 § 6.

SECT. 8A added, 1951, 500 (relative to reimbursement of municipalities

for loss of taxes through abatements to paraplegic veterans); revised, 1957, 687.

SECT. 9 revised, 1939, 346; 1941, 112; amended, 1953, 654 § 7.

SECT. 10 amended, 1934, 323 § 9; 1951, 641 § 3; revised, 1953, 654 § 8; 1963, 660 § 6. (See 1934, 323 § 11; 1951, 641 §§ 18, 19; 1963, 660 § 9.)

SECTS. 9 and 10 stricken out and sections 9, 10, 10A, 10B and 10C inserted, 1966, 14 § 43.

SECT. 10, sentence added at end, 1968, 256 § 1. (See 1968, 256 § 2.)

SECT. 11 amended, 1939, 451 § 14; repealed, 1941, 609 § 1.

SECT. 12 amended, 1941, 490 § 13; repealed, 1941, 609 § 1.

SECT. 13 amended, 1933, 254 § 20; 1945, 564; 1953, 654 § 9; revised, 1955, 467; first sentence revised, 1956, 701 § 1; amended, 1960, 593 § 1; 1969, 834 § 3; 838 § 9; section revised, 1971, 984 § 1. (See 1933, 254 § 66; 1956, 701 § 2; 1960, 593 § 2; 1969, 838 § 74.)

SECT. 14 amended, 1939, 451 § 15; 1953, 654 § 10.

SECT. 15 amended, 1933, 254 § 21; revised, 1941, 490 § 14; amended, 1953, 654 § 11. (See 1933, 254 § 66.)

SECT. 15A added, 1956, 701 § 1A (providing that certain land exempt from local taxation at the time of its acquisition by the commonwealth shall not be included in any determination of valuation for purposes of reimbursement); revised, 1963, 584 § 3. (See 1956, 701 § 2.)

SECT. 17A amended, 1939, 451 § 26; 1953, 654 § 12.

SECT. 17B added, 1945, 592 § 1 (relative to payments by the commonwealth to certain towns in reimbursement for loss of taxes by reason of property taken for flood control); amended, 1953, 654 § 13; revised, 1959, 412 § 1; 1961, 468 § 1. (See 1945, 592 § 2; 1959, 412 § 2; 1961, 468 § 2.)

SECT. 18 revised, 1933, 350 § 7; amended, 1936, 405 § 1; 1939, 451 § 16; 1945, 624 § 1; revised, 1945, 735 § 4; amended, 1955, 780 § 9; amended, 1953, 654 § 14; amended, 1951, 641 § 4; amended, 1947, 679 § 3; affected, 1933, 357 § 4; 1935, 438 § 2; revised, 1956, 599 § 1; 1961, 420 § 1; second sentence amended, 1963, 660 § 7; section revised, 1966, 14 § 29; subsection (a) amended, 1966, 14 § 70; 1967, 796 § 1; subsection (b) revised, 1966, 698 § 86; subsection (c) revised, 1967, 757 § 5; section repealed, 1969, 546 § 6. (See 1933, 307 § 11, 350 § 9; 1936, 362 § 4; 1951, 641 §§ 18, 19; 1955, 780 § 10; 1956, 599 § 5; 1961, 420 § 3; 1963, 660 § 9; 1967, 757 § 10; 1969, 546 § 34.)

SECT. 18A added, 1966, 14 § 30 (providing the methods of distribution to the cities and towns from the Local Aid Fund); subsection (a) amended, 1967, 796 § 2; paragraph (3), first sentence revised, 1967, 796 § 3; subsection (c) stricken out, 1967, 796 § 4; paragraph added at end, 1968, 566 § 1; section revised, 1969, 546 § 7; subsection (a), last sentence amended, 1970, 601 § 2; subsection (b), paragraph (1) amended, 1969, 849 § 64; paragraph (2) amended, 1969, 849 § 65; paragraph (3) revised, 1971, 1005 § 3; 1972, 766 § 5. (See 1968, 566 § 3; 1969, 546 §§ 16, 34; 1969, 849 § 79; 1970, 601 § 11; 1972, 766 § 23.)

SECT. 18B added, 1971, 497 § 13 (relating to the distribution of a portion of the Highway Fund to the cities and towns.) (See 1971, 497 § 15.)

SECT. 18C added, 1971, 813 § 3 (regulating the manner of distribution of the amounts credited in the Local Aid Fund to the cities and towns).

SECT. 20 revised, 1936, 362 § 3; amended, 1937, 108 § 1; 1953, 654 § 15; introductory paragraph amended, 1941, 656 § 1; 1945, 624 § 2; section revised, 1961, 420 § 2; first paragraph revised, 1963, 714 § 6; second paragraph amended, 1963, 660 § 8; section repealed, 1966, 14 § 31. (See 1936, 362 §§ 4, 8; 1937, 108 § 3; 1961, 420 § 3; 1963, 660 § 9, 714 § 10.)

SECT. 20A added, 1936, 376 § 3 (relative to the set-off of money due to the commonwealth from a city or town against sums due to the city or town from the commonwealth); revised, 1966, 14 § 34.

SECT. 21 amended, 1933, 254 § 22; repealed, 1934, 323 § 1. (See 1933, 254 § 66; 1934, 323 § 11.)

SECTS. 22 and 23 repealed, 1934, 323 § 1. (See 1934, 323 § 11.)

SECT. 24 amended, 1933, 254 § 23; repealed, 1951, 641 § 2. (See 1933, 254 § 66; 1951, 641 §§ 18, 19.)

SECT. 24A revised, 1934, 323 § 2; first sentence amended, 1945, 624 § 3; section repealed, 1951, 641 § 2. (See 1934, 323 § 11; 1951, 641 §§ 18, 19.)

SECT. 25 revised, 1934, 323 § 3; amended, 1939, 451 § 17; first sentence revised, 1941, 729 § 11; section revised, 1945, 624 § 4, 687; amended, 1951, 641 § 5; 1953, 654 § 16; revised, 1966, 14 § 35. (See 1934, 323 § 11; 1941, 729 § 15; 1951, 641 §§ 18, 19.)

SECT. 25A revised, 1934, 323 § 4; first sentence revised, 1945, 624 § 5; amended, 1951, 641 § 6; 1953, 654 § 17; revised, 1966, 14 § 36; sentence inserted after first sentence, 1968, 566 § 2; section revised, 1969, 546 § 8; 849 § 66; amended, 1971, 813 § 4; revised, 1973, 52 § 4. (See 1934, 323 § 11; 1951, 641 §§ 18, 19; 1968, 566 § 3; 1969, 546 § 34; 849 § 79.)

SECT. 25B added, 1964, 563 § 2 (providing that the state tax commission certify to the state treasurer for payment to the Massachusetts Bay Transportation Authority certain portions of the proceeds of the cigarette excise); amended, 1971, 1075 § 1; 1973, 1141 §§ 3, 4.

SECT. 26 amended, 1933, 254 § 24; repealed, 1934, 323 § 1. (See 1933, 254 § 66; 1934, 323 § 11.)

SECT. 26A added, under caption, 1945, 523 § 1 (relative to abatement of uncollectible taxes); amended, 1953, 654 § 18.

SECT. 26B added, 1964, 491 (relating to the assessment, collection and refund of small amounts); second paragraph revised, 1973, 873.

SECT. 27, first sentence revised, 1943, 521 § 1; section amended, 1951, 641 § 7; 1953, 654 § 19; first sentence revised, 1959, 525; first three sentences stricken out and three sentences inserted, 1964, 468 § 1; third sentence revised, 1969, 556 § 1; sixth sentence stricken out, 1966, 14 § 37; section repealed, 1970, 601 § 1. (See 1951, 641 §§ 18, 19; 1964, 468 § 2; 1970, 601 § 11.)

SECTS. 28A and 28B added, under caption, 1947, 483 § 1 (provisions for aiding in the collection of federal and state personal income taxes).

SECT. 28C added, 1964, 500 (providing for the reciprocal enforcement of tax liabilities between the commonwealth and other states).

SECT. 29, first sentence revised, 1953, 654 § 20; paragraph (1) amended, 1956, 129; paragraph (4) stricken out, 1945, 161 § 1.

SECT. 30 revised, 1945, 624 § 6; amended, 1951, 641 § 8. (See 1951, 641 §§ 18, 19.)

SECT. 31 added, under caption, 1937, 135 § 1 (relative to forms of application for abatement of taxes and certain other forms and the approval thereof by the commissioner of corporations and taxation); amended, 1953, 654 § 21.

SECT. 31A added, 1969, 531 § 1 (revising penalty on late returns and interest on late payments); paragraph added at end, 1970, 560 § 1. (See 1969, 531 § 2; 1970, 560 § 2.)

SECT. 31B added, 1973, 708 § 1 (providing for uniform rates of interest on certain tax refunds). (See 1973, 708 § 10.)

SECT. 32 added, 1953, 654 § 22 (relative to the summons, attendance and testimony of witnesses before the commissioner).

SECT. 33 added, 1967, 577 § 1 (establishing a lien on property for unpaid taxes); amended, 1969, 559 § 1; 1971, 768 § 1. (See 1969, 559 § 2; 1971, 768 § 2.)

SECT. 34 added, 1968, 154 § 1 (providing penalty for paying tax liability with bad check). (See 1968, 154 § 2.)

SECT. 35 added, 1969, 530 (providing for immediate assessments of state taxes in certain cases).

SECTS. 36-47 added, 1969, 620 (providing additional remedies for the collection of state taxes).

SECT. 37, subsection (b), paragraph (1) amended, 1970, 566 § 1.

SECT. 39, subsection (b), last sentence revised, 1970, 566 § 2; subsection (e), paragraph (3) revised, 1970, 566 § 3.

SECT. 41, subsection (b), paragraph (2) amended, 1970, 566 § 4.

SECT. 43, subsection (b) amended, 1970, 566 § 5.

SECT. 46 amended, 1970, 566 § 6.

SECTS. 48-49 added, 1973, 922 § 1 (relative to the disclosure of the contents of tax returns and the joint audit thereof).

Chapter 58A. — Appellate Tax Board (former title, Board of Tax Appeals).

Title changed, 1937, 400 § 2.

SECT. 1 revised, 1937, 400 § 3; first paragraph amended, 1948, 583; same paragraph revised, 1950, 784; amended, 1953, 654 § 23; 1955, 730 § 41; fourth sentence revised, 1957, 732; 1963, 801 § 74; 1969, 766 § 44; amended, 1971, 116 § 42; 1972, 300 § 40; 1973, 426 § 43; 1193 § 2. (See 1937, 400 §§ 1, 2, 4, 5, 7; 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 5 revised, 1941, 381, 596 § 24.

SECT. 6 amended, 1932, 180 § 10; revised, 1933, 167 § 4; amended, 1934, 323 § 10; revised, 1938, 478 § 4; first sentence revised, 1941, 609 § 2; same sentence amended, 1941, 726 § 1; same sentence revised, 1945, 367 § 3; section revised, 1945, 621 § 1; first sentence revised, 1947, 632 § 2; amended, 1951, 641 § 9; 1957, 617 § 12A; section amended, 1953, 654 § 24; last two sentences stricken out and six sentences inserted, 1958, 523 § 1; last sentence stricken out and two sentences inserted, 1969, 556

§ 2. (See 1933, 167 § 5; 1934, 323 § 11; 1937, 400 § 1; 1947, 632 § 3; 1951, 641 §§ 18, 19; 1957, 617 § 13; 1958, 523 § 4.)

SECT. 7 revised, 1933, 321 § 2; amended, 1939, 451 § 18; 1945, 621 § 2; 1952, 502; 1953, 654 § 25; 1972, 684 § 2. (See 1933, 321 § 9; 1972, 684 § 136.)

SECT. 7A added, 1933, 321 § 3 (providing for the establishment of informal procedure before the appellate tax board); revised, 1935, 447; third sentence revised, 1938, 384; 1943, 282; section revised, 1945, 621 § 3; amended, 1972, 684 § 3. (See 1933, 321 §§ 8, 9; 1972, 684 § 136.)

SECT. 8 revised, 1933, 321 § 4. (See 1933, 321 § 9.)

SECT. 8A added, 1935, 276 § 1 (providing for adequate discovery in tax appeal cases).

SECT. 9 amended, 1953, 654 § 26; revised, 1971, 871.

SECT. 10 revised, 1933, 321 § 5. (See 1933, 321 § 9.)

SECT. 12 amended, 1933, 321 § 6. (See 1933, 321 § 9.)

SECT. 12A added, 1943, 430 (relative to taxation of costs by the appellate tax board in certain appeals as to the assessed value where it exceeds the value as recently determined by said board).

SECT. 12B added, 1950, 262 (relative to the admissibility of evidence of assessed valuations at hearings before the appellate tax board).

SECT. 13 revised, 1933, 321 § 7; first sentence revised, 1956, 630; 1957, 522; sentence inserted after third sentence, 1969, 692; fifth sentence stricken out, 1954, 681 § 5; sentence inserted after fourth sentence, 1968, 120 § 2; sixth sentence amended, 1953, 654 § 27; 1954, 681 § 5; revised 1968, 120 § 3; sentence inserted after sixth sentence, 1954, 681 § 5; stricken out, 1968, 120 § 4; eighth sentence amended, 1953, 654 § 27; fifteenth sentence revised, 1933, 350 § 8; amended, 1935, 218 § 1; 1939, 366 § 1; 1953, 654 § 27; revised, 1965, 597 § 3A; section revised, 1973, 1114 § 5. (See 1933, 321 § 9; 350 § 9; 1954, 681 §§ 20, 22; 1965, 597 § 4; 1968, 120 § 5; 1973, 1114 § 351.)

Chapter 59. — Assessment of Local Taxes.

For temporary legislation exempting persons in the military and naval service of the United States from the payment of poll taxes, see 1943, 406; 1947, 637.

For temporary legislation exempting from taxation certain real property of residents of the commonwealth serving in the armed forces of the United States, and their spouses, see 1943, 412; 1945, 627 § 2; repealed, 1954, 627 § 58.

For temporary legislation extending the time during which soldiers and sailors and their wives, widows or parents may apply for abatement or exemption from certain real estate taxes, see 1950, 165; 1951, 301; 1955, 148; 1956, 287; 1957, 41; 1958, 37; 1959, 88; 1960, 35; 1961, 9; 1962, 7; 1963, 7; 1964, 39.

For temporary legislation extending the time during which widows, orphans, soldiers and sailors and their wives, their widows, their fathers or mothers, certain elderly persons and blind persons may apply for abatement or exemption from certain real estate taxes, see 1968, 378.

SECT. 1 amended, 1936, 202 § 1; revised, 1938, 186 § 3; repealed, 1963, 160 § 7. (See 1936, 202 § 2; 1938, 186 § 5.)

SECT. 2 revised, 1954, 459 § 1.

SECT. 3A revised, 1951, 667 § 1.

SECT. 3B added, 1946, 393 (to abolish certain implied exemptions from local taxation).

SECT. 3C added, 1952, 614 § 1 (relative to local taxation of certain pipe lines). (See 1952, 614 § 3.)

SECT. 3D added, 1956, 690 § 1 (providing for the assessment and taxation of certain land owned by the United States and leased to private interests); first sentence revised, 1958, 549 § 1.

SECT. 5, first sentence amended, 1963, 160 § 8; 1970, 270 § 1 (see 1970, 270 § 3); clause First revised, 1936, 81; 1938, 47; 1956, 690 § 3; clause Second revised, 1951, 667 § 2; clause Third, subsection (a) revised, 1969, 129; subsection (c) amended, 1933, 198 § 1 (see 1933, 198 § 2); clause Third revised, 1957, 500 § 1 (see 1957, 500 § 2); subsection (b) revised, 1970, 219 § 1 (see 1970, 219 § 2); clause Fourth revised and clause Fourth A added, 1970, 600 § 1 (see 1970, 600 § 2); clause Eighth amended, 1947, 83 § 1; clause Eleventh revised, 1938, 317; amended, 1953, 231; 1954, 341; revised, 1962, 439; 1964, 69, 354 § 1 (see 1964, 354 § 2); 1965, 212 § 1 (see 1965, 212 § 2); 1966, 216 § 1 (see 1966, 216 § 2); 1967, 212 § 1 (see 1967, 212 § 2); amended, 1970, 234 § 1 (see 1970, 234 § 2); 1972, 186 § 1; clause Twelfth revised, 1966, 262; clause Sixteenth revised, 1936, 362 § 1 (see 1936, 362 §§ 4, 8); 1941, 467; amended, 1949, 732; 1952, 232 § 1 (see 1952, 232 § 2); 1953, 654 § 28; 1954, 435 § 1 (see 1954, 435 § 2); revised, 1957, 541; paragraph (1A) inserted after paragraph (1), 1969, 884 § 4; clause Seventeenth revised, 1935, 294; amended, 1939, 451 § 19; revised, 1941, 227 § 1; 1954, 351; amended, 1965, 620 § 1 (see 1965, 620 § 4); revised, 1966, 371; sentence added at end, 1970, 270 § 2 (see 1970, 270 § 3); clause amended, 1971, 449 § 1 (see 1971, 449 § 2); revised, 1971, 1110 § 1 (see 1971, 1110 § 11); first sentence revised, 1973, 696 § 1 (see 1973, 696 § 3); clause Seventeenth A added, 1938, 186 § 4 (see 1938, 186 § 5); sentence added at end, 1943, 559; amended, 1949, 236; revised, 1953, 358; clause revised, 1960, 316, 714; stricken out, 1963, 160 § 9; clause Seventeenth B added, 1950, 796; amended, 1951, 730; stricken out, 1963, 160 § 9; clause Eighteenth revised, 1941, 227 § 2; amended, 1963, 160 § 10; revised, 1965, 620 § 2 (see 1965, 620 § 4); clause Twentieth revised, 1937, 132; 1941, 482; 1947, 310; 1951, 640 § 1 (see 1951, 610 § 2); amended, 1953, 347; revised, 1956, 384; amended, 1964, 285 § 1 (see 1964, 285 § 3); revised, 1972, 144 § 1 (see 1972, 144 § 2); clause Twenty-first revised, 1956, 400 § 1; clause Twenty-second amended, 1939, 451 § 20; paragraph (a) amended, 1945, 527 § 1; clause revised, 1946, 579; 1947, 612 § 1 (see 1947, 12 § 26); paragraph (a) sentence added at end, 1949, 206; paragraph (d) revised, 1948, 560; paragraph (e) and one other paragraph inserted, 1948, 644 § 1 (see 1948, 644 § 3); paragraph added at end, 1948, 644 § 2 (see 1948, 644 § 3); clause revised, 1949, 534 § 1; 1951, 675; paragraph (g) revised, 1954, 245; clause revised, 1954, 683 § 1 (see 1954, 683 §§ 2A, 3); first sentence revised, 1956, 381 § 1, 651;

1957, 525 § 1; 1958, 282 § 1; amended, 1960, 811 § 1 (see 1957, 525 § 5; 1958, 282 § 3); paragraph (a) revised, 1955, 403 § 3 (see 1955, 403 § 14); 1957, 525 § 2; 1958, 282 § 2; 1960, 414 § 1 (see 1957, 525 § 5; 1958, 282 § 3; 1960, 414 § 2); paragraph (b) stricken out, 1957, 525 § 3 (see 1957, 525 § 5); paragraph (c) revised, 1956, 381 § 2; paragraph (d) stricken out, 1956, 381 § 3; paragraph added after paragraph (h), 1955, 312; paragraph (i) added, 1960, 764 § 1 (see 1960, 764 § 2); clause revised, 1962, 666 § 1; first paragraph revised, 1966, 359 § 1 (see 1966, 359 § 5); 1971, 1110 § 2 (see 1971, 1110 § 11); paragraph (a), sentence added at end, 1969, 292 § 1; paragraph (e) revised, 1971, 1110 § 3 (see 1971, 1110 § 11); paragraph (f), sentence added at end, 1969, 292 § 2 (see 1969, 292 § 5); paragraph revised, 1971, 1110 § 4 (see 1971, 1110 § 11); 1973, 696 § 2 (see 1973, 696 § 3); clause Twenty-second A added, 1954, 683 § 2 (see 1954, 683 § 3); first paragraph revised, 1957, 525 § 4; amended, 1960, 811 § 2 (see 1957, 525 § 5); clause revised, 1962, 666 § 2; first paragraph amended, 1965, 398; revised, 1966, 359 § 2 (see 1966, 359 § 5); clause revised, 1971, 1110 § 5*; clause Twenty-second B added, 1959, 233 § 1 (see 1959, 233 § 2); clause revised, 1962, 666 § 3; first paragraph revised, 1966, 359 § 3 (see 1966, 395 § 5); paragraph inserted after first paragraph, 1969, 292 § 3 (see 1969, 292 § 5); clause revised, 1971, 1110 § 6*; clause Twenty-second C added, 1962, 666 § 4; first paragraph revised, 1966, 359 § 4 (see 1966, 359 § 5); paragraph inserted after first paragraph, 1969, 292 § 4 (see 1969, 292 § 5); clause revised, 1971, 1110 § 7*; clause Twenty-second D added, 1965, 881; clause revised, 1971, 1110 § 8*; clause Twenty-third amended, 1932, 114 § 4; revised, 1947, 647; 1949, 534 § 2; 1962, 281; stricken out, 1963, 160 § 11; clause Twenty-fifth amended, 1951, 272; 1964, 502 § 6; 1965, 748 § 2; revised, 1968, 549; clause Twenty-seventh revised, 1971, 555 § 3 (see 1971, 555 § 67); clause Twenty-eighth revised, 1971, 555 § 4 (see 1971, 555 § 67); stricken out, 1973, 723 § 1 (see 1973, 723 § 19); clause Thirty-second amended, 1951, 641 § 10 (see 1951, 641 §§ 18, 19); clause Thirty-fifth revised, 1939, 24 § 2; 1962, 644 § 2; clause Thirty-sixth added, 1952, 583 § 2 (see 1952, 583 § 3); revised, 1968, 464 § 1; clause Thirty-seventh added, 1953, 379; amended, 1959, 88 § 2; revised, 1959, 444 § 1 (see 1959, 444 § 2); last sentence revised, 1960, 18; stricken out, 1965, 615 § 1 (see 1965, 615 § 4); clause revised, 1970, 179 § 1 (see 1970, 179 § 2); 1973, 872 § 1 (see 1973, 872 § 2); clause Thirty-eighth added, 1957, 444 § 2; clause Thirty-ninth added, 1961, 539; amended, 1966, 700 § 1; stricken out, 1972, 707 § 1 (see 1972, 707 § 4); clause Fortieth added, 1963, 345; clause Forty-first added, 1963, 808 § 1 (see 1963, 808 § 2); amended, 1964, 681 § 1 (see 1964, 681 § 2); revised, 1966, 294 § 1 (see 1966, 294 § 2); sentence added, 1966, 419; clause revised, 1966, 728; 1970, 456 § 1 (see 1970, 456 § 2); amended, 1971, 1069 § 1 (see 1971, 1069 § 2); clause Forty-second added, 1964, 715 § 1 (see 1964, 715 § 2); amended, 1965, 267 § 1 (see 1965, 267 § 3; 1966, 385); revised, 1971, 1110 § 9 (see 1971, 1110 § 11); clause Forty-third added, 1965, 267 § 2 (see 1965, 267 § 3; 1966, 385); revised, 1971, 1110 § 10 (see 1971, 1110 § 11); clause Forty-fourth added, 1966, 700 § 2; revised, 1972, 707 § 2 (see 1972, 707 § 4).

*See 1971, 1110 § 11.

SECT. 5A added, 1941, 227 § 3 (relative to collection of taxes from estates of persons who were relieved therefrom for lack of ability to pay, or otherwise); first sentence revised, 1948, 541; section repealed, 1965, 620 § 3. (See 1965, 620 § 4.)

SECT. 6 amended, 1933, 254 § 25; 1936, 59 § 1; first paragraph amended, 1941, 440; revised, 1946, 410; two sentences inserted after first sentence, 1968, 497 § 1. (See 1933, 254 § 66; 1936, 59 § 3.)

SECTS. 6 and 7. (See 1934, 307.)

SECT. 7A added, 1945, 367 § 2 (relative to payments in lieu of taxes on certain property held by a municipality or district in another municipality); first paragraph, first sentence amended, 1971, 766 § 19; two sentences added at end, 1968, 497 § 2.

SECT. 8 amended, 1933, 80, 254 § 26; paragraph added at end, 1935, 119 § 1. (See 1933, 254 § 66; 1935, 119 § 2.)

SECT. 8A added, under caption, 1956, 400 § 2 (relative to excise tax on farm animals); first paragraph revised, 1960, 130; 1964, 285 § 2; 1969, 310; first sentence revised, 1973, 925 § 7. (See 1964, 285 § 3; 1973, 925 § 84.)

SECT. 9 amended, 1933, 254 § 27; revised, 1939, 342 § 4; repealed, 1963, 160 § 12. (See 1933, 254 § 66.)

SECT. 10 amended, 1933, 254 § 28; repealed, 1963, 160 § 12. (See 1933, 254 § 66.)

SECT. 11 amended, 1933, 254 § 29; revised, 1936, 92; 1939, 175; sentence inserted after third sentence, 1956, 690 § 2; same sentence stricken out, 1958, 549 § 2; paragraph added, 1956, 397; revised, 1957, 418; paragraph added, 1971, 286; 1972, 719 § 1. (See 1933, 254 § 66; 1972, 719 § 2.)

SECT. 16 amended, 1937, 114.

SECT. 18, opening paragraph and clauses First and Second amended, 1933, 254 § 30; clause Second revised, 1936, 362 § 2. (See 1933, 254 § 66; 1936, 362 § 8.)

SECT. 19 amended, 1933, 254 § 31; revised, 1945, 143. (See 1933, 254 § 66.)

SECT. 20 revised, 1933, 254 § 32; amended, 1936, 376 § 1; revised, 1946, 432 § 1. (See 1933, 254 § 66.)

SECT. 21 revised, 1933, 254 § 33; 1936, 376 § 2; second sentence amended, 1945, 624 § 7; first three sentences stricken out and five sentences inserted, 1946, 432 § 2; section revised, 1971, 766 § 19. (See 1933, 254 § 66.)

SECT. 21A added, 1971, 889 (providing for additional compensation for assessors and assistant assessors who have completed certain courses of study).

SECT. 21B added, 1971, 895 § 2 (requiring assessors to attend certain training programs).

SECT. 23, two sentences added, 1948, 576; last four sentences of first paragraph revised, 1951, 798 § 7; second sentence amended, and third sentence revised, 1953, 654 § 29; fourth sentence revised, 1955, 143; two paragraphs inserted after first paragraph, 1955, 202 § 1; same two paragraphs amended, 1963, 160 § 13; first two paragraphs revised, 1969, 849

§ 67; second paragraph revised, 1971, 563; paragraph added at end, 1938, 175 § 2; 1949, 104 § 1; section revised, 1971, 766 § 20; first paragraph revised, 1973, 52 § 5. Temporarily affected, 1954, 43. (See 1951, 798 § 8; 1952, 359; 1953, 119; 1955, 202 § 2; 1969, 849 § 79.)

SECT. 23A amended, 1963, 160 § 14; 1971, 766 § 21.

SECT. 23B revised, 1963, 160 § 15.

SECT. 23C added, 1952, 578 § 1 (providing for separate school tax rates); first paragraph revised, 1954, 460 § 1; "School percentage" defined, 1954, 460 § 2; section revised, 1966, 14 § 38; 1967, 315 § 1; second paragraph amended, 1969, 546 § 9. (See 1969, 546 § 34.)

SECT. 25, first sentence revised, 1950, 257; amended, 1953, 654 § 30; 1963, 160 § 16; 1971, 766 § 21; sentence added at end, 1949, 104 § 2.

SECT. 27 amended, 1936, 118 § 2. (See 1936, 118 § 3.)

SECT. 29, second sentence amended, 1963, 160 § 17; last three sentences revised, 1933, 254 § 34; last sentence revised, 1963, 160 § 18. (See 1933, 254 § 66; 1963, 160 § 33.)

SECT. 33 amended, 1933, 254 § 35; first sentence revised, 1954, 459 § 2. (See 1933, 254 § 66.)

SECT. 38A added, 1952, 614 § 2 (relative to the valuation for taxation of natural gas or petroleum pipe lines); amended, 1953, 654 § 31. (See 1952, 614 § 3.)

SECTS. 38B-38C added, 1970, 118 (authorizing assessors to require written returns and testimony under oath).

SECT. 39 amended, 1933, 254 § 36; 1939, 451 § 22; revised, 1953, 468, 654 § 32; 1955, 344 § 1. (See 1933, 254 § 66; 1955, 344 § 3.)

SECT. 40 amended, 1953, 654 § 33.

SECT. 41 amended, 1933, 254 § 37; 1953, 654 § 34. (See 1933, 254 § 66.)

SECT. 42 amended, 1953, 654 § 35.

SECT. 43, first sentence revised, 1948, 112 § 1.

SECT. 44 amended, 1963, 160 § 19; 1973, 671 § 1. (See 1973, 671 § 3.)

SECT. 45 amended, 1933, 254 § 38; first sentence revised, 1948, 112 § 2; form appended to section amended, 1933, 254 § 39; section revised, 1963, 160 § 20; 1969, 532 § 1. (See 1933, 254 § 66; 1969, 532 § 5.)

SECT. 46 amended, 1963, 160 § 21; 1973, 671 § 2. (See 1973, 671 § 3.)

SECT. 47 amended, 1933, 254 § 40. (See 1933, 254 § 66.)

SECT. 48 revised, 1947, 84.

SECTS. 47-48 repealed, 1969, 532 § 2. (See 1969, 532 § 5.)

SECT. 49 amended, 1933, 254 § 41; first sentence revised, 1948, 112 § 3; section revised, 1955, 245 § 1; last sentence stricken out, 1969, 532 § 3. (See 1933, 254 § 66; 1955, 245 § 2; 1969, 532 § 5.)

SECT. 50 revised, 1948, 112 § 4; 1971, 262 § 1.

SECT. 54 revised, 1954, 444 § 1. (See 1954, 444 § 5.)

SECT. 57 amended, 1933, 151 § 1; revised, 1933, 254 § 42; 1935, 158 § 1; amended, 1937, 203 § 1; revised, 1938, 330 § 1; 1941, 258 § 1; first two sentences revised, 1947, 522 § 1; first sentence revised, 1949, 265 § 1; second sentence revised, 1965, 597 § 1; 1968, 290 § 1; second sentence stricken out and two sentences inserted, 1969, 849 § 68; second sentence

revised, 1971, 766 § 22; 1973, 52 § 6; third sentence stricken out, 1963, 160 § 22; fourth and fifth sentences stricken out and three sentences inserted, 1947, 99 § 1; fourth and fifth sentences revised, 1969, 849 § 69; sentence added at end, 1949, 278 § 1. (See 1933, 151 § 2, 254 § 66; 1935, 158 § 2; 1937, 203 § 2; 1938, 330 § 2; 1947, 99 § 2; 1949, 265 § 2, 278 § 2; 1968, 290 § 2; 1969, 849 § 79.)

SECT. 59, sentence added at end, 1933, 165 § 1; section revised, 1933, 254 § 43, 266 § 1; 1934, 136 § 2; amended, 1935, 187 § 1; revised, 1939, 250 § 1; first sentence revised, 1943, 166 § 1; 1945, 621 § 4; 1946, 199 § 1; 1963, 125; paragraph added, 1965, 615 § 2. (See 1933, 254 § 66, 266 § 2; 1934, 136 § 3; 1935, 187 § 2; 1946, 199 § 2; 1949, 277; 1950, 165; 1965, 597 § 4, 615 § 4.) Temporarily affected, 1953, 568.

SECT. 60 revised, 1941, 209; 1945, 620; amended, 1963; 160 § 23.

SECT. 61, last sentence revised, 1933, 165 § 2.

SECT. 61A added, 1935, 276 § 2 (providing for adequate discovery in proceedings for tax abatement); sentence added at end, 1968, 292.

SECT. 63 amended, 1943, 79.

SECT. 64, first paragraph amended, 1933, 130 § 1; second paragraph amended, 1935, 218 § 2; section revised, 1937, 400 § 6; 1938, 478 § 1; first paragraph, first sentence amended, 1939, 31 § 6; 1973, 664 § 1; paragraph revised, 1945, 621 § 5; second paragraph amended, 1939, 366 § 2; 1943, 248; revised, 1956, 544; seventh sentence of said paragraph revised, 1965, 597 § 2. (See 1937, 400 §§ 1-5, 7; 1965, 597 § 4; 1973, 664 § 2.)

SECT. 65 amended, 1933, 130 § 2, 167 § 1; revised, 1938, 478 § 2; 1939, 31 § 7; first sentence revised, 1945, 621 § 6.

SECT. 65A added, 1932, 218 § 1 (providing that the sale or taking of real property for payment of unpaid taxes thereon shall not prejudice proceedings for the abatement of such taxes); revised, 1933, 325 § 18. (See 1932, 218 § 2; 1933, 325 § 19.)

SECT. 65B added, 1938, 478 § 3 (relative to appeals to the appellate tax board from the refusal of assessors to abate certain taxes on real estate); revised, 1945, 621 § 7.

SECT. 65C added, 1953, 476 § 1 (providing for late entry of certain appeals to the appellate tax board). (See 1953, 476 § 2.)

SECT. 65D added, 1956, 452 § 1 (relative to certain appeals filed with the appellate tax board). (See 1956, 452 § 2.)

SECT. 69 amended, 1935, 218 § 3; 1939, 366 § 3; revised, 1965, 597 § 3; amended, 1973, 689.

SECT. 70A added, 1945, 351 § 1 (regulating the procedure after abatement of a local tax, assessment, rate or charge).

SECT. 71 amended, 1963, 160 § 24.

SECT. 72A added, 1968, 253 (permitting an abatement of a portion of unpaid real property taxes on land acquired by a town).

SECT. 73 amended, 1933, 254 § 44; 1953, 654 § 36; stricken out, 1955, 344 § 2. (See 1933, 254 § 66; 1955, 344 § 3.)

SECT. 74 amended, 1933, 254 § 45; 1939, 24 § 3; 1945, 137. (See 1933, 254 § 66.)

SECT. 75 amended, 1934, 104; first sentence revised, 1946, 339.

SECT. 77 revised, 1945, 333.

SECT. 78 amended, 1941, 258 § 5; last sentence revised, 1969, 849 § 70.
(See 1969, 849 § 79.)

SECT. 79 amended, 1938, 150 § 1; last sentence revised, 1946, 251 § 2.
(See 1946, 251 § 3.)

SECT. 83 amended, 1933, 254 § 46; 1939, 24 § 4; revised, 1958, 490 § 2; 1968, 240. (See 1933, 254 § 66; 1958, 490 § 3.)

SECT. 84 amended, 1933, 254 § 47; revised, 1971, 262 § 2. (See 1933, 254 § 66.)

SECT. 85 amended, 1933, 254 § 48; repealed, 1945, 271. (See 1933, 254 § 66.) Affected, 1941, 609.

SECT. 86 amended, 1933, 254 § 49. (See 1933, 254 § 66.)

SECT. 94 revised, 1969, 532 § 4. (See 1969, 532 § 5.)

Chapter 60. — Collection of Local Taxes.

SECT. 1, third paragraph revised, 1933, 164 § 1; last two paragraphs amended, 1943, 37 § 1; paragraph inserted after introductory paragraph, 1973, 1215 § 3.

SECT. 3 revised, 1933, 254 § 50; sentence inserted after first sentence, 1954, 444 § 2; amended, 1941, 258 § 2; 1943, 37 § 2; third sentence stricken out, 1963, 160 § 25; sentence inserted after third sentence, 1943, 166 § 2; fifth sentence revised, 1971, 766 § 23. (See 1933, 254 § 66; 1954, 444 § 5.)

SECT. 3A added, 1934, 136 § 1 (requiring that certain information relative to abatement or exemptions be included in tax bills); amended, 1936, 156; revised, 1943, 166 § 3, 564 § 1 (providing that additional information be included in certain tax bills issued subsequent to the termination of the present war); sentence added at end, 1952, 578 § 2; section revised, 1954, 444 § 3; first sentence revised, 1965, 615 § 3; third sentence revised, 1966, 14 § 39; 1967, 757 § 6; 1969, 546 § 17. (See 1934, 136 § 3; 1943, 564 § 2; 1949, 277; 1954, 444 §§ 4, 5; 1965, 615 § 4; 1967, 757 § 10; 1969, 546 § 34.)

SECT. 3B added, 1935, 322 § 2 (relative to the suspension of payment of certain assessments payable by certain persons entitled to exemption from local taxes).

SECT. 4 revised, 1939, 342 § 5; repealed and caption preceding section stricken out, 1963, 160 § 26.

SECT. 5 revised, 1933, 168 § 2; amended, 1941, 258 § 3; last sentence revised, 1955, 474 § 1; section repealed, 1963, 160 § 26.

SECT. 6 revised, 1967, 100.

SECT. 13, sentence added at end, 1937, 143 § 5; section revised, 1939, 44; 1941, 308.

SECT. 15, first paragraph amended, 1934, 151 § 2; 1935, 252 § 1; section revised, 1943, 179; 1952, 398; amended, 1955, 474 § 2; clause 2 revised, 1958, 306 § 1; clauses 9 and 10 revised, 1958, 306 § 2; clause 10 revised, 1971, 273 § 1; clause 11 revised, 1971, 273 § 2; clauses 15-16 revised, 1971, 273 § 3. (See 1958, 306 § 3.)

SECT. 15A added, 1935, 252 § 2 (further regulating charges and fees for the collection of poll taxes); revised, 1948, 386; 1959, 152; repealed, 1963, 160 § 27.

SECT. 16 revised, 1933, 168 § 1; amended, 1933, 254 § 51. (See 1933, 168 § 4, 254 § 66.)

SECT. 17 revised, 1971, 766 § 23.

SECT. 18 repealed, 1932, 54 § 1.

SECT. 19, paragraph added at end, 1970, 218 § 1. (See 1970, 218 § 2.)

SECT. 22 revised, 1933, 254 § 52; first sentence revised, 1947, 278; affected, 1933, 308; amended, 1963, 160 § 28. (See 1933, 254 § 66.)

SECT. 22A added, 1941, 573 § 1 (relative to bills for taxes on parcels of real estate and payments on account thereof). (See 1941, 573 § 2.)

SECT. 23 revised, 1932, 197 § 1; fourth sentence revised, 1952, 388; two sentences added at end, 1943, 478 § 3; fifth sentence amended, 1954, 487 § 2A; section revised, 1958, 537; fourth sentence revised, 1971, 269; last sentence amended, 1960, 421 § 1. (See 1954, 487 § 3.)

SECT. 29 revised, 1963, 160 § 29.

SECT. 34, first sentence amended, 1947, 313.

SECT. 35 revised, 1938, 150 § 2; 1946, 251 § 1. (See 1946, 251 § 3.)

SECT. 37 amended, 1933, 254 § 53, 325 § 1; 1934, 131 § 2; revised, 1934, 169; amended, 1935, 269; 1936, 146; last sentence revised, 1941, 84 § 1; section revised, 1943, 478 § 1. (See 1933, 254 § 66; 1934, 131 § 3; 1941, 84 § 2.)

SECT. 37A added, 1943, 478 § 2 (relative to the continuance of local tax liens during the existence of legal impediments to sales or takings thereunder); third sentence amended, 1960, 421 § 2.

SECT. 38 amended, 1933, 254 § 54, 325 § 2. (See 1933, 254 § 66, 325 § 21.)

SECT. 39 amended, 1933, 325 § 3.

SECT. 42 revised, 1933, 164 § 2.

SECT. 43, last sentence revised, 1932, 54 § 2; section amended, 1935, 183, 236.

SECT. 45 amended, 1933, 325 § 4; 1937, 209; 1938, 339 § 1; 1971, 716 § 2; 1973, 1215 § 4. (See 1971, 716 § 3.)

SECT. 46, paragraph added at end, 1934, 131 § 1.

SECT. 48 amended, 1933, 325 § 5. (See 1933, 325 § 20.)

SECT. 50 revised, 1933, 325 § 6; amended, 1935, 414 § 1; 1936, 93 § 2; amended, 1941, 319 § 1. (See 1935, 414 § 4; 1941, 319 §§ 3, 4.)

SECT. 50A added, 1934, 154 § 2 (providing for protection of interests in real estate held under tax sales or takings).

SECT. 50B added, 1946, 185 (requiring cities and towns to appropriate or provide sums necessary for foreclosure of tax titles by proceedings in the land court).

SECT. 51 amended, 1933, 254 § 55. (See 1933, 254 § 66.)

SECT. 52 revised, 1936, 392 § 1; second sentence revised, 1973, 249.

SECT. 53 revised, 1933, 164 § 3; two paragraphs added at end, 1970, 85. (See 1933, 325 § 20.)

SECT. 54 amended, 1933, 325 § 7; 1938, 339 § 2.

SECT. 55 amended, 1933, 325 § 8.

SECT. 58 revised, 1932, 2; 1939, 250 § 2.

SECT. 59 amended, 1933, 254 § 56. (See 1933, 245 § 66.)

SECT. 60 revised, 1945, 130.

SECT. 61 revised, 1933, 325 § 9; amended, 1934, 48; 1936, 93 § 1. (See 1933, 325 § 20.)

SECT. 61A added, 1943, 188 (relative to taking for nonpayment of taxes lands subject to tax titles held by municipalities when the assessment unit is changed).

SECT. 62 revised, 1933, 325 § 10; first paragraph amended, 1934, 218; same paragraph revised, 1935, 414 § 2; second paragraph revised, 1935, 278; section revised, 1936, 392 § 2; first paragraph amended, 1966, 263 § 1; first sentence amended, 1970, 235 § 1; second paragraph amended, 1941, 231; sentence inserted before last sentence, 1947, 133; paragraph inserted after the second paragraph, 1938, 415 § 5. (See 1935, 414 § 4; 1966, 263 § 3; 1970, 235 § 4.)

SECT. 63 amended, 1933, 325 § 11; revised, 1936, 392 § 3; third sentence amended, 1970, 235 § 2. (See 1970, 235 § 4.)

SECT. 65 amended, 1933, 325 § 12; 1938, 305; 1971, 716 § 1; first sentence revised, 1973, 1215 § 5. (See 1971, 716 § 3.)

SECT. 66 amended, 1935, 224 § 1. (See 1935, 224 § 6.)

SECT. 67 amended, 1935, 224 § 2. (See 1935, 224 § 6.)

SECT. 68, first paragraph amended, 1935, 224 § 3, 414 § 3; 1966, 263 § 2; 1970, 235 § 3; paragraph added at end, 1935, 354 § 1. (See 1935, 224 § 6, 354 § 3, 414 § 4; 1966, 263 § 3; 1970, 235 § 4.)

SECT. 69 amended, 1935, 224 § 4; sentence added at end, 1945, 226 § 1. (See 1935, 224 § 6.)

SECT. 69A added, 1945, 226 § 2 (relative to the conclusiveness of decrees foreclosing tax titles).

SECT. 70 amended, 1935, 224 § 5. (See 1935, 224 § 6.)

SECT. 71 amended, 1941, 319 § 2. (See 1941, 319 §§ 3, 4.)

SECT. 74 repealed, 1973, 515 § 1.

SECT. 75 amended, 1936, 189 § 1; revised, 1973, 515 § 2.

SECT. 76 revised, 1935, 318 § 1; amended, 1936, 189 § 2; 1973, 515 § 3. (See 1935, 318 §§ 2, 8.)

SECT. 76A added, 1935, 354 § 2 (providing for redemption in part from tax sales in certain cases); paragraph added at end, 1939, 181; amended, 1953, 674 § 10. (See 1935, 354 § 3.)

SECT. 76B added, 1938, 415 § 6 (relative to the effect of errors or irregularities in respect to water rates and charges included in a tax title account).

SECT. 76C added, 1945, 268 (providing for notice to certain municipal officers of certain action in connection with tax titles).

SECT. 77, paragraph added at end, 1938, 339 § 3; amended, 1953, 654 § 37.

SECT. 77A added, 1945, 78 (relative to recording of deeds of cities and towns conveying land acquired through foreclosure of tax titles).

SECT. 77B added, 1947, 224 § 1 (making permanent certain temporary provisions of law relative to certain land acquired by municipalities). (See 1947, 224 § 2.) [For prior temporary legislation, see 1938, 358; 1939, 123; 1941, 296.]

SECT. 78 amended, 1933, 325 § 13; repealed, 1936, 194. (See 1933, 325 § 20.)

SECT. 79, first paragraph amended, 1968, 157; first sentence revised, 1973, 1215 § 6; second paragraph amended, 1933, 325 § 14; 1935, 173 § 1; section revised, 1941, 594 § 1; third paragraph amended, 1963, 201; 1966, 114 § 1; sentence added at end, 1968, 353 § 1. (See 1966, 114 § 2; 1968, 353 § 2.)

SECT. 80 amended, 1933, 325 § 15; revised, 1935, 173 § 2; amended, 1941, 594 § 2. (See 1939, 123; 1941, 296.)

SECTS. 80A and 80B added, 1941, 594 § 3 (relative to the validity of title acquired at sales of lands of low value held by cities and towns under tax titles).

SECT. 80B revised, 1946, 302; amended, 1973, 515 § 4.

SECT. 81A added, 1973, 1215 § 7 (relative to the inspection and certification of certain abandoned property).

SECT. 82 amended, 1945, 267 § 1.

SECT. 83 amended, 1945, 267 § 2.

SECT. 84 revised, 1935, 260.

SECT. 84A revised, 1933, 325 § 16; 1935, 181 § 1. (See 1935, 181 § 2.)

SECT. 92 revised, 1933, 82 § 1; amended, 1934, 259 § 1.

SECT. 93 revised, 1943, 199; last sentence revised, 1945, 397 § 2. (See 1945, 397 § 3.)

SECT. 95 revised, 1933, 325 § 17; amended, 1934, 315 § 2; revised, 1935, 248 § 3; amended, 1939, 451 § 23; 1941, 380 § 6; sentence added at end, 1943, 107; revised, 1949, 202. (See 1934, 315 § 3.)

SECT. 97 revised, 1934, 151 § 1.

SECT. 104 revised, 1937, 43.

SECT. 105 revised, 1933, 168 § 3; 1941, 258 § 4.

Form 2 in schedule at end of chapter repealed, 1932, 54 § 1; schedule of forms at end of chapter stricken out, 1933, 168 § 3.

Chapter 60A. — Excise Tax on Registered Motor Vehicles in Lieu of Local Tax.

For legislation exempting certain disabled veterans from payment of certain motor vehicle excise taxes and registration fees, see 1948, 368.

SECT. 1, first paragraph amended, 1936, 384 § 1; last paragraph amended, 1936, 384 § 2; paragraph added at end, 1938, 111; section revised, 1938, 480 § 1; table revised, 1953, 653; third paragraph revised, 1953, 654 § 38; fourth paragraph amended, 1941, 718 § 1; revised, 1949, 342; amended, 1950, 666 § 1; 1951, 736 § 4; paragraph inserted after fourth paragraph, 1949, 401; same paragraph revised, 1950, 731; 1954, 548; sixth paragraph revised, 1953, 388; 1968, 503; last paragraph revised, 1947, 644; 1952, 412; paragraph added at end, 1951, 165; section revised, 1954, 640 § 1; first paragraph revised, 1960, 758 § 1; fifth paragraph revised, 1955, 320; amended, 1955, 403 § 4; revised, 1959, 273 § 1; amended, 1966, 140; 1967, 117; 1972, 121; paragraph inserted after fifth paragraph, 1962, 644 § 1; sixth paragraph revised, 1955, 587 § 1; fifth and sixth paragraphs stricken out and paragraph inserted, 1965, 622 § 1; seventh paragraph amended, 1956, 328 § 1; last paragraph revised, 1957, 174. (See 1941, 718 § 2; 1951, 736 § 5; 1955, 403 § 14, 587 § 3; 1956, 328 § 2; 1959, 273 § 2; 1960, 758 § 2; 1965, 622 § 2.)

SECT. 1A added, 1949, 484 (providing for but one excise tax on a motor vehicle in each year in certain cases); sentence added at end, 1952, 285; repealed, 1955, 587 § 2. (See 1955, 587 § 3.)

SECT. 2 revised, 1936, 384 § 3; 1938, 480 § 2; amended, 1939, 366 § 4; 1950, 666 § 2; 1952, 400; 1953, 654 § 39; 1954, 373 § 1; revised, 1954, 640 § 2; third sentence revised, 1962, 231 § 2; sixth sentence revised, 1957, 375; seventh sentence revised, 1970, 142; ninth sentence revised, 1959, 371 § 1. (See 1934, 375 § 2; 1959, 371 § 2; 1962, 231 § 4.) Affected by 1962, 727.

SECT. 2A added, 1938, 492 § 1 (providing for the suspension of certificates of registration in cases of nonpayment of the excise on registered motor vehicles); last sentence stricken out, 1943, 18; second sentence revised, 1945, 443; section revised, 1953, 339 § 1; amended, 1958, 91; second sentence revised, 1969, 183; third sentence revised, 1973, 139; two sentences inserted after third sentence, 1970, 250. (See 1953, 339 § 2.)

SECT. 3 revised, 1936, 384 § 4; 1938, 480 § 3.

SECT. 4 revised, 1938, 480 § 4, 492 § 2.

SECT. 5 stricken out, 1953, 654 § 40.

SECT. 6 amended, 1936, 384 § 5; revised, 1938, 480 § 5.

Chapter 61. — Classification and Taxation of Forest Lands and Forest Products (former title Taxation of Forest Products and Classification and Taxation of Forest Lands).

Chapter stricken out, and new chapter 61 (with new title) inserted, 1941, 652 § 1. (See 1941, 652 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 61, as so inserted:

SECT. 1, first paragraph stricken out and two paragraphs inserted, 1943, 461 § 1; first paragraph amended, 1955, 705 § 1; section revised, 1969, 873 § 1. (See 1943, 461 §§ 4 and 5; 1969, 873 § 5.)

SECT. 2, first schedule revised, 1955, 705 § 2; second schedule and all preceding such schedule revised, 1943, 461 § 2; section revised, 1969, 873 § 1. (See 1943, 461 §§ 4 and 5; 1969, 873 § 5.)

SECT. 4 revised, 1969, 873 § 2. (See 1969, 873 § 5.)

SECT. 5 amended, 1969, 873 § 3. (See 1969, 873 § 5.)

SECT. 6 amended, 1943, 461 § 3; revised, 1969, 873 § 4. (See 1943, 461 §§ 4 and 5; 1969, 873 § 5.)

SECT. 7 added, 1955, 705 § 3 (relative to the taxation of wild land).

Chapter 61A. — inserted, 1973, 1118 § 1. (See 1973, 1118 § 3.)

Chapter 62. — Taxation of Incomes.

For legislation establishing an additional tax upon personal incomes to provide funds for old age assistance, see 1941, 729 §§ 9, 15; 1948, 503 § 5; 1949, 674 § 2; 1951, 386 § 2; 1953, 246 § 6; 1955, 707 § 5. (See also 1951, 800 §§ 1, 2, 3.)

For prior temporary legislation relative to the taxation of dividends of certain corporations, see 1933, 307, 357; 1935, 489; 1936, 82 § 1; 1937, 395; 1938, 489 §§ 2-5; 1939, 373; 1941, 331; 1943, 285. (See also 1945, 735.)

For temporary legislation providing for additional taxes upon personal incomes, see 1935, 480; 1936, 397; 1937, 422; 1938, 502; 1939, 454 § 19; 1941, 416 §§ 1, 3; 1943, 482 §§ 1, 3, 4; 1945, 557 §§ 1, 3, 4; 1948, 503 §§ 1, 4, 6; 1949, 674 § 2; 1951, 386 § 2; 1953, 246 § 2; 1955, 707 § 2; 1956, 354; 1957, 456; 1959, 31 §§ 2-4; 1961, 139; 1963, 499. (See also 1951, 800 §§ 1, 2, 3; 1953, 246 §§ 5, 15.)

For temporary legislation relative to the payment of income taxes by persons who served in the armed forces of the United States during the existing war, see 1946, 604.

For temporary legislation providing that income taxes shall be due and payable when the tax return therefor is required to be filed, see 1950, 816 § 2; affected, 1951, 750; 1952, 623; 1953, 246 § 5; 1954, 70 § 2. (See 1950, 816 § 4.)

SECT. 1, first sentence revised, 1954, 679 § 1; 1966, 698 § 2; 1967, 796 § 5; subsection (a), paragraph First revised, 1957, 491 § 1; 1958, 554 § 1; 1961, 250, 493 § 2; 1966, 698 § 2A; paragraph Fifth added, 1946, 539; subsection (b) revised, 1945, 735 § 1; amended, 1957, 445 § 1; revised, 1959, 556 § 1; subsection (c) amended, 1957, 445 § 2; paragraph Third added, 1935, 489 § 6; subsection (d) revised, 1966, 698 § 3; 1967, 796 § 6; subsection (e) amended, 1935, 489 § 7; sentence added at end, 1963, 496; subsection (g) revised, 1954, 545; 1955, 635 § 1; subsection (h) added, 1954, 679 § 2; revised, 1967, 796 § 7. (See 1945, 735 § 5; 1954, 679 § 7; 1957, 445 § 3, 491 § 2; 1958, 554 § 2.)

SECT. 3 revised, 1943, 45 § 1.

SECT. 5 amended, 1966, 698 § 4; first sentence of subsection (a) revised, 1954, 679 § 3; 1966, 698 § 5; 1967, 796 § 8; subsection (b) amended, 1935, 489 § 8; revised, 1939, 486 § 1; first sentence stricken out and three sentences inserted, 1954, 679 § 4; first three sentences stricken out and four sentences inserted, 1956, 443 § 1; first sentence revised, 1957, 677 § 1; second sentence revised, 1966, 14 § 5; sentence inserted after fourth sentence, 1966, 14 § 6; subsection (b) revised, 1966, 559; first five sentences stricken out and sentence inserted, 1966, 698 § 6; first sentence revised, 1967, 796 § 9; sixth sentence stricken out, 1968, 278 § 2; subsection (c) revised, 1934, 363 § 1; 1935, 481 § 1; amended and paragraph added at end, 1954, 599 § 1; subsection (c) revised, 1955, 635 § 2; amended, 1956, 607 § 1; revised, 1957, 540 § 1; amended, 1959, 556 § 2; 1960, 554 § 1; 1966, 698 § 7; first sentence revised, 1967, 796 § 10; subsections (f) and (g) added, 1954, 679 § 5; subsection (f), first paragraph amended, 1957, 435 § 1; subsection (g) revised, 1957, 677 § 2; subsections (f) and (g) stricken out and subsection (f) inserted, 1967, 796 § 11; sentence added at end, 1968, 434 § 1. (See 1934, 363 § 2; 1935, 481 § 2; 1939, 486 § 3; 1954, 679 § 7; 1956, 443 § 2, 607 § 2; 1957, 435 § 4, 540 § 3, 677 § 8; 1960, 554 § 2; 1968, 434 § 2.)

SECT. 5A added, 1955, 780 § 1 (relative to the taxation of income earned in the commonwealth by nonresidents); subsection (c), first sentence

revised, 1957, 677 § 3; subsection revised, 1958, 491 § 1; subsection (d), second sentence revised, 1957, 677 § 4; section revised, 1966, 698 § 8; first three sentences revised, 1967, 796 § 12. (See 1957, 677 § 8; 1958, 491 § 3.)

SECT. 5B added, 1966, 698 § 9 (relative to certain exemptions against business income in computing income tax); paragraph (1), clause (iii) stricken out, 1968, 278 § 3; clause (iv) amended, 1967, 796 § 13; paragraph (2), clause (iii) stricken out, 1968, 278 § 4; clause (iv) amended, 1967, 796 § 14; revised, 1968, 557 § 1; paragraph (3) amended, 1967, 796 § 15; paragraph (4) amended, 1967, 796 § 16; 1969, 557 § 1; paragraph (6) added, 1967, 699 § 1; paragraph (7) amended, 1971, 978 § 1A. (See 1967, 699 § 2; 1968, 278 § 5; 557 § 2; 1971, 978 § 2.)

SECT. 6, first paragraph revised, 1954, 611 § 1; amended, 1955, 780 § 2; first paragraph revised, 1957, 677 § 5; first sentence amended, 1960, 557; revised, 1966, 698 § 10; clause (a), sentence added at end, 1947, 485 § 1; clause (b) amended, 1956, 460 § 1; clause (c) revised, 1956, 517 § 1; 1957, 448 § 1; 1960, 556 § 1; amended, 1967, 796 § 17; provision (1) revised, 1968, 556 § 1; 1969, 546 § 1; clause (g) revised, 1935, 436 § 1; amended, 1956, 460 § 2; clause (h) revised, 1943, 511; 1951, 800 § 4; 1953, 514; 1954, 251 § 1, 657 § 1; 1958, 510 § 1; 1963, 750 § 1; stricken out, 1966, 698 § 11; clause (i) added, 1955, 717 § 1; stricken out, 1966, 698 § 12. (See 1935; 436 § 2; 1947, 485 § 3; 1951, 800 § 6; 1954, 251 § 2, 611 § 3, 657 § 2; 1955, 717 § 2, 780 § 10; 1956, 460 § 3, 157 § 2; 1957, 448 § 3; 1958, 510 § 2, 1963, 750 § 2; 1968, 556 § 2; 1969, 546 § 3A.)

SECT. 6A added, 1955, 780 § 2A (providing for a credit for taxes paid to another state for income earned therein); revised, 1957, 448 § 2, 677 § 6; 1958, 489 § 1. (See 1955, 780 § 10; 1957, 448 § 3, 677 § 8; 1958, 489 § 2.)

SECT. 6B added, 1966, 14 § 7 (providing credit for taxes paid); third paragraph amended, 1966, 698 § 13; third paragraph revised, 1967, 755 § 1.

SECT. 7 amended, 1953, 654 § 41; first paragraph stricken out, 1955, 618 § 1; second and third paragraphs revised, 1954, 599 § 2; same paragraphs stricken out and three paragraphs inserted, 1955, 635 § 3; first paragraph amended, 1957, 446 § 1; third paragraph revised, 1957, 540 § 2; section revised, 1958, 152; first paragraph revised, 1958, 576 § 1; clause (j) revised, 1959, 556 § 3; first paragraph amended, 1962, 596 § 1; third paragraph amended, 1958, 576 § 2. (See 1958, 576 § 3.)

SECTS. 7A and 7B added, 1935, 438 § 1 (relative to income taxation of gains from certain transactions in real property).

SECT. 7A revised, 1959, 461; paragraph added, 1967, 526.

SECT. 7B amended, 1953, 654 § 42.

SECT. 8, paragraph (a) revised, 1951, 800 § 5; 1969, 533 § 1; paragraph (d) revised, 1957, 644 § 1; 1966, 698 § 14; paragraph (e) revised, 1954, 560; paragraph (g) amended, 1947, 83 § 2; 1952, 555; revised, 1962, 576 § 1; amended, 1966, 557 § 1; paragraph (h) added, 1945, 625 § 4; paragraphs (i) and (j) added, 1947, 485 § 2; revised, 1969, 629 § 1; paragraph (k) added, 1954, 443; paragraph (l) added, 1957, 677 § 7; paragraph (m) added, 1968, 278 § 1. (See 1947, 485 § 3; 1951, 800 § 6; 1953, 208; 1957, 644 § 5, 677 § 8; 1962, 576 § 2; 1966, 557 § 2; 1968, 278 § 5; 1969, 533 § 2; 629 § 2.)

SECTS. 1-8 revised, 1971, 555 § 5; 1973, 723 § 2. (See 1971, 555 § 67; 1973, 723 § 19.)

SECT. 1, paragraph (e) revised, 1973, 723 § 16. (See 1973, 723 § 19.)

SECT. 9 amended, 1955, 592 § 1; revised, 1957, 644 § 2; second paragraph amended, 1966, 698 § 15. (See 1957, 644 § 5.)

SECT. 10 amended, 1954, 387 § 1; revised, 1955, 592 § 2; paragraph added at end, 1955, 780 § 3; section revised, 1957, 644 § 3; subsection (a) amended, 1966, 698 § 16; subsection (b) revised, 1971, 555 § 6; amended, 1973, 723 § 3; subsection (c) amended, 1973, 913 § 1; subsection (d) revised, 1966, 698 § 17. (See 1954, 387 § 2; 1955, 780 § 10; 1957, 644 § 5; 1971, 555 § 67; 1973, 723 § 19, 913 § 4.)

SECT. 11 revised, 1955, 592 § 3; amended, 1973, 913 § 2. (See 1973, 913 § 4.)

SECTS. 11A and 11B added, 1973, 913 § 3 (relative to the taxation of the income of certain trusts). (See 1973, 913 § 4.)

SECT. 12 revised, 1971, 555 § 7; amended, 1973, 723 § 4. (See 1971, 555 § 67; 1973, 723 § 19.)

SECT. 12A added, 1954, 679 § 6 (relative to the exemption of certain unearned income); first sentence revised, 1957, 437 § 1; section revised, 1971, 555 § 7; amended, 1973, 723 § 5. (See 1954, 679 § 7; 1957, 437 § 2; 1971, 555 § 67; 1973, 723 § 19.)

SECT. 13 revised, 1955, 527; 1957, 644 § 4. (See 1957, 644 § 5.)

SECT. 14 revised, 1971, 555 § 8. (See 1971, 555 § 67.)

SECT. 16 amended, 1953, 654 § 43.

SECT. 17 revised, 1955, 780 § 4. (See 1955, 780 § 10.)

SECT. 18. See Sect. 18 of Chapter 58 in this Table.

SECTS. 17-21 stricken out and sections 17, 18 and 19 inserted, 1966, 698 § 18.

SECT. 17 subsection (a) amended, 1971, 555 § 9; subsection (b) amended, 1970, 561 § 1; subsection (c) amended, 1971, 555 § 10; 1973, 723 § 6; subsection (d) amended, 1971, 555 § 11; subsection (e) added, 1973, 912 § 1. (See 1970, 561 § 2; 1971, 555 § 67; 1973, 723 § 19; 912 § 2.)

SECT. 18 amended, 1971, 555 § 12. (See 1971, 555 § 67.)

SECT. 21A added, under caption, 1936, 310 (providing that individuals under certain circumstances shall be presumed to be inhabitants of the commonwealth for income tax purposes); repealed, 1938, 489 § 8.

SECT. 22 revised, 1939, 486 § 2; clause (a) revised, 1954, 611 § 2; paragraph added after first paragraph, 1954, 648 § 1; revised, 1957, 435 § 2; paragraph added at end, 1955, 780 § 5; amended, 1957, 435 § 3; paragraph added at end, 1958, 491 § 2; section revised, 1966, 698 § 19; 1971, 555 § 13; amended, 1973, 723 §§ 7, 8. (See 1939, 486 § 3; 1954, 611 § 3; 1955, 780 § 10; 1957, 435 § 4; 1958, 491 § 3; 1971, 555 § 67; 1973, 723 § 19.)

SECT. 24 revised, 1943, 45 § 2; amended, 1954, 70 § 1; first sentence amended, 1966, 698 § 20. (See 1954, 70 § 2.)

SECT. 25, third sentence revised, 1955, 592 § 4; last sentence revised, 1947, 322 § 1.

SECT. 25A added, 1935, 438 § 3 (relative to returns of taxable gains from certain transactions in real property); repealed, 1971, 555 § 14. (See 1971, 555 § 67.)

SECT. 26 amended, 1966, 698 § 21.

SECT. 27 repealed, 1956, 128.

SECT. 29 revised, 1954, 648 § 2; last two sentences stricken out, 1969, 534.

SECT. 30 amended, 1935, 152; first sentence amended, 1951, 452 § 1; revised, 1956, 310 § 1; section revised, 1958, 509 § 1. (See 1956, 310 § 3; 1958, 509 § 3.)

SECT. 31 revised, 1943, 45 § 3.

SECT. 32, first sentence amended, 1962, 117 § 1; third sentence amended, 1951, 452 § 2; 1953, 654 § 44.

SECT. 33, first paragraph revised, 1943, 45 § 4; 1954, 391 § 1; amended, 1955, 780 § 6; second paragraph revised, 1945, 735 § 2; paragraph inserted before last paragraph, 1932, 186; last paragraph amended, 1958, 54 § 1; section revised, 1971, 555 § 15; first paragraph amended, 1973, 672 § 1. (See 1945, 735 § 5; 1954, 391 § 2; 1955, 780 § 10; 1958, 54 § 2; 1971, 555 § 67; 1973, 672 § 2.)

SECT. 34 repealed, 1947, 483 § 2.

SECT. 35 revised, 1961, 555 § 1. (See 1961, 555 § 5.)

SECT. 36 amended, 1933, 167 § 2; revised, 1955, 539 § 1.

SECT. 36A added, 1966, 698 § 22 (relative to the assessment of income tax on income of a non-resident who fails to file a return of income earned by him from sources within the commonwealth); amended, 1973, 723 § 9. (See 1973, 723 § 19.)

SECT. 37 revised, 1933, 350 § 1; amended, 1949, 698 § 1; first sentence revised, 1956, 310 § 2; sentence inserted after second sentence, 1954, 605 § 1; section revised, 1958, 509 § 2; 1961, 555 § 2. (See 1933, 350 § 9; 1949, 698 § 2; 1954, 605 § 2; 1956, 310 § 3; 1958, 509 § 3; 1961, 555 § 5.)

SECT. 37A added, 1933, 350 § 2 (providing for the payment of income taxes in two installments); amended, 1947, 322 § 2; revised, 1954, 69; 1961, 555 § 3; amended, 1968, 302 § 2. Temporarily affected, 1950, 816 § 2; 1951, 750; 1952, 623 § 2; 1953, 246 § 5. (See 1933, 350 § 9; 1950, 816 § 4; 1961, 555 § 5; 1968, 302 § 3.)

SECT. 37B added, 1968, 302 § 1 (relating to the assessment and abatement of federal income tax changes); revised, 1971, 555 § 16; amended, 1973, 723 § 10. (See 1971, 555 § 67; 1973, 723 § 19.)

SECT. 38 stricken out, 1953, 654 § 45.

SECT. 39, first sentence revised, 1933, 350 § 3; 1956, 300; third sentence amended, 1962, 117 § 2. (See 1933, 350 § 9.)

SECT. 40 repealed, 1961, 251.

SECT. 41 revised, 1932, 152; 1933, 350 § 4; 1964, 460 § 2. (See 1933, 350 § 9.)

SECT. 43 amended, 1933, 350 § 5; 1937, 135 § 2; first sentence stricken out and three sentences inserted, 1951, 528; section amended, 1953, 654

§ 46; revised, 1954, 269; 1955, 545; 1959, 17 § 2; 1961, 252 § 1; 1964, 488 § 1; first paragraph revised, 1970, 601 § 3; second paragraph amended, 1966, 698 § 23; revised, 1973, 708 § 2. (See 1933, 350 § 9; 1961, 252 § 2; 1964, 488 § 2; 1970, 601 § 11; 1973, 708 § 10.)

SECT. 44 amended, 1953, 654 § 47.

SECT. 45 amended, 1939, 451 § 24; 1945, 523 § 2; 1953, 654 § 48; revised, 1958, 523 § 2. (See 1958, 523 § 4.)

SECT. 46 revised, 1933, 350 § 6; 1955, 243. (See 1933, 350 § 9.)

SECT. 55 revised, 1958, 298 § 1; second paragraph amended, 1966, 698 § 24. (See 1958, 298 § 2.)

SECT. 56 revised, 1943, 45 § 5; 1955, 539 § 2; two paragraphs added at end, 1959, 315.

SECT. 58 revised, 1955, 661; 1973, 922 § 2.

SECT. 58A added, 1972, 453 (prohibiting disclosure of information by tax preparers).

SECT. 61 added, under caption, 1952, 262 (defining the term "received" as relates to income); revised, 1956, 597 § 1; subsection (b), first paragraph revised, 1962, 596 § 2; subsections (c), (d) and (e) added, 1966, 698 § 25; section repealed, 1971, 555 § 17. (See 1956, 597 § 2; 1962, 596 § 3; 1971, 555 § 67.)

SECT. 62 added, under caption, 1955, 618 § 2 (relating to the method of accounting required under the income tax law).

SECT. 63 added, 1958, 308 § 1 (permitting income to be reported on the installment method under certain circumstances); paragraph (d) added, 1971, 555 § 18; section revised, 1973, 723 § 11. (See 1958, 308 § 2; 1971, 555 § 67; 1973, 723 § 19.)

SECT. 64 added, 1968, 423 § 1 (providing income tax table for taxpayers' use). (See 1968, 423 § 2.)

Chapter 62A. — Simplified Method of Computing Individual Income Taxes.

New chapter inserted, 1955, 692 § 1. (See 1955, 692 § 2.)

SECT. 1, definition of "Dependent" revised, 1966, 698 § 26; 1969, 535 § 2; 1971, 555 § 19; definition of "Eligible individual" revised, 1969, 535 § 1. (See 1969, 535 § 3; 1971, 555 § 67.)

SECT. 2 revised, 1957, 544 § 1; 1966, 698 § 27; amended, 1971, 555 § 20. (See 1957, 544 § 2; 1971, 555 § 67.)

SECT. 3, paragraph added, 1966, 14 § 8; section revised, 1966, 698 § 28; first paragraph stricken out, 1968, 286 § 1; last paragraph revised, 1971, 555 § 21. (See 1968, 286 § 2; 1971, 555 § 67.)

SECT. 4, first paragraph amended, 1961, 555 § 4; section revised, 1966, 698 § 29.

SECT. 6 revised, 1966, 698 § 30.

SECT. 7, first sentence amended, 1966, 14 § 32; section repealed, 1971, 555 § 22. (See 1966, 14 § 71; 1971, 555 § 67.)

Chapter repealed, 1972, 590.

Chapter 62B. — Withholding of Taxes on Wages and Declaration of Estimated Income Tax.

New chapter inserted, 1959, 17 § 1.

SECT. 1, definition of "Employee" revised, 1966, 698 § 32; definition of "Internal Revenue Code" revised, 1963, 714 § 1; 1966, 698 § 31; definition of "Wages" revised, 1972, 591. (See 1963, 714 § 10.)

SECT. 2, first sentence amended, 1966, 698 § 33.

SECT. 4, paragraph (a) revised, 1966, 698 § 34; 1971, 555 § 23; paragraph (b) amended, 1966, 698 § 35; paragraphs (c), (d) and (e) revised, 1966, 698 § 36. (See 1971, 555 § 67.)

SECT. 5, first paragraph revised, 1963, 714 § 2; amended, 1964, 402; second paragraph stricken out, 1969, 546 § 2; third paragraph amended, 1966, 698 § 37; fifth paragraph stricken out, 1963, 714 § 3. (See 1963, 714 § 10; 1969, 546 § 34.)

SECT. 6, last sentence amended, 1963, 405; section revised, 1967, 577 § 2.

SECT. 8 amended, 1963, 714 § 4; 1973, 708 § 3. (See 1963, 714 § 10; 1973, 708 § 10.)

SECT. 11, paragraph (d) amended, 1966, 698 § 38; paragraph (f) added, 1968, 408 § 1. (See 1968, 408 § 2.)

SECT. 12 amended, 1966, 698 § 39.

SECT. 13, first sentence revised, 1960, 159 § 1; second paragraph, clause (a) revised, 1966, 698 § 40; paragraph added at end, 1963, 434 § 1. (See 1960, 159 § 2; 1963, 434 § 2.)

SECT. 17 amended, 1966, 698 § 41.

SECT. 18, paragraph (a) amended, 1966, 698 § 42; second sentence revised, 1969, 536 § 1; paragraph (b) amended, 1966, 698 § 43; paragraph (d) amended, 1966, 698 § 44. (See 1969, 536 § 3.)

Chapter 63. — Taxation of Corporations.

SECT. 1, paragraph defining "Bank" revised, 1943, 472; amended, 1966, 698 § 44A; paragraph defining "Net income" revised, 1933, 327 § 1; 1971, 555 § 25; amended, 1973, 877 § 1; paragraph defining "Taxable year" revised, 1962, 613 § 1. (See 1933, 327 § 7; 1971, 555 § 67; 1973, 877 § 2.)

SECT. 2 amended, 1933, 327 § 2; 1939, 451 § 25; 1941, 509 § 3; 1953, 654 § 49; first two sentences stricken out and three sentences inserted, 1962, 613 § 2; first sentence revised, 1966, 14 § 9. Temporarily affected, 1951, 386 § 5; 1953, 246 § 9; 1955, 707 § 8; 1957, 456 § 8; 1959, 31 § 7; 1961, 139 § 7. (See 1933, 327 § 7; 1941, 509 § 9; 1962, 613 §§ 5, 6; 1966, 14 § 16.)

SECT. 3 amended, 1933, 254 § 58; 1934, 323 § 5; 1945, 161 § 2; 1953, 654 § 50; 1955, 611 § 1; revised, 1962, 613 § 3. (See 1933, 254 § 66; 1934, 323 § 11.)

SECT. 4 amended, 1939, 368; 1941, 509 § 4; revised, 1962, 613 § 4. (See 1941, 509 § 9.)

SECT. 5 amended, 1933, 254 § 59; repealed, 1934, 323 § 1. (See 1933, 254 § 66; 1934, 323 § 11.)

SECT. 6 repealed, 1934, 323 § 1. (See 1934, 323 § 11.)

SECT. 7 revised, 1966, 14 § 10.

SECT. 11 revised, 1959, 456 § 1; 1961, 493 § 3; 1966, 14 § 11; caption preceding section revised, 1968, 75 § 1; last paragraph revised, 1971, 555 § 26. (See 1959, 456 § 5; 1971, 555 § 67.)

SECT. 12, paragraph (c) amended, 1937, 274 § 1; 1955, 432 § 5; paragraph (h) added, 1934, 362; paragraph (i) added, 1948, 544 § 7A; paragraphs (j) and (k) added, 1953, 292; paragraph (l) added, 1954, 354; paragraph (m) added, 1954, 436; paragraph (n) added, 1954, 543; paragraph (o) added, 1955, 476 § 9; paragraph (p) added, 1956, 465 § 30; paragraph (q) added, 1956, 463; paragraph (r) added, 1957, 701 § 11; revised, 1958, 606 § 24; paragraph (s) added, 1958, 603 § 18; paragraph (t) added, 1960, 701 § 7; paragraph (u) added, 1960, 773 § 23; paragraph (v) added, 1960, 804 § 1; paragraph (w) added, 1961, 452 § 26; paragraph (x) added, 1961, 557 § 23; paragraph (y) added, 1962, 778 § 17; paragraph (z) added, 1963, 703 § 25; paragraph (aa) added, 1964, 563 § 3; paragraph (bb) added, 1964, 703 § 26; section repealed, 1966, 14 § 12. (See 1955, 432 §§ 2, 4, 24, 476 § 10.)

SECT. 13 revised, 1959, 456 § 2; 1961, 493 § 4; 1966, 14 § 13. (See 1959, 456 § 5.)

SECT. 17 revised, 1959, 456 § 3; 1966, 14 § 14; amended, 1967, 755 § 2. (See 1959, 456 § 5.)

SECT. 18 revised, 1939, 447 § 1; 1948, 486 § 1; amended, 1954, 515 § 1; revised, 1960, 558 § 1; amended, 1971, 555 § 29. (See 1939, 447 § 3; 1948, 486 §§ 2-4; 1971, 555 § 67.)

SECT. 18A amended, 1939, 447 § 2; 1953, 654 § 51; revised, 1959, 456 § 4; caption following section stricken out, 1968, 75 § 2. (See 1939, 447 § 3.)

SECT. 19 repealed, 1966, 14 § 15.

SECT. 20 amended, 1941, 509 § 5; revised, 1943, 531 § 1; second paragraph revised, 1958, 575; fourth paragraph amended, 1953, 654 § 52; section revised, 1960, 558 § 4; second paragraph revised, 1966, 596 § 1. (See 1941, 509 § 9; 1943, 531 §§ 2, 3, 7; 1948, 587; 1966, 596 § 2.)

SECT. 22 revised, 1945, 721 § 1; amended, 1946, 387 § 1; 1966, 698 § 45; temporarily affected, 1951, 386 § 6; 1953, 246 § 10; 1955, 707 § 9; 1957, 456 § 9; 1959, 31 § 8. (See 1945, 721 § 5; 1946, 387 § 7.)

SECT. 22A added, 1971, 555 § 27 (further regulating payment of excise tax by certain domestic insurance companies). (See 1971, 555 § 67.)

SECT. 23 revised, 1945, 721 § 2; amended, 1946, 387 § 2. (See 1945, 721 § 5; 1946, 387 § 7.)

SECT. 24 amended, 1943, 531 § 4; revised, 1945, 721 § 3. (See 1943, 531 § 7; 1945, 721 § 5.)

SECT. 24A added, 1971, 555 § 31 (relating to the effect of retaliatory taxes on the excise tax imposed on certain insurance companies). (See 1971, 555 § 67.)

SECT. 25 amended, 1943, 531 § 5; 1945, 721 § 4; 1960, 558 § 7; 1953, 654 § 53; 1971, 555 § 28. (See 1943, 531 § 7; 1945, 721 § 5; 1971, 555 § 67.)

SECT. 26 amended, 1946, 387 § 3; 1953, 654 § 54. (See 1946, 387 § 7.)

SECT. 27 amended, 1946, 387 § 4; revised, 1960, 558 § 8. (See 1946, 387 § 7.)

SECT. 28 amended, 1939, 451 § 27; 1941, 509 § 6; revised, 1943, 531 § 6; paragraph inserted after second paragraph, 1945, 342; second and third paragraphs revised, 1946, 387 § 5; third paragraph revised, 1950, 427; paragraph inserted after third paragraph, 1953, 633; last paragraph amended, 1953, 654 § 55; section revised, 1960, 558 § 9. (See 1941, 509 § 9; 1943, 531 § 7; 1946, 387 § 7.)

SECT. 29, first sentence revised, 1960, 558 § 10.

SECT. 29A added, 1946, 387 § 6 (relative to the taxation of marine and fire and marine insurance companies); subsection (7) revised, 1960, 558 § 11. (See 1946, 387 § 7.)

SECT. 29B added, 1947, 488 § 4 (relative to the taxation of the exchange of reciprocal or inter-insurance contracts).

SECTS. 30-51. For temporary legislation providing for further additional taxes levied under these sections, see 1947, 598; 1948, 574; 1949, 674; 1950, 608; 1951, 386; 1953, 246; 1955, 707 § 1; 1956, 354; 1957, 456.

SECTS. 30-60. For legislation establishing an additional tax under these sections to provide funds for old age assistance, see 1941, 729 §§ 9, 15; 1955, 540 § 5.

For temporary legislation providing for additional taxes levied under these sections, see 1935, 480; 1936, 397; 1937, 422; 1938, 502; 1939, 454 § 19; 1941, 416 §§ 1, 3; 1943, 482 §§ 1, 3, 4; 1945, 557 §§ 1, 3, 4; 1948, 503 §§ 1, 4, 6; 1948, 574; 1956, 354; 1957, 456 § 1; 1959, 31 § 1; 1960, 548 § 10; 1961, 139; 1963, 499.

SECT. 30, paragraph 1 revised, 1963, 654 § 2; 1964, 723 § 2; 1971, 555 § 32; paragraph 2 revised, 1943, 459 § 1; 1966, 14 § 18; 1969, 538; 1971, 555 § 32; paragraph 3, subdivision (a) revised, 1939, 24 § 5; sentence added at end, 1947, 622 § 1; paragraph contained in lines 48-51 amended, 1938, 58 § 3; revised, 1943, 459 § 2, stricken out, 1956, 550 § 1; paragraph contained in lines 52-69 revised, 1934, 237 § 1; paragraph 3 revised, 1958, 679 § 1; subdivision (b) revised, 1960, 548 § 1; subdivision (d) revised, 1960, 548 § 2; paragraph 3 stricken out, 1962, 756 § 1; paragraph 4, subdivision (a) revised, 1939, 24 § 6; subdivision (b), last paragraph stricken out, 1956, 550 § 2; sentence added at end, 1947, 622 § 2; paragraph contained in lines 70-74 amended, 1933, 58 § 4; revised, 1934, 237 § 1; 1943, 459 § 3; paragraph 4 revised, 1958, 679 § 2; subdivision (b) revised, 1960, 548 § 3; amended, 1961, 450 § 1; paragraph 4 stricken out, 1962, 756 § 1; paragraph 5 revised, 1933, 327 § 3; 1966, 698 § 46; clause (a) revised, 1967, 755 § 3; clause (b) amended, 1973, 752 § 1; paragraph 6 revised, 1956, 550 § 3; paragraphs 7-12 added, 1962, 756 § 2; paragraph 7 amended, 1966, 698 § 47; two sentences added at end, 1969, 539 § 1; paragraph revised, 1970, 634 § 1; paragraph 8 amended, 1964, 375 § 1; paragraph 9 amended, 1964, 375 § 2; 1966, 698 § 48; second

sentence revised, 1968, 165; paragraph 10 amended, 1964, 375 § 3; 1966, 698 § 49; paragraph 11 amended, 1964, 375 § 4; 1966, 698 § 50; paragraph 13 added, 1966, 698 § 51; paragraphs 14 and 15 added, 1973, 752 § 2. (See 1933, 58 § 5, 327 § 7; 1934, 237 § 2; 1947, 622 § 5; 1956, 550 § 13; 1958, 679 § 3; 1961, 450 § 2; 1964, 375 § 5, 723 §§ 6, 7; 1969, 539 § 2; 1970, 634 § 7; 1971, 555 § 67; 1973, 752 § 12.)

SECT. 30A added, 1962, 756 § 3 (relative to the determination of the rate of tax on certain corporate property); repealed, 1966, 698 § 52. (See 1962, 756 § 12.)

SECT. 31 repealed, 1962, 756 § 4.

SECT. 31A added, 1970, 634 § 2 (providing for a credit to certain manufacturing, business, agricultural and commercial fishing corporations); paragraph (f) added, 1973, 752 § 3. (See 1970, 634 § 7; 1973, 752 § 12.)

SECT. 31B added, 1970, 634 § 3 (providing for lowering of certain rates). (See 1970, 634 § 7.)

SECT. 31C added, 1973, 791 (providing for a certain credit under the corporation excise law for certain corporations increasing their number of employees).

SECT. 32 revised, 1933, 342 § 1; amended, 1936, 362 § 5; 1939, 363 § 1; revised, 1956, 550 § 4; 1957, 577 § 1; subsection (a) amended, 1967, 796 § 18; 1973, 927 § 1; subsection (b) revised, 1958, 406 § 1; section revised, 1960, 548 § 4; 1962, 756 § 5; 1966, 698 § 53. (See 1933, 342 § 6; 1936, 362 § 8; 1939, 363 § 2; 1956, 550 § 13; 1957, 577 § 3; 1958, 406 § 3; 1960, 548 § 11; 1973, 927 § 4.)

SECT. 32A amended, 1933, 342 § 2; revised, 1956, 550 § 5; repealed, 1960, 548 § 5. (See 1933, 342 § 6; 1956, 550 § 13.)

SECT. 32B added, 1973, 927 § 2 (providing for a combined return of income by certain corporations). (See 1973, 927 § 4.)

SECT. 33 revised, 1933, 303 § 1; second paragraph stricken out, 1962, 756 § 6; paragraph inserted after first paragraph, 1966, 698 § 54. (See 1933, 303 § 3.)

SECT. 34 amended, 1933, 327 § 4; repealed, 1960, 548 § 6. (See 1933, 327 § 7.)

SECT. 35 revised, 1933, 58 § 1; amended, 1953, 654 § 56; revised, 1956, 550 § 6. (See 1956, 550 § 13.)

SECT. 36 revised, 1933, 327 § 5; amended, 1935, 473 § 2; second sentence revised, 1950, 506; first two sentences stricken out and sentence inserted, 1954, 270 § 1; section amended, 1953, 654 § 57; paragraph added at end, 1954, 270 § 2; section revised, 1955, 613; second sentence revised, 1956, 550 § 7; amended, 1966, 698 § 55; second paragraph amended, 1966, 698 § 56; third paragraph, first sentence revised, 1970, 601 § 4; section revised, 1972, 661 § 1. (See 1933, 327 § 7; 1935, 473 § 7; 1956, 550 § 13; 1970, 601 § 11; 1972, 661 § 2.)

SECT. 37 repealed, 1966, 698 § 57.

SECT. 38, paragraph 2, subdivision (c) revised, 1960, 553; paragraph 3 amended, 1961, 419 § 1; paragraph 10 added at end, 1933, 342 § 3; section revised, 1966, 698 § 58; subsection (a), clause (1) revised, 1971, 555 § 33; 1973, 752 § 4; subsection (d) amended, 1973, 752 § 5; subsection

(e) revised, 1973, 752 § 6; subsection (f), clause 2 revised, 1970, 562; 1972, 748 § 1; subsection amended, 1973, 752 § 7. (See 1933, 342 § 6; 1961, 419 § 2; 1971, 555 § 67; 1972, 748 § 2; 1973, 752 § 12.)

SECT. 38A revised, 1966, 698 § 59; 1971, 555 § 34. (See 1971, 555 § 67.)

SECT. 38B, first sentence amended, 1953, 654 § 58; last paragraph amended, 1935, 473 § 3; revised, 1956, 379 § 2; section revised, 1956, 550 § 8; amended, 1962, 560 § 1; last two paragraphs stricken out, 1962, 756 § 7; section revised, 1966, 698 § 60; 1971, 555 § 35; subsections (a) and (b) revised, 1973, 752 § 8. (See 1935, 473 § 7; 1956, 550 § 13; 1971, 555 § 67; 1973, 752 § 12.) [For temporary legislation affecting taxation, during the years 1934 to 1946, inclusive, of corporations subject to this section, see 1934, 317 § 1; 1935, 489 § 4; 1937, 395 § 5; 1938, 489 § 6; 1939, 373 § 5; 1941, 331 § 5; 1943, 285 § 5.]

SECT. 38C revised, 1937, 383 § 1; first sentence revised, 1964, 723 § 3; section revised, 1970, 634 § 4. (See 1937, 383 § 3; 1964, 723 §§ 6, 7; 1970, 634 § 7.)

SECT. 38D added, 1966, 701 (providing for an elective deduction and exemption under the business and manufacturing corporation excise for the construction or improvement of industrial waste treatment facilities); paragraph (b), clause (1) amended, 1967, 659; section revised, 1972, 707 § 3. (See 1972, 707 § 4.)

SECTS. 38E-38F added, 1970, 848 § 2 (providing for tax credits for certain corporations).

SECT. 38G added, 1973, 752 § 9 (extending the investment credit under the corporation excise law). (See 1973, 752 § 12.)

SECT. 39, subsection (1) revised, 1936, 362 § 6; last paragraph amended, 1933, 327 § 6; new paragraph added at end, 1933, 342 § 4; section revised, 1956, 550 § 9; 1957, 577 § 2; subsection (a) amended, 1967, 796 § 19; 1973, 927 § 3; subsection (b) revised, 1958, 406 § 2; section revised, 1960, 548 § 7; 1962, 756 § 8; second sentence revised, 1966, 14 § 19; section revised, 1966, 698 § 61. (See 1933, 327 § 7, 342 § 6; 1936, 362 § 8; 1956, 550 § 13; 1957, 577 § 3; 1958, 406 § 3; 1973, 927 § 4.)

SECT. 39A revised, 1933, 303 § 2; first paragraph amended, 1934, 134; paragraph inserted after first paragraph, 1966, 698 § 62; second paragraph stricken out, 1962, 756 § 9. (See 1933, 303 § 3.)

SECT. 39C revised, 1956, 550 § 10; repealed, 1960, 548 § 8. (See 1956, 550 § 13.)

SECT. 40 revised, 1933, 58 § 2.

SECT. 41 repealed, 1966, 698 § 63.

SECT. 42, last sentence amended, 1932, 180 § 11; section revised, 1933, 342 § 5; second sentence revised, 1956, 550 § 11; last sentence stricken out, 1953, 654 § 59; section revised, 1966, 698 § 64; first paragraph revised, 1969, 599 § 1. (See 1933, 342 § 6; 1956, 550 § 13; 1969, 599 § 2.)

SECT. 42A revised, 1966, 698 § 65; 1971, 555 § 36. (See 1971, 555 § 67.)

SECT. 42B revised, 1937, 383 § 2; 1970, 634 § 5. (See 1937, 383 § 3; 1970, 634 § 7.)

SECT. 42C added, 1962, 560 § 2 (relative to the taxation of corporations dealing exclusively in securities on their own behalf); repealed, 1966, 698 § 66. (See 1962, 560 § 4.)

SECT. 43 repealed, 1945, 735 § 3. (See 1933, 307 § 9A; 1935, 489 § 2; 1937, 395 § 2; 1938, 489 § 3; 1939, 373 § 2; 1941, 331 § 2; 1943, 285 § 2.)

SECT. 44 amended, 1935, 473 § 4; 1936, 362 § 7; first sentence revised, 1960, 548 § 9; last sentence revised, 1955, 549 § 1; section revised, 1962, 557 § 1; third and fifth sentences amended, 1962, 756 § 18; 1966, 698 § 67. (See 1935, 473 § 7; 1936, 362 § 8; 1960, 548 § 11; 1962, 557 § 5.)

SECT. 45 amended, 1933, 195 § 1; revised, 1935, 473 § 5; amended, 1943, 395; 1950, 505; first sentence revised, 1955, 549 § 2; section revised, 1962, 557 § 2. (See 1933, 195 § 2; 1935, 473 § 7.)

SECT. 45A added, 1961, 440 (authorizing an extension of the statutory time limit for the assessment of the corporation excise).

SECT. 46 revised, 1954, 193; sentence added at end, 1955, 549 § 3; section revised, 1962, 557 § 3.

SECT. 47 stricken out, 1953, 654 § 60.

SECT. 48 revised, 1935, 473 § 1; 1956, 379 § 1; first sentence revised, 1962, 557 § 4. (See 1935, 473 § 7.)

For temporary legislation providing that certain taxes payable under this section shall be due and payable when the tax return therefor is required to be filed, see 1950, 816; affected, 1951, 750; 1952, 623 § 2; 1953, 246 § 5; 1954, 70 § 2.

SECT. 49 amended, 1953, 654 § 61.

SECT. 51, first sentence stricken out and three sentences inserted, 1951, 529; section amended, 1953, 654 § 62; 1954, 515 § 2; revised, 1957, 434 § 1; 1958, 503 § 1; first sentence revised, 1970, 601 § 5; third sentence revised, 1970, 601 § 6; fifth sentence stricken out, 1973, 708 § 4. (See 1957, 434 § 2; 1958, 503 § 2; 1970, 601 § 11; 1973, 708 § 10.)

SECT. 52, second sentence amended, 1946, 394 § 1; fourth sentence amended, 1946, 394 § 2; eighth sentence amended, 1955, 611 § 2.

SECT. 52A added, under caption, 1951, 641 § 1 (relative to taxation of certain utility corporations); subdivision (1), paragraph (a) amended, 1963, 662; paragraph (b) amended, 1952, 344; 1955, 611 § 3; revised, 1971, 555 § 37; paragraph (d) added, 1957, 629 § 1; subdivision (2) revised, 1966, 698 § 68; 1971, 555 § 38; subdivision (4) amended, 1954, 515 § 3; clause Fifth revised, 1954, 490; subdivisions (6) and (7) amended, 1953, 654 § 63; subdivision (6) amended, 1954, 515 § 4; revised, 1956, 555 § 1; subdivision (7) amended, 1956, 555 § 2; subdivision (9) amended, 1955, 611 § 4; subdivisions (4)-(11) stricken out and subdivisions (4)-(7) inserted, 1962, 475 § 1. (See 1951, 641 §§ 18, 19; 1956, 555 §§ 3, 4; 1957, 629 § 2; 1962, 475 § 2; 1971, 555 § 67.)

SECT. 53, first paragraph amended, 1933, 254 § 60; 1941, 509 § 7; 1951, 641 § 11; clause Third amended, 1955, 611 § 5; clause Fourth revised, 1934, 323 § 6; stricken out, 1951, 641 § 11. (See 1933, 254 § 66; 1934, 323 § 11; 1941, 509 § 9; 1951, 641 §§ 18, 19.)

SECT. 54, paragraph in lines 9-17 amended, 1933, 254 § 61; same paragraph revised, 1934, 323 § 7; last paragraph amended, 1934, 323 § 7A; section repealed, 1951, 641 § 2. (See 1933, 254 § 66; 1934, 323 § 11; 1951, 641 §§ 18, 19.)

SECT. 55, first paragraph amended, 1936, 134; section amended, 1939, 24 § 7; second last paragraph revised, 1947, 622 § 3; section revised, 1951, 641 § 12; last paragraph amended, 1963, 365 § 1. (See 1947, 622 § 5; 1951, 641 §§ 18, 19; 1963, 365 § 4.)

SECT. 56A revised, 1934, 317 § 3; first sentence amended, 1951, 641 § 13; revised, 1962, 560 § 3; section repealed, 1966, 698 § 69. (See 1934, 317 § 4; 1951, 641 §§ 18, 19.)

SECT. 58 amended, 1951, 641 § 14. (See 1951, 641 §§ 18, 19.)

SECT. 59 amended, 1934, 323 § 8; 1951, 641 § 15. (See 1934, 323 § 11; 1951, 641 §§ 18, 19.)

SECT. 60 amended, 1939, 451 § 28; 1941, 509 § 8; 1954, 515 § 5; 1953, 654 § 64. (See 1941, 509 § 9.)

SECT. 67, third sentence revised, 1956, 550 § 12; fourth sentence amended, 1963, 365 § 2; sentence added at end, 1951, 641 § 16. (See 1951, 641 §§ 18, 19; 1956, 550 § 13; 1963, 365 § 4.)

SECT. 68A amended, 1939, 24 § 8; revised, 1947, 622 § 4; amended, 1954, 515 § 6. (See 1947, 622 § 5.)

SECT. 68B added, 1961, 283 § 1 (authorizing the commissioner of corporations and taxation to extend the time for filing corporation excise returns); paragraph added at end, 1969, 621 § 1; revised, 1971, 799 § 1. (See 1961, 283 § 2; 1971, 799 § 2.)

SECT. 69 amended, 1951, 641 § 17; revised, 1961, 278. (See 1951, 641 §§ 18, 19.)

SECT. 70 revised, 1935, 473 § 6. (See 1935, 473 § 7.)

SECT. 71 amended, 1933, 167 § 3; 1939, 451 § 29; 1945, 523 § 3; 1953, 654 § 65; revised, 1954, 515 § 7; first sentence revised, 1958, 523 § 3; amended, 1961, 277. (See 1958, 523 § 4.)

SECT. 71A amended, 1935, 150; 1939, 451 § 30; 1953, 654 § 66; revised, 1958, 305; 1973, 922 § 3.

SECT. 71B added, 1937, 135 § 3 (providing that applications for abatement or correction of taxes, made pursuant to any provision of this chapter, shall be in writing upon forms approved by the commissioner); amended, 1953, 654 § 67.

SECT. 72 revised, 1964, 460 § 3.

SECT. 74 stricken out and sections 74 and 74A inserted, 1966, 14 § 20.

SECT. 76 revised, 1954, 461 § 1. (See 1954, 461 §§ 3, 4.)

SECT. 76A added, 1972, 609 § 1 (establishing a fee for the issuance of certain documents relative to corporations).

SECT. 81 revised, 1939, 24 § 9.

Chapter 63A. — Taxation of Certain Corporations, Associations and Organizations Engaged in the Sale of Alcoholic Beverages.

For temporary legislation providing for additional taxes upon certain corporations, see 1948, 503 §§ 3, 4; 1949, 674 § 4; 1951, 386 §§ 4, 7; 1953, 246 §§ 8, 11, 15; 1955, 495, 707 § 7; 1956, 354; 1957, 456 § 7; 1959, 31 § 6; 1961, 139 § 6.

For temporary legislation providing that certain taxes under this chapter shall be due and payable when the tax return therefor is required to be

filed, see 1950, 816; affected, 1951, 750; 1952, 623; 1953, 246 § 5; repealed, 1954, 70 § 2.

New chapter inserted, 1947, 632 § 1. (See 1947, 632 § 3.)

Chapter stricken out and new chapter 63A inserted, 1955, 580 § 1. (See 1955, 580 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1954.

The following references are to chapter 63A, as so inserted:

SECT. 2 revised, 1966, 698 § 70.

SECTS. 4-5 stricken out and section 4 inserted, 1973, 708 § 5. (See 1973, 708 § 10.)

Chapter 63B. — Declaration of Estimated Tax by Corporations.

New chapter inserted, 1963, 714 § 5. (See 1963, 714 §§ 9, 10.)

SECT. 6, paragraph (a), second sentence revised, 1969, 536 § 2. (See 1969, 536 § 3.)

Chapter 63C. — Taxation of Income of Certain Corporations.

New chapter inserted, 1966, 14 § 21. (See 1966, 14 § 79.)

SECT. 1, definitions of "Domestic corporation" and "Foreign corporation" revised, 1971, 555 § 39; definition of "Net income" revised, 1971, 745. (See 1971, 555 § 67.)

SECT. 2, first sentence revised, 1967, 796 § 20; amended, 1973, 885 § 1. (See 1973, 885 § 3.)

SECT. 3 revised, 1966, 698 § 71; amended, 1967, 755 § 4.

SECT. 6 amended, 1966, 698 § 72.

Chapter 64. — Taxation of Stock Transfers.

For prior changes see Table of Changes contained in Acts and Resolves of 1953.

Chapter repealed, 1954, 353 § 1. (See 1954, 353 §§ 2, 3.)

Chapter 64A. — Taxation of Sales of Gasoline (former title, Taxation of Sales of Gasoline and Certain Other Motor Vehicle Fuel).

Title changed, 1956, 619 § 3.

Chapter affected, 1932, 248; 1935, 336; 1936, 398; 1938, 431 § 2; 1939, 408; 1941, 330; 1943, 270; 1945, 571; 1949, 744 § 3.

SECT. 1, paragraph (c) revised, 1957, 617 § 1; paragraph (d) revised, 1936, 357 § 1; amended, 1948, 492 § 1; revised, 1951, 414 § 1; definition of "Special fuels" stricken out, 1956, 619 § 4; sentence defining "Diesel engine fuel" added, 1947, 666 § 1; paragraph (e) revised, 1957, 617 § 2; paragraph (f) revised, 1957, 617 § 3; paragraph (g) amended, 1941, 490 § 16; paragraph (i) added, 1957, 617 § 4. (See 1936, 357 § 3; 1947, 666 §§ 2A, 4; 1956, 619 § 6; 1957, 617 § 13.)

SECT. 2 revised, 1957, 617 § 5; paragraph inserted after fifth paragraph, 1961, 300; section amended, 1973, 565 §§ 1, 2. (See 1957, 617 § 13; 1973, 565 § 8.)

SECT. 3, last sentence amended, 1943, 420 § 1; 1957, 383 § 1; section amended, 1957, 617 § 8; revised, 1973, 565 § 3. (See 1957, 383 § 4, 617 § 13.)

SECT. 4 revised, 1938, 431 § 1; paragraph added at end, 1945, 556; section revised, 1949, 744 § 1; first sentence amended, 1953, 654 § 72; second sentence revised, 1951, 699 § 2; 1952, 556 § 12; 1956, 718 § 12; third sentence amended, 1953, 654 § 72; first paragraph revised, 1960, 411 § 1; amended, 1965, 451 § 1; revised, 1973, 565 § 4; first sentence revised, 1969, 721 § 1; second sentence revised, 1971, 497 § 1; third sentence stricken out, 1969, 546 § 28; paragraph added at end, 1957, 617 § 6; amended, 1965, 451 § 2; revised, 1969, 721 § 2; second sentence revised, 1971, 497 § 2. (See 1951, 699 §§ 3-5; 1952, 556 §§ 13-15; 1956, 718 §§ 14, 15; 1957, 617 § 13; 1960, 411 § 3; 1965, 451 §§ 7, 9A, 10; 1969, 546 § 34; 1971, 497 § 15.)

SECT. 4A added, 1947, 666 § 2 (providing for the taxation of Diesel engine fuel); next to last sentence revised, 1948, 464; section stricken out and sections 4A-4E inserted, 1949, 744 § 2 (relative to the sale, distribution and rate of tax on Diesel engine fuel); repealed, 1956, 619 § 5. (See 1947, 666 §§ 2A, 4; 1956, 619 § 6.)

SECT. 4A revised, 1951, 414 § 2; repealed, 1956, 619 § 5.

SECT. 5 amended, 1936, 357 § 2; 1939, 451 § 32; revised, 1943, 420 § 2; amended, 1953, 654 § 73; revised, 1957, 383 § 2; amended, 1957, 617 § 9; revised, 1958, 336; 1973, 565 § 5. (See 1936, 357 § 3; 1957, 383 § 4, 617 § 13.)

SECT. 6 amended, 1957, 617 § 10; 1973, 565 § 6. (See 1957, 617 § 13.)

SECT. 7 revised, 1943, 420 § 3; first sentence revised, 1948, 492 § 2; amended, 1952, 377 § 3; 1956, 552 § 1; section amended, 1949, 200; 1953, 654 § 74; section revised, 1957, 383 § 3, 728 § 1; first sentence revised, 1973, 565 § 7; third sentence amended, 1962, 715 § 3; revised, 1963, 503 § 1. (See 1956, 552 § 3; 1957, 383 § 4, 728 § 5; 1963, 503 § 2.)

SECT. 7A added, 1956, 552 § 2 (relative to the reimbursement of the excise tax on certain fuels used by persons engaged in the business of farming); revised, 1960, 410 § 1; second sentence revised, 1968, 257 § 1. (See 1960, 410 § 2; 1968, 257 § 3.)

SECT. 8A added, 1956, 559 (providing for the sale of certain motor vehicle fuel); revised, 1957, 617 § 7; sentence added at end, 1959, 540 § 1. (See 1957, 617 § 13; 1959, 540 § 2.)

SECT. 9 amended, 1953, 654 § 75.

SECT. 10 amended, 1939, 451 § 33; revised, 1943, 420 § 4; second sentence revised, 1953, 654 § 76; amended, 1957, 617 § 11; section revised, 1960, 383. (See 1957, 617 § 13.)

SECT. 11 amended, 1957, 617 § 12. (See 1957, 617 § 13.)

SECT. 12 revised, 1941, 490 § 17.

SECT. 13 revised, 1962, 715 § 4; clause (a) amended, 1970, 878 § 1; clause (b) revised, 1970, 878 § 2; amended, 1973, 594 § 2; section revised, 1971, 497 § 3. (See 1971, 497 § 15.)

Chapter 64B. — Excise upon Charges for Meals served to the Public.

New chapter inserted, 1941, 729 § 17. (See 1941, 729 § 15.)

SECT. 1, definition of "taxable charge", revised, 1945, 663 § 1; 1946, 326 § 1; 1949, 725; 1953, 627 § 1; 1971, 555 § 44A; amended, 1973, 723 § 12. (See 1971, 555 § 67; 1973, 723 § 19.)

SECT. 2 revised, 1945, 663 § 2; 1946, 326 § 2; amended, 1953, 654 § 77; 1971, 555 § 44B, 901 § 1. (See 1971, 555 § 67.)

SECT. 2A added, 1953, 627 § 2 (exempting certain meals from the excise imposed by this chapter); clause (a) amended, 1970, 888 § 16; clause (d) added, 1961, 477. (See 1970, 888 § 31.)

SECT. 3 revised, 1945, 663 § 3; 1946, 326 § 3; amended, 1971, 555 § 44C. (See 1971, 555 § 67.)

SECT. 4 revised, 1953, 617.

SECT. 5, first sentence amended, 1969, 673 § 1; second sentence amended, 1970, 195 § 1; third sentence amended, 1953, 654 § 78. (See 1970, 195 § 2.)

SECT. 6, paragraph added at end, 1943, 521 § 2; amended, 1948, 658; 1953, 654 § 79; second paragraph revised, 1954, 503 § 1; stricken out, 1969, 546 § 3. (See 1954, 503 § 2; 1969, 546 § 34.)

SECT. 6A added, 1972, 523 § 1 (further regulating the liability for room occupancy and meal excises).

SECT. 7 revised, 1946, 564; next to last sentence stricken out and two sentences inserted, 1953, 654 § 80; third sentence revised, 1957, 368 § 1; section amended, 1973, 708 § 6. (See 1957, 368 § 2; 1973, 708 § 10.)

SECT. 10 amended, 1953, 654 § 81; revised, 1955, 540 § 4; repealed, 1966, 14 § 33. (See 1955, 540 §§ 5-7.)

Chapter 64C. — Cigarette Excise.

New chapter inserted, 1945, 547 § 1. (See 1945, 547 §§ 2, 3, 731 § 9; 1949, 771.)

For legislation providing for temporary cigarette taxes, see 1939, 454 §§ 1-18; 1941, 417, 715; 1943, 407; 1945, 731 § 9; 1949, 771; 1951, 386 § 9; 1953, 246 § 13; 1955, 707 § 11; 1956, 354; 1957, 456 § 11; 1958, 457 § 1; 1959, 31 § 10; 1961, 139; 1963, 499.

For legislation providing for temporary taxes on cigars and tobacco, see 1949, 796 § 2. (see 1949, 796 § 3); repealed, 1950, 827.

SECT. 1, third sentence revised, 1966, 541 § 1; sentence added, 1966, 435 § 1. (See 1966, 435 § 7, 541 § 2.)

SECT. 2, seventh sentence amended, 1956, 90 § 1. (See 1956, 90 § 3.)

SECT. 3 revised, 1956, 90 § 2. (See 1956, 90 § 3.)

SECT. 4 amended, 1953, 654 § 82.

SECT. 6 amended, 1953, 654 § 83; 1956, 720 § 1; revised, 1960, 774 § 7; second, third and fourth sentences revised, 1964, 563 § 5; same sentences revised, 1966, 14 § 22; third sentence stricken out, 1966, 435 § 2; second and fourth sentences revised, 1969, 361 § 1; 1971, 245 § 1. (See 1956, 720 §§ 2-4; 1960, 774 §§ 6, 8, 9, 10; 1964, 563 § 4; 1966, 435 §§ 6, 7; 1969, 361 § 5; 1971, 245 § 4.)

SECT. 7, first two sentences stricken out and three sentences inserted, 1957, 373 § 1. (See 1957, 373 § 2.)

SECT. 9, first paragraph amended, 1964, 469; paragraph added at end, 1956, 322 § 1. (See 1956, 322 § 2.)

SECT. 10, sentence inserted after tenth sentence, 1966, 435 § 3. (See 1966, 435 § 7.)

SECT. 13, paragraph (b) revised, 1958, 633 § 1; paragraph (d) revised, 1958, 633 § 2.

SECT. 15 amended, 1958, 633 § 3.

SECT. 21 amended, 1966, 435 § 4. (See 1966, 435 § 7.)

SECT. 22 amended, 1953, 654 § 84.

SECT. 23 amended, 1953, 654 § 85.

SECT. 24 amended, 1956, 239.

SECT. 25 amended, 1953, 654 § 86.

SECT. 28 added, 1964, 563 § 6 (providing that a portion of the cigarette excise shall be credited to the General Fund and used solely for meeting certain transportation requirements); subsection (a) revised, 1969, 361 § 4; subsection (c) added, 1966, 14 § 23; section revised, 1971, 245 § 3. (See 1969, 361 § 5; 1971, 245 § 4.)

SECTS. 29-30 added, 1966, 435 § 5 (providing that payment of the cigarette excise be evidenced by stamps affixed to the cigarette packages).

SECT. 30, third paragraph revised, 1969, 361 § 3. (See 1969, 361 § 5.)

Chapter 64D. — Excise on Deeds, Instruments and Writings.

New chapter inserted, 1951, 710 § 1. (See 1951, 710 § 2.)

SECT. 1 revised, 1953, 303; amended, 1967, 581 § 1; last sentence revised, 1968, 591. (See 1967, 581 § 2.)

SECT. 2, sentence inserted after first sentence, 1955, 651 § 2; section revised, 1962, 491 § 1. (See 1962, 491 § 2.)

SECT. 3, five paragraphs added at end, 1955, 651 § 1.

SECTS. 3A and 3B added, 1954, 550 (establishing a fund for the purchase by registries of deeds of documentary stamps to be sold by said registries).

SECT. 4 amended, 1953, 654 § 87.

SECT. 6, second sentence stricken out and two sentences inserted, 1953, 503.

SECT. 6A added, 1968, 532 § 1 (providing penalty for failing to affix required stamps to certain instruments prior to recording in any registry of deeds). (See 1968, 532 § 2.)

Chapter 64E. — Taxation of Special Fuels Used in the Propulsion of Motor Vehicles.

New chapter inserted, 1956, 619 § 1. (See 1956, 619 § 6.)

SECT. 3, last paragraph revised, 1957, 382 § 1. (See 1957, 382 § 4.)

SECT. 4, first paragraph amended, 1956, 718 § 12A; 1965, 451 § 3; first sentence revised, 1969, 721 § 3; second sentence revised, 1971, 497 § 4; second paragraph revised, 1960, 411 § 2; 1965, 451 § 4; stricken out, 1969, 546 § 29. (See 1956, 718 §§ 14, 15; 1960, 411 § 3; 1965, 451 §§ 8, 9A, 10; 1969, 546 § 34; 1971, 497 § 15.)

SECT. 5 revised, 1957, 382 § 2, 728 § 2. (See 1957, 382 § 4, 728 § 5.)

SECT. 7 revised, 1957, 382 § 3. (See 1957, 382 § 4.)

SECT. 11 revised, 1961, 64.

SECT. 13 revised, 1971, 497 § 5. (See 1971, 497 § 15.)

Chapter 64F. — Taxation of Fuel and Special Fuels Acquired Outside and Used within the Commonwealth.

New chapter inserted, 1956, 619 § 2. (See 1956, 619 § 6.)

SECT. 3, first paragraph revised, 1956, 718 § 12B; first sentence amended, 1965, 451 § 5; revised, 1971, 497 § 6; two sentences added, 1957, 728 § 3. (See 1956, 718 §§ 14, 15; 1957, 728 § 5; 1971, 497 § 15.)

SECT. 4, first sentence revised, 1957, 377 § 1. (See 1957, 377 § 4.)

SECT. 6, second sentence revised, 1956, 718 § 12C; section revised, 1960, 375 § 1; first sentence revised, 1969, 721 § 4; second sentence revised, 1965, 451 § 6; 1971, 497 § 7. (See 1956, 718 §§ 14, 15; 1960, 375 § 3; 1971, 497 § 15.)

SECT. 7, second paragraph revised, 1957, 377 § 2. (See 1957, 377 § 4.)

SECT. 8 revised, 1957, 377 § 3; first sentence revised, 1960, 375 § 2. (See 1957, 377 § 4.)

SECT. 14 revised, 1971, 497 § 8. (See 1971, 497 § 15.)

Chapter 64G. — Room Occupancy Excise.

New chapter inserted, 1966, 14 § 25. (See 1966, 14 § 79.)

SECT. 1, paragraphs (a), (b) and (c) revised, 1967, 745.

SECT. 7A added, 1970, 699 (providing for the abatement of excises on certain room occupancy accounts).

SECT. 7B added, 1972, 523 § 2 (further regulating the liability for room occupancy and meal excises).

Chapter 64H. — Tax on Retail Sales of Certain Tangible Personal Property.

New chapter inserted, 1967, 757 § 1. (See 1967, 757 § 10.)

SECT. 1, paragraph (5) revised, 1971, 555 § 40; paragraph (9) amended, 1971, 555 § 41; paragraph (12), clause (f) added, 1970, 563 § 1. (See 1970, 563 § 2; 1971, 555 § 67.)

SECT. 3, second paragraph revised, 1967, 797 § 2; section revised, 1970, 683; paragraph (c) amended, 1971, 555 § 42. (See 1971, 555 § 67.)

SECT. 6, paragraph (c) amended, 1970, 566 § 7; paragraph (e) amended, 1968, 341; paragraphs (g)-(h) revised, 1971, 555 § 44; paragraph (i) revised, 1971, 1088; paragraph (k) amended, 1971, 850; paragraph (o) amended, 1968, 502 § 1; paragraph (p) amended, 1968, 711 § 1; paragraphs (r)-(s) revised, 1971, 555 § 45; paragraph (u) revised, 1968, 87 § 1; paragraph (w) added, 1968, 69; paragraph (x) added, 1970, 597; paragraph (y) added, 1971, 555 § 45A; paragraph (z) added, 1973, 932; paragraph (aa) added, 1973, 1141 § 4A. (See 1968, 87 § 2; 1971, 555 § 67.)

SECT. 8, paragraphs (f)-(i) added, 1968, 89 § 1. (See 1968, 89 § 3.)

SECT. 13, paragraph (a) amended, 1971, 749 § 1; paragraph (b) amended, 1973, 922 § 4.

SECT. 14 repealed, 1969, 546 § 4. (See 1969, 546 § 34.)

SECT. 20, first two sentences revised, 1970, 601 § 7; second paragraph amended, 1973, 708 § 7. (See 1970, 601 § 11; 1973, 708 § 10.)

SECT. 22, third sentence stricken out and two sentences inserted, 1968, 447 § 1.

SECT. 24, third paragraph revised, 1968, 61 § 1.

SECT. 25, paragraph added, 1972, 662 § 1.

SECT. 25A added, 1969, 558 § 1 (relating to sales and use tax on boats and airplanes).

SECT. 26 amended, 1970, 564 § 1.

SECT. 27, paragraph added at end, 1969, 558 § 2.

SECT. 28, paragraph (b), second sentence revised, 1968, 76 § 1.

SECT. 30A added, 1973, 706 § 1 (filing of bond or deposit by non-resident contractors).

SECT. 32 added, 1968, 62 § 1 (providing for service of process on state secretary in actions against out-of-state vendors under sales and use tax law).

Chapter 641. — Tax on Storage, Use or Other Consumption of Certain Tangible Personal Property.

New chapter inserted, 1967, 757 § 2.

SECT. 4, second paragraph revised, 1967, 797 § 3; paragraph added, 1971, 555 § 47. (See 1971, 555 § 67.)

SECT. 7, paragraph (a) revised, 1968, 88 § 1; paragraph (b) revised, 1969, 558 § 3; paragraph (c) revised, 1968, 88 § 2. (See 1968, 88 § 3.)

SECT. 8, paragraphs (g)-(j) added, 1968, 89 § 2. (See 1968, 89 § 3.)

SECT. 15, first paragraph amended, 1971, 749 § 2; second paragraph amended, 1973, 922 § 5.

SECT. 21, first paragraph, first sentence revised, 1970, 601 § 8; third sentence revised, 1970, 601 § 9; second paragraph amended, 1973, 708 § 8. (See 1970, 601 § 11; 1973, 708 § 10.)

SECT. 23, first paragraph, third sentence stricken out and two sentences inserted, 1968, 447 § 2.

SECT. 25, second paragraph, second sentence revised, 1968, 61 § 2.

SECT. 26, paragraph added, 1972, 662 § 2.

SECT. 26A added, 1969, 558 § 4 (relating to sales and use tax on boats and airplanes).

SECT. 27 amended, 1970, 564 § 2.

SECT. 28, paragraph added at end, 1969, 558 § 5.

SECT. 29, paragraph (b), second sentence revised, 1968, 76 § 2.

SECT. 31A added, 1973, 706 § 2 (filing of bond or deposit by non-resident contractors).

SECT. 33 added, 1968, 62 § 2 (providing for service of process on state secretary in legal actions against certain out-of-state vendors).

Chapter 65. — Taxation of Legacies and Successions.

For legislation establishing an additional tax upon legacies and successions to provide funds for old age assistance, see 1941, 729 §§ 9A, 15.

For temporary legislation providing for additional taxes upon legacies and successions, see 1935, 480; 1936, 397; 1937, 422; 1938, 502; 1939, 454 §§ 20, 22; 1941, 416 §§ 2, 3; 1943, 482 §§ 2, 3, 4; 1945, 557 §§ 2, 3, 4; 1948, 503 §§ 2, 4; 1949, 674 § 3; 1951, 386 § 3; 1953, 246 § 7; 1955, 707 § 6; 1956, 354; 1957, 456 § 6; 1959, 31 § 5; 1961, 139 § 5; 1963, 499 § 5.

SECT. 1, table revised, 1933, 293; 1939, 454 § 22; 1941, 415 § 1; 1966, 698 § 73; 1967, 463 § 1; 1969, 600 § 1; first sentence revised, 1941, 605 § 1; amended, 1949, 792 § 1; revised, 1950, 556; 1955, 596; amended, 1971, 555 § 51; first paragraph amended, 1968, 535; paragraph added after table, 1949, 792 § 2; revised, 1961, 403; 1969, 600 § 2; amended, 1969, 675 § 1; second and third paragraphs revised, 1970, 566 § 8; paragraph inserted after third paragraph, 1971, 555 § 52; revised, 1973, 723 § 13; paragraph added, 1967, 463 § 2. (See 1941, 415 § 2, 605 § 2; 1966, 698 § 87; 1969, 600 § 3; 1970, 566 § 9; 1971, 555 § 67; 1973, 723 § 19.)

SECT. 2 repealed, 1971, 555 § 53. (See 1971, 555 § 67.)

SECT. 3 amended, 1939, 380.

SECT. 7 revised, 1957, 429 § 1; 1971, 555 § 54; paragraph inserted after third paragraph, 1972, 712 § 1; section amended, 1973, 723 § 14. (See 1957, 429 § 2; 1971, 555 § 67; 1973, 723 § 19.)

SECT. 9, first sentence revised, 1952, 445 § 1; paragraph added at end, 1954, 595 § 1; section revised, 1957, 502 § 1; second paragraph amended, 1964, 470 § 1. (See 1957, 502 § 2.) (See 1954, 595 §§ 2, 3; 1956, 488.)

SECT. 11 amended, 1949, 749; revised, 1971, 555 § 55. (See 1971, 555 § 67.)

SECT. 13 amended, 1971, 555 § 56; 1973, 723 § 15. (See 1971, 555 § 67; 1973, 723 § 19.)

SECT. 14 amended, 1953, 654 § 88.

SECT. 15 revised, 1948, 543 § 1. (See 1948, 543 § 2.)

SECT. 22 revised, 1961, 469 § 1; first paragraph revised, 1964, 470 § 2; amended, 1969, 541 § 1; second paragraph amended, 1969, 541 § 2; stricken out, 1970, 338; section revised, 1971, 555 § 57; second paragraph stricken out and two paragraphs inserted, 1972, 712 § 2. (See 1961, 469 § 4; 1969, 541 § 4; 1971, 555 § 67.)

SECTS. 24A-24F added, 1933, 319 (providing reciprocal relations in respect to death taxes upon estates of nonresident decedents).

SECT. 25 amended, 1939, 451 § 34; revised, 1939, 494 § 1; 1954, 572 § 1; 1961, 469 § 2; amended, 1971, 555 § 58. (See 1961, 469 § 4; 1971, 555 § 67.)

SECT. 26 amended, 1939, 451 § 35; revised, 1939, 494 § 2; amended, 1953, 654 § 89; revised, 1954, 572 § 2; 1961, 469 § 3.

SECT. 27 amended, 1953, 654 § 90; first sentence stricken out and three sentences inserted, 1967, 550 § 1; three sentences inserted after sixth sentence, 1969, 560. (See 1967, 550 § 2.)

SECT. 27 stricken out and new sections 27-27A inserted, 1971, 555 § 59. (See 1971, 555 § 67.)

SECT. 32 amended, 1939, 451 § 36; last sentence stricken out, 1945, 523 § 4; last sentence revised, 1971, 555 § 60. (See 1971, 555 § 67.)

SECT. 33 revised, 1963, 417; 1964, 460 § 4.

SECT. 33A added, 1969, 561 § 1 (limiting the time for the assessment and collection of inheritance taxes); third sentence revised, 1972, 524 § 1; sentence added at end, 1970, 565 § 1. (See 1970, 565 § 2.)

SECT. 35 revised, 1958, 313; 1973, 922 § 6.

SECT. 35A added, 1957, 369 § 1 (relative to the furnishing of certain certificates and other papers relating to the tax on legacies and succession and establishing fees therefor); first sentence revised, 1969, 541 § 3; 1971, 555 § 61. (See 1969, 541 § 4; 1971, 555 § 67.)

Chapter 65A. — Taxation of Transfers of Certain Estates.

SECT. 1, paragraph added at end, 1932, 284; second paragraph revised, 1933, 316 § 1; section amended, 1937, 420 § 1. (See 1933, 316 § 2; 1937, 420 § 4.)

SECT. 2 revised, 1971, 555 § 62. (See 1971, 555 § 67.)

SECT. 3 revised, 1969, 562.

SECT. 4 amended, 1970, 601 § 10. (See 1970, 601 § 11.)

SECT. 5 stricken out, and new sections 5-5B inserted, 1943, 519 § 1 (providing for the equitable apportionment in certain cases of estate taxes and the collection and payment thereof). (See 1943, 519 § 2.)

SECT. 5 revised, 1948, 605 § 1. (See 1948, 605 §§ 3, 4.)

SECT. 5A revised, 1948, 605 § 2. (See 1948, 605 §§ 3, 4.)

SECT. 6 amended, 1937, 420 § 2; third sentence revised, 1943, 471; 1945, 529; section amended, 1953, 654 § 91; third sentence amended, 1973, 708 § 9. (See 1937, 420 § 4; 1973, 708 § 10.)

SECT. 7 repealed, 1937, 420 § 3. (See 1937, 420 § 4.)

Chapter 65B. — Settlement of Disputes respecting the Domicile of Decedents for Death Tax Purposes.

New chapter inserted, 1943, 428 § 1. (See 1943, 428 § 3.)

SECT. 3 amended, 1953, 654 § 92.

SECT. 4, paragraph (a) amended, 1953, 654 § 93.

Chapter 66. — Public Records.

SECT. 1 amended, 1945, 580 § 7.

SECT. 3 revised, 1936, 305; 1941, 662 § 1.

SECT. 4 amended, 1950, 310; 1973, 1050 § 2. (See 1973, 1050 § 7.)

SECTS. 5, 7 and 16 affected, 1941, 662 § 2.

SECT. 5A added, 1958, 626 § 10 (relative to the records of certain public boards and commissions); amended, 1960, 437 § 6; revised, 1964, 323 § 2.

SECT. 8 amended, 1943, 128; 1949, 395 § 2; first sentence revised, 1962, 427 § 3. (See 1949, 395 § 3; 1950, 182, 350.)

SECT. 8A added, 1951, 56 (relative to the destruction of certain records by city and town clerks).

SECT. 10 revised, 1948, 550 § 5; 1973, 1050 § 3. (See 1973, 1050 § 7.)

SECT. 13, sentence added at end, 1951, 200.

SECT. 15 amended, 1939, 40.

SECT. 16 revised, 1948, 550 § 6; 1970, 30.

SECT. 17A added, 1941, 630 § 1 (making records relating to old age assistance, aid to dependent children and aid to the blind confidential);

revised, 1943, 169; amended, 1945, 240 § 1; revised, 1946, 67; amended, 1948, 202; revised, 1948, 525; amended, 1953, 342; 1966, 535 § 4; sentence added at end, 1956, 356; section revised, 1969, 885 § 27.

SECT. 17B added, 1969, 831 § 1 (further defining "public records"); amended, 1970, 778; repealed, 1973, 1050 § 4. (See 1973, 1050 § 7.)

SECT. 18 amended, 1945, 393 § 6.

Chapter 67. — Parishes and Religious Societies.

SECT. 7 revised, 1945, 28.

SECT. 40 amended, 1952, 580; revised, 1972, 186 § 2.

SECT. 41 revised, 1967, 466.

SECT. 49 amended, 1970, 37 § 1.

SECT. 51 revised, 1962, 750 § 2.

SECT. 52 amended, 1970, 37 § 2.

SECT. 55 added, 1953, 592 (to provide for the incorporation of churches, congregations, parishes, committees and other religious organizations under the jurisdiction of the Orthodox Church); third paragraph amended, 1962, 750 § 3.

Chapter 68. — Donations and Conveyances for Pious and Charitable Uses.

SECT. 1 amended, 1971, 297; 1972, 186 § 3.

SECT. 6 revised, 1972, 186 § 4.

SECT. 9 repealed, 1965, 40.

SECT. 10, first sentence amended, 1957, 94; sentence added at end, 1934, 238.

SECT. 15 amended, 1946, 23; repealed, 1954, 529 § 3.

SECT. 17 added, 1954, 559 (relative to the solicitation of funds for charitable purposes); fifth paragraph amended, 1955, 498; section revised, 1957, 352; repealed, 1964, 718 § 2. (See 1964, 718 § 3.)

SECTS. 18-31 added, 1964, 718 § 1 (regulating the solicitation of charitable contributions from the public). (See 1964, 718 § 3.)

SECT. 20, subsection (1) revised, 1972, 393.

SECT. 21, subsection (c) amended, 1972, 613 § 1.

SECT. 24 amended, 1972, 613 § 2.

SECT. 27, subsection (e) revised, 1965, 324.

SECT. 32 added, 1971, 595 (authorizing charitable organizations to become members of The Common Fund for Nonprofit Organizations, a New York nonprofit membership corporation).

Chapter 68A. — Limitations Upon the Conduct of Certain Trusts and Corporations Having Charitable Interests.

New chapter inserted, 1971, 367 § 1. (See 1971, 367 § 2.)

Chapter 69. — Powers and Duties of the Department of Education.

For an act to encourage the establishment of regional and consolidated public schools and to provide financial assistance to cities and towns in the construction of school buildings, see 1948, 645; 1949, 637, 741; 1950,

490, 508, 528; 1952, 413; 1953, 470; 1954, 329, 346; 1957, 322, 358, 703; 1958, 356; 1959, 591; 1961, 377, 471.

SECT. 4 revised, 1952, 585 § 8.

SECT. 5 repealed, 1969, 254 § 3.

SECT. 6 amended, 1932, 127 § 3; 1960, 403 § 1; second and third sentences revised, 1972, 684 § 4. (See 1972, 684 § 136.)

SECT. 7 amended, 1935, 275; 1937, 213, 327; 1938, 315; revised, 1938, 424; amended, 1941, 351 § 6, 561; revised, 1943, 403; second sentence amended, 1958, 613 § 2D; sentence inserted after second sentence, 1956, 186; section revised, 1965, 572 § 9.

SECT. 7A added, 1946, 439 § 1 (extending to certain members of the armed forces, and to veterans of World War II, university extension courses free of charge); revised, 1954, 627 § 20; 1958, 409; amended, 1968, 595. (See 1946, 439 § 2; 1954, 627 §§ 65, 67.)

SECT. 7B added, 1946, 548 § 1 (relative to higher educational opportunities for children of certain deceased members or former members of the armed forces); first paragraph amended, 1948, 381; second paragraph amended, 1947, 399; 1948, 357; section revised, 1950, 758; 1951, 747; amended, 1952, 497; first paragraph revised, 1954, 627 § 21; 1963, 492. (See 1954, 627 §§ 65, 67.)

SECT. 7C added, 1957, 692 (providing for the granting of certain scholarships to certain students at the State Teachers College at Fitchburg); amended, 1960, 403 § 2; second paragraph, third sentence amended, 1972, 766 § 6. (See 1972, 766 § 23.)

SECT. 7D added, 1963, 702 (establishing additional special education scholarships); first paragraph amended, 1967, 268 § 1; second paragraph amended, 1967, 502; third sentence amended, 1972, 766 § 7. (See 1972, 766 § 23.)

SECT. 7E added, 1966, 712 § 1 (establishing education scholarships for certain children of certain police officers and fire fighters who are killed or die in the performance of duty); amended, 1973, 786 § 1. (See 1973, 786 § 2.)

SECT. 7F added, 1972, 602 (establishing education scholarships for certain children of prisoners of war or servicemen missing in action in Southeast Asia).

SECT. 8 amended, 1932, 127 § 4; 1960, 403 § 3.

SECT. 9 amended, 1938, 442 § 1.

SECT. 9A added, 1938, 442 § 2 (further regulating education in the use of English and certain other subjects adapted to fit persons for American citizenship).

SECT. 10 revised, 1966, 14 § 44.

SECT. 10A added, 1951, 693 (providing for the advancement of education for American citizenship).

SECT. 11 revised, 1939, 409 § 4. (See 1939, 409 §§ 1, 5.)

SECT. 12 repealed and caption preceding section stricken out, 1966, 535 § 5.

SECT. 13 stricken out and sections 13-13D inserted, 1951, 673 § 1. (See 1951, 673 § 8.)

SECTS. 13A-13D repealed, 1966, 535 § 5.

SECT. 14 revised, 1951, 673 § 2; repealed, 1966, 535 § 5. (See 1957, 669.)

SECT. 15, sentence added at end, 1951, 673 § 3; section repealed, 1966, 535 § 5.

SECT. 16 repealed, 1952, 345.

SECTS. 17 and 18 stricken out and section 17 inserted, 1951, 673 § 4.

SECT. 17 repealed, 1966, 535 § 5.

SECT. 19 amended, 1943, 89 § 1; revised, 1951, 673 § 5; repealed, 1966, 535 § 5.

SECT. 19A added, 1943, 89 § 2 (requiring reports to the director of the division of the blind of results of examinations of blind persons); repealed, 1966, 535 § 5.

SECT. 19B added, 1945, 554 (providing for examinations by ophthalmologists of certain applicants for aid to the blind); repealed, 1966, 535 § 5.

SECTS. 20-22 repealed, 1951, 673 § 6.

SECT. 23 revised, 1943, 526; first paragraph amended, 1947, 458; 1951, 555; revised, 1956, 585 § 1; amended, 1962, 503 § 1; paragraph inserted after first paragraph, 1951, 551; paragraph added at end, 1945, 541 § 1; amended, 1962, 505; section repealed, 1966, 535 § 5. (See 1956, 585 § 2; 1962, 503 § 2.)

SECT. 23A added, 1938, 28 (requiring the furnishing of information to the director of the division of the blind by certain banks and other depositories); repealed, 1966, 535 § 5.

SECT. 23B added, 1945, 541 § 2 (relative to granting aid or assistance to certain blind persons); repealed, 1966, 535 § 5.

SECT. 24 repealed, 1966, 535 § 5.

SECT. 24A added, 1953, 457 § 1 (providing that permits to operate vending stands in public buildings be granted to the division of the blind); revised, 1956, 477; 1962, 336; repealed, 1966, 535 § 5. (See 1953, 457 § 2.)

SECT. 25 revised, 1935, 397; repealed, 1966, 535 § 5.

SECTS. 25A-25E added, 1938, 329 (regulating the raising of funds for the benefit of the blind); repealed, 1966, 535 § 5.

SECT. 26, first sentence amended, 1945, 524; 1951, 673 § 6A; paragraph added at end, 1935, 286; section revised. 1952, 498 § 1; 1957, 582; 1958, 508; third sentence amended, 1964, 497.

SECT. 26A added, 1941, 630 § 2 (relative to information concerning recipients of aid to the blind); repealed, 1966, 535 § 5.

SECT. 28 revised, 1952, 498 § 2; 1957, 615 § 1; 1967, 759 § 1.

SECT. 28A added, 1957, 615 § 2 (providing reimbursement to cities, towns and regional school districts for extra compensation paid to teachers of special day classes for deaf pupils).

SECT. 28B added, 1968, 618 (providing for reimbursement by commonwealth of sixty-five per cent of the approved construction costs of schools for the deaf).

SECT. 29 added, 1938, 313 (relative to instruction in lip reading for certain school children whose hearing is defective); revised, 1960, 600; 1967, 760.

SECTS. 29A and 29B added, under caption, 1954, 514 § 3 (relative to the powers and duties of the division of special education for mentally retarded children).

SECT. 29A revised, 1955, 626 § 1; amended, 1956, 570 § 1.

SECT. 29B revised, 1955, 626 § 1; amended, 1956, 535 § 1; 1957, 615 § 3; revised, 1960, 627; amended, 1960, 750 § 2; 1966, 647 § 2; sentence added, 1966, 501 § 2; revised, 1967, 874 § 1; 1968, 617 § 1; amended, 1970, 888 § 17. (See 1960, 750 § 3; 1970, 888 § 31.)

SECT. 29C added, 1956, 570 § 2 (relative to the allocation of the expense of purchasing, leasing and maintaining special audio-equipment for the instruction of physically handicapped children); revised, 1966, 14 § 45; 1969, 546 § 10. (See 1969, 546 § 34.)

SECT. 29D added, 1956, 635 (relative to recreational programs for physically handicapped children); revised, 1958, 556; second sentence amended, 1969, 254 § 4; last sentence revised, 1966, 14 § 46; 1969, 546 § 11. (See 1969, 546 § 34.)

SECT. 29E added, 1967, 761 (providing for programs for children with impaired hearing).

SECTS. 26-29E repealed, 1972, 766 § 8. (See 1972, 766 § 23.)

SECTS. 30 and 31 added, under caption, 1943, 549 § 3 (relative to approval by the Board of Collegiate Authority of the organization of certain educational institutions and of certain amendments to their charters).

SECT. 30 amended, 1962, 750 § 4; sentence inserted after fifth sentence, 1953, 290; sentence added at end, 1960, 405; caption preceding section stricken out, 1965, 572 § 10; section amended, 1965, 572 § 11; last sentence amended, 1967, 268 § 2.

SECT. 30A added, 1963, 202 (providing for the revocation or suspension of the power of certain educational institutions to grant degrees); amended, 1965, 572 § 12.

SECT. 31 amended, 1965, 572 § 13; clause Second amended, 1972, 159 § 1; clause Thirteenth amended, 1972, 159 § 2.

SECT. 31A added, 1964, 66 (further regulating the awarding of degrees by educational institutions in the commonwealth).

SECT. 31B added, 1973, 305 (requiring the transfer of certain records to the board of higher education).

SECT. 31C added, 1973, 564 (requiring institutions to notify certain applicants of whether said institutions have certain academic accreditation).

SECTS. 32 and 33 added, under caption, 1951, 673 § 7 (relative to instruction of visually handicapped and blind children).

SECT. 33, sentence added at end, 1952, 397.

SECT. 34 added, 1968, 706 (relating to itinerant programs for visually handicapped children).

SECTS. 32-34 repealed, 1972, 766 § 8. (See 1972, 766 § 23.)

SECT. 35 added, under caption, 1971, 1005 § 4 (establishing a bureau of transitional bilingual education).

Chapter 70. — School Funds and State Aid for Public Schools (former title, School Funds and Other State Aid for Public Schools).

Chapter stricken out and new chapter 70 (with new title) inserted, 1948, 643 § 1. (See 1948, 643 § 3, 645.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 70, as so inserted:

SECT. 2, paragraph (c) revised, 1970, 871 § 6; amended, 1971, 930 § 1; paragraphs (e) and (f) revised, 1973, 925 § 8. (See 1971, 930 § 2; 1973, 925 § 84.)

SECT. 3, first sentence revised, 1956, 599 § 2. (See 1956, 599 §§ 4, 5.)

SECT. 3A added, 1950, 703 (providing state reimbursement for cities and towns for payment to certain teachers); repealed, 1955, 626 § 2A.

SECT. 3B added, 1950, 774 (providing state reimbursement for towns forming regional school districts); sentence added at end, 1953, 547 § 2.

SECT. 3C added, 1954, 514 § 4 (providing for reimbursement of cities and towns on account of special education for mentally retarded children); repealed, 1955, 626 § 2A.

SECT. 4, sentence added at end, 1953, 437 § 1; section amended, 1970, 455 § 1; 1973, 925 § 8A. (See 1970, 455 § 2; 1973, 925 § 84.)

SECT. 4A added, 1956, 453 (relative to state reimbursement to certain towns in regional school districts).

SECT. 5 amended, 1973, 925 § 8B. (See 1973, 925 § 84.)

SECT. 6 revised, 1951, 592 § 1. (See 1951, 592 § 2.)

SECT. 9, second sentence revised, 1956, 599 § 3. (See 1956, 599 § 5.)

SECT. 10, sentence added at end, 1950, 620.

SECT. 11 amended, 1960, 403 § 4; revised, 1963, 642 § 4.

Chapter stricken out and new chapter 70 inserted, 1966, 14 § 40. (See 1966, 14 § 79.)

SECT. 2, paragraph (c) amended, 1967, 791 § 1; 1972, 766 § 9. (See 1972, 766 § 23.)

Chapter 71. — Public Schools.

SECT. 1 amended, 1953, 137; first sentence amended, 1962, 11; revised, 1965, 572 § 14; two sentences inserted after first sentence, 1966, 187; second sentence (as appearing in 1953, 137) amended, 1962, 301 § 1; three sentences added, 1971, 922 § 1; eighth and ninth sentences revised, 1972, 66; section amended, 1973, 651.

SECT. 1A added, 1966, 130 (providing for the opening of each school day with a period of silent meditation); revised, 1973, 621.

SECT. 1B added, 1970, 264 (permitting public school students to participate in voluntary prayer with the approval of their parents).

SECT. 2 amended, 1938, 246 § 1; revised, 1949, 468; 1952, 282.

SECT. 3 amended, 1962, 301 § 2; revised, 1966, 150.

SECT. 4 amended, 1953, 260; second sentence revised, 1955, 109; same sentence stricken out and two sentences inserted, 1963, 530 § 1; section revised, 1965, 572 § 15; second sentence amended, 1972, 100 § 1.

SECT. 4A added, 1963, 530 § 2 (providing penalties for failure to keep open certain schools for one hundred and eighty days during each school year); revised, 1965, 572 § 16; amended, 1969, 254 § 5.

SECT. 5 repealed, 1948, 643 § 2. (See 1948, 643 § 3.)

SECT. 6, second and third sentences of first paragraph stricken out, 1947, 679 § 4.

SECT. 6A added, 1963, 9 (permitting the admission of students from outside the commonwealth to certain public schools therein); sentence added at end, 1970, 246 § 1.

SECT. 7 amended, 1941, 590; repealed, 1947, 679 § 5.

SECT. 7A added, 1947, 679 § 1 (providing for reimbursement to cities and towns for certain expenses incurred for the transportation of pupils); first paragraph revised, 1949, 754; amended, 1962, 729 § 1; 1963, 539; 1966, 14 § 47; three paragraphs inserted after first paragraph, 1962, 729 § 2; fifth paragraph stricken out, 1966, 14 § 48.

SECT. 7B added, 1964, 563 § 8 (providing additional reimbursement to certain cities and towns for certain expenses incurred for the transportation of pupils); amended, 1973, 1141 § 5.

SECTS. 8 and 9 repealed, 1948, 643 § 2. (See 1948, 643 § 3.)

SECT. 12 repealed, 1969, 254 § 6.

SECT. 13 revised, 1972, 215 § 1; amended, 1973, 111.

SECT. 13A added, 1938, 241 (requiring the teaching of the Italian language in certain public high schools in certain cases).

SECT. 13B added, 1939, 311 (relative to the teaching of modern languages in certain public high schools).

SECT. 13C added, 1945, 402 (requiring the teaching of the Polish language in certain public high schools in certain cases).

SECTS. 13A-C repealed, 1972, 215 § 2.

SECT. 13D added, 1948, 205 (providing for motor vehicle driving education in high schools); paragraph added at end, 1954, 49; 1963, 349 § 1; section revised, 1967, 111.

SECT. 13E added, 1949, 99 (requiring the teaching of the Lithuanian language in public schools in certain cases); repealed, 1972, 215 § 2.

SECT. 13F added, 1957, 709 (providing that cities and towns may contribute to the financing of educational television programs from funds appropriated for school purposes); two sentences inserted after second sentence, 1971, 1115.

SECT. 13F stricken out and sections 13F-13I inserted, 1960, 567 § 1 (establishing in the department of education an executive committee for educational television). (See 1960, 567 § 3.)

SECTS. 14-16 stricken out and sections 14-16I inserted, under caption, 1949, 638 § 1 (relative to the formation of regional school districts). (See 1949, 638 § 2.)

SECT. 14 revised, 1951, 331 § 1.

SECT. 14A amended, 1951, 331 § 2.

SECT. 14B amended, 1951, 331 § 3; clause (b) revised, 1955, 142 § 1; clause (c) revised, 1952, 471 § 1; 1960, 650 § 1. (See 1952, 471 § 2; 1955, 142 § 2; 1960, 650 § 2.)

SECT. 14C added, 1954, 214 (authorizing certain towns to sell, lease or license school buildings to a regional school district); last sentence stricken out and two sentences inserted, 1955, 58; section amended, 1955, 127 § 1. (See 1955, 127 § 2.)

SECT. 14D added, 1968, 376 § 1 (permitting regional school districts to include provisions in the agreement between the member towns requiring approval of the incurring of indebtedness of the district by the registered voters thereof at an election).

SECT. 15, first paragraph revised, 1951, 331 § 4; 1955, 141 § 1; amended, 1957, 53; last paragraph revised, 1966, 136. (See 1955, 141 § 2.)

SECTS. 16-16I inserted, 1949, 638 § 1. (See 1949, 638 § 2.)

SECT. 16, clause (a) revised, 1962, 232 § 3; clause (c) revised, 1955, 65; clause (d) revised, 1955, 65; 1956, 243; 1961, 380; 1965, 367; amended, 1966, 137; 1973, 1049; clause (e) revised, 1962, 232 § 4; clause (g) revised, 1972, 134; clause (m) amended, 1969, 849 § 71; revised, 1973, 1025 § 1; clause (n) added, 1968, 376 § 2; clause (o) added, 1971, 265; clause (p) added, 1971, 919; clause (q) added, 1972, 49. (See 1969, 849 § 79.)

SECT. 16A revised, 1958, 129; second sentence stricken out and two sentences inserted, 1963, 132; seventh sentence amended, 1973, 1104 § 1; sentence added, 1964, 17; sentence added, 1968, 272.

SECT. 16B, first paragraph amended and second paragraph stricken out, 1969, 849 § 72; paragraph added at end, 1958, 619; first paragraph amended, 1973, 1025 § 2. (See 1969, 849 § 79.)

SECT. 16C revised, 1952, 470; 1966, 14 § 49.

SECT. 16D revised, 1967, 779.

SECT. 16F. See 1952, 601.

SECT. 17 revised, 1973, 298.

SECT. 19 amended, 1939, 461 § 1.

SECT. 20 revised, 1951, 680; 1962, 28.

SECT. 21 amended, 1945, 133 § 1.

SECT. 24, first sentence revised, 1966, 14 § 50; last sentence revised, 1966, 14 § 51.

SECTS. 26A-26F added, 1946, 165 § 1 (providing for extended school services for certain children of certain employed mothers). (See 1946, 165 §§ 2, 3.)

SECTS. 26E and 26F stricken out and section 26E inserted, 1966, 14 § 52.

SECT. 30A added, 1935, 370 § 1 (requiring that an oath or affirmation be taken and subscribed to by certain professors, instructors and teachers in the colleges, universities and schools of the commonwealth); sentence added at end, 1948, 160 § 2. (See 1935, 370 §§ 2, 2A, 3.)

SECT. 31A added, 1973, 209 (authorizing school committees to set guidelines for Christmas and other celebrations in schools).

SECT. 32 amended, 1970, 547 § 4. (See 1970, 547 § 6.)

SECT. 34 revised, 1939, 294.

SECTS. 34A and 34B added, 1943, 547 (requiring persons operating or maintaining educational institutions to furnish, upon request, certain transcripts of records).

SECT. 34C added, 1951, 67 (relative to granting high school diplomas to certain students who enter the armed forces); revised, 1954, 91; repealed, 1965, 43.

SECT. 34D added, 1972, 213 (directing the board of education to regulate maintenance of student records).

SECT. 34E added, 1973, 785 (providing for parental inspection or inspection by a pupil over eighteen of certain records of such pupil).

SECT. 37A added, 1958, 119 (authorizing school committees to accept and disburse grants and gifts for educational purposes from charitable foundations and private corporations).

SECT. 37B added, 1963, 466 § 3 (authorizing the purchase of annuities for employees of public educational institutions); amended and sentence added, 1967, 769 § 4; first sentence revised, 1970, 279.

SECTS. 37C and 37D added, 1965, 641 § 1 (providing for the elimination of racial imbalance in the public schools).

SECT. 37D, paragraph inserted after second paragraph, 1971, 958; paragraph inserted after third paragraph, 1969, 643.

SECT. 37E added, 1969, 128 § 1 (authorizing employment of legal counsel by a school committee for collective bargaining purposes).

SECT. 37F added, 1970, 362 (authorizing the school committees of cities and towns to employ legal counsel for general purposes); revised, 1972, 86.

SECT. 37G added, 1972, 107 § 1 (prohibiting corporal punishment in the public schools and county training schools).*

SECT. 37G added, 1972, 467 (requiring publication of school rules and regulations relative to the conduct of students or teachers); repealed, 1973, 430 § 5.

SECT. 37H added, 1973, 430 § 5 (requiring publication of school rules and regulations relative to the conduct of students or teachers).

SECT. 38, two sentences inserted after first sentence, 1965, 164; third sentence revised, 1970, 780; sentence added, 1960, 333 § 2; paragraph added, 1971, 507.

SECTS. 38A-38F added, 1941, 676 § 2 (relative to occupational guidance and placement). (See 1941, 646.)

SECT. 38B revised, 1966, 14 § 53.

SECT. 38E revised, 1966, 14 § 54.

SECT. 38G added, 1951, 278 § 1 (to establish standards of certification of teachers in the public schools); first two paragraphs stricken out and one paragraph inserted, 1952, 530; revised, 1953, 264; amended, 1956, 122; section revised, 1960, 20 § 1; first paragraph revised, 1960, 333 § 1; 1968, 599; 1970, 454 § 1; amended, 1972, 684 § 5; second paragraph amended, 1965, 172; revised, 1970, 454 § 2; paragraph added, 1965, 345; revised, 1972, 64; section revised, 1973, 847 § 5. (See 1951, 278 § 2; 1960, 20 § 2; 1972, 684 § 136.)

SECT. 38H added, 1965, 276 (providing that school librarians and school library supervisors or co-ordinators be given tenure in the same manner as teachers).

*See 1973 corrective changes.

SECT. 38I added, 1966, 143 (authorizing school committees to reimburse teachers for certain tuition charges and fees).

SECT. 38J added, 1970, 33 (providing tenure rights for school adjustment counsellors).

SECT. 38K added, 1970, 434 (authorizing a public relations bureau in the school department).

SECT. 38L added, 1971, 379 § 2 (authorizing city, town or regional school committees to buy certain indemnification insurance).

SECT. 38M added, 1972, 95 (establishing student advisory committees to school committees).

SECT. 38N added, 1972, 136 (requiring school committees to hold public hearings on their proposed annual budgets).

SECT. 40 amended, 1941, 507; 1943, 494; revised, 1945, 727 § 1; two sentences added at end, 1946, 527 § 1; section revised, 1949, 684; first sentence revised, 1951, 499; 1952, 69; 1956, 434; 1957, 447; 1958, 545; 1959, 602 § 1; 1962, 594 § 1; 1964, 267 § 1; 1967, 272 § 1; last sentence stricken out, 1962, 519; sentence added, 1967, 278; 1973, 52 § 15. (See 1945, 727 § 2; 1946, 527 §§ 2, 3; 1959, 602 § 2; 1962, 594 § 2; 1964, 267 § 2; 1967, 272 § 2.)

SECT. 41 revised, 1947, 597 § 1; sentence added at end, 1950, 283; section revised, 1953, 372; amended, 1956, 132 § 1; revised, 1972, 464 § 1; first sentence revised, 1973, 847 § 6. (See 1972, 464 § 8.)

SECT. 41A added, 1962, 277 (providing for leaves of absence to public school teachers for study or research); first sentence revised, 1968, 136; sentence added, 1967, 860 § 1; 1971, 323. (See 1967, 860 § 2.)

SECT. 42 revised, 1934, 123; first sentence revised, 1947, 597 § 2; amended, 1956, 132 § 2; sentence inserted after first sentence, 1970, 388 § 1; second sentence (as appearing in 1934, 123) revised, 1972, 464 § 2; sentence inserted after second sentence, 1953, 244; third sentence (as appearing in 1934, 123) amended, 1966, 185 § 1; sentence inserted after said sentence, 1946, 195; fourth sentence (as appearing in 1934, 123) amended, 1966, 185 § 2. (See 1972, 464 § 8.)

SECT. 42A added, 1945, 330 (giving certain rights to school principals and supervisors in cases of demotion); revised, 1953, 269.

SECT. 42B added, 1952, 545 (providing for tenure of teachers and superintendents in regional school districts); sentence added at end, 1956, 136 § 1; section revised, 1969, 653; paragraph added, 1970, 389, 491; 1971, 307. (See 1956, 136 § 2.)

SECT. 42C added, 1957, 195 (requiring school officials to permit teachers to inspect records kept concerning them or their work).

SECT. 42D added, 1966, 185 § 3 (relative to the suspension of teachers and superintendents of public schools); first paragraph amended, 1972, 464 § 3; last paragraph revised, 1968, 156. (See 1972, 464 § 8.)

SECT. 43, second sentence revised, 1972, 464 § 4; sentence added at end, 1963, 466 § 4. (See 1972, 464 § 8.)

SECT. 43A added, 1958, 462 (providing that certain teachers or superintendents dismissed by action of a school committee may appeal therefrom to the superior court); first sentence revised, 1971, 518; 1972, 464 § 5. (See 1972, 464 § 8.)

SECT. 43B added, 1961, 240 (providing for the reimbursement of certain teachers and superintendents of schools for expenses incurred in defending themselves against removal proceedings); revised, 1942, 464 § 6. (See 1972, 464 § 8.)

SECT. 46 amended, 1941, 194 § 4; revised, 1954, 514 § 5; 1955, 626 § 3; 1956, 535 § 4; amended, 1965, 221; paragraph inserted after first paragraph, 1965, 701; paragraph added at end, 1957, 584; revised, 1966, 72; paragraph added at end, 1968, 297.

SECT. 46A amended, 1932, 159; revised, 1945, 534; 1946, 357; paragraph inserted after second paragraph, 1953, 352; stricken out, 1954, 296 § 2; last sentence stricken out and three sentences inserted, 1947, 384; section revised, 1955, 772 § 1; first paragraph amended, 1956, 570 § 3; second paragraph amended, 1968, 555.

SECT. 46B added, 1954, 296 § 1 (providing for reimbursement of cities and towns for transportation of certain handicapped children to special schools); revised, 1955, 772 § 2; 1960, 649; first sentence amended, 1964, 554; revised, 1967, 881; 1968, 352 § 3; second sentence amended, 1966, 14 § 55; revised, 1969, 546 § 12. (See 1969, 546 § 34.)

SECTS. 46-46B repealed, 1972, 766 § 10. (See 1972, 766 § 23.)

SECTS. 46C and 46D added, 1954, 514 § 6 (relative to joinder of cities and towns for the purpose of conducting special classes for mentally retarded children).

SECT. 46C revised, 1955, 626 § 4; amended, 1956, 535 § 5; revised, 1963, 574; repealed, 1968, 352 § 2.

SECT. 46D repealed, 1972, 766 § 10. (See 1972, 766 § 23.)

SECTS. 46E and 46F added, 1955, 626 § 2 (providing for reimbursement by the commonwealth of certain costs of conducting special classes approved by the division of special education by certain school districts).

SECT. 46E amended, 1956, 535 § 2; paragraph added at end, 1962, 708; section amended, 1966, 14 § 56; first paragraph revised, 1969, 546 § 13. (See 1969, 546 § 34.)

SECT. 46F amended, 1956, 535 § 3, 570 § 4; revised, 1960, 628; amended, 1966, 14 § 57; revised, 1969, 546 § 14. (See 1969, 546 § 34.)

SECTS. 46E-46F repealed, 1972, 766 § 10. (See 1972, 766 § 23.)

SECT. 46G added, 1955, 696 (to strengthen the activities of cities and towns in the prevention of juvenile delinquency); second sentence amended, 1968, 66; last sentence revised, 1966, 14 § 58; section revised, 1970, 426.

SECTS. 46H and 46I added, 1960, 750 § 1 (providing for the instruction and training of certain emotionally disturbed children, and reimbursing cities and towns and school districts expenses incurred in connection therewith). (See 1960, 750 § 3.)

SECT. 46H, third paragraph revised, 1967, 626.

SECT. 46J added, 1962, 555 (providing for joint special education programs for emotionally disturbed children); revised, 1968, 353 § 1.

SECTS. 46K and 46L added, 1966, 647 § 1 (providing for the instruction and training of children with certain learning impairments).

SECT. 46M added, 1968, 695 (providing that commonwealth pay costs

of tuition and transportation for certain physically handicapped children in private schools, hospitals and institutions).

SECTS. 46H-46M repealed, 1972, 766 § 10. (See 1972, 766 § 23.)

SECT. 47 revised, 1935, 199; 1950, 658; 1951, 411 § 1; amended, 1952, 316 § 1; revised, 1954, 271; second sentence amended, 1969, 678; 1970, 721; third sentence amended, 1962, 301 § 3; sentence inserted after third sentence, 1969, 66; fourth sentence revised, 1959, 113; 1962, 301 § 4.

SECT. 47A added, 1954, 220 (authorizing school committees to contract for hire of athletic coaches for periods not exceeding three years).

SECT. 48, paragraph added, 1973, 1196.

SECT. 48A amended, 1935, 47; revised, 1958, 164.

SECT. 48B added, 1964, 32 (authorizing school committees to purchase uniforms to be worn by certain employees).

SECT. 52 amended, 1932, 90.

SECT. 53A, sentence added at end, 1950, 208 § 1. (See 1950, 208 § 2.)

SECT. 54 amended, 1938, 265 § 1; 1945, 133 § 2.

SECT. 54A added, 1972, 74 (requiring certain school physicians to attend interscholastic football games).

SECT. 54B added, 1973, 817 (regulating the use of psychotropic drugs in the public schools).

SECT. 55 revised, 1938, 265 § 2; amended, 1952, 89.

SECT. 55A added, 1938, 265 § 3 (relative to the disposition of children showing signs of ill health or of being infected with a dangerous disease); paragraph added, 1973, 660.

SECT. 55B added, 1950, 732 § 1 (prohibiting the employment in schools of certain persons suffering from tuberculosis and requiring periodic examinations of school employees); eighth sentence stricken out and two sentences inserted, 1952, 469; eighth sentence revised, 1954, 658; section revised, 1958, 15; 1964, 378.

SECT. 55C added, 1964, 51 (requiring pupils and teachers to wear eye protective devices while attending certain classes in public schools); revised, 1966, 21. (See 1964, 510.)

SECT. 56 revised, 1938, 265 § 4.

SECT. 57 revised, 1943, 384; 1951, 502 § 1; second sentence revised, 1955, 684; 1956, 428; amended, 1970, 443 § 3; first sentence revised, 1973, 1197. (See 1951, 502 § 2.)

SECT. 58 amended, 1932, 127 § 8; revised, 1935, 287; repealed, 1945, 543 § 1.

SECT. 59A added, 1952, 506 (providing for the employment of a superintendent of schools in certain small towns); revised, 1953, 557; second paragraph revised, 1966, 14 § 59.

SECT. 59B added, 1973, 421 (relative to the employment and duties of public school principals).

SECT. 60 repealed, 1969, 254 § 6.

SECT. 61 amended, 1951, 643 § 1; revised, 1952, 108; 1953, 334. (See 1951, 643 §§ 1A-3.)

SECT. 63, paragraph added at end, 1945, 223 § 1. (See 1945, 223 § 2.)

SECT. 64 revised, 1949, 794; 1955, 565; first sentence revised, 1956, 237; section revised, 1956, 448 § 1; 1963, 740 § 1.

SECT. 65 revised, 1949, 794; 1955, 565; 1956, 448 § 2; 1963, 740 § 2; 1966, 14 § 60.

SECT. 66, paragraph added at end, 1937, 281; section repealed, 1958, 241.

SECT. 68 revised, 1934, 97 § 1. (See 1934, 97 § 2.)

SECT. 69 revised, 1935, 258; sentence inserted after fourth sentence, 1969, 77.

SECT. 69A added, 1965, 502 (providing for a plaque containing the words "For God and Country" to be placed in a conspicuous location in every public school building within the commonwealth).

SECT. 71 amended, 1935, 193; sentence inserted after third sentence, 1966, 344.

SECT. 71A added, 1965, 404 (authorizing school committees to designate the location of highway safety stations for children awaiting a school bus).

SECT. 71B added, 1968, 283 (encouraging the use of public school gymnasiums for adult physical fitness programs).

SECT. 71C added, 1973, 800 (establishing a revolving fund for receipts of municipal community school programs).

SECT. 72. See 1948, 548; 1949, 303.

SECTS. 75-79 added, 1948, 620 § 5 (providing for extended courses of instruction on junior college level in high schools). (See 1948, 620 § 6.)

SECT. 78 revised, 1957, 756; 1966, 14 § 61, 724.

SECT. 79 revised, 1958, 168; amended, 1965, 572 § 17.

SECT. 80 added, 1958, 127 § 1 (establishing a lunch period for public school teachers); amended, 1958, 368. (See 1958, 127 § 2.)

SECT. 81 added, 1958, 605 § 2 (providing that no junior college shall be established by a city or town).

Chapter 71A. — Transitional Bilingual Education.

New chapter inserted, 1971, 1005 § 2.

Chapter 71B. — Children With Special Needs.

New chapter inserted, 1972, 766 § 11. (See 1972, 766 § 23.)

SECT. 5, second paragraph revised, 1973, 318 § 1.

Chapter 72. — School Registers and Returns.

SECT. 2, sentence inserted after first sentence, 1966, 14 § 62.

SECT. 2A added, 1966, 14 § 63 (providing for the filing by superintendents of schools of certain reports of student enrollment); first paragraph amended, 1973, 925 § 8C; paragraph added, 1972, 100 § 2; amended, 1973, 925 § 8D. (See 1973, 925 § 84.)

SECT. 3, paragraph in lines 6-10 revised, 1939, 461 § 2; section revised, 1966, 14 § 64.

SECT. 6 revised, 1962, 410.

SECT. 8, first two sentences stricken out and one sentence inserted, 1957, 290; first paragraph amended, 1954, 231 § 1; fourth sentence revised, 1966, 14 § 65; 1973, 1073 § 1A; second paragraph added, 1959, 321.

Chapter 73. — State Colleges and Community Colleges (former title, State Teachers Colleges and Community Colleges).

Title changed, 1932, 127 § 9; 1948, 620 § 1; 1960, 403 § 5.

SECT. 1 amended, 1932, 127 § 10; revised, 1948, 620 § 2; 1952, 585 § 9; amended, 1952, 618 § 1; revised, 1959, 246 § 2; paragraph added at end, 1960, 284; section revised, 1960, 403 § 6; five paragraphs added at end, 1962, 553; section revised, 1963, 642 § 5; first sentence revised, 1964, 561 § 7; first paragraph stricken out and two paragraphs inserted, 1965, 572 § 18; three paragraphs added at end, 1964, 561 § 8. (See 1948, 620 § 6; 1952, 618 §§ 4-12.)

SECT. 1A added, 1952, 499 § 1 (relative to the increase of fees and charges for services rendered by the department of education); amended, 1959, 246 § 3; revised, 1960, 403 § 7; amended, 1963, 642 § 6.

SECT. 1B added, 1961, 434 (authorizing the board of education to establish activity fees in state colleges); first sentence amended, 1963, 642 § 7; revised, 1964, 561 § 9.

SECTS. 1C and 1D added, 1963, 642 § 8.

SECT. 1E added, 1973, 1089 § 2 (allowing the location of banks at state and community colleges).

SECT. 2 amended, 1932, 127 § 11; 1960, 403 § 8.

SECT. 2A added, 1938, 246 § 2 (making the constitutions of the United States and of this commonwealth required subjects of instruction in state teachers colleges); amended, 1960, 403 § 9.

SECT. 3 amended, 1932, 127 § 12; first sentence revised, 1952, 618 § 2; section revised, 1960, 403 § 10; amended, 1963, 642 § 9. (See 1952, 618 §§ 4-12.)

SECT. 4 amended, 1932, 127 § 13; 1960, 403 § 11.

SECT. 4A amended, 1932, 127 § 14; sentence added at end, 1952, 618 § 3; section revised, 1960, 403 § 12; amended, 1963, 642 § 10. (See 1952, 618 §§ 4-12.)

SECT. 4B added, 1954, 350 (regulating the dismissal of certain teachers in state teachers colleges); revised, 1956, 480; first sentence amended, 1960, 403 § 13; 1963, 642 § 11; revised, 1964, 561 § 10.

SECT. 5 amended, 1932, 127 § 15; 1960, 403 § 14; revised, 1963, 642 § 12. (Temporarily affected, 1933, 233; 1934, 130; 1935, 277.)

SECT. 5A added, 1963, 429 (establishing the State College Research Foundation); repealed, 1963, 642 § 12A.

SECT. 6 amended, 1932, 127 § 16; 1960, 403 § 15; revised, 1963, 642 § 12.

SECT. 7 amended, 1932, 127 § 17; revised, 1935, 21; 1948, 620 § 3; sentence added at end, 1950, 60; section revised, 1957, 309; 1958, 605 § 3; amended, 1959, 246 § 4, 592; revised, 1960, 403 § 16; amended, 1963, 86, 642 § 13; last sentence stricken out and two sentences inserted, 1964, 561 § 11; section repealed, 1965, 572 § 19. (See 1948, 620 § 6; 1959, 477.)

SECTS. 8 and 9 added, 1948, 620 § 4 (relative to the establishment of community colleges by the department of education and providing courses therein). (See 1948, 620 § 6.)

SECT. 8 amended, 1959, 246 § 5; revised, 1960, 403 § 17; amended, 1963, 642 § 14.

SECT. 8A added, 1973, 1189 § 2 (authorizing Vietnam veterans to attend certain classes at community colleges without tuition charge).

SECT. 9 repealed, 1958, 605 § 4.

SECTS. 10-18 added, 1963, 642 § 15 (relative to the administration of the state colleges). (See 1963, 642 §§ 16, 17.)

SECT. 10, first sentence revised, 1972, 425; second sentence revised, 1964, 561 § 12.

SECT. 16, second paragraph amended, 1964, 357 § 4; third paragraph amended, 1964, 357 § 5; second sentence revised, 1968, 739 § 1; amended, 1970, 148; last paragraph amended, 1967, 846. (See 1964, 357 § 11.)

SECT. 19 added, 1968, 334 (changing names of certain state colleges); amended, 1973, 1175 § 6.

SECT. 20 added, 1970, 834 (providing for admission of certain police to state colleges on a cooperative plan); revised, 1972, 550.

Chapter 74. — Vocational Education.

SECT. 1 revised, 1938, 446 § 1; amended, 1941, 617 § 1; "State board" defined, 1952, 630 § 2; definition revised, 1965, 572 § 20. (See 1938, 446 § 14.)

SECT. 2 amended, 1938, 446 § 2; revised, 1952, 630 § 3; 1957, 599 § 1. (See 1938, 446 § 14.)

SECT. 2A added, 1972, 263 (providing guidelines for vocational school work activities).

SECT. 3 amended, 1938, 446 § 3; revised, 1957, 599 § 2. (See 1938, 446 § 14.)

SECT. 4 amended, 1938, 446 § 4; revised, 1957, 599 § 3. (See 1938, 446 § 14.)

SECT. 5 amended, 1952, 630 § 4.

SECT. 5A added, 1952, 471 § 3 (relative to the establishment of independent distributive occupations, industrial, agricultural and household arts schools by regional school districts). (See 1952, 471 § 2.)

SECT. 6 amended, 1938, 446 § 5; 1952, 630 § 5; revised, 1957, 599 § 4. (See 1938, 446 § 14.)

SECT. 7 amended, 1938, 446 § 6; 1952, 630 § 6; revised, 1957, 599 § 5. (See 1938, 446 § 14.)

SECT. 7A amended, 1952, 630 § 7; 1973, 925 § 8E. (See 1973, 925 § 84.)

SECT. 7B added, 1972, 760 (providing for the conduct of certain classes under the state apprenticeship program).

SECT. 8 amended, 1952, 630 § 8; sentence added at end, 1970, 730.

SECT. 8A revised, 1937, 323; paragraph added at end, 1939, 308; section revised, 1950, 622; amended, 1966, 14 § 66; 1973, 925 § 8F. (See 1973, 925 § 84.)

SECT. 9 amended, 1938, 466 § 7; 1952, 471 § 4; revised, 1957, 496 § 1, 599 § 6; 1966, 14 § 67; 1967, 791 § 2. (See 1938, 446 § 14.)

SECT. 10 revised, 1966, 14 § 68; 1967, 791 § 3.

SECT. 11 amended, 1933, 102 § 2; 1941, 617 § 2; revised, 1966, 561. (See 1933, 102 § 4; revised, 1966, 561.)

SECT. 12 amended, 1952, 471 § 5; revised, 1957, 496 § 2; 1966, 14 § 69; 1967, 791 § 4.

SECT. 13 amended, 1938, 446 § 8; revised, 1957, 599 § 7. (See 1938, 446 § 14.)

SECT. 14 revised, 1943, 540; paragraph added at end, 1952, 471 § 6; 1969, 364.

SECT. 14A added, 1943, 540 (relative to federal funds for vocational education); amended, 1952, 630 § 9.

SECT. 18 amended, 1952, 630 § 10.

SECT. 19 revised, 1938, 446 § 9. (See 1938, 446 § 14); repealed, 1947, 652 § 13.

SECT. 20 revised, 1947, 652 § 9; sentence added at end, 1955, 700 § 2; stricken out, 1956, 602 § 7; section revised, 1965, 572 § 21. (See 1956, 602 §§ 17-20.)

SECT. 21 amended, 1938, 446 § 10; 1946, 552 § 2; revised, 1947, 652 § 10; amended, 1956, 602 § 8; revised, 1965, 572 § 22. (See 1938, 446 § 14; 1946, 552 §§ 4, 5; 1956, 602 §§ 17-20.)

SECT. 22 amended, 1938, 446 § 11; revised, 1947, 652 § 11; amended, 1956, 602 § 9; revised, 1965, 572 § 23. (See 1938, 446 § 14; 1956, 602 §§ 17-20.)

SECT. 22A amended, 1938, 446 § 12; revised, 1947, 652 § 12; two sentences added at end, 1955, 700 § 1; section repealed, 1956, 602 § 10. (See 1938, 446 § 14; 1956, 602 §§ 17-20.)

SECT. 22B, first paragraph amended, 1948, 360; section repealed, 1956, 602 § 10. (See 1956, 602 §§ 17-20.)

SECT. 22C added, 1945, 561 (authorizing the division of the blind to use federal funds available in a program of rehabilitation of the blind); repealed, 1966, 535 § 6.

SECT. 22D added, 1946, 552 § 3 (providing for co-operation by the commonwealth with the veterans' administration in the administration of federal laws and regulations relating to the rehabilitation of disabled veterans of World War II); amended, 1965, 572 § 24. (See 1946, 552 §§ 4, 5.)

SECT. 22E added, 1950, 206 (relative to tenure of teachers elected for vocational education); revised, 1969, 233.

SECT. 23 repealed, 1933, 102 § 3.

SECT. 24 revised, 1963, 24.

SECT. 24A added, 1947, 497 (relative to the appointment of veterans as teachers in state aided approved vocational schools); revised, 1958, 154; repealed, 1967, 50.

SECT. 25 revised, 1962, 419 § 2.

SECT. 26 revised, 1962, 419 § 3.

SECT. 28 revised, 1939, 501 § 6; amended, 1945, 158 § 6; first sentence revised, 1969, 849 § 73. (See 1969, 849 § 79.)

SECT. 30 amended, 1937, 41; revised, 1962, 419 § 4.

SECT. 31 revised, 1964, 498.

SECT. 31A added, 1934, 65 (authorizing the trustees of the Essex county agricultural school to pay transportation costs of certain pupils attending said school); amended, 1943, 42; revised, 1954, 63; 1962, 419 § 5.

SECT. 31B added, 1960, 481 (relative to athletic and other organizations of county agricultural school pupils); first sentence revised, 1962, 419 § 5A; third sentence revised, 1970, 69.

SECT. 31C added, 1963, 323 (authorizing the county commissioners of Essex county to appropriate money for insurance coverage for students at the Essex Agricultural and Technical Institute who are injured while participating in athletic activities); amended, 1964, 512.

SECT. 33 revised, 1962, 419 § 6; two sentences added at end, 1970, 548.

SECT. 35, second sentence revised, 1956, 455; section revised, 1962, 419 § 7.

SECT. 35A added, 1961, 525 (authorizing the Essex county agricultural school to give certain courses to high school graduates and to award associate degrees to those completing such courses); revised, 1962, 419 § 7A; amended, 1965, 572 § 25.

SECT. 36 revised, 1962, 419 § 8.

SECT. 37 revised, 1962, 419 § 9.

SECT. 37A added, 1963, 562 § 1 (authorizing certain industrial, technical, agricultural and vocational schools to establish courses beyond secondary level and authorizing said schools to grant certain degrees to persons completing such courses of instruction); revised, 1965, 572 § 26; amended, 1967, 268 § 3.

SECT. 42, caption preceding section changed, 1946, 257 § 9; section revised, 1946, 257 § 1; 1947, 387; amended, 1953, 488 § 1; caption preceding section changed and section revised, 1957, 347 § 1; amended, 1965, 572 § 27. (See 1953, 488 § 4.)

SECT. 42A added, 1953, 523 (authorizing the Bradford Durfee Technical Institute of Fall River and the New Bedford Institute of Textiles and Technology to grant the honorary degree of master of science); revised, 1957, 347 § 2.

SECT. 42B added, 1957, 410 (authorizing the board of trustees of the New Bedford Institute of Technology to grant certain honorary doctorates); revised, 1958, 243; amended, 1965, 572 § 28.

SECT. 42C added, 1958, 538 § 2 (providing tenure for certain teachers in the employ of the commonwealth after three years' service); three paragraphs added at end, 1962, 499 § 2; stricken out, 1963, 696 § 1.

SECTS. 42D-42Q added, 1963, 696 § 2 (relative to the administration of the Bradford Durfee College of Technology and the New Bedford Institute of Technology). (See 1963, 696 §§ 3-5.)

SECT. 42O, second paragraph amended, 1964, 357 § 6; third paragraph amended, 1964, 357 § 7. (See 1964, 357 § 11.)

SECT. 43 amended, 1946, 257 § 2; 1957, 347 § 2A.

SECT. 44 amended, 1946, 257 § 3; 1957, 347 § 2B.

SECT. 45 amended, 1946, 257 § 4; 1957, 347 § 2C.

SECT. 46 amended, 1946, 257 § 5; 1957, 347 § 2D.

SECT. 46A amended, 1946, 257 § 6; 1957, 347 § 2E.

SECT. 46B added, 1957, 409 (authorizing the board of trustees of the New Bedford Institute of Technology to establish and manage the research foundation of said Institute); revised, 1962, 258.

SECT. 46C added, 1961, 513 (providing for scholarships at the Bradford Durfee College of Technology and the New Bedford Institute of Technology).

SECT. 47E, paragraph added at end, 1935, 22; section revised, 1946, 378; second paragraph amended, 1949, 28; section revised, 1951, 202.

SECT. 47G revised, 1950, 772.

SECTS. 47-48 and caption preceding section 47 stricken out, 1953, 407 § 2. (See 1953, 407 §§ 1, 8.)

SECT. 49, caption preceding section changed, 1942, 1 § 3; stricken out, 1964, 561 § 13; section amended, 1942, 1 § 5; revised, 1946, 340; 1952, 499 § 2; repealed, 1964, 561 § 13. (See 1942, 1 § 9.)

SECT. 49A added, 1946, 340 (authorizing the board of commissioners of the Massachusetts Maritime Academy to grant degrees); repealed, 1964, 561 § 13.

SECT. 50 repealed, 1964, 561 § 13.

SECT. 51 repealed, 1964, 561 § 13.

SECT. 53 revised, 1942, 1 § 6; repealed, 1964, 561 § 13. (See 1942, 1 § 9.)

SECT. 54 added, under caption, 1949, 630 (providing for institutional on-farm training for veterans of World War II); revised, 1955, 680; 1965, 572 § 29.

SECT. 55 added, under caption, 1953, 581 (establishing a state agency for surplus property); revised, 1965, 572 § 30.

Chapter 75. — University of Massachusetts (former title, Massachusetts State College).

Name changed, 1947, 344 § 1.

SECTS. 1-15 stricken out and sixteen sections inserted, 1962, 648 § 1. (See 1962, 648 §§ 3, 4, 5.)

For prior changes see Table of Changes contained in Acts and Resolves of 1961:

The following references are to sections 1 to 15, as so inserted:

SECT. 1 amended, 1969, 396 § 7.

SECT. 2 amended, 1962, 787 § 2; sentence inserted after fourth sentence, 1964, 562 § 1; section revised, 1965, 572 § 31; third sentence amended, 1969, 396 § 8.

SECT. 2A added, 1973, 1089 § 3 (allowing the location of banks at the University of Massachusetts).

SECT. 11, two sentences added, 1965, 877; third sentence revised, 1973, 845.

SECT. 14, second paragraph, first sentence amended, 1964, 357 § 8; second sentence stricken out and two sentences inserted, 1963, 801 § 75; second paragraph revised, 1966, 659 § 1; third paragraph, second sentence amended, 1964, 357 § 9; 1966, 659 § 2. (See 1964, 357 § 11.)

SECT. 16 amended, 1947, 344 § 20.

SECT. 16A added, 1945, 586 (providing for the establishment at the Massachusetts Agricultural Experiment Station of a diagnostic laboratory dealing with the causes, etc., of diseases of domestic animals); amended, 1947, 344 § 21; revised, 1947, 471.

SECT. 20 repealed, 1973, 607 § 1. (See 1973, 607 § 9.)

SECT. 22 amended, 1947, 344 § 22.

SECT. 24 amended, 1947, 344 § 23.

SECT. 25 amended, 1947, 344 § 24.

SECT. 26 amended, 1947, 344 § 25.

SECT. 31 added, 1951, 524 (providing for scholarships at the University of Massachusetts).

SECT. 32 added, 1960, 493 (providing that annually a graduate of Kfar Silver Agricultural Training Institute in Israel be admitted to the University of Massachusetts).

SECTS. 31 and 32 stricken out and sections 31, 32 and 32A added, 1962, 648 § 2 (relative to the administration of the University of Massachusetts).

SECT. 32B added, 1972, 160 § 1 (establishing the David I. Walsh-Leverett Saltonstall visiting lectureship program).

SECT. 33 added, 1962, 621 (establishing scholarships for students of agriculture and others at the University of Massachusetts).

SECT. 33A added, 1973, 1037 § 1 (establishing a General Court Fellowship Program).

SECTS. 34-36 added, under caption, 1962, 787 § 3 (establishing a medical school within the University of Massachusetts).

SECT. 35, sentence added at end, 1963, 727; section revised, 1966, 659 § 3.

SECT. 37 added, under caption, 1967, 697 (establishing a television center at the University of Massachusetts).

Chapter 75A. — University of Lowell (former title, Lowell Technological Institute of Massachusetts).

SECT. 1B added, 1973, 1089 § 4 (authorizing the location of a branch bank on the university grounds).

SECTS. 1-24, inclusive, stricken out and twenty-eight sections inserted, 1973, 1175 § 7. (See 1973, 1175 § 14.)

For prior changes see Table of Changes contained in Acts and Resolves of 1972.

Chapter 75B. — Southeastern Massachusetts University (former title, South Eastern Massachusetts University) (former title, Southeastern Massachusetts Technological Institute).

New chapter inserted, 1960, 543 § 3. (See 1960, 543 §§ 4-10.)

Title revised, 1969, 396 § 9; 684 § 2.

SECTS. 1-20, inclusive, stricken out and sections 1-17, inclusive, inserted, 1964, 582 § 1. (See 1964, 582 §§ 2, 3, 4.)

SECT. 1 revised, 1965, 572 § 34; amended, 1969, 396 § 10; 684 § 2.

SECT. 1A added, 1973, 1089 § 5 (allowing the location of banks at Southeastern Massachusetts University).

SECT. 2 repealed, 1965, 572 § 35.

SECTS. 3-4 revised, 1969, 396 § 11.

SECT. 6 amended, 1969, 396 § 12.

SECT. 7 amended, 1969, 396 § 13.

SECT. 8 amended, 1969, 396 § 14.

SECT. 9 amended, 1969, 396 § 15.

SECT. 10, second paragraph, third sentence revised, 1968, 739 § 5; amended, 1969, 396 § 16.

SECT. 11 revised, 1969, 396 § 17.

SECT. 12, two sentences added at end, 1963, 801 § 77; section revised, 1969, 396 § 17.

SECT. 13 amended, 1969, 396 § 18.

SECT. 16 revised, 1969, 396 § 19.

SECT. 17 amended, 1969, 396 § 20.

Chapter 75C. — Private Correspondence Schools.

New chapter inserted, 1963, 652 § 1.

SECT. 1 amended, 1965, 34 § 1.

SECT. 3, first paragraph revised, 1965, 34 § 2.

SECT. 9 amended, 1965, 34 § 3.

Chapter 75D. — Private Business Schools.

New chapter inserted, 1971, 1096 § 1. (See 1971, 1096 § 2.)

SECT. 3, second paragraph amended, 1973, 737.

Chapter 76. — School Attendance.

SECT. 1 revised, 1939, 461 § 3; first paragraph, first sentence revised, 1965, 572 § 36; amended, 1967, 808 § 2; revised, 1972, 100 § 3; amended, 1972, 766 § 12; sentence inserted after third sentence, 1941, 423; last sentence revised, 1950, 400; 1971, 437; second paragraph amended, 1971, 875. (See 1972, 766 § 12.)

SECT. 2, two sentences added at end, 1947, 241 § 1; third sentence revised, 1965, 659 § 1; two sentences inserted after third sentence, 1969, 859 § 5; sentence inserted after fifth sentence, 1972, 731 § 5. (See 1947, 241 § 2; 1965, 659 § 7.)

SECT. 3, first sentence revised, 1973, 925 § 9. (See 1973, 925 § 84.)

SECT. 4 amended, 1969, 543.

SECT. 5 revised, 1971, 622 § 1; amended, 1973, 925 § 9A. (See 1973, 925 § 84.)

SECT. 6, sentence added at end, 1970, 246 § 2.

SECT. 7 amended, 1951, 579.

SECT. 11 revised, 1972, 766 § 13. (See 1972, 76 § 23.)

SECTS. 12A and 12B added, 1966, 506 (providing for the attendance of certain children in public schools of cities and towns other than the cities and towns in which they reside).

SECT. 12A, paragraph added at end, 1968, 622 § 1.

SECT. 12B, second paragraph revised, 1968, 622 § 2; section amended, 1968, 735.

SECT. 15 revised, 1938, 265 § 5; 1967, 590; first paragraph revised, 1972, 161; third paragraph revised, 1971, 285.

SECT. 15A added, 1966, 583 (exempting certain physicians and nurses from civil liability in carrying out public health programs); section repealed, 1967, 309 § 1.

SECT. 15A added, 1971, 491.

SECT. 15B added, 1973, 946 (providing for the testing, treatment and care of persons susceptible to certain genetically-linked diseases).

SECT. 16 amended, 1971, 622 § 2.

SECT. 18 added, 1973, 375 (prohibiting the exclusion of certain public school children prior to meeting with school committees); revised, 1973, 915.

SECTS. 19 and 20 added, 1973, 1073 § 1 (providing for supervisors of attendance).

Chapter 77. — School Offenders and County Training Schools.

Chapter repealed, 1973, 1073 § 2.

For prior changes see Table of Changes contained in Acts and Resolves of 1972.

Chapter 78. — Libraries.

SECT. 4 revised, 1935, 202.

SECT. 9 amended, 1952, 585 § 10.

SECT. 11 revised, 1952, 585 § 16.

SECT. 14, caption preceding section revised, 1952, 585 § 11; section amended, 1952, 585 § 12.

SECT. 15 amended, 1952, 585 § 13.

SECTS. 16, 17 and 18 repealed, 1960, 429 § 5.

SECT. 19 revised, 1952, 585 § 17; 1960, 429 § 6.

SECTS. 19A-19D added, 1960, 760 § 1 (providing state aid for free public libraries). (See 1960, 760 §§ 2, 3.)

SECT. 19A amended, 1963, 672; clauses (1) and (2) revised, 1970, 636 § 1; second paragraph amended, 1970, 636 § 2.

SECT. 19C revised, 1970, 636 § 3.

SECT. 19D amended, 1970, 636 § 4.

SECTS. 22-31 added, under caption, 1948, 320 (providing for the certification of librarians).

SECT. 22 amended, 1952, 585 § 14.

SECT. 24 amended, 1952, 585 § 15.

SECT. 26 revised, 1952, 585 § 18.

SECT. 32 added, 1964, 150 (providing for leaves of absence to members of a public library staff for study or research).

Chapter 79. — Eminent Domain.

SECT. 3, first paragraph amended, 1938, 172 § 6; 1959, 626 § 1; two sentences added at end of first paragraph, 1943, 251 § 1; third, fourth and fifth sentences stricken out and one sentence inserted, 1964, 579 § 1. (See 1943, 251 § 4.)

SECT. 5A added, 1948, 180 (restricting the taking by eminent domain of ancient landmarks and property of historical or antiquarian interest); revised, 1963, 697 § 5; paragraph added, 1972, 29; section revised, 1973, 1155 § 8.

SECT. 5B added, 1950, 532 (restricting the taking by eminent domain of property used for agricultural purposes); revised, 1972, 143.

SECT. 6 revised, 1964, 579 § 2.

SECT. 6A added, 1963, 843 § 1 (providing for payment by the commonwealth of certain moving costs of persons displaced by eminent domain proceedings); sentence added, 1967, 162 § 1; section amended, 1968, 759 § 4. (See 1963, 842 § 2.)

SECTS. 7A-7G added, 1964, 579 § 3 (relating to proceedings for the taking of real estate and interests therein by eminent domain). (See 1964, 579 § 8.)

SECT. 7A revised, 1971, 697.

SECT. 7C amended, 1966, 530 § 2.

SECT. 7D revised, 1965, 573; 1967, 476 § 1; 1970, 795 § 1.

SECT. 7E amended, 1967, 476 § 2; revised, 1970, 795 § 2.

SECT. 7F revised, 1970, 795 § 3.

SECT. 7H added, 1971, 818 (authorizing taking authorities to pay sums of less than five hundred dollars to certain persons in whom rights to damages have vested).

SECT. 8 amended, 1936, 187 § 1; first sentence amended, 1960, 49; second sentence revised, 1959, 626 § 2; sentence inserted after second sentence, 1943, 251 § 2; section repealed, 1964, 579 § 4. (See 1943, 251 § 4; 1959, 626 § 6.)

SECT. 8A added, 1959, 626 § 3 (relative to land takings and providing that offers in settlement or pro tanto for such takings shall be made within certain periods of time); second paragraph amended, 1963, 793 § 2; section revised, 1966, 530 § 1. (See 1959, 626 § 6; 1963, 793 § 3.)

SECT. 8B added, 1964, 633 § 1 (providing that certain persons shall not be required to vacate certain property taken by eminent domain until four months after notice of such taking); paragraph added, 1965, 468. (See 1964, 633 § 2.)

SECT. 9, last sentence amended, 1938, 172 § 7.

SECT. 10A added, 1964, 579 § 5 (relative to the method of enforcing compliance with certain proceedings for takings by eminent domain).

SECT. 12, first sentence amended, 1959, 626 § 4; sentence added at end, 1953, 634 § 1; sentence added at end, 1968, 759 § 5. (See 1953, 634 § 2.)

SECT. 12A added, 1973, 1207 (providing for full compensation for certain property destroyed by disaster and to be acquired by eminent domain). (See 1973, 1207 § 2.)

SECT. 15 repealed, 1936, 385 § 1. (See 1936, 385 § 2.)

SECT. 16 amended, 1936, 187 § 2; 1938, 185; revised, 1943, 95; paragraph added at end, 1943, 251 § 3; sentence added at end, 1950, 230; section revised, 1962, 797 § 1; second paragraph stricken out, 1964, 579 § 6. (See 1943, 251 § 4; 1962, 797 § 2.)

SECT. 22, last sentence revised, 1964, 548 § 1; section revised, 1973, 983 § 1.

SECT. 34 amended, 1952, 633.

SECT. 35 amended, 1969, 209.

SECT. 35A added, 1964, 457 (relating to the apportionment of taxes in certain eminent domain proceedings).

SECT. 36A added, 1964, 579 § 7 (relative to the time within which certain bodies politic and corporate against which judgments entered for damages for eminent domain takings shall make payment).

SECT. 37 amended, 1956, 641; revised, 1960, 298 § 1; first sentence amended, 1963, 793 § 1; section revised, 1964, 548 § 2; second sentence amended, 1973, 983 § 2; third sentence revised, 1965, 653 § 1; sentence added, 1973, 983 § 3. (See 1963, 793 § 3; 1965, 653 § 2.)

SECT. 39, sentence added at end, 1955, 242; section revised, 1959, 626 § 5; sentence added at end, 1964, 548 § 3. (See 1959, 626 § 6.)

SECT. 44A added, 1935, 189 (relative to certain tax liens upon real estate taken by right of eminent domain); amended, 1936, 137.

Chapter 79A. — Relocation Assistance.

New chapter inserted, 1965, 790 § 4. (See 1965, 790 §§ 5, 6.)

SECT. 1 revised, 1973, 863 § 1.

SECT. 2 amended, 1973, 863 § 2.

SECT. 3 revised, 1973, 863 § 3.

SECT. 4 revised, 1973, 863 § 4.

SECT. 5 amended, 1973, 863 § 5.

SECT. 6 revised, 1973, 863 § 6.

SECT. 7, paragraph added, 1971, 315; section revised, 1973, 863 § 7.

SECT. 11 revised, 1973, 863 § 8.

SECT. 12 amended, 1973, 863 § 9.

SECTS. 13-15 added, 1973, 863 § 10 (increasing state relocation benefits in conformance with the federal uniform relocation act).

Chapter 80. — Betterments.

SECT. 1 amended, 1933, 254 § 62; definition of "relocation payment" revised, 1968, 759 § 1. (See 1933, 254 § 66.)

SECT. 2, first sentence revised, 1962, 234.

SECT. 4 revised, 1933, 63 § 1; amended, 1968, 759 § 2.

SECT. 5 amended, 1933, 157 § 2. (See 1933, 157 § 3.)

SECT. 6 amended, 1968, 407.

SECT. 7, first paragraph amended, 1968, 759 § 3.

SECT. 10 revised, 1933, 147.

SECT. 10A added, 1933, 157 § 1 (providing that failure of a board of officers to take action upon a petition for abatement of a betterment assessment shall, for the purposes of appeal, be equivalent to refusal to abate the assessment). (See 1933, 157 § 3.)

SECT. 12 revised, 1943, 252 § 1, 478 § 4; seventh sentence amended, 1955, 194; sentence added, 1947, 116; 1953, 344; revised, 1972, 184.

SECT. 13 amended, 1933, 63 § 2, 254 § 63; revised, 1934, 315 § 1; first sentence amended, 1941, 595; revised, 1971, 270; 1972, 109 § 1; third sentence amended, 1954, 286; revised, 1956, 311 § 1; last sentence stricken out and new paragraph added, 1938, 489 § 1; second paragraph revised, 1956, 311 § 2. (See 1933, 254 § 66; 1934, 315 § 3; 1941, 724; 1972, 109 § 2.)

SECT. 13A added, 1943, 252 § 2 (relative to the time within which certain betterment and other assessments on unimproved land shall be paid).

Chapter 80A. — Eminent Domain Takings and Betterment Assessments by Judicial Proceedings.

SECT. 12, fourth sentence amended, 1964, 478 § 1. (See 1964, 478 § 2.)

Chapter 81. — State Highways.

For legislation providing for an accelerated highway program, see 1949, 306; 1950, 685; 1952, 556; 1954, 403; 1956, 718; 1958, 32 §§ 1-5; 1962, 782; 1963, 822; 1965, 679. For act making available certain federal funds for highway construction, see 1960, 528; 1961, 590.

SECT. 1, fourth sentence revised, 1968, 736 § 3.

SECT. 3, last sentence stricken out and two sentences inserted, 1952, 401.

SECT. 5 revised, 1937, 218 § 1.

SECT. 7A added, 1937, 344 (granting certain powers to the département of public works with respect to certain ways connecting with state highways); revised, 1948, 448; sentence inserted before last sentence, 1951, 453; revised, 1960, 183.

SECT. 7B added, 1941, 519 (giving the department of public works the power to take a slope easement, so called, in certain cases).

SECT. 7C added, 1943, 397 (relative to limited access ways); sentence added at end, 1949, 583; 1950, 829; revised, 1957, 700 § 1; amended, 1971, 607; three paragraphs added, 1973, 1016 § 1. (See 1957, 700 § 2.)

SECT. 7D added, 1948, 449 (authorizing the department of public works to grant certain easements within state highway locations).

SECT. 7E added, 1949, 764 (authorizing the department of public works to sell certain land or rights therein which it has acquired for certain purposes); revised, 1957, 530, 761; amended, 1962, 610; revised, 1965, 755; paragraph added, 1971, 606.

SECT. 7F added, 1958, 582 (authorizing agents and employees of the department of public works to enter upon private property for the purpose of making surveys, soundings and drillings).

SECT. 7G added, 1960, 710 (authorizing the department of public works to acquire land or easements therein for the purpose of relocating the facilities of public utility companies).

SECT. 7H added, 1960, 767 (relative to the leasing of land by the department of public works for use as a public parking facility).

SECT. 7I added, 1962, 587 (authorizing the advancement of funds by the department of public works in furtherance of agreements with railroad corporations which provide for relocation or other work on property of such corporations).

SECT. 7J added, 1963, 594 § 1 (providing persons displaced from real property taken by the department shall be granted relocation payments); revised, 1966, 646 § 1; sentence added, 1967, 162 § 2; 1973, 733. (See 1963, 594 § 2; 1966, 646 § 2.)

SECT. 7K added, 1966, 215 (authorizing a public utility company to enter on certain land taken by eminent domain for the purpose of relocating its facilities).

SECT. 7L added, 1966, 677 (authorizing the department of public works to lease air-rights over state highways).

SECT. 7M added, 1971, 633 (authorizing the department of public works to acquire land for certain purposes to replace land acquired for federal highway programs); sentence added, 1973, 1155 § 9.

SECT. 8 revised, 1936, 371; amended, 1937, 218 § 2; last sentence revised, 1951, 532.

SECT. 13 revised, 1952, 563 § 1; third sentence amended, 1953, 354 § 1; stricken out and two sentences inserted, 1955, 379 § 1. (See 1952, 563 § 2; 1953, 354 § 2; 1955, 379 § 2.)

SECT. 13A added, 1936, 342 (authorizing the department of public works to accept in behalf of the commonwealth gifts of certain easements for the purpose of landscaping along state highways, and to do such landscaping).

SECT. 13B added, 1967, 397 (relative to restoration and preservation of scenic beauty and historic sites adjacent to Federal-aid highways); first sentence amended, 1973, 1155 § 10.

SECT. 19, last four sentences stricken out, 1933, 187 § 1. (See 1933, 187 § 2.)

SECT. 20A added, 1945, 539 (providing for the illumination of hazardous locations on state highways).

SECT. 21 amended, 1948, 298; first sentence revised, 1954, 219; two sentences added at end, 1950, 507; third sentence revised, 1971, 541; two sentences added, 1963, 370 § 2.

SECT. 26 amended, 1934, 366; first paragraph amended, 1949, 706 § 1; revised, 1951, 655 § 1; paragraph inserted after second paragraph, 1962, 603 § 2; paragraph added at end, 1946, 523; amended, 1949, 706 § 2; revised, 1954, 524. (See 1951, 655 § 3.)

SECT. 27 amended, 1939, 224.

SECT. 29A added, 1943, 416 (authorizing the department of public works to lay out and alter ways other than state highways and facilitating the securing of federal aid in connection therewith).

SECT. 30, first sentence revised, 1951, 520.

SECT. 31 repealed, 1951, 655 § 2.

SECTS. 31-32 added, 1971, 497 § 14 (relative to the portion of the Highway Fund allocated for reimbursement to cities and towns).

Chapter 82. — The Laying Out, Alteration, Relocation and Discontinuance of Public Ways, and Specific Repairs Thereon.

SECT. 3, first sentence stricken out and two sentences inserted, 1969, 490 § 1; sentence inserted after first sentence, 1967, 218.

SECT. 5, first sentence revised, 1969, 490 § 2.

SECT. 7 amended, 1933, 283 § 2.

SECT. 11A added, 1962, 589 (authorizing agents and employees of county commissioners to enter upon private property for the purpose of making reconnaissances, surveys, soundings, inspections and examinations).

SECT. 24, first sentence revised, 1958, 240.

SECT. 32B added, 1933, 283, § 3 (authorizing the taking of easements of slope, so called, by county, city or town officers in connection with the laying out, widening, altering or relocating of public ways).

SECT. 34 amended, 1935, 309; 1941, 533.

SECT. 40 added, 1959, 316 (requiring a contractor making an excavation in a public way to give notice thereof to public utility companies); revised, 1963, 370 § 1; amended, 1968, 403 § 1.

SECT. 41 added, 1968, 403 § 2 (requiring notice to utility companies before excavating within their defined rights-of-way and easements).

SECT. 42 added, 1970, 208 (requiring notice to public utility companies of certain excavations on private land).

Chapter 83. — Sewers, Drains and Sidewalks.

SECT. 1 revised, 1964, 736 § 2; first paragraph, two sentences added at end, 1969, 597 § 2; fifth paragraph revised, 1969, 758 § 7.

SECT. 3A added, 1968, 248 (permitting cities or towns to repair sewers on private ways).

SECT. 10 revised, 1964, 736 § 3.

SECT. 8 revised, 1963, 370 § 3.

SECT. 15A added, 1948, 52 § 1 (authorizing municipalities to redetermine from time to time the fixed uniform rates charged to abutters for the construction of sewers). (See 1948, 52 § 2.)

SECT. 16 amended, 1961, 311.

SECT. 19 revised, 1943, 252 § 4. (See 1943, 252 § 6.)

SECT. 23 revised, 1964, 736 § 4.

SECT. 25, sentence added, 1973, 288.

SECT. 27, last sentence revised, 1943, 252 § 5.

SECT. 29 added, 1943, 252 § 3 (relative to the continuance of liens created under special acts in connection with certain betterment and other assessments).

Chapter 84. — Repair of Ways and Bridges.

SECT. 2, paragraph added at end, 1956, 270.

SECT. 5A added, 1945, 319 (authorizing towns to enter into agreements for the removal of snow and ice from public ways in adjoining towns, etc.).

SECT. 12, first sentence revised, 1973, 575.

SECT. 15 amended, 1965, 214.

SECT. 18 revised, 1933, 114 § 1; 1965, 378 § 1; sentence added, 1973, 1085.

SECT. 19 amended, 1933, 114 § 2; revised, 1965, 378 § 2.

SECT. 20 revised, 1933, 114 § 3; amended, 1939, 147.

SECT. 21 amended, 1955, 505; revised, 1965, 378 § 3.

SECT. 27 added, 1960, 766 § 1 (imposing liability for damages for failure to maintain a barrier around an excavation abutting on a public way).

SECT. 27A added, 1972, 228 (requiring the erection of barriers at excavation sites abutting public ways).

Chapter 85. — Regulations and By-Laws relative to Ways and Bridges.

SECT. 2, second and third sentences amended, 1947, 442 § 2; section revised, 1951, 646 § 1; sentence inserted after second sentence, 1968, 694 § 2.

SECT. 2A added, 1941, 346 § 2 (authorizing the department of public works to remove vehicles from state highways when said vehicles interfere with the removal of snow and ice); revised, 1957, 338.

SECT. 2B added, 1959, 541 (authorizing the department of public works to make regulations to exclude, govern and restrict the use of limited access and express state highways).

SECT. 2C added, 1961, 524 (authorizing the towing of vehicles from state highways for purposes of promoting public safety and convenience).

SECT. 2D added, 1967, 862 (authorizing the erection of signs on limited access ways indicating the availability of services of public convenience).

SECT. 2E added, 1970, 342 § 1 (authorizing the department of public works to exclude persons and motor vehicles from state highways or portions thereof).

SECT. 7A added, 1973, 1208 (regulating the storage and use of snow removal chemicals).

SECT. 8 revised, 1960, 88.

SECT. 9 revised, 1958, 158.

SECT. 9A added, 1976, 666 (authorizing the department of public works to order discontinuance of flashing lights on certain billboards, and other advertising devices).

SECT. 11A added, 1941, 710 § 1 (relative to the registration and operation of certain bicycles); first paragraph amended, 1961, 518 § 2; second paragraph revised, 1961, 518 § 3. (See 1961, 518 § 5.)

SECT. 11B added, 1961, 518 § 4 (further regulating the operation of bicycles on the highways of the commonwealth); third sentence stricken out and three sentences inserted, 1962, 346; ninth sentence revised, 1971, 484; section revised, 1973, 806 § 2. (See 1961, 518 § 5.)

SECT. 11C added, 1973, 596 (providing for the noncriminal disposition of bicycle law violations).

SECTS. 12-14 repealed, 1941, 710 § 2.

SECT. 14B added, 1938, 432 (requiring the use of certain signal lights at locations on unlighted ways where certain vehicles are disabled); first paragraph amended, 1946, 375; 1953, 234 § 1; second paragraph amended, 1953, 234 § 2; revised, 1968, 92.

SECT. 15 revised, 1964, 71.

SECT. 17B added, 1933, 43 (prohibiting riding upon the rear or on the side of street railway cars or motor buses without the consent of the persons in charge thereof); revised, 1943, 322 § 2.

SECT. 21A added, 1951, 618 (authorizing cities and towns to erect certain signs on state highways); revised, 1952, 61; 1969, 357.

SECT. 25 amended, 1953, 319 § 10. (See 1953, 319 §§ 39, 40.)

SECT. 30 amended, 1935, 30; 1938, 171 § 1; first sentence amended, 1946, 397 § 2; 1951, 568.

SECT. 31 revised, 1938, 171 § 2.

SECT. 35, last sentence revised, 1955, 91.

SECT. 36 added, 1951, 303 (providing that vehicles driven on public ways shall be so constructed or loaded as to prevent the contents from dropping); revised, 1961, 281; 1962, 160; first sentence stricken out and two sentences inserted, 1965, 518; third sentence amended, 1973, 498.

Chapter 86. — Boundaries of Highways and Other Public Places, and Encroachments Thereon.

SECT. 1, last sentence revised, 1964, 189.

Chapter 87. — Shade Trees.

SECT. 5 amended, 1961, 265; 1941, 490 § 18; 1949, 761 § 12.

Chapter 88. — Ferries, Canals and Public Landings.

SECT. 14 revised, 1956, 262.

SECT. 19 revised, 1945, 442.

Chapter 89. — Law of the Road.

SECT. 1 revised, 1951, 646 § 2; 1964, 124 § 1.

SECT. 2 revised, 1933, 301; 1966, 86.

SECT. 4 revised, 1949, 301 § 1; 1951, 646 § 3; amended, 1964, 124 § 2. (See 1949, 301 § 2.)

SECTS. 4A and 4B added, 1952, 461 § 1 (relative to driving vehicles on ways which are divided into lanes).

SECT. 4B, sentence added at end, 1954, 304.

SECT. 4C added, 1971, 572 (restricting trucks to right hand travel lanes on multi-lane highways).

SECT. 5 amended, 1936, 49; 1952, 461 § 2; 1970, 143; revised, 1972, 82. (See 1938, 149.)

SECT. 7 amended, 1961, 173.

SECT. 7A revised, 1952, 172.

SECT. 7B added, 1934, 382 (relative to the application of traffic laws and regulations to fire apparatus and other emergency vehicles); revised, 1964, 182.

SECT. 9 revised, 1948, 416; first sentence revised, 1969, 522; third sentence revised, 1971, 479; fourth sentence stricken out and two sentences inserted, 1962, 225.

SECT. 11 added, 1967, 405 § 1 (establishing regulations for vehicles approaching pedestrians on certain marked crosswalks); third paragraph revised, 1973, 146. (See 1967, 405 § 3.)

Chapter 90. — Motor Vehicles and Aircraft.

For legislation exempting certain disabled veterans from payment of certain motor vehicle excise taxes and registration fees, see 1948, 368; repealed, 1954, 627 § 61.

SECT. 1, definition of "ambulance" inserted, 1965, 35; revised, 1965, 689; "antique motor car" defined, 1948, 432 § 1; definition of "auto home" inserted, 1967, 711 § 2; definition of "dealer" revised, 1948, 511 § 1; definition of "Licensed private driver school" inserted, 1971, 770 § 1; "farmer" defined, 1951, 736 § 1; amended, 1965, 643; revised, 1966, 23; 1969, 122; "farming" defined, 1955, 483 § 2; revised, 1956, 539; 1965, 528 § 1; "heavy duty platform trailer" defined, 1939, 354 § 1; amended, 1941, 30; revised, 1945, 595 § 1; "incompetent person" defined, 1970, 252; "manufacturer" defined, 1948, 511 § 2; revised, 1956, 268; definition of "mobile construction crane" inserted, 1973, 1198 § 1; definition of "motor cycle" revised, 1950, 321 § 1; 1965, 85 § 1; 1970, 138; definition of "motor vehicles" amended 1932, 182; 1938, 36; revised, 1948, 93; 1950, 321 § 2; definition of "nonresident" revised, 1952, 266 § 1; amended, 1952, 566 § 1; revised, 1953, 463 § 1; "owner" defined, 1952, 266 § 2; revised, 1972, 732 § 1; "owner-repairman" defined, 1948, 511 § 3; revised, 1968, 238 § 1; definition of "register number" revised, 1935, 43; 1967, 164; "repairman" defined, 1948, 511 § 4; revised, 1951, 89; 1953, 378; 1969, 340; "retread or recap" and "other than first quality" defined, 1970, 475 § 2; definition of "right to operate" inserted, 1966, 238; revised, 1968, 294; "school bus" defined, 1932, 271 § 1; revised, 1946, 91; amended, 1947, 216 § 1; revised, 1950, 502 § 1; 1969, 54 § 1; "semi-trailer" and "semi-trailer unit" defined, 1933, 332 § 1; definition of "student" inserted, 1969, 705; "tractor" defined and definition of "trailer" revised, 1933, 332 § 2; definition of "tractor" revised, 1961, 121 § 1; 1969, 206; definition of "trailer" amended, 1939, 354 § 2; revised, 1951, 578 § 1; 1956, 267; 1973, 127; "transporter" defined, 1948, 511 § 5; revised, 1950, 321 § 3. (See 1932, 271 § 7; 1933, 322 § 5; 1951, 578 § 2; 1951, 736 § 5; 1952, 566 § 2; 1965, 85 § 2; 1968, 238 § 2; 1970, 475 § 3.)

SECT. 1A amended, 1933, 372 § 3; 1934, 264 § 2; last sentence revised, 1948, 572 § 1; section revised, 1950, 471; first sentence revised, 1972, 69; sentence inserted after first sentence, 1971, 211; second sentence revised, 1955, 172; paragraph added at end, 1950, 502 § 5. (See 1948, 572 § 3.)

SECT. 2, first paragraph revised, 1950, 443; amended, 1954, 305; revised, 1961, 73 § 1; second sentence revised, 1962, 231 § 1; sentence

added, 1971, 754 § 2; third paragraph revised, 1956, 179; fourth paragraph revised, 1932, 5; amended, 1955, 283 § 1; third and fourth paragraphs stricken out and one paragraph inserted, 1967, 736 § 1; fifth paragraph amended, 1956, 59; sentence inserted after first sentence, 1961, 568 § 1; revised, 1965, 102; said sentence stricken out and two sentences inserted, 1965, 202 § 1; first and second sentence amended, 1967, 736 § 2; second sentence revised, 1973, 925 § 10; two sentences inserted after second sentence, 1973, 905 § 1; sixth paragraph revised, 1960, 581; amended, 1967, 736 § 3; first sentence revised, 1969, 742 § 1; seventh paragraph revised, 1939, 436 § 1; 1949, 470, 644 § 3; 1952, 82; amended, 1953, 225; 1955, 45 § 3; 1956, 130, 168; 1957, 417 § 4; revised, 1958, 274; first sentence amended, 1959, 205; third sentence revised, 1959, 495; 1961, 442; two sentences inserted after third sentence, 1965, 819 § 2; fourth sentence (as appearing in 1958, 274) revised, 1965, 57; sixth sentence revised, 1967, 736 § 4; sentence added at end, 1965, 819 § 1; eighth paragraph revised, 1933, 54; amended, 1948, 94; second sentence of said paragraph stricken out, 1960, 226; last sentence revised, 1967, 736 § 5; paragraph added at end, 1952, 554. (See 1955, 283 § 3; 1961, 568 § 3; 1962, 231 § 3; 1967, 736 § 11; 1971, 754 § 4; 1973, 925 § 84.)

SECT. 2A added, 1953, 579 (providing for the registration of motor vehicles or trailers owned by minors).

SECT. 2B added, 1969, 282 (requiring owner of motor vehicle to remove visible evidence of ownership from vehicle upon transfer to another).

SECT. 2C added, 1969, 405 (authorizing minors to enter into legal contracts pertaining to motor vehicles); repealed, 1973, 925 § 11. (See 1973, 925 § 84.)

SECT. 3, first sentence revised, 1933, 188; section revised, 1939, 325; first sentence amended, 1953, 463 § 2; paragraph inserted after second paragraph, 1953, 463 § 3; 1962, 19 § 1; revised, 1967, 580; first sentence stricken out and two sentences inserted, 1970, 353; fourth paragraph, second sentence revised, 1971, 500; fifth paragraph amended, 1966, 144 § 1; paragraph added, 1941, 282; 1972, 732 § 2. (See 1962, 19 § 2.)

SECT. 3A amended, 1952, 125; revised, 1953, 366 § 1; first sentence amended, 1955, 196 § 1.

SECT. 3B revised, 1953, 366 § 2; first sentence amended, 1955, 196 § 2.

SECT. 3C revised, 1937, 387.

SECT. 3D, first sentence revised, 1953, 366 § 3; 1956, 75.

SECT. 3G added, 1945, 590 § 1 (relative to recovery for damage caused by motor vehicles of non-residents); first paragraph revised, 1973, 1114 § 6; second paragraph, three sentences added at end, 1952, 77. (See 1945, 590 § 2; 1973, 1114 § 351.)

SECT. 5, last sentence amended, 1947, 311; section revised, 1947, 401 § 1; 1948, 511 § 6; 1949, 94; 1951, 736 § 2; 1952, 377 § 1; 1955, 483 § 1; second sentence amended, 1965, 528 § 2; third sentence revised, 1965, 700 § 1; first three sentences stricken out and four sentences inserted, 1965, 830; second sentence amended, 1966, 213 § 1; fifth and sixth sentences stricken out, 1967, 736 § 6; last sentence amended, 1966, 213 § 2; sentence added at end, 1970, 254; stricken out, 1971, 959; section revised, 1973, 871, 1198 § 2. (See 1947, 401 § 3; 1951, 736 § 5; 1967, 736 § 11.)

SECT. 5A added, 1943, 409 § 2 (relative to the use of a general distinguishing mark or number on all motor vehicles under the control of the military forces); revised, 1948, 304.

SECT. 5B added, 1961, 423 (relative to the registration of certain motor vehicles by residents of the commonwealth who are in the military service of the United States).

SECT. 6, first sentence revised, 1939, 436 § 2; 1965, 700 § 2; second sentence revised, 1968, 293; sentence added, 1971, 207.

SECT. 6A added, 1948, 432 § 3 (providing for special registration plates for antique motor cars).

SECT. 6B added, 1953, 2 § 2 (permitting the issuance of one number plate for each motor vehicle); first sentence revised, 1966, 537. (See 1953, 2 §§ 1, 3.)

SECT. 6C added, 1963, 472 (requiring the reposessor of a motor vehicle to return the number plates issued to the former owner).

SECT. 7 amended, 1932, 123 § 1; 1933, 51; second sentence amended, 1933, 109; stricken out and two sentences inserted, 1965, 627 § 1; two sentences inserted after second sentence, 1959, 618 § 1; third sentence, as so inserted, revised, 1964, 411; third sentence stricken out and two sentences inserted, 1967, 623 § 1; fourth sentence stricken out and two sentences inserted, 1966, 204; sentence added after fourth sentence, 1939, 153; revised, 1972, 112; sixth sentence (as appearing in 1933, 51) revised, 1960, 242; amended, 1966, 81; 1967, 168; revised, 1968, 309; seventh sentence (as so appearing) revised, 1962, 116, 395 § 1; same sentence stricken out and two sentences inserted, 1962, 709 § 1; said two sentences stricken out and one sentence inserted, 1963, 409 § 1; ninth sentence revised, 1949, 260; amended, 1951, 235; revised, 1966, 149 § 1; sentence inserted, 1969, 260; sentence inserted after ninth sentence, 1951, 370; 1968, 109; eleventh sentence revised, 1952, 253; 1971, 175; twelfth and thirteenth sentences stricken out and one sentence inserted, 1955, 124; twelfth sentence (as appearing in 1933, 51) revised, 1968, 110; sentence inserted after twelfth sentence, 1971, 206; stricken out, 1971, 934; sentence added at end of first paragraph, 1954, 570 § 1; 1963, 826 § 1; 1973, 1019; 1965, 69 § 1; 1967, 13; amended, 1968, 225; revised, 1969, 170; sentence added, 1972, 149; paragraph inserted after first paragraph, 1962, 132; paragraph added, 1941, 443; revised, 1973, 145; 1964, 187; revised, 1965, 392; paragraph added at end, 1970, 684. (See 1932, 123 § 2; 1954, 570 § 2; 1959, 618 § 2; 1962, 395 § 3, 709 § 2; 1963, 409 § 2; 826 § 2; 1965, 69 § 2, 627 § 2.)

SECT. 7A revised, 1932, 41, 271 § 2. (See 1932, 271 § 7.)

SECT. 7B added, 1932, 271 § 3 (prerequisites to operation of school bus). (See 1932, 271 § 7.)

SECTS. 7A and 7B stricken out, and new sections 7A-7C inserted, 1945, 241 § 1. (See 1945, 241 § 3.)

SECT. 7A, first sentence amended, 1950, 140; first sentence stricken out and two sentences inserted, 1950, 525; first sentence amended, 1951, 416; revised, 1961, 581; amended, 1962, 395 § 2; revised, 1964, 178; 1965, 71; first sentence stricken out and two sentences inserted, 1966, 268; first sentence amended, 1967, 202 § 1; revised, 1971, 136; amended, 1971, 1032

§ 1; 1973, 423; sentence inserted after first sentence, 1967, 202 § 2; second sentence (as appearing in 1950, 525) revised, 1964, 179.

SECT. 7B, clause (1) revised, 1950, 502 § 2; 1973, 237 § 1; clause (4) revised, 1962, 515 § 1; 1963, 199; 1966, 74; 1973, 925 § 12; clause (6) inserted, 1950, 459 § 1; revised, 1973, 238 § 1; clause (7) inserted, 1951, 196 § 1; revised, 1966, 149 § 2; clause (8) added, 1971, 803; clause (9) added, 1973, 250; clause (10) added, 1973, 314; clause (11) added, 1973, 497. (See 1950, 459 § 2; 1973, 925 § 84.)

SECT. 7C revised, 1948, 307; first sentence amended, 1951, 419 § 1; sentence added at end, 1950, 502 § 3. (See 1951, 419 § 2.)

SECT. 7D added, 1947, 216 § 2 (making certain provisions of law relating to school buses applicable to certain motor vehicles used for the transportation of school children); revised, 1950, 502 § 4; 1969, 339.

SECT. 7E added, 1949, 266 (relative to the display of red lights upon vehicles owned and operated by firemen and certain other persons); first sentence revised, 1954, 306; amended, 1956, 142.

SECT. 7F added, 1957, 136 (providing that the operator or attendant of an ambulance transporting sick or injured persons shall be trained in first aid); revised, 1964, 164; 1967, 210. (See 1973, 948 § 5.)

SECT. 7G added, 1964, 299 (prohibiting the servicing, sale or grinding of certain used brake drums); sentence inserted after second sentence, 1968, 251; amended, 1970, 101.

SECT. 7H added, 1965, 394 § 1 (establishing minimum safety standards for brake linings). (See 1965, 394 § 2.)

SECT. 7I added, 1965, 823 (authorizing suitable identification and equipment for emergency disaster service vehicles of charitable corporations).

SECT. 7J added, 1966, 8 (authorizing the registrar of motor vehicles to make regulations relative to handle bars on motorcycles).

SECT. 7K added, 1966, 655 (providing for the establishment of minimum safety standards for construction and performance of tires).

SECT. 7L added, 1968, 713 § 1 (prohibiting standees in certain school buses).

SECT. 7M added, 1970, 475 § 1 (regulating the sale of retread or recapped tires). (See 1970, 475 § 3.)

SECT. 7N added, 1970, 635 § 1 (authorizing the voiding of certain motor vehicle contracts of sale); revised, 1971, 687 § 1. (See 1970, 635 § 2; 1971, 687 § 2.)

SECT. 7O added, 1970, 840 (prohibiting removal of pollution emission reduction devices).

SECT. 7P added, 1973, 188 (regulating the changing of the height of motor vehicles).

SECT. 7P added, 1973, 301 (prohibiting the operation of motor vehicles failing to comply with certain thread depth regulations); section renumbered to read section 7Q, 1973, 798 § 1. (See 1974, 798 § 2.)

SECT. 8 amended, 1934, 103; 1937, 284; next to last sentence revised, 1948, 399 § 1; sentence contained in lines 19-22 (as appearing in 1937, 284) stricken out, 1948, 619 § 1; first paragraph amended, 1955, 488 § 1; 1956, 388 § 1; 1957, 351; paragraph added at end, 1950, 655; section re-

vised, 1958, 307; first sentence stricken out and four sentences (as appearing in 1962, 687) inserted, 1962, 687; first sentence revised, 1966, 144 § 2; second sentence amended, 1963, 745; same sentence stricken out and two sentences inserted, 1966, 358 § 1; fourth sentence amended, 1963, 278; fourth sentence (as appearing in 1958, 307) revised, 1960, 604; tenth sentence revised, 1967, 601 § 1; eleventh sentence revised, 1967, 295 § 1 (see 1967, 295 § 2); thirteenth, fourteenth and fifteenth sentences stricken out and one sentence inserted, 1967, 601 § 2; last paragraph stricken out, 1960, 582; sentence added at end, 1968, 551; section revised, 1973, 361 § 1. (See 1948, 399 § 3, 619 §§ 2, 3; 1955, 488 § 3; 1966, 358 § 3; 1967, 295 § 2.)

SECT. 8A added, 1962, 515 § 2 (regulating the licensing of operators of school buses); first paragraph revised, 1966, 144 § 3; amended, 1970, 100; revised, 1973, 925 § 13. (See 1973, 925 § 84.)

SECT. 8B added, 1963, 713 § 2 (relative to a learner's permit for unlicensed drivers learning to drive); first paragraph amended, 1966, 358 § 2; sentence inserted after first sentence, 1973, 361 § 2; second sentence stricken out and two sentences inserted, 1967, 187; third sentence amended, 1973, 925 § 14; third paragraph amended, 1966, 522 § 1; last sentence revised, 1967, 624. (See 1963, 713 § 4; 1966, 358 § 3; 1973, 925 § 84.)

SECT. 8C added, 1973, 766 (establishing a medical advisory board to the registry of motor vehicles).

SECT. 9 amended, 1934, 361; 1941, 283; first sentence revised, 1952, 244; first sentence stricken out and three sentences inserted, 1956, 85; first sentence amended, 1964, 271, 376; 1967, 736 § 7; revised, 1968, 653; third sentence revised, 1959, 259; last sentence revised, 1961, 73 § 2. (See 1967, 736 § 11.)

SECT. 9A revised, 1932, 168 § 1; 1935, 393 § 1; 1949, 358; 1952, 100. (See 1932, 168 §§ 2, 3; 1935, 393 § 2.)

SECT. 9B added, 1957, 471 (exempting certain motor vehicles owned by military personnel from registration for a limited period of time); amended, 1962, 734; 1967, 181; revised, 1969, 708.

SECT. 10 amended, 1935, 219; first sentence stricken out and two sentences inserted, 1963, 713 § 1; second sentence (as appearing in 1935, 219) stricken out and two sentences inserted, 1948, 130; second sentence revised, 1962, 501; amended, 1968, 41; third sentence revised, 1955, 314; paragraph added at end, 1950, 139; amended, 1966, 144 § 4. (See 1963, 713 § 4.)

SECT. 10A added, 1952, 126 (requiring operators of trackless trolleys to be licensed to operate motor vehicles); paragraph added at end, 1952, 287 § 1; section repealed, 1953, 276. (See 1952, 287 § 2.)

SECT. 11, first sentence revised, 1952, 377 § 2; sentence added at end, 1954, 446; section revised, 1956, 388 § 2; first sentence revised, 1963, 454; 1965, 58, 202 § 2; 1970, 251; last sentence revised, 1968, 254.

SECT. 13, second sentence revised, 1973, 476; two sentences inserted after second sentence, 1950, 763; sentence added at end, 1949, 707; same sentence revised, 1950, 305; sentence added, 1967, 93, 192.

SECT. 14 amended, 1938, 166; third sentence revised, 1947, 418; section revised, 1948, 324; sentence inserted after first sentence, 1961, 318; revised, 1961, 518 § 1; 1973, 806 § 3; third sentence revised, 1950, 502 § 6; 1951, 196 § 2; 1961, 374; 1965, 244; fourth sentence revised, 1969, 54 § 2; 1973, 97; last sentence stricken out and two sentences inserted, 1957, 166. (See 1961, 518 § 5.)

SECT. 14A added, 1949, 279 (providing for the protection of blind persons while crossing ways); last sentence revised, 1961, 60.

SECT. 14B added, 1951, 649 (providing that motor vehicle operators give uniform signals on all ways); first paragraph, clauses 1, 2 and 3 revised, 1965, 149; paragraph added at end, 1952, 321.

SECT. 15 amended, 1932, 271 § 5; 1933, 26 § 1; revised, 1951, 557; second sentence revised, 1961, 248; sentence inserted after second sentence, 1971, 132. (See 1932, 271 § 7.)

SECT. 16, sentence inserted after second sentence, 1961, 66; section revised, 1965, 239; fifth sentence revised, 1968, 11; 1971, 1032 § 2; paragraph added, 1971, 412; revised, 1973, 46.

SECT. 16A added, 1972, 598 (requiring operators of certain motor vehicles to turn off motors after a certain time period).

SECT. 17, sentence added at end, 1932, 271 § 4; section amended, 1947, 406; revised, 1948, 564 § 1; second sentence revised, 1963, 716; amended, 1964, 185; revised, 1965, 474; last sentence revised, 1964, 176; sentence added, 1972, 463. (See 1932, 271 § 7.)

SECT. 18 amended, 1945, 125; revised, 1948, 564 § 2; first paragraph amended, 1956, 500; revised, 1960, 341; amended, 1962, 338 § 18; first sentence revised, 1969, 76; amended, 1970, 342 § 2; sentence inserted after first sentence, 1968, 694 § 3; paragraph added at end, 1955, 135; amended, 1962, 338 § 19; second sentence stricken out, 1968, 222.

SECT. 18A added, 1962, 409 § 1 (authorizing the commonwealth, the metropolitan district commission, and cities and towns to adopt rules regulating the use of ways by pedestrians and for the non-criminal disposition of violations thereof); first two sentences revised, 1963, 298; second paragraph amended, 1964, 128. (See 1962, 409 § 2.)

SECT. 19, last sentence revised, 1933, 332 § 3; 1935, 223 § 1; section revised, 1935, 326 (but see 1935, 465); amended, 1936, 388 § 1; revised, 1941, 314; first sentence amended, 1946, 380; last two sentences amended, 1945, 595 § 4; same sentences stricken out and four sentences inserted, 1946, 341; paragraph added at end, 1948, 394; section revised, 1951, 573; first sentence amended, 1959, 378; 1966, 369; revised, 1967, 395; amended, 1969, 307; sentence inserted after first sentence, 1973, 386; second sentence stricken out and two sentences inserted, 1968, 221; sentence inserted after second sentence, 1963, 321; sentence inserted after third sentence, 1969, 13; third sentence (as appearing in 1951, 573) revised, 1961, 553; sentence inserted, 1965, 259; fourth sentence amended, 1967, 71; revised, 1967, 479; 1969, 694; fifth sentence revised, 1968, 31; 1969, 182. (See 1933, 332 § 5; 1935, 223 § 2; 1936, 388 § 2.) Affected, 1941, 589; 1951, 310.

SECT. 19A added, 1946, 397 § 1 (authorizing certain semi-trailer units and motor vehicles to travel upon public ways without certain permits);

first paragraph revised, 1955, 736; 1961, 523 § 1; paragraph added, 1951, 344; amended, 1965, 282; sentence inserted after first sentence, 1972, 126; paragraph added, 1951, 617; amended, 1956, 389 § 1; paragraph added, 1951, 782; revised, 1952, 408; first sentence amended, 1956, 389 § 2; 1961, 523 § 2; revised, 1962, 228; 1971, 127; last sentence revised, 1956, 61.

SECT. 19B added, 1951, 572 § 1 (relative to the dimensions of motor buses); amended, 1957, 258 § 1; revised, 1958, 190 § 1; repealed, 1967, 621 § 1. (See 1951, 572 § 2; 1957, 258 § 2; 1958, 190 § 2; 1967, 621 § 2.) Affected, 1951, 310.

SECT. 20, first sentence revised, 1951, 567; amended, 1956, 389 § 3; 1966, 110; section revised, 1967, 182.

SECT. 20A added, 1934, 368 § 1 (providing for the non-criminal disposition of charges for violation of motor vehicle parking rules, regulations, orders, ordinances and by-laws); revised, 1935, 176; first paragraph revised, 1938, 201; first sentence revised, 1952, 193 § 1; fifth sentence amended, 1949, 425 § 1; revised, 1952, 193 § 2; third paragraph revised, 1949, 425 § 2; amended, 1952, 98; fifth paragraph revised, 1949, 425 § 3; sentence added at end, 1951, 69; section revised, 1953, 249 § 1; first paragraph amended, 1962, 786 § 1; sentence added at end, 1955, 386 § 1; revised, 1955, 751 § 1; 1956, 404; 1962, 786 § 2; second paragraph amended, 1960, 454; 1961, 233 § 1; second sentence of said paragraph amended, 1962, 338 § 20; revised, 1962, 420 § 1, 786 § 3; third paragraph, second and third sentences revised, 1955, 386 § 2; fourth sentence revised, 1962, 786 § 4; fourth paragraph revised, 1961, 233 § 2; paragraph inserted after said paragraph, 1961, 233 § 3; revised, 1961, 455 § 6; 1962, 338 § 21; same paragraph stricken out, 1962, 786 § 5; paragraph added at end, 1954, 302. (See 1934, 368 § 2; 1949, 425 § 4; 1953, 249 §§ 2, 3; 1955, 751 § 2, 1962, 338 § 24, 786 § 8.)

SECT. 20B added, 1960, 810 (relative to the crossing of certain ways by pedestrians); repealed, 1967, 405 § 2. (See 1967, 405 § 3.)

SECTS. 20C and 20D added, 1962, 786 § 6 (relative to the non-criminal disposition of parking violations). (See 1962, 786 § 8.)

SECT. 20C, fifth paragraph amended, 1966, 119; sixth paragraph amended, 1963, 451 § 1; eighth paragraph amended, 1963, 451 § 2.

SECT. 20E added, 1973, 1108 (further regulating the responsibilities of certain motor vehicle lessors for certain parking regulations).

SECT. 21 amended, 1936, 406; 1954, 669; revised, 1961, 422 § 1; amended, 1962, 254, 394 § 1; revised, 1963, 332; first sentence amended, 1963, 369 § 1; 1968, 362; 1972, 806 § 32; last sentence revised, 1971, 1071 § 3; section revised, 1973, 461 § 1. (See 1971, 1071 § 9; 1973, 461 § 2.)

SECT. 22, first paragraph amended, 1963, 276; first sentence amended, 1968, 237; paragraph inserted after first paragraph, 1962, 261; two paragraphs added at end, 1933, 191; first sentence (as appearing in 1933, 191) amended, 1941, 312; paragraph added at end, 1968, 332; section revised, 1969, 637; clause (b), third sentence revised, 1971, 174.

SECT. 22A added, 1932, 304 § 1 (requiring the suspension of licenses to operate motor vehicles issued to persons who do not satisfy judgments

in motor vehicle accident cases involving property damage); first sentence revised, 1963, 769; 1964, 133; second sentence amended, 1964, 298; sentence added at end, 1969, 227; paragraph added at end, 1960, 327. (See 1932, 304 § 2.)

SECT. 22B added, 1963, 525 (providing a penalty for abandoning motor vehicles on public or private ways or on certain property); revised, 1973, 290.

SECT. 22C added, 1965, 393 (providing for the removal and disposal of certain abandoned motor vehicles); revised, 1967, 748.

SECT. 22D added, 1965, 692 § 6 (providing that the registrar of motor vehicles not suspend or revoke licenses to operate motor vehicles solely because of automobile law violations); revised, 1967, 432 § 1. (See 1965, 692 § 7.)

SECT. 22E added, 1966, 172 (providing a penalty for taking parts from certain abandoned motor vehicles).

SECT. 22F added, 1971, 1033 § 1 (designating certain operators of motor vehicles as habitual traffic offenders and providing for revocation or suspension of their licenses or rights to operate motor vehicles). (See 1971, 1033 § 4.)

SECT. 23, first paragraph revised, 1954, 74; amended, 1963, 331; 1970, 186; sentence added, 1971, 1033 § 2; paragraph added, 1933, 69. (See 1971, 1033 § 4.)

SECT. 24 amended, 1932, 26 § 1; first sentence amended, 1936, 182 § 1; sentence contained in lines 65-97 amended, 1935, 360; paragraph added at end, 1936, 182 § 2; section revised, 1936, 434 § 1; subdivision (1) (a) amended, 1938, 145; first sentence revised, 1961, 347, 422 § 2; amended, 1962, 394 § 2; revised, 1963, 369 § 2; 1971, 1071 § 4; subdivision (1) (b) revised, 1964, 200 § 1; subdivision (1) (c) revised, 1939, 82; amended, 1955, 198 § 1; revised, 1964, 200 § 2; 1970, 253; subdivision (1) (d) amended, 1955, 198 § 2; subdivision (1) (e) added, 1961, 340; paragraph (e) stricken out and paragraphs (e), (f) and (g) added, 1967, 773; paragraph (e) amended, 1972, 376, 488 § 1; paragraph (f) amended, 1972, 488 § 2; subdivision (2) (a) amended, 1937, 230 § 1; 1964, 200 § 3; 1966, 316; 1968, 259; 1969, 7, 202; 1972, 111; 1973, 243; subdivision (2) (b) amended, 1964, 200 § 4; subdivision (2) (c) amended, 1937, 117; 1955, 198 § 3; 1964, 200 § 5; 1966, 191 § 1; 1969, 163; 1971, 1007; 1973, 227. (See 1937, 230 § 2; 1971, 1071 § 9.)

SECT. 24A revised, 1970, 321.

SECT. 24B added, 1960, 249 (providing a penalty for the altering, forging, or counterfeiting of a license to operate a motor vehicle or of a certificate of registration); revised, 1962, 23; amended, 1965, 224; first paragraph revised, 1971, 176; paragraph added, 1967, 151; amended, 1973, 212.

SECT. 24C added, 1963, 338 (prohibiting a minor from operating any motor vehicle in which there is any alcoholic beverage unless he is accompanied by his parent or legal guardian); first paragraph revised, 1966, 122; section repealed, 1966, 317 § 1.

SECT. 26 revised, 1953, 570 § 2; 1956, 225; 1964, 405; first paragraph

amended, 1965, 628; paragraph inserted after second paragraph, 1965, 270; same paragraph stricken out, 1965, 664.

SECT. 26A added, 1969, 40 (requiring reports of change of name and address).

SECT. 27 amended, 1949, 115 § 2; revised, 1953, 319 § 11; first sentence amended, 1953, 570 § 3; section revised, 1961, 592 § 1; first paragraph revised, 1962, 700; section revised, 1962, 789 § 1. (See 1953, 319 §§ 39, 40.)

SECT. 28 revised, 1950, 536.

SECT. 29, last sentence amended, 1932, 26 § 2; section amended, 1935, 477 § 1; sentence inserted after first sentence, 1970, 534 § 1; revised, 1972, 105 § 1; second sentence revised, 1936, 391; first four sentences revised, 1947, 508; 1949, 557; second sentence revised, 1965, 216; 1973, 702; two sentences inserted after fourth sentence, 1959, 610; fourth, fifth and sixth sentences stricken out and two sentences inserted, 1970, 534 § 2; sixth sentence (as appearing in 1935, 477 § 1) amended, 1952, 15; ninth sentence revised, 1964, 194; 1965, 156; 1967, 163; tenth sentence revised, 1968, 364; last two sentences revised, 1938, 146; 1967, 193. (See 1970, 534 § 4; 1972, 105 § 2.)

SECT. 29A added, 1953, 570 § 4 (relative to notice by police officers and certain others of violations of the motor vehicle laws); repealed, 1961, 592 § 2.

SECT. 30, second sentence revised, 1956, 351; sentence inserted after second sentence, 1973, 189.

SECT. 30A added, 1972, 239 (restricting the use of computer terminals under the control of the registrar of motor vehicles).

SECT. 31 revised, 1948, 201 § 2; amended, 1966, 222 § 1. (See 1948, 201 § 4.)

SECT. 31A, last sentence revised, 1956, 387.

SECT. 32, first sentence revised, 1953, 196; 1966, 222 § 2; last sentence revised, 1966, 178.

SECT. 32A, first paragraph revised, 1958, 278; paragraph added at end, 1949, 321; first sentence of said paragraph revised, 1954, 392; fifth sentence revised, 1951, 418; 1957, 307; section revised, 1961, 458.

SECT. 32B repealed, 1934, 209 § 2. (See 1934, 209 § 3.)

SECTS. 32C-32F added, 1934, 209 § 1 (further regulating the business of leasing motor vehicles upon a mileage basis). (See 1934, 209 § 3.)

SECT. 32C amended, 1966, 222 § 3; first paragraph, sentence added, 1971, 117.

SECT. 32D amended, 1966, 222 § 4.

SECT. 32E, first paragraph revised, 1966, 222 § 5; paragraph added at end, 1959, 282 § 1; revised, 1961, 177 § 1. (See 1959, 282 § 6.)

SECT. 32F amended, 1966, 222 § 6.

SECT. 32G added, 1953, 563 (relative to licensing of persons engaged in the business of giving instruction in the driving of motor vehicles); first paragraph amended, 1960, 467; revised, 1971, 770 § 2; paragraph inserted after first paragraph, 1957, 628; amended, 1966, 189; fourth

paragraph revised, 1956, 383 § 1; eleventh paragraph revised, 1956, 383 § 2; paragraph added at end, 1962, 415; revised, 1963, 349 § 2.

SECT. 32H added, 1963, 802 (requiring lessors of motorcycles to be licensed by the registrar of motor vehicles).

SECT. 33, first four paragraphs stricken out, and five new paragraphs inserted, 1932, 249 § 1; third paragraph (as appearing in 1932, 249 § 1) revised, 1948, 572 § 2; fourth paragraph (as so appearing) amended, 1933, 183 § 1; revised, 1948, 584 § 2; fifth paragraph (as so appearing) revised, 1947, 666 § 3; paragraph in lines 21-41 amended, 1932, 180 § 12; same paragraph stricken out, and two paragraphs inserted, 1933, 332 § 4; two paragraphs so inserted stricken out, and new paragraph inserted, 1935, 409 § 1; the paragraph so inserted amended, 1936, 380 § 1; subdivisions (2) and (3) of the paragraph so inserted revised, 1937, 377; subdivision (2) of said paragraph revised, 1945, 595 § 2; amended, 1968, 749 § 1; subdivision (3) of said paragraph amended, 1938, 430; subdivision (4) of said paragraph amended, 1939, 354 § 3; 1968, 749 § 2; subdivision (5) amended, 1968, 749 § 3; subdivision (6) of said paragraph amended, 1939, 354 § 4; revised, 1945, 595 § 3; amended, 1968, 749 § 4; last sentence revised, 1947, 463; sixth paragraph (inserted by 1935, 409 § 1) revised, 1951, 630 § 1; paragraph inserted after subdivision (6), 1948, 432 § 2; paragraph in lines 69-75 (as appearing in the Ter. Ed.) revised, 1948, 511 § 7; paragraph inserted after "registrar" in line 75 (as appearing in the Ter. Ed.) 1947, 401 § 2; same paragraph revised, 1948, 511 § 7; paragraph in lines 85-87 (as appearing in the Ter. Ed.) revised, 1948, 399 § 2, 619 § 2; paragraph inserted, 1950, 306; last paragraph amended, 1936, 401; paragraph added at end, 1949, 644 § 4; section revised, 1951, 699 § 1; paragraph inserted after paragraph numbered (6), 1952, 173 § 1; fifteenth paragraph revised, 1951, 736 § 3; twenty-fourth paragraph revised, 1952, 459; section revised, 1952, 540; third paragraph revised, 1954, 241; first sentence of fifth paragraph revised, 1953, 304; sentence inserted, 1953, 607; subdivision (3) revised, 1956, 569; eleventh paragraph of subdivision (7) revised, 1959, 414; fourteenth paragraph of subdivision (7) revised, 1955, 488 § 2; section revised, 1959, 571 § 1; second paragraph revised, 1965, 819 § 3; 1967, 696; amended, 1963, 713 § 3; fourth paragraph (as appearing in 1959, 571 § 1) revised, 1963, 421; 1971, 453; subdivision (2) revised, 1961, 121 § 2; 1962, 573; subdivisions (1) to (6) revised, 1965, 679 § 12; subdivision (1) amended, 1966, 723; subdivision (7) amended, 1965, 679 § 13; paragraph inserted after second paragraph, 1967, 711 § 1; fifth paragraph revised, 1965, 700 § 3; two paragraphs inserted after fifth paragraph, 1969, 742 § 2; sixth paragraph (as appearing in 1959, 571 § 1) stricken out, 1967, 736 § 8; seventh and eighth paragraphs (as so appearing) stricken out and paragraph inserted, 1972, 684 § 6; ninth and tenth paragraphs (as so appearing) stricken out and paragraph inserted, 1967, 601 § 3; eleventh paragraph revised, 1960, 580; 1966, 522 § 2; twelfth paragraph (as appearing in 1959, 571 § 1) amended, 1972, 684 § 7; thirteenth paragraph (as so appearing) amended, 1972, 684 § 8; fourteenth paragraph (as so appearing) amended, 1972, 684 § 9; fifteenth paragraph (as so appearing)

amended, 1972, 684 § 10; paragraph inserted after eighteenth paragraph, 1969, 682; paragraph added, 1969, 742 § 3; sentence added, 1971, 194. (See 1932, 249 § 2; 1933, 183 § 2, 332 § 5; 1935, 409 § 2; 1936, 380 § 2; 1947, 401 § 3, 666 § 4; 1948, 368, 399 § 3, 572 § 3, 619 § 3; 1951, 630 § 2, 699 § 5, 736 § 5; 1952, 173 § 2; 1955, 488 § 3; 1959, 571 § 2; 1963, 713 § 4; 1967, 736 § 11; 1968, 749 § 5; 1972, 684 § 136.)

SECT. 33A added, 1958, 6 § 2 (confirming the validity of the signature on certain certificates of registration and certain licenses to operate motor vehicles); revised, 1966, 205.

SECT. 33B added, 1967, 519 (relative to assistance to cities and towns to eliminate accidents at high accident locations); first two paragraphs revised, 1972, 87; first paragraph revised, 1973, 303.

SECT. 34, four words stricken out, 1933, 197 § 3; first paragraph amended, 1934, 364 § 1; section revised, 1943, 427 § 2; amended, 1962, 603 § 1. (See 1934, 364 § 3.)

SECT. 34A, first paragraph amended, 1970, 670 § 1; paragraph defining "certificate" revised, 1945, 384 § 1; amended, 1949, 571 § 1; revised, 1967, 736 § 8A; new paragraph (defining "guest occupant") added, 1935, 459 § 1; paragraph defining "motor vehicle liability bond" revised, 1935, 459 § 2; amended, 1959, 282 § 2; 1961, 177 § 2; revised, 1963, 358 § 1, 476 § 1; amended, 1964, 517 § 1; paragraph defining "motor vehicle liability policy" revised, 1935, 459 § 2; amended, 1959, 282 § 3; 1961, 177 § 3; revised, 1963, 358 § 2, 476 § 2; amended, 1964, 517 § 2; paragraph defining "Personal injury protection" added, 1970, 670 § 2; sentence added, 1971, 794; paragraph amended, 1973, 599 § 2; paragraph added, 1973, 806 § 4. (See 1935, 459 § 5; 1945, 384 § 3; 1959, 282 § 6; 1963, 358 § 4; 476 § 3; 1964, 517 § 4; 1967, 736 § 11; 1970, 670 § 10; 1973, 599 § 3.)

SECT. 34B, second paragraph revised, 1933, 83 § 1; 1935, 302; fourth paragraph revised, 1933, 83 § 2; fifth paragraph revised, 1949, 571 § 2. (See 1933, 83 § 3.)

SECT. 34C amended, 1932, 180 § 13; 1949, 571 § 3.

SECT. 34D revised, 1935, 459 § 3; 1949, 571 § 4; first sentence amended, 1959, 282 § 4; 1961, 177 § 4; revised, 1963, 358 § 3; amended, 1964, 517 § 3; 1970, 670 § 3; last sentence revised, 1950, 162 § 3; 1954, 126 § 3. (See 1935, 459 § 5; 1964, 517 § 4; 1970, 670 § 10.)

SECT. 34E revised, 1949, 571 § 5.

SECT. 34F revised, 1949, 571 § 6.

SECT. 34H, first paragraph amended, 1933, 119 § 4; revised, 1971, 939 § 1; second paragraph amended, 1948, 39; second paragraph stricken out and two paragraphs inserted, 1960, 332; paragraph inserted after third paragraph, 1933, 119 § 5. (See 1933, 119 § 6; 1971, 939 § 7.)

SECT. 34I revised, 1949, 571 § 7.

SECT. 34J, sentence added at end, 1959, 282 § 5.

SECT. 34K added, 1960, 360 (relative to the cancellation of compulsory motor vehicle liability insurance); first sentence revised, 1971, 939 § 2. (See 1971, 939 § 7.)

SECT. 34L added, 1966, 260 (requiring that protection on account of injuries to the insured caused by operators of uninsured motor vehicles

shall be included in compulsory motor vehicle liability insurance policies); repealed, 1968, 643 § 6.

SECTS. 34M-34N added, 1970, 670 § 4 (providing for personal injury protection under motor vehicle liability insurance and bonds and for an assigned claims plan). (See 1970, 670 § 10.)

SECT. 34M, fourth paragraph, first sentence revised, 1972, 313; two sentences added, 1972, 319; sixth paragraph, first sentence amended, 1972, 339.

SECT. 34O added, 1971, 978 § 1 (providing for compulsory property protection for all registered motor vehicles); second paragraph, subparagraph (1) amended, 1971, 1079 § 2; third paragraph stricken out and two paragraphs inserted, 1973, 953 § 1; seventh paragraph revised, 1973, 917 § 1; sentence added, 1973, 1069 § 2; paragraph added, 1971, 1079 § 3. (See 1971, 978 § 2; 1973, 917 § 2, 953 § 2.)

SECTS. 35-43 and 44-50 inc. (inserted by 1935, 418 § 2, as amended) and sect. 43A (inserted by 1938, 417 § 9) stricken out and new sections 35-52 inserted, 1939, 393 § 3 (further revising the laws relative to aviation). (See 1939; 393 §§ 4-6.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to sections 35 to 52, as so inserted:

SECT. 35, paragraph defining "Airport" amended, 1941, 537 § 1; paragraph inserted after said paragraph, 1941, 537 § 2; paragraph defining "Landing field" amended, 1941, 537 § 3; two paragraphs added at end, 1941, 537 § 4; section revised, 1946, 507; "Navigable Air Space" defined, 1947, 292; paragraph (g) added, 1965, 670 § 1.

SECTS. 35A-35D added, 1960, 756 § 1 (limiting the height of certain structures within the approaches to certain airports). (See 1960, 756 § 2.)

SECTS. 36-38 repealed. 1946, 583 § 2. (See G. L. 6 §§ 57-59. See also 1946, 583 §§ 1, 4.)

SECT. 39, first paragraph revised, 1941, 695 § 13; section revised, 1946, 583 § 3; first paragraph revised, 1948, 637 § 10. (See 1946, 583 § 5; 1948, 637 §§ 4-9, 13, 663 § 4.)

SECTS. 39A-39F added, 1946, 607 § 1 (relative to a state airport plan).

SECT. 39A, paragraph added at end, 1953, 524 § 1.

SECT. 39B, paragraph inserted after first paragraph, 1948, 505.

SECT. 39C revised, 1949, 762 § 1. (See 1949, 762 § 2.)

SECT. 39D repealed, 1948, 637 § 11. (See 1948, 637 §§ 4-9, 13.)

SECT. 39F revised, 1947, 593 § 4; first paragraph amended, 1964, 544; paragraph added at end, 1953, 524 § 2. (See 1953, 524 § 3.)

SECT. 39G added, 1947, 593 § 5 (making certain provisions of law relating to airports in municipalities applicable to airports in counties).

SECT. 40 revised, 1946, 582 § 1; paragraph added at end, 1949, 60; revised, 1955, 189; two paragraphs added at end, 1956, 337.

SECTS. 40A-40I inserted, 1941, 537 § 5 (relative to protecting the approaches to publicly owned airports).

SECT. 40A, fifth sentence amended, 1950, 421.

SECT. 41 revised, 1946, 582 § 2.

SECT. 42 amended, 1941, 537 § 6.

SECT. 43 revised, 1946, 582 § 3.

SECT. 44 amended, 1941, 537 § 7.

SECT. 45 amended, 1941, 537 § 8; revised, 1947, 319.

SECT. 47 amended, 1965, 236.

SECT. 49 revised, 1964, 590; first paragraph revised, 1965, 670 § 2; paragraphs (b) and (c) revised, 1965, 670 § 3; paragraph (e) amended, 1965, 670 § 4.

SECT. 49A added, 1949, 115 § 1 (relative to court records of cases involving violations of aeronautical laws, rules and regulations); amended, 1953, 319 § 12. (See 1953, 319 §§ 39, 40.)

SECTS. 49B-49T added, 1955, 666 § 1 (requiring owners and operators of aircraft involved in accidents to provide security for payment of damages in certain cases). (See 1955, 666 § 2.)

SECTS. 50A-50L added, under caption, 1948, 637 § 3 (relative to the management of state-owned airports). (See 1948, 637 §§ 4-9, 13, 663 § 4.)

SECT. 50C, paragraph added at end, 1951, 672 § 1. (See 1951, 672 §§ 2, 3.)

SECT. 50D, first sentence amended, 1949, 762 § 3; first paragraph amended, 1955, 452; paragraph inserted after first paragraph, 1958, 275.

SECT. 50F, sentence added at end, 1948, 663 § 2; third paragraph revised, 1949, 763. (See 1948, 663 §§ 4, 5; 1949, 745 § 2.)

SECT. 50H, sentence added at end, 1948, 663 § 3. (See 1948, 663 §§ 4, 5.)

SECT. 51 stricken out, 1946, 613 § 1.

SECTS. 51A-51B added, 1946, 582 § 4 (relative to the supervision of state airports by airport managers and to the leasing thereof); repealed, 1948, 637 § 11. (See 1948, 637 §§ 4-9, 13.)

SECTS. 51C-51L added, 1946, 613 § 1 (relating to the acquisition, establishment, maintenance, operation and regulation of airports by the commonwealth and the cities and towns thereof).

SECT. 51C repealed, 1948, 637 § 11. (See 1948, 637 §§ 4-9, 13.)

SECT. 51E, sentence inserted after first sentence, 1948, 481; second and third sentences revised, 1947, 70; last sentence stricken out and five sentences inserted, 1947, 593 § 1.

SECT. 51F revised, 1949, 769 § 1; 1973, 993.

SECT. 51H revised, 1949, 769 § 2.

SECT. 51I revised, 1947, 593 § 2.

SECT. 51K revised, 1947, 593 § 3; third paragraph revised, 1964, 103.

SECT. 51M added, 1947, 332 (prohibiting the granting of exclusive franchises for transportation of persons at airports publicly owned or controlled, or constructed wholly or partly with public funds).

SECT. 51N added, 1947, 501 (authorizing municipalities to establish, maintain and operate airports as joint enterprises).

Chapter 90A. — The Highway Safety Act.

New chapter inserted, 1953, 576 § 1.

SECT. 1 revised, 1954, 425; amended, 1960, 522 § 1; revised, 1963, 674 § 1; amended, 1967, 67 § 1; 1973, 806 § 5. (See 1960, 522 § 2.)

SECTS. 2, 3 and 4 revised, 1963, 674 § 2.

Caption preceding section 5 stricken out, 1960, 390.

SECTS. 5 and 6 repealed, 1960, 390.

SECT. 7, first sentence amended, 1956, 646; section repealed, 1960, 390.

SECT. 7A added, 1955, 417 (relative to the assessment of points under highway safety act and merit rating system); repealed, 1960, 390.

SECT. 8 repealed, 1960, 390.

SECT. 8A added, 1956, 178 (providing that no points shall be charged against an owner or licensed operator before final disposition of an appeal in court); repealed, 1960, 390.

SECTS. 9 and 10 repealed, 1960, 390.

SECT. 11 repealed, 1956, 201 § 1. (See 1956, 201 § 2.)

SECTS. 12-15, 17 repealed, 1956, 51 § 1.

SECT. 16 amended, 1956, 51 § 2; repealed, 1960, 390.

Chapter 90B. — Motorboats and Other Vessels.

New chapter inserted, 1960, 275 § 2.

SECT. 1, definitions of "Director" and "Division" revised, 1971, 103 § 3; definition of "motorboat" revised, 1961, 140 § 1.

SECT. 2 revised, 1961, 140 § 2; amended, 1972, 528.

SECT. 3, paragraph (a) amended, 1961, 505; second sentence revised, 1971, 769; 1973, 142 § 1; sentence inserted after sixth sentence, 1969, 304; paragraph (j) revised, 1973, 142 § 2.

SECT. 4A added, 1966, 233 (relative to altering, forging or counterfeiting a certificate of number of a motorboat).

SECT. 4B added, 1971, 137 (providing penalties for removing, defacing or altering certain motorboat identification numbers).

SECT. 5A added, 1967, 22 (requiring all vessels to carry a life saving device for each person aboard); second sentence revised, 1969, 271.

SECT. 8, subsection (b) revised, 1967, 27 § 1; subsection (d) revised, 1967, 27 § 2.

SECT. 11, first paragraph amended, 1973, 804; second paragraph, clauses (d) and (e) revised, 1961, 320.

SECT. 12, first sentence revised, 1964, 547.

SECT. 13, sentence added at end, 1962, 250.

SECT. 14, subsection (b) revised, 1971, 110; subsection (c) revised, 1967, 27 § 3.

SECT. 16 revised, 1970, 589 § 1. (See 1970, 589 § 4.)

SECTS. 20-35 added, 1970, 589 § 2 (regulating the use of certain snow traveling vehicles and certain recreation vehicles and requiring registration thereof).

SECT. 20, definition of "Law enforcement officer" revised, 1971, 103 § 4.

SECT. 22, two sentences added, 1973, 808.

SECT. 24, third paragraph amended, 1971, 551 § 1; section revised, 1972, 62; third paragraph amended, 1972, 296. (See 1971, 551 § 2.)

SECT. 25, paragraph inserted after first paragraph, 1973, 148.

SECT. 26, fourth paragraph amended, 1971, 264; seventh paragraph amended, 1970, 732 § 1.

Chapter 90C. — Procedure against Violators of Motor Vehicle Laws.

New chapter inserted, 1962, 789 § 2. (See 1962, 789 § 3.)

SECT. 1, definition of "Audit sheet" revised, 1965, 692 § 1; definition of "Automobile law violation" revised, 1963, 340 § 1; 1967, 432 § 2; definition of "Citation", 1963, 637 § 1; revised, 1965, 692 § 2; amended, 1967, 350 § 3; definition of "Police chief" revised, 1965, 590 § 1; 1967, 222 § 1; definition of "Police officer" revised, 1963, 340 § 2; revised, 1965, 590 § 2; 1967, 222 § 2. (See 1965, 692 § 7.)

SECT. 2 revised, 1963, 637 § 2; first two paragraphs revised, 1963, 818; third paragraph amended, 1965, 501; section revised, 1965, 692 § 3; second paragraph, first sentence revised, 1968, 725 § 1; third paragraph, first sentence revised, 1968, 725 § 2; fourth paragraph, second sentence revised, 1968, 725 § 3; fourth sentence revised, 1966, 64. (See 1965, 692 § 7.)

SECT. 4, first sentence revised, 1964, 540; section revised, 1965, 692 § 4. (See 1965, 692 § 7.)

SECT. 4A added, 1964, 626 § 1 (authorizing clerks of district courts to accept pleas of guilty and payment of fines by mail in certain cases of violation of the motor vehicle laws); revised, 1973, 331. (See 1964, 626 § 2.)

SECT. 6A added, 1965, 692 § 5 (providing a penalty for falsifying citations, copies thereof or records of same issued in cases involving automobile law violations). (See 1965, 692 § 7.)

Chapter 90D. — Motor Vehicle Certificates of Title.

New chapter inserted, 1971, 754 § 1. (See 1971, 754 § 4.)

SECT. 1, definition of "Owner" inserted, 1972, 732 § 3.

SECT. 2, paragraph (a) amended, 1972, 117; 1973, 81 § 1; paragraph (b) amended, 1972, 732 § 4.

SECT. 4 revised, 1972, 53.

SECT. 6 revised, 1973, 81 § 2.

SECT. 7, paragraph (b) amended, 1972, 537 § 1.

SECT. 9, paragraph (a) amended, 1972, 54.

SECT. 10, paragraph (a) amended, 1972, 537 § 2; paragraph (e) revised, 1973, 81 § 3.

SECT. 22, paragraph (a) revised, 1973, 81 § 4.

SECT. 26 revised, 1973, 81 § 5.

SECT. 28, first paragraph revised, 1972, 170; amended, 1973, 81 § 6.

SECT. 29, first paragraph amended, 1972, 55; second paragraph revised, 1972, 756.

SECT. 35 revised, 1973, 81 § 7.

SECT. 37 revised, 1973, 81 § 8.

Chapter 91. — Waterways.

SECT. 5A added, 1962, 715 § 5 (relative to the promotion and development of marine fisheries of the commonwealth); section repealed, 1966, 621 § 1. (See 1966, 621 § 3.)

SECT. 9A added, 1938, 407 § 2 (providing a method for the development of waterfront terminal facilities).

SECT. 10A added, 1967, 543 (relative to the temporary mooring of floats or rafts).

SECT. 10B added, 1970, 878 § 3 (establishing the Harbors and Inland Waters Maintenance Fund).

SECT. 11, first sentence revised, 1950, 516; 1955, 5; amended, 1955, 448 § 1; sentence inserted after first sentence, 1955, 448 § 2; two paragraphs added, 1971, 967.

SECT. 12A added, 1939, 513 § 6 (licensing and otherwise regulating structures, filling and excavations in certain rivers and streams).

SECT. 16 amended, 1954, 568 § 3.

SECT. 18, second sentence amended, 1956, 528.

SECT. 19A added, 1954, 258 (regulating the lowering of waters of a great pond).

SECT. 21, first sentence amended, 1972, 684 § 11; revised, 1973, 870. (See 1972, 684 § 136.)

SECT. 27, paragraph added at end, 1937, 372 § 2; sentence added at end, 1950, 768.

SECT. 29 revised, 1950, 524.

SECT. 29A added, 1963, 608 (authorizing cities and towns to appropriate money for the construction of certain structures along their shores).

SECT. 30A added, 1950, 214 (prohibiting the removal of certain natural barriers which furnish protection against erosion by the sea).

SECT. 46A added, 1935, 362 § 1 (penalizing the unlicensed breaking up or altering of vessels, scows, lighters or certain other structures).

SECT. 49 revised, 1935, 362 § 2.

SECT. 49A added, 1955, 464 (providing for the removal of certain whales or other mammals from tidewaters or shores of the commonwealth).

SECT. 49B added, 1970, 878 § 4 (providing for removal of certain wharfs and piers).

SECT. 52, paragraph added at end, 1968, 626.

SECT. 59 amended, 1969, 384; 1971, 135 § 1.

SECT. 59A added, 1967, 507 (relative to tort liability for persons discharging oil in certain inland waters); sentence added at end, 1969, 373.

SECT. 59B added, 1970, 693 § 2 (requiring marinas to obtain licenses issued by the division of water pollution control). (See 1970, 693 § 3.)

SECTS. 60-62 added, 1953, 666 § 2 (transferring the control of Salisbury Beach Reservation to the division of public beaches in the department of public works).

SECT. 60 amended, 1958, 640 § 7.

SECT. 61, first paragraph amended, 1958, 640 § 8; paragraph added at end, 1954, 533.

SECT. 62 amended, 1958, 640 § 9; three sentences added, 1967, 331.

SECTS. 60-62 repealed, 1968, 501 § 2.

SECT. 63 added, 1973, 989 § 5 (protecting underwater archaeological resources by the regulation of the removal or salvage of said resources).

Chapter 91A. — Port of Boston Commission (formerly entitled Port of Boston Authority).

New chapter inserted, 1945, 619 § 3. (See 1945, 619 §§ 4-11.)

SECT. 1, section and caption preceding it revised, 1953, 608 § 5. (See 1953, 608 §§ 13-16.)

SECT. 2 revised, 1951, 457 § 1. (See 1951, 457 §§ 3, 4.)

SECT. 3 amended, 1951, 457 § 2; revised, 1953, 608 § 6. (See 1951, 457 §§ 3, 4.)

SECT. 4 amended, 1947, 413 § 1; 1953, 608 § 7.

SECT. 5 amended, 1953, 608 § 8.

SECT. 6 amended, 1953, 608 § 9; revised, 1955, 577 § 1. (See 1955, 577 § 2.)

SECT. 7 amended, 1953, 608 § 10.

SECT. 8 amended, 1953, 608 § 11; repealed, 1954, 568 § 4.

SECT. 9 amended, 1953, 608 § 12.

Chapter 92. — Metropolitan Sewers, Water and Parks.

For legislation abolishing the Metropolitan District Water Supply Commission and transferring its functions to the Metropolitan District Commission, see 1947, 583.

SECT. 1 amended, 1946, 367 § 1; 1950, 648 § 1; section and caption preceding it stricken out and sections 1 and 1A inserted under the caption "Metropolitan Sewerage District", 1959, 612 § 2. (See 1946, 367 § 2; 1959, 612 §§ 6-10.)

SECTS. 5 and 6 stricken out and sections 5, 5A, 5B and 6 inserted, 1959, 612 § 3. (See 1959, 612 §§ 5-10.)

SECT. 5A, first sentence revised, 1961, 230.

SECT. 8 amended, 1946, 432 § 5.

SECT. 9A added, under caption, 1952, 559 § 1 (providing for the construction and operation of metropolitan refuse disposal incinerators); first sentence revised, 1954, 495 § 1; 1955, 773 § 1. (See 1952, 559 §§ 2, 3; 1954, 495 § 2; 1955, 773 § 2.)

SECT. 10 revised, 1943, 543 § 1; 1945, 587 § 1; paragraph (2) amended, 1946, 549 § 1; paragraph (3) amended, 1947, 575 § 1; 1949, 385 § 1; paragraph (4) amended, 1946, 549 § 2; paragraph (5), sentence added at end, 1946, 549 § 3; paragraph (6) revised, 1946, 549 § 4; paragraph (10) amended, 1946, 243, 549 § 5; 1953, 373; paragraph (12) revised, 1947, 575 § 2; 1962, 723 § 1. (See 1943, 543 §§ 1A, 3; 1945, 587 § 5; 1947, 575 §§ 3-6; 1949, 494; 1962, 723 §§ 11, 12.)

SECT. 13 amended, 1950, 518 § 2.

SECT. 17, paragraph added at end, 1945, 693 § 1.

SECT. 25 revised, 1962, 723 § 2.

SECT. 25A added, 1962, 723 § 3 (relating to fiscal year charges to the metropolitan water district fund).

SECT. 26, first paragraph revised, 1943, 543 § 2; first two paragraphs revised, 1945, 587 § 2; second paragraph amended, 1946, 432 § 6; first two paragraphs revised, 1946, 549 § 6; first paragraph stricken out and five paragraphs inserted, 1953, 618; first paragraph amended, 1962, 723 § 4; 1973, 1039 § 1; fourth and fifth paragraphs revised, 1961, 221; fifth paragraph revised, 1973, 1039 § 2. (See 1945, 587 §§ 4, 5; 1962, 723 §§ 11, 12; 1973, 1039 § 5.)

SECTS. 26A and 26B added, 1945, 587 § 3 (fixing the price for water furnished to municipalities by the metropolitan water district and providing for a state borrowing to ensure the maintenance of the price as fixed and providing for disposition of the excess in the metropolitan water works sinking fund).

SECT. 26A, first two sentences revised, 1946, 549 § 7; first sentence amended, 1962, 723 § 5; second sentence amended, 1962, 723 § 6; paragraph added at end, 1962, 723 § 7; stricken out, 1973, 1039 § 3. (See 1973, 1039 § 5.)

SECT. 26B repealed, 1962, 723 § 8.

SECT. 26C added, 1973, 1039 § 4 (authorizing an issue of notes to make up any deficit in the metropolitan water district fund).

SECT. 33 amended, 1961, 542 § 2; second paragraph amended, 1968, 79. (See 1961, 542 § 3.)

SECT. 35A added, 1963, 351 § 1 (authorizing the towing of vehicles from metropolitan parks district parkways, boulevards and roadways where such vehicles are parked or standing in violation of the law).

SECT. 37, sentence added at end, 1968, 694 § 4; third paragraph amended, 1970, 489.

SECT. 41, sentence added, 1971, 902 § 1.

SECT. 43 amended, 1950, 518 § 3.

SECT. 46 revised, 1948, 550 § 7.

SECT. 48 amended, 1934, 266 § 1. (See 1934, 266 § 4.)

SECTS. 55 and 56 stricken out and section 55 inserted, 1949, 554 § 1; last sentence revised, 1968, 405 § 1.

SECT. 56 revised, 1933, 197 § 1; sentence added at end, 1939, 429 § 1; section stricken out, 1949, 554 § 1. (See 1939, 429 §§ 2, 4.)

SECT. 57 amended, 1933, 197 § 2; 1949, 554 § 2; paragraph added at end, 1963, 380.

SECT. 58 amended, 1946, 432 § 7.

SECT. 59 amended, 1949, 554 § 3.

SECT. 59A added, 1945, 637 § 7 (relative to annual assessments upon municipalities of the metropolitan districts for maintenance); sentence added at end, 1946, 432 § 8; section revised, 1959, 612 § 4; 1962, 723 § 9. (See 1945, 279; 1959, 612 § 10; 1962, 723 § 12.)

SECT. 60 revised, 1939, 429 § 3; last sentence revised, 1946, 432 § 9. (See 1939, 429 § 4.)

SECT. 60A added, 1937, 352 § 1 (regulating the making and awarding of certain contracts by the metropolitan district commission and metropolitan district water supply commission); repealed, 1941, 547 § 2. (See 1937, 352 § 2; 1941, 547 § 1.)

SECT. 61, first sentence revised, 1954, 162 § 2.

SECT. 61A added, 1971, 989 (authorizing cities and towns to provide police officers to the metropolitan district commission upon request of the commission or the superintendent of the metropolitan district police).

SECT. 62 revised, 1938, 396; amended, 1941, 658 § 1; revised, 1950, 730 § 1; 1971, 1004 § 5. (See 1941, 658 § 2; 1950, 730 § 2.)

SECT. 62A added, 1937, 416 § 1 (providing for a reserve police force for the metropolitan district commission); revised, 1939, 441 § 1. (See 1937, 416 § 5; 1939, 441 §§ 3, 5.)

SECT. 62B added, 1951, 612 (relative to compensation for metropolitan district police for overtime service); revised, 1969, 872 § 3; repealed, 1971, 1004 § 6.

SECT. 63 repealed, 1937, 416 § 2. (See 1937, 416 § 5; 1939, 441 § 3.)

SECT. 63A revised, 1972, 768.

SECT. 63B added, 1948, 653 (providing for the reimbursement of metropolitan district police officers for injuries or damages sustained by them in the line of duty).

SECT. 67 revised, 1963, 615 § 2.

SECT. 68 revised, 1963, 615 § 3.

SECT. 72 amended, 1973, 989 § 6.

SECT. 82, last sentence revised, 1962, 723 § 10.

SECT. 93 amended, 1934, 266 § 2. (See 1934, 266 § 4.)

SECT. 94 amended, 1934, 266 § 3. (See 1934, 266 § 4.)

SECT. 95A added, 1950, 518 § 1 (relative to the granting of permits by the metropolitan district commission for projections over property under its control).

SECT. 99 repealed, 1947, 530.

SECT. 100 revised, 1939, 499 § 7; 1945, 292 § 9. (See 1945, 637 § 8.)

Chapter 92A. — Massachusetts Public Building Commission.

New chapter inserted, 1947, 466 § 3. (See 1947, 466 §§ 4-6.)

For prior temporary legislation, see 1933, 365, 368; 1934, 41; 1935, 380; 1937, 338; 1938, 20, 501 § 3; 1939, 417, 418; 1941, 720 § 16; 1943, 517 § 3.

Chapter repealed, 1953, 612 § 8. (See 1953, 612 §§ 10-13.)

Chapter 93. — Regulation of Trade and Certain Enterprises.

SECT. 8, sentence added at end, 1938, 410 § 2.

SECT. 9A added, 1961, 432 (establishing the penalty for collusive bidding on contracts for public works or purchase).

SECTS. 14A-14D added, under caption, 1937, 398 (protecting trade mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a trade mark, brand or name).

SECT. 14A amended, 1939, 231.

SECT. 14B amended, 1939, 313.

SECT. 14C revised, 1943, 40.

SECTS. 14E-14K added, under caption, 1938, 410 § 1 (defining and prohibiting unfair sales practices, with a view to preventing the advertising or offering for sale, or the selling below cost, of merchandise for the purpose of injuring competitors or destroying competition). (See 1941, 715.)

SECT. 14E, paragraphs (a) and (b) amended, 1939, 189 § 1; paragraph (h) added at end, 1939, 189 § 2.

SECT. 14F revised, 1941, 494.

SECT. 14G, clause (h) revised, 1966, 232.

SECT. 14I revised, 1958, 633 § 4.

SECTS. 14L-14R added, under caption, 1958, 632 § 1 (regulating trading stamp companies). (See 1958, 632 § 2.)

SECT. 14S added, under caption, 1969, 46 (prohibiting limitations of time within which credit slips may be redeemed); amended, 1970, 171.

SECT. 15 amended, 1973, 632 § 2.

SECT. 16 amended, 1973, 632 § 3.

SECT. 18A added, 1953, 211 (requiring laundries and dry cleaning establishments to file their identification markings with the commissioner of public safety).

Caption preceding section 21 amended, 1939, 343 § 3.

SECT. 21 amended, 1939, 343 § 1; 1941, 583 § 1; 1954, 257 § 1; revised, 1955, 371 § 1; amended, 1963, 652 § 2.

SECTS. 21A-21D added, 1941, 583 § 2 (defining and further regulating private trade schools).

SECT. 21A revised, 1954, 257 § 2; 1955, 371 § 2; paragraph added at end, 1956, 437.

SECT. 21B revised, 1952, 499 § 3; amended, 1954, 257 § 3; revised, 1955, 371 § 3.

SECT. 21C amended and sentence added at end, 1954, 681 § 6. (See 1954, 681 §§ 20, 22.)

SECT. 21D amended, 1954, 257 § 4; revised, 1955, 371 § 4.

SECT. 22 amended, 1939, 343 § 2; 1941, 583 § 3; repealed, 1963, 652 § 3.

SECT. 23 repealed, 1963, 652 § 3.

SECT. 24 revised, 1949, 711 § 1; 1962, 670 § 1; sentence added, 1967, 180.

SECT. 24A added, 1949, 711 § 2 (relative to licenses for the conduct of collection agencies); revised, 1962, 670 § 2; third sentence revised, 1969, 789 § 1.

SECTS. 24B and 24C added, 1962, 670 § 3 (further regulating collection agencies).

SECT. 24B revised, 1971, 314.

SECT. 24C, second sentence revised, 1969, 789 § 2; section revised, 1973, 1149 § 1. (See 1973, 1149 § 33.)

SECT. 25 amended, 1962, 670 § 4; second sentence revised, 1971, 652.

SECT. 28 revised, 1970, 883 § 2.

SECTS. 28A-28D added, under heading "REGULATING CLOSING OUT SALES, SO CALLED, AND SIMILAR TYPES OF SALES", 1938, 165.

SECT. 28A revised, 1939, 207; 1948, 550 § 8; 1950, 473; 1953, 164 § 1; amended, 1955, 217; revised, 1961, 324.

SECT. 28B stricken out, 1953, 164 § 2.

SECT. 28D amended, 1958, 178 § 1.

SECT. 28E added, 1950, 511 (granting to the superior court jurisdiction in equity to restrain certain violations of the law regulating closing out sales); amended, 1958, 178 § 2.

SECT. 28F added, 1958, 178 § 3 (regulating fire sales, so called, and similar types of sales); revised, 1968, 78.

SECT. 29, heading and section amended, 1946, 612 § 3; section revised, 1955, 584 § 4; fourth sentence amended, 1958, 143. (See 1946, 612 §§ 5, 6; 1955, 584 §§ 9, 10.)

SECT. 29A added, 1955, 584 § 5 (relative to notice and hearings on objections to applications for certain permits, and on appeals from decisions of the director of the board of outdoor advertising). (See 1955, 584 §§ 8-10.)

SECT. 30 revised, 1945, 233.

SECT. 30A revised, 1946, 612 § 4; 1955, 584 § 6. (See 1955, 584 §§ 8-10.)

SECT. 31 revised, 1955, 584 § 7. (See 1955, 584 §§ 9, 10.)

SECT. 32 revised, 1964, 466.

SECT. 34, sentence added at end, 1959, 202 § 2. For temporary act to enable savings banks and certain other banking institutions to co-operate in the distribution of United States defense savings bonds and defense postal savings stamps, see 1941, 221, 575.

SECT. 42 added, 1967, 817 § 3 (providing that unlawful taking of trade secrets shall constitute larceny).

SECT. 42A added, 1969, 457 (providing injunctive relief for the misappropriation of trade secrets).

SECT. 43 added, 1969, 275 (clarifying the responsibility of the receiver to the sender of unsolicited goods by mail).

SECTS. 44-47 added, under caption, 1969, 442 (regulating the trade practices of credit bureaus and their subscribers); repealed, 1971, 805 § 2.

SECT. 46A added, 1970, 794 (making credit bureaus liable for gross negligence in furnishing certain information to certain persons); repealed, 1971, 805 § 2.

SECT. 48 added, 1970, 272 (providing a right of cancellation of certain contracts); subsection B, second paragraph revised, 1970, 660.

SECT. 49 added, 1970, 883 § 1 (prohibiting certain collection practices).

SECTS. 50-68 added, 1971, 805 § 1 (regulating the consumer credit reporting law).

SECT. 69 added, 1971, 1025 (regulating multi-level distribution companies); clause (g) revised, 1973, 385.

SECT. 70 added, 1972, 547 § 1 (further regulating the payment by mortgagor of legal fees of attorneys for mortgagee).

Chapter 93A. — Regulation of Business Practices for Consumers Protection.

New chapter inserted, 1967, 813 § 1.

SECT. 1, definition of "Examination of documentary material" added, 1969, 814 § 1; clause (b) revised, 1972, 123.

SECT. 3, paragraph (2) revised, 1969, 814 § 2.

SECTS. 4-7 revised, 1969, 814 § 3.

SECT. 4, second paragraph amended, 1971, 130; first two paragraphs revised, 1972, 544.

SECT. 8 amended, 1969, 814 § 4.

SECTS. 9-10 added, 1969, 690 (providing civil remedies for persons injured by unfair or deceptive acts or practices as defined under the Consumer Protection Act).

SECT. 9, paragraph (1) revised, 1970, 736 § 1; amended, 1971, 241; paragraph (5) added, 1970, 736 § 2; paragraphs (6)-(8) added, 1973, 939.

SECT. 10 amended, 1972, 614 § 1.

SECT. 11 added, 1972, 614 § 2 (further regulating unfair trade practices).

Chapter 93B. — Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers.

New chapter inserted, 1970, 814 § 1.

SECT. 4, subsection (3) amended, 1972, 193.

SECT. 8, paragraph added, 1972, 408.

Chapter 93C. — Protection of Consumers Against Careless and Erroneous Billings.

New chapter inserted, 1971, 860 § 1.

SECT. 1, definitions of "Period", "Periodic billing statement" and "Statement of account" inserted, 1973, 21 § 1.

SECT. 3 amended, 1973, 21 § 2.

SECT. 5 amended, 1973, 21 § 3.

SECT. 6 amended, 1973, 21 § 4.

Chapter 93D. — Control of Outdoor Advertising Adjacent to the Interstate and Primary Systems.

New chapter inserted, 1971, 1070 § 1.

Chapter 93E. — Regulation of Dealers' Agreements for the Sale of Gasoline.

New chapter inserted, 1972, 772.

Chapter 94. — Inspection and Sale of Food, Drugs and Various Articles.

SECT. 1, paragraph in lines 128-132 (defining "pasteurized milk") revised, 1932, 158; section amended in part, 1933, 67 §§ 1-5; paragraph (defining "half and half") added, 1955, 757 § 1; paragraph (defining "milk plant" and "manufactory") added, 1933, 338 § 1; paragraph in lines 30-36 (defining "butter" and "cheese") stricken out and new paragraph defining "butter" inserted, 1937, 335 § 1; paragraph in line 40 reading, "cheese", see "butter", stricken out and four new paragraphs inserted, 1937, 335 § 2 (defining cheese and cream cheese); definition of "Commissioner" inserted, 1971, 795 § 1; third paragraph (as so appearing) amended, 1961, 301 § 1; paragraph in lines 41-45 ("Closed package") stricken out, 1959, 528 § 1; paragraph (defining "bakery") amended,

1937, 362 § 1; definitions of "cosmetic" and "device" inserted, 1961, 600 § 1; definition of "Director" revised, 1971, 795 § 1; definition of "label" revised, 1961, 600 § 1; amended, 1973, 607 § 3; definition of "labeling" inserted, 1961, 600 § 1; definition of "oleomargarine" revised, 1967, 216 § 1; definition of "sausage" or "sausage meat" revised, 1962, 243; amended, 1973, 180; paragraphs in line 148-164 (defining "agricultural seeds" or "agricultural seed", "noxious weed seeds" and "weed seeds") revised and definition of "vegetable seeds" added, 1938, 363 § 1; paragraphs in lines 165-169 (defining "Inert matter" and "Lot") stricken out, 1959, 396 § 1; last four definitions stricken out, 1946, 377 § 1; five paragraphs (defining "enriched bread", "enriched flour", "person", "rolls" and "white bread") added, 1948, 444 § 1; paragraph (defining "food") revised, 1949, 334 § 9; 1956, 663 § 1; paragraph (defining "garnetted clippings") added, 1957, 581 § 1; stricken out, 1959, 611 § 1; paragraph in lines 170-173 (defining "Article of bedding") stricken out, 1959, 611 § 1; paragraph (defining "New") revised, 1957, 581 § 2; stricken out, 1959, 611 § 1; paragraph in lines 177-181 revised, 1939, 196 § 1; stricken out, 1959, 611 § 1; paragraph (defining "Used or used material") added, 1957, 581 § 3; stricken out, 1959, 611 § 1; paragraph in lines 182-185 (defining "Article of upholstered furniture") stricken out, 1959, 611 § 1; paragraph (defining "Commercial feeding stuff") stricken out, 1972, 365 § 1; paragraphs defining "Cattle feed", "Crude protein" and "Feeding stuff" stricken out, 1973, 44; paragraphs defining "Agricultural line", "Available phosphoric acid", "Brand", "Commercial fertilizer", "Commissioner", "Fertilizer", "Fertilizer grade", "Gypsum or land plaster", "Importer", "Package", "Phosphoric acid", "Potash" and "Tag" stricken out, 1973, 607 § 2. (See 1937, 362 § 7; 1973, 607 § 9.)

SECT. 6 amended, 1937, 362 § 2. (See 1937, 362 § 7.)

SECT. 7 amended, 1941, 490 § 19; last sentence revised, 1968, 467 § 8.

SECT. 8 revised, 1937, 53.

SECT. 9 amended, 1939, 261 § 6; 1968, 467 § 9.

SECTS. 9A-9M added, 1937, 362 § 3 (changing the position in the General Laws of certain provisions of law relative to bakeries). (For prior legislation, see G. L. chap. 111 §§ 34-43, 46-49, repealed by 1937, 362 § 6.) (See 1937, 362 §§ 6, 7.)

SECT. 10 amended, 1937, 362 § 4. (See 1937, 362 § 7.)

SECTS. 10A-10E stricken out, and new sections 10A-10G (regulating the manufacture, bottling and sale of certain non-alcoholic beverages) inserted, 1935, 441.

SECT. 10F amended, 1941, 119.

SECTS. 10H-10K added, under caption, 1948, 444 § 2 (relative to enrichment of bread and flour).

SECTS. 12-48A. For temporary legislation establishing within the department of agriculture a milk control board, and defining its powers and duties, see note to G. L. chapter 94A, inserted by 1941, 691 § 2.

SECT. 12 stricken out, and new section 12 (relative to standards for milk and cream) inserted, 1955, 757 § 2; revised, 1967, 425 § 1.

SECT. 12A added, 1955, 757 § 2 (defining "fortified non-fat milk"); first paragraph revised, 1961, 598 § 2; 1967, 425 § 2.

SECT. 12B added, 1955, 757 § 2 (defining "standardized milk"); revised, 1964, 190; second and third sentences revised, 1965, 223.

SECTS. 13, 14, 14A and 15 stricken out, and new sections 13-13E (relative to the grading of milk) inserted, 1933, 263 § 1. (See 1933, 263 § 3.)

SECT. 13 revised, 1965, 104 § 1.

SECT. 13A revised, 1948, 227; repealed, 1965, 104 § 2.

SECT. 13B revised, 1967, 82.

SECT. 13C revised, 1967, 82.

SECT. 13D revised, 1967, 82.

SECT. 13E amended, 1967, 41.

SECT. 16 stricken out and sections 16-16I (regulating the production, sale and distribution of milk) inserted, 1932, 305 § 3. (See 1932, 305 §§ 5, 6.)

SECT. 16C amended, 1941, 374; revised, 1946, 467; 1965, 632 § 1.

SECT. 16D revised, 1965, 632 § 2.

SECT. 16F revised, 1960, 687.

SECT. 16G revised, 1965, 632 § 3.

SECT. 16H revised, 1964, 262.

SECTS. 16J-16L added, 1946, 542 (relative to the regulation of transportation, handling and sale of milk).

SECT. 16K revised, 1947, 379.

SECT. 16L revised, 1967, 136.

SECT. 17A amended, 1933, 124.

SECT. 18 revised, 1933, 263 § 2. (See 1933, 263 § 3.)

SECT. 19, last paragraph revised, 1955, 757 § 3; amended, 1961, 598 § 1.

SECT. 20 revised, 1939, 212.

SECT. 27A added, 1961, 561 § 1 (requiring a person who receives raw milk from a producer at dairy farms to be licensed as qualified to measure, sample and accept milk for inclusion in a bulk tank truck).

SECT. 28A added, 1961, 561 § 2; sentence inserted after first sentence, 1966, 128.

SECT. 29A revised, 1933, 253; 1946, 447 § 1.

SECT. 30 revised, 1933, 253; 1946, 447 § 2; first sentence revised, 1961, 561 § 3.

SECT. 31 revised, 1933, 253; 1946, 447 § 3.

SECTS. 25-31 revised, 1971, 1066 § 1.

SECT. 40 amended; 1941, 298; fourth sentence revised, 1955, 757 § 4.

SECT. 41 amended, 1972, 114.

SECT. 42A stricken out, and new sections 42A-42K (requiring dealers in milk or cream to be licensed and bonded) inserted, 1933, 338 § 2; affected, 1939, 421.

SECT. 42A amended, 1935, 126; second sentence revised, 1961, 95 § 1. (See 1961, 95 § 2.)

SECT. 42B, sentence inserted after second sentence, 1963, 129.

SECT. 42C, sentence inserted before the first sentence, 1968, 751.

SECT. 42F revised, 1934, 180 § 1.

SECT. 42H, paragraph 2 revised, 1934, 180 § 2.

SECTS. 42A-42J stricken out and new sections 42A-42J inserted, 1970, 690 § 1.

SECT. 42K repealed, 1970, 690 § 2.

SECT. 43 revised, 1932, 305 § 4; amended, 1935, 88; first paragraph amended, 1936, 210; section repealed, 1967, 356. (See 1932, 305 §§ 5, 6.)

SECT. 45 revised, 1935, 317; 1948, 550 § 9.

SECT. 46, sentence added at end, 1955, 757 § 5.

SECT. 48 revised, 1955, 757 § 6; amended, 1963, 326.

SECT. 48B added, 1935, 259 (requiring institutions supported wholly or in part by funds of the commonwealth to use milk, other than cream and certified milk, produced within the commonwealth).

SECT. 48C added, 1939, 317 (regulating the manufacture, sale and delivery of certain milk beverages, so called); revised, 1955, 757 § 7; amended, 1967, 425 § 3.

SECT. 48D added, 1955, 757 § 8 (relative to the blending of milk and cream, establishing sanitary and labelling requirements, and providing penalties for violations thereof).

SECT. 48E added, 1960, 43 (regulating the manufacture and sale of cultured milk products).

SECT. 49, sentence added at end, 1948, 453 § 3; section revised, 1967, 216 § 2.

SECT. 50 amended, 1937, 335 § 3.

SECT. 52 amended, 1948, 550 § 10; revised, 1949, 297 § 2; repealed, 1954, 262.

SECT. 54 amended, 1948, 453 § 1.

SECT. 55 revised, 1967, 216 § 3.

SECTS. 56 and 57 repealed, 1954, 262.

SECT. 58 amended, 1948, 453 § 2.

SECT. 60 revised, 1934, 373 § 2; amended, 1957, 356 § 1.

SECT. 61A added, 1937, 335 § 4 (relative to the manufacture and sale of certain cheese); first sentence amended, 1967, 40.

SECTS. 64, 64A, 65, 65A, 65B, 65E and 65F, and the caption of said section 64, stricken out, and sections 65G-65S inserted, under caption "FROZEN DESSERTS AND ICE CREAM MIX", 1934, 373 § 1; caption stricken out and new caption "FROZEN DESSERTS AND FROZEN DESSERT MIX" inserted, 1957, 356 § 2. (See 1934, 373 § 8.)

SECT. 65G, "Buttermilk powder" defined, 1960, 45 § 2; "Frozen dessert mix" defined, 1957, 356 § 3; definition of "Ice Cream" revised, 1950, 236; "Ice milk mix" defined, 1957, 356 § 4; definition of "Imitation frozen dessert" revised, 1963, 274 § 1; definition of "milk product" revised, 1959, 468 § 1; 1960, 45 § 1; definition of "Stabilizer" revised, 1954, 664 § 1; "Sugar" defined, 1954, 664 § 2; "Whey powder" defined, 1959, 468 § 2; section revised, 1967, 215 § 1.

SECT. 65H revised, 1957, 356 § 5; last paragraph amended, 1967, 215 § 2.

SECT. 65I revised, 1957, 356 § 6.

SECT. 65J, first paragraph amended, 1967, 215 § 3; second paragraph revised, 1937, 341 § 1.

SECT. 65L, subdivision (c) amended, 1937, 341 § 2; section revised, 1957, 356 § 7; paragraph (b) revised, 1963, 274 § 2; paragraph (f) revised, 1967, 215 § 4.

SECT. 65M revised, 1957, 356 § 8; 1967, 215 § 5.

SECT. 65N revised, 1957, 356 § 9.

SECT. 65O revised, 1957, 356 § 10; first paragraph, clause First amended, 1967, 215 § 6; second paragraph amended, 1967, 215 § 7.

SECT. 65P, paragraph (f) added at end, 1937, 341 § 3; revised, 1957, 356 § 11; amended, 1967, 215 § 8.

SECT. 65Q revised, 1957, 356 § 12; amended, 1967, 215 § 9.

SECT. 65T added, 1963, 274 § 3 (authorizing the department of public health to establish regulations and standards for frozen dietary dairy desserts).

SECT. 65U added, 1967, 215 § 10 (establishing standards of labeling for frozen desserts and mix).

SECT. 66A added, 1945, 109 (making certain laws relative to cold storage warehouses inapplicable to locker plants, so called).

SECT. 73A added, under caption, 1959, 423 (regulating the storage and transportation of frozen food).

SECT. 74 revised, 1933, 329 § 5; repealed, 1941, 598 § 2.

SECT. 74A added, 1933, 329 § 6 (definition of "fish"); repealed, 1941, 598 § 2.

SECTS. 75 and 76 repealed, 1933, 329 § 7.

SECT. 77, first sentence stricken out, 1933, 329 § 8; repealed, 1941, 598 § 2.

SECT. 77A added, 1934, 216 (regulating the importation of fresh swordfish).

SECT. 77A stricken out and sections 77A-77I, inclusive, added, 1964, 524 § 12 (relative to the sale and storage of fish, lobster meat and crabmeat).

SECT. 77G revised, 1966, 460.

SECT. 78 revised, 1933, 329 § 9; repealed, 1941, 598 § 2.

SECT. 78A added, 1933, 329 § 10 (prohibiting certain misrepresentations in the sale of lobsters); repealed, 1941, 598 § 2.

SECT. 79 repealed, 1933, 329 § 7.

SECT. 80 repealed, 1941, 598 § 2.

SECT. 81 revised, 1933, 329 § 11; 1939, 491 § 10; repealed, 1941, 598 § 2. (See 1939, 491 § 12.)

SECT. 82 repealed, 1941, 598 § 2.

SECT. 83 revised, 1933, 329 § 12; repealed, 1941, 598 § 2.

SECT. 85 amended, 1939, 261 § 7; second sentence revised, 1968, 467 § 10.

SECT. 86, two sentences added at end, 1955, 415; second sentence revised, 1969, 704 § 40. (See 1969, 704 § 60.)

SECT. 88A revised, 1933, 329 § 13; repealed, 1941, 598 § 2.

SECT. 88B added, 1936, 176 (requiring that shucked scallops and quahaugs in the shell be sold only by weight).

SECTS. 88C and 88D added, 1964, 524 § 13 (authorizing the commissioner of public health to adopt rules and regulations relative to the sanitary conditions for commercial processing establishments, and to inspection or distribution of fish, and the entry and inspection of places where fish is offered or exposed for sale or kept with intent to sell).

SECT. 90A added, 1935, 369 (relative to the sale and distribution of eggs).

SECT. 90B added, 1938, 404 (establishing standard sizes in connection with the sale and distribution of eggs); revised, 1951, 266.

SECTS. 90C-90E added, 1962, 393 § 1 (providing for the establishment by the commissioner of agriculture of grades of eggs sold at retail. (See 1962, 393 § 2.)

SECT. 90D, second sentence revised, 1965, 52; fourth sentence revised, 1963, 116.

SECT. 92B added, under caption, 1935, 97 (requiring the retail sale of meats and poultry to be by weight); section and caption preceding section revised, 1959, 219.

SECT. 98 amended, 1939, 261 § 8; second sentence revised, 1968, 467 § 11.

SECT. 99A amended, 1939, 261 § 9; sentence inserted after fourth sentence, 1952, 121; last sentence revised, 1968, 467 § 12; 1969, 704 § 41. (See 1969, 704 § 60.)

SECT. 99B added, 1961, 85 (regulating the use of the word "native" in connection with the sale or packaging of vegetables); amended, 1962, 181; first sentence amended, 1963, 158; section revised, 1966, 65.

SECT. 100 repealed, 1959, 528 § 2.

SECTS. 101-109 stricken out, and new sections 101-109 inserted, 1959, 528 § 3.

SECT. 107 revised, 1967, 217.

SECT. 117A, first sentence amended, 1951, 600 § 1. (See 1951, 600 § 3.)

SECTS. 117G-117L added, under caption, 1951, 600 § 2 (relative to the grading and marking of potatoes). (See 1951, 600 § 3.)

SECT. 117H, paragraph added at end, 1970, 229.

SECT. 118 amended, 1943, 332 § 1.

SECT. 119 amended, 1943, 332 § 2; 1949, 334 § 1.

SECT. 120 amended, 1943, 332 § 3; revised, 1949, 334 § 2.

SECT. 120A amended, 1943, 332 § 4; revised, 1949, 334 § 3.

SECT. 123 amended, 1932, 180 § 15; 1943, 332 § 5.

SECT. 124 revised, 1943, 508 § 1.

SECT. 126 amended, 1946, 213 § 1.

SECT. 128 amended, 1946, 213 § 2; 1963, 579 § 2.

SECT. 129 revised, 1946, 213 § 3; amended, 1949, 334 § 4.

SECT. 130 amended, 1946, 213 § 4; 1949, 334 § 5.

SECT. 131 revised, 1943, 332 § 6; 1949, 334 § 6; first paragraph amended, 1952, 201; paragraph added at end, 1950, 317; revised, 1964, 112.

SECT. 132 amended, 1949, 334 § 7.

SECT. 133 amended, 1943, 332 § 7; 1946, 213 § 5.

SECT. 133A added, 1946, 213 § 6 (further regulating the slaughtering of certain animals).

SECT. 134 amended, 1946, 213 § 7.

SECT. 135 amended, 1943, 332 § 8.

SECT. 137 amended, 1949, 334 § 8.

SECT. 138 amended, 1943, 508 § 2.

SECT. 139 amended, 1946, 213 § 8.

SECT. 139A added, 1945, 679 (relative to the establishment and operation of poultry slaughtering houses); last paragraph revised, 1948, 339; 1955, 289.

SECTS. 118-139A stricken out and new sections 118-132 inserted, 1970, 891 § 1.

SECT. 139B added, 1956, 712 § 1 (to protect the public against the sale of unwholesome poultry). (See 1956, 712 § 2.)

SECTS. 139C-139G added, 1960, 444 § 1 (requiring the humane slaughtering of livestock). (See 1960, 444 §§ 2, 3.)

SECT. 139C, definition of "commissioner" revised, 1962, 396 § 1. (See 1962, 396 § 2.)

SECTS. 143B and 143C added, 1956, 693 (permitting the manufacture of sausage contained in colored casings and regulating the sale thereof).

SECTS. 144-145 repealed, 1973, 383.

SECT. 146, first paragraph amended, 1934, 340 § 6; 1943, 508 § 3; second paragraph amended, 1952, 387. (See 1934, 340 § 18.)

SECT. 148, second paragraph amended, 1934, 340 § 6A. (See 1934, 340 § 18.)

SECT. 151 revised, 1943, 508 § 4.

SECT. 151A added, 1948, 189 (regulating the sale of horse meat for food in certain places); revised, 1953, 136.

SECTS. 152A-152C added, 1934, 296 (relative to the sale and transportation of poultry).

SECT. 152A amended, 1935, 157 § 1; 1949, 446 § 1; definitions of "poultry sold or used for food" and "producer" inserted, 1955, 515 § 1.

SECT. 152B revised, 1935, 157 § 2.

SECT. 152D added, 1949, 446 § 2 (relative to the bonding of licensees engaged in the business of buying or selling poultry).

SECTS. 152E-152G added, 1955, 515 § 2 (making the protection under the poultry bonding law applicable only to poultry producers).

SECT. 153A added, 1933, 116 (relative to the sale of meat and meat products containing certain preservatives); revised, 1933, 311; 1945, 165.

SECT. 156, second paragraph amended, 1960, 625.

SECT. 172 revised, 1939, 122.

SECT. 174A added, 1945, 92 § 1 (fixing standard weights of containers for certain flours, etc.); revised, 1946, 92.

SECT. 175 repealed, 1945, 92 § 2.

SECT. 177 revised, 1946, 176; amended, 1960, 243.

SECT. 181 amended, 1939, 261 § 10; revised, 1960, 244; 1965, 676; last paragraph revised, 1968, 467 § 13.

SECT. 182 amended, 1939, 261 § 11; revised, 1968, 467 § 14.

SECT. 184 amended, 1939, 261 § 12; 1968, 467 § 15.

Caption following section 184A revised, 1961, 600 § 2.

SECT. 185A repealed, 1937, 341 § 4.

SECT. 186 revised, 1948, 598 § 1; clause Thirteenth added, 1963, 487 § 1; section amended, 1961, 600 § 2; 1970, 891 §§ 2, 3.

SECT. 187 revised, 1948, 598 § 2; first paragraph revised, 1970, 891 § 4; following the words "In the case of a drug", clause First revised, 1972, 427; clause Ninth inserted, 1957, 284; last paragraph revised, 1954, 577 § 1; amended, 1957, 284; following the words "In the case of food", clauses First to Eighth stricken out and clauses First to Fourteenth inserted, 1970, 891 § 5; paragraph added, 1954, 577 § 2; words "In the case of a cosmetic" and clauses First to Third and paragraph added, 1961, 600 § 3.

SECT. 187A added, 1948, 598 § 3 (further regulating the sale of certain harmful drugs); revised, 1954, 577 § 3; first paragraph amended, 1955, 718 § 1; last sentence revised, 1967, 49; second paragraph amended, 1965, 229 § 1; 1956, 299 § 1; 1970, 443 § 4; third paragraph amended, 1965, 229 § 2; 1970, 443 § 5; fourth paragraph amended, 1956, 299 § 2; revised, 1970, 178; sixth paragraph amended, 1965, 229 § 3; 1970, 443 § 6; ninth paragraph amended, 1965, 27; last paragraph revised, 1960, 200; section repealed, 1971, 1071 § 2. (See 1954, 577 § 4; 1971, 1071 § 9.)

SECTS. 187B and 187C added, 1955, 610 (relative to the illegal possession of harmful drugs and the reporting of harmful drug intoxication to the department of public health).

SECT. 187B amended, 1965, 229 § 4; 1970, 443 § 7; repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 187C repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 187D added, 1955, 718 § 2 (providing a penalty for the unauthorized making or altering of a prescription); amended, 1965, 229 § 5; 1970, 443 § 8, 345; revised, 1971, 1071 § 5. (See 1971, 1071 § 9.)

SECT. 187E added, 1961, 509 (providing that manufacturers of harmful drugs be licensed by the department of public health); revised, 1965, 515 § 1; fourth paragraph revised, 1968, 128; section repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 187F added, 1961, 603 (further regulating the shipment of harmful drugs into the commonwealth); revised, 1965, 515 § 2; repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 187G added, 1969, 586 (relating to search warrants in connection with harmful drugs and implements used therewith); repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 187H added, 1970, 539 (relative to the forfeiture and disposition of all harmful drugs and the articles, implements and paraphernalia used in, for or in connection with the unlawful use or possession of any harmful drug); repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 189, first sentence amended, 1948, 598 § 4; section revised, 1961, 600 § 4.

SECT. 189A added, 1948, 598 § 5 (relative to the adulteration or misbranding of food and drugs); revised, 1961, 600 § 5.

SECT. 190 revised, 1961, 600 § 6.

SECT. 191 revised, 1961, 600 § 7.

SECTS. 190-191 stricken out and new section 190 inserted, 1970, 891 § 6.

SECT. 192 revised, 1948, 598 § 6; 1961, 600 § 8.

SECT. 193 revised, 1948, 598 § 7; 1961, 600 § 9.

SECT. 194 revised, 1961, 600 § 10.

SECT. 194B added, 1968, 525 § 1 (providing a penalty for labelling certain fish products as "halibut"). (See 1968, 525 § 2.)

SECT. 196 repealed, 1948, 598 § 8.

Sects. 197-217, as amended, stricken out, and new sections 197-217D inserted, 1957, 660 § 1. (See 1957, 660 §§ 6, 7.)

For prior changes see Table of Changes contained in Acts and Resolves of 1959.

The following references are to sections 197-217D, as so inserted:

SECT. 197 amended, 1960, 204 § 4; definition of "chiropracist (podiatrist)" inserted, 1965, 229 § 6; revised, 1970, 443 § 9; definition of "Pharmacist," or "druggist" revised, 1961, 345 § 1; definition of "Nurse" revised, 1960, 660; 1961, 245; definition of "Narcotic Drug" amended, 1966, 71 § 1; 1969, 222 § 1; definitions of "amidone", "isoamidone" and "Keto-bemidone" revised, 1963, 79; definitions of "LSD", "Psilocybin", and "D.M.T." inserted, 1966, 71 § 2; definition of "THC" inserted, 1969, 222 § 2.

SECT. 199A, first paragraph amended, 1965, 229 § 7; 1970, 443 § 10; third paragraph amended, 1965, 229 § 8; 1970, 443 § 11.

SECT. 199E, first paragraph revised, 1961, 345 § 2; second paragraph revised, 1968, 287; last paragraph stricken out, 1961, 345 § 3.

SECT. 199F inserted, 1959, 210 (penalizing the use of certain narcotic preparations except in good faith as a medicine); revised, 1960, 455.

SECT. 199G added, 1966, 339 (prohibiting the purchase without a prescription of certain exempt narcotic drugs by minors).

SECT. 205 revised, 1958, 95 § 1.

SECT. 211, paragraphs (a), (b) and (c) revised, 1958, 276; paragraph (a) amended, 1961, 345 § 4; 1970, 443 § 12; paragraph (b) amended, 1961, 345 § 5; 1970, 443 § 13; paragraph (c) amended, 1959, 248; paragraph (d) amended, 1970, 443 § 14; paragraph (e) added, 1961, 345 § 6.

SECT. 212 revised, 1958, 95 § 2.

SECT. 212A revised, 1960, 204 § 1.

SECT. 213 revised, 1958, 181.

SECT. 213A revised, 1960, 204 § 2; amended, 1970, 681.

SECTS. 217-217D stricken out and sections 217-217E inserted, 1960, 204 § 3 (further regulating the sale, possession and distribution of narcotic drugs).

SECTS. 197-217E repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 225, paragraph added at end, 1939, 69.

SECT. 227 amended, 1971, 795 § 2.

SECT. 228 amended, 1971, 795 § 3.

SECT. 229 amended, 1971, 795 § 4.

SECT. 230 amended, 1971, 795 § 5.

SECT. 231 amended, 1971, 795 § 6.

SECT. 231A added, 1971, 795 § 7 (regulating the collection of samples of certain feeding stuff by the commissioner for analysis).

SECT. 232 amended, 1971, 795 § 8.

SECT. 233 amended, 1971, 795 § 9.

SECT. 234 amended, 1971, 795 § 10.

SECT. 235 amended, 1971, 795 § 11.

SECTS. 225-235 repealed, 1972, 365 § 2.

SECT. 239A amended, 1939, 261 § 13; revised, 1968, 467 § 16.

SECT. 244 amended, 1941, 155 § 1; second sentence revised, 1968, 467 § 17.

SECT. 245 revised, 1933, 94 § 2; amended, 1939, 261 § 13A; revised, 1941, 155 § 2; first sentence revised, 1968, 467 § 18.

SECT. 246 revised, 1941, 155 § 4.

SECT. 248 amended, 1934, 184; 1939, 261 § 14; revised, 1943, 241 § 1; amended, 1946, 222; revised, 1952, 99; second sentence revised, 1968, 467 § 19.

SECT. 249A amended, 1939, 261 § 15; first sentence revised, 1968, 467 § 20.

SECT. 249B amended, 1939, 261 § 16; revised, 1968, 467 § 21.

SECT. 249E revised, 1943, 241 § 2.

SECT. 249E½ added, 1943, 241 § 3 (relative to the allowable amount of non-combustible residue of coal and coke).

SECT. 249F amended, 1939, 261 § 17; 1943, 241 § 4; revised, 1968, 467 § 22.

SECT. 249G added, under caption, 1933, 94 § 1 (authorizing certain officers to direct the weighing of material for road construction); amended, 1939, 261 § 17A; repealed, 1941, 155 § 3.

SECT. 249H added, 1971, 397 (directing the director of standards to promulgate rules and regulations relative to heating oils).

SECT. 250 revised, 1933, 67 § 6.

SECT. 252 amended, 1933, 67 § 7.

SECT. 254 amended, 1933, 67 § 8; 1971, 795 § 12.

SECT. 255 amended, 1933, 67 § 9; 1971, 795 § 13.

SECT. 256 revised, 1933, 67 § 10; amended, 1971, 795 § 14.

SECT. 256A added, 1971, 795 § 15 (providing for delivery of certain analysis samples to the Massachusetts agricultural experiment station).

SECT. 257 revised, 1933, 67 § 11; amended, 1971, 795 § 16.

SECT. 258 revised, 1933, 67 § 12; amended, 1971, 795 § 17.

SECT. 259 amended, 1971, 795 § 18.

SECT. 260 amended, 1971, 795 § 19.

SECT. 261 amended, 1971, 795 § 20.

SECTS. 250-261 repealed, 1973, 607 § 4. (See 1973, 607 § 9.)

Sects. 261A-261L, as amended, stricken out, and new sections 261A-261K inserted, 1946, 377 § 2.

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

Sects. 261A-261K stricken out and new sections 261A-261K inserted, 1959, 396 § 2.

SECT. 261A, definition of "Agricultural seeds" amended, 1965, 109 § 1; definition of "Seed potatoes" inserted, 1965, 109 § 2.

SECT. 261E, first sentence revised, 1966, 400.

SECT. 261L added, 1965, 109 § 3 (prohibiting the sale of seed potatoes that do not conform to the standards and allowable tolerances established by the department of agriculture).

Sects. 270-277, as amended, and caption preceding said sections stricken out, and new sections 270-277 inserted under caption "UPHOLSTERED FURNITURE AND BEDDING", 1959, 611 § 2; caption revised to read "UPHOLSTERED FURNITURE, BEDDING AND STUFFED TOYS", 1965, 514 § 1.

For prior changes see Table of Changes contained in Acts and Resolves of 1959.

The following references are to sections 270-277, as so inserted:

SECT. 270, definition of "Filling material" amended, 1965, 514 § 2; paragraph defining "Renovator" "reupholsterer" "remaker" or "repairer" revised, 1961, 348 § 1; definition of "Retailer" amended, 1965, 514 § 3; definition of "Secondhand", "used" or "used material" amended, 1965, 514 § 4; definition of "Sterilizer" amended, 1965, 514 § 5; definition of "Supply dealer" amended, 1965, 514 § 6; definition of "Stuffed toy" inserted, 1965, 514 § 7.

SECT. 271, first paragraph amended, 1965, 514 § 8; second paragraph amended, 1965, 514 § 9; third paragraph revised, 1966, 521; fourth paragraph amended, 1965, 514 § 10; tenth paragraph amended, 1965, 514 § 11; eleventh paragraph amended, 1965, 514 § 12.

SECT. 272, first paragraph amended, 1965, 514 § 13; second paragraph amended, 1965, 514 § 14; third paragraph amended, 1965, 514 § 15; sixth paragraph amended, 1965, 368; 514 § 16.

SECT. 273, two paragraphs inserted after first paragraph, 1961, 348 § 2.

SECT. 275 revised, 1965, 514 § 17.

SECT. 276 amended, 1965, 514 § 18.

SECT. 277A added, under caption, 1941, 422 (requiring the marking or labelling of furs, imitation furs and articles made therefrom, and prohibiting misrepresentation in such marks or labels).

SECT. 277B added, under caption, 1961, 172 (prohibiting the sale or offering for sale of imported goods unless prospective purchasers are notified that such goods are imported); first sentence amended, 1962, 92; section revised, 1962, 206; 1963, 94; paragraph inserted after second paragraph, 1964, 253.

SECT. 283 amended, 1939, 261 § 17B; revised, 1968, 467 § 23.

SECT. 285 revised, 1950, 110 § 1.

SECT. 286 revised, 1950, 110 § 2; 1968, 467 § 24.

SECT. 287 revised, 1950, 110 § 3.

SECT. 288 revised, 1950, 110 § 4.

SECT. 295A added, under caption, 1933, 228 (relative to prevention of fraud and misrepresentation in the sale of gasoline, lubricating oils and other motor fuels, and to prevention of the adulteration thereof).

SECTS. 295B and 295C added, 1938, 411 (prohibiting and penalizing

the use of misleading signs relating to the price of gasoline and other motor fuel).

SECT. 295C revised, 1939, 218.

SECTS. 295A-295C stricken out, and new sections 295A-295O inserted, 1939, 459 § 1 (further regulating the advertising and sale of motor fuel at retail). (See 1939, 459 § 3.)

SECT. 295A amended, 1950, 515 § 1; paragraph (1) amended, 1962, 531 § 1; paragraph (2A) inserted, 1960, 234 § 1; paragraphs (4) and (5) revised, 1968, 467 § 25; paragraph (4) revised, 1969, 704 § 42; paragraph (6) inserted, 1950, 515 § 1. (See 1960, 234 § 4; 1969, 704 § 60.)

SECT. 295B, first paragraph amended, 1950, 497; section revised, 1957, 443; first paragraph amended, 1962, 531 § 2; third sentence amended, 1972, 684 § 12; third paragraph stricken out, 1969, 622. (See 1972, 684 § 136.)

SECT. 295E, paragraph added, 1971, 134.

SECT. 295F amended, 1955, 183; revised, 1960, 234 § 2. (See 1960, 234 § 4.)

SECT. 295G revised, 1941, 311; paragraph added at end, 1950, 496; section revised, 1960, 234 § 3. (See 1960, 234 § 4.)

SECTS. 295P-295W added, 1950, 515 § 2 (to prevent unfair discrimination, competition and destructive trade practices in the retail sale of motor fuel).

SECT. 295X added, 1960, 261 (prohibiting the sale of brake fluid which does not comply with the minimum standards prescribed by the registrar of motor vehicles).

SECT. 295Y added, 1963, 280 (regulating the sale and installation of seat safety belts); repealed, 1973, 216.

SECTS. 295Z, 295AA and 295BB added, 1973, 955 § 1 (requiring certain petroleum distributors to file certain information with the secretary of consumer affairs). (See 1973, 955 § 3.)

SECT. 298 amended, 1934, 109 § 1.

SECT. 299 amended, 1934, 109 § 2.

SECTS. 303A-303E added, under caption, 1934, 372 § 3 (relative to methyl or wood alcohol and to certain preparations containing such alcohol).

SECT. 303A amended, 1935, 342; 1936, 53.

SECT. 303B amended, 1937, 177 § 1.

SECT. 303C revised, 1937, 177 § 2.

SECT. 303F added, under caption, 1935, 95 (regulating the sale of fuel oils); amended, 1952, 107; revised, 1967, 92; first sentence revised, 1972, 597.

SECTS. 303G-303M added, under caption, 1967, 481 (establishing minimum standards of quality for anti-freeze).

SECT. 303G, definition of "Division" revised, 1972, 323 § 1. (See 1972, 323 § 2.)

SECT. 303J, first paragraph, third sentence revised, 1968, 47 § 1. (See 1968, 47 § 2.)

SECT. 304 revised, 1961, 600 § 11.

SECT. 305A amended, 1937, 362 § 5; revised, 1963, 487 § 2. (See 1937, 362 § 7.)

SECT. 305C added, 1956, 663 § 2 (providing for the registration of persons engaged in the processing of food); second paragraph amended, 1970, 891 § 7.

SECT. 307 added, 1958, 610 (prohibiting the sale of tobacco products which have been contaminated by fire, smoke or water).

SECTS. 308-313 added, under caption, 1963, 487 § 3 (regulating the maintenance and operation of and the sale of foods and beverages through vending machines).

SECTS. 314-318 inserted, 1973, 891 § 1 (requiring the posting of certain information relating to the sale of electrical appliances). (See 1973, 891 § 3.)

Chapter 94A. — Milk Control.

New chapter inserted, 1941, 691 § 2. (See 1941, 691 §§ 3-6.)

For prior temporary legislation establishing within the department of agriculture a milk control board, and defining its powers and duties, see 1934, 376; term of office of said board extended, 1936, 300; 1938, 334; 1939, 413; 1941, 418 § 1, 631 § 1; legislation amended, 1937, 428; 1938, 279; 1939, 302.

SECT. 1, paragraph defining "Board" stricken out and definition of "Commission" inserted, 1953, 604 § 2; definition of "costs" added, 1967, 768 § 1.

SECTS. 2-11 amended, 1953, 604 § 3.

SECT. 2, subsection (3) amended, 1955, 757 § 9.

SECT. 9, paragraphs (a) and (b) revised, 1955, 757 § 10.

SECT. 12 revised, 1950, 756; amended, 1953, 604 § 4.

SECT. 12A added, 1943, 445 (defining the powers and duties of the milk control board in case of a failure to pay the official minimum price for the sale or delivery of milk); amended, 1953, 604 § 3.

SECT. 13, subsections (e) and (f) added at end, 1945, 134 (relative to the furnishing to the milk control board of certain information by licensed milk dealers); first paragraph of subsection (e) revised, 1946, 312; section amended, 1953, 604 § 3. (See 1945, 409.)

SECTS. 14-21 amended, 1953, 604 § 3.

SECT. 14, subsection (d) revised, 1967, 768 § 2.

SECT. 14A added, 1972, 108 (requiring certain institutions to provide the milk control commission with certain bidding information).

SECT. 21, fourth sentence revised and seventh sentence stricken out, 1954, 681 § 7. (See 1954, 681 §§ 20-22.)

SECT. 22 revised, 1943, 164; amended, 1953, 604 § 5.

SECT. 22A added, under caption, 1943, 147 (in aid of the construction and enforcement of the state milk control law, so called).

SECT. 24 amended, 1953, 604 § 3.

Chapter 94B. — Hazardous Substances.

New chapter inserted, 1960, 727 § 2. (See 1960, 727 § 3.)

SECTS. 1-9 revised, 1972, 506 § 1.

SECT. 1, definition of "Flammable" revised, 1973, 649 § 1; definition of "Misbranded hazardous substance" stricken out and definition of "Misbranded package" or "Misbranded package of a hazardous substance" inserted, 1973, 649 § 2. (See 1973, 649 § 5.)

Caption preceding section 11 revised, 1962, 521 § 2.

SECT. 11, eighteenth paragraph, clause (2), subsection (d) amended, 1970, 874 § 2.

SECT. 12, subsection A, paragraph (1) revised, 1970, 874 § 3.

SECT. 13, subsection (a) amended, 1964, 75 § 1; subsection (d) amended, 1964, 75 § 2; subsection (e) stricken out and subsections (e) and (f) inserted, 1970, 874 § 4.

SECT. 13A added, 1970, 874 § 5 (requiring certain wholesalers and distributors of insecticides within the commonwealth to be licensed and to comply with certain regulations).

SECT. 14 repealed, 1964, 75 § 3.

SECT. 18 amended, 1962, 521 § 3.

SECT. 19 amended, 1962, 521 § 4.

SECT. 20 amended, 1962, 521 § 5; revised, 1970, 874 § 6.

SECT. 21 amended, 1962, 521 § 6; revised, 1972, 506 § 2.

SECTS. 21A-21C added, under caption, 1962, 521 § 7 (regulating the application of pesticides).

SECT. 21B, second paragraph, first sentence amended, 1972, 608 § 1; paragraph revised, 1973, 430 § 6.

SECT. 21C, first paragraph revised, 1973, 910; second paragraph amended, 1970, 874 § 7; 1972, 608 § 2; 1973, 430 § 7.

Chapter 94C. — Controlled Substances Act.

New chapter inserted, 1971, 1071 § 1. (See 1971, 1071 § 9.)

SECT. 1, definition of "Administer" amended, 1973, 1190 § 1; definition of "Class" amended, 1972, 806 § 1; definition of "Clinical research" stricken out, 1972, 806 § 2; definition of "Dispense" amended, 1972, 806 § 3; definition of "Immediate precursor" amended, 1973, 1190 § 2; definition of "Manufacture" amended, 1973, 1190 § 3; definition of "Marihuana" amended, 1972, 806 § 4; definition of "Nurse" inserted, 1973, 1190 § 4; definitions of "Practical nurse" and "Registered nurse" stricken out, 1973, 1190 § 5; definition of "Registration number" inserted, 1972, 806 § 5; definition of "Schedule" amended, 1972, 806 § 6; definition of "Ultimate user" amended, 1973, 1190 § 6.

SECT. 2, paragraph (a¹/₂) inserted, 1972, 806 § 7.

SECT. 3 amended, 1972, 806 § 8.

SECT. 4, third paragraph revised, 1972, 806 § 9.

SECT. 7, paragraph (a) amended, 1972, 684 § 13; 1973, 1190 § 7; revised, 1973, 1220; paragraph (b) amended, 1972, 684 § 14; paragraph (d)

amended, 1973, 1190 § 8; paragraph (f) amended, 1972, 684 § 15; paragraph (g) added, 1973, 1190 § 9. (See 1972, 684 § 136.)

SECT. 8, paragraph (a) revised, 1972, 806 § 10; paragraph (h) added, 1972, 806 § 11.

SECT. 9, subsection (a) amended, 1973, 1190 § 10; subsection (b) amended, 1973, 1190 § 11; subsection (c) amended, 1973, 1190 § 12; subsection (d) amended, 1973, 1190 § 13.

SECT. 10 amended, 1973, 1190 § 14.

SECT. 13, paragraph (a), clause (2) amended, 1972, 806 § 12; paragraph (e) amended, 1972, 806 § 13.

SECT. 18, paragraph (b) amended, 1972, 806 § 14.

SECT. 19, paragraph (c) revised, 1972, 806 § 15.

SECT. 22, paragraph (b) amended, 1972, 806 § 16.

SECT. 23, paragraph (d) amended, 1972, 806 § 17.

SECT. 24, paragraph (e) amended, 1972, 806 § 18; paragraph (f) added, 1972, 806 § 19; paragraph (g) added, 1973, 469.

SECT. 27, subsection (a) amended, 1973, 1190 § 15; subsection (b) amended, 1973, 1190 § 16; subsection (c) amended, 1972, 806 § 20; subsection (e) amended, 1973, 1190 § 17.

SECT. 30, paragraph (b) amended, 1972, 806 § 21.

SECT. 31, first paragraph, Class B, paragraph (d) amended, 1973, 459 § 1; Class C, paragraph (c) amended, 1972, 806 § 22.

SECT. 34, second paragraph revised, 1972, 806 § 23; third paragraph amended, 1972, 806 § 24.

SECT. 35 amended, 1972, 806 § 25.

SECT. 36 amended, 1972, 806 § 26.

SECT. 38 amended, 1972, 806 § 27.

SECT. 39, first sentence revised, 1972, 806 § 28.

SECT. 41, first paragraph, clause (c) amended, 1972, 806 § 29.

SECT. 44 revised, 1973, 533 § 1.

SECT. 47, paragraph (c), clause (4) amended, 1972, 806 § 30; paragraph (e) amended, 1972, 806 § 31.

Chapter 95. — Measuring of Leather.

SECT. 1 amended, 1939, 261 § 18; revised, 1968, 467 § 26.

Chapter 96. — Measurement of Lumber.

SECT. 11A added, 1945, 145 (adopting the international log rule as standard for determining the board feet content of saw logs).

Chapter 97. — Surveying of Land.

SECTS. 3-6 stricken out and section 3 inserted, 1956, 182 § 1. (See 1956, 182 § 2.)

SECTS. 8-13 added, 1941, 47 (defining and authorizing the use of a system of plane co-ordinates for designating and stating positions of points on the surface of the earth within the commonwealth).

Chapter 98. — Weights and Measures.

SECT. 1 amended, 1939, 261 § 19; 1968, 467 § 27; 1969, 704 § 43. (See 1969, 704 § 60.)

SECT. 6 revised, 1964, 305 § 1.

SECT. 7 revised, 1964, 305 § 2.

SECT. 12, second paragraph revised, 1948, 373.

SECT. 14A amended, 1936, 73.

SECT. 15 revised, 1953, 259 § 1; last sentence revised, 1969, 704 § 44. (See 1953, 259 § 2; 1969, 704 § 60.)

SECT. 20 amended, 1934, 373 § 3; revised, 1957, 356 § 13.

SECT. 21 amended, 1934, 373 § 4; revised, 1957, 356 § 14.

SECT. 22 amended, 1939, 261 § 19A; revised, 1941, 59; amended, 1953, 86.

SECT. 28A added, 1950, 425 (regulating the sealing and testing of meters used for measuring liquefied petroleum gas); revised, 1963, 544; second sentence revised, 1968, 467 § 28; sentence inserted after third sentence, 1965, 463.

SECT. 29, caption preceding section revised, 1941, 490 § 20; 1968, 467 § 29; paragraph added at end, 1945, 273; last sentence revised, 1969, 704 § 45. (See 1969, 704 § 60.)

SECT. 30 repealed, 1935, 60 § 2.

SECT. 32 amended, 1935, 60 § 3; first sentence revised, 1960, 213; section revised, 1964, 305 § 3.

SECT. 33A added, 1965, 406 § 1 (requiring the director of the division of standards and necessities of life to inspect annually all weighing and measuring devices in towns of five thousand or less inhabitants); sentence added at end, 1968, 71.

SECT. 34 amended, 1955, 190. (See 1965, 405.)

SECT. 35, first sentence revised, 1965, 406 § 2.

SECT. 36, first sentence revised, 1968, 37.

SECT. 37 amended, 1936, 72.

SECT. 41 amended, 1941, 462; first sentence revised, 1969, 704 § 46. (See 1969, 704 § 60.)

SECT. 42 amended, 1955, 185; revised, 1960, 447 § 1.

SECT. 46A added, 1960, 447 § 2 (providing for the proper calibration and inspection of bulk milk tank containers).

SECT. 52, last sentence revised, 1963, 34.

SECT. 56, paragraph (*b*½) added, 1934, 98 (establishing fees for sealing certain liquid-measuring meters); section revised, 1937, 74; paragraph (*b*½) added, 1937, 305 § 1; section revised, 1949, 34 § 1; paragraph (*j*) revised, 1955, 184; 1960, 447 § 3; section revised, 1965, 55. (See 1937, 305 § 2; 1949, 34 § 2.)

SECT. 56A added, 1941, 60 (relative to the location of scales and other weighing devices used in weighing food sold at retail by weight).

SECT. 56B added, 1967, 19 (requiring computing scale at retail outlets selling prepackaged meats, poultry or fish).

SECT. 56C added, 1971, 131 (requiring cash registers or certain other devices for totalling monetary value of customer purchases to be within view of customer).

Chapter 99. — The Metric System of Weights and Measures.

SECT. 1 amended, 1939, 261 § 20.

SECT. 2 revised, 1967, 11.

SECT. 3 amended, 1939, 261 § 21; 1968, 48; revised, 1968, 467 § 30.

SECT. 4 amended, 1939, 261 § 22; first sentence revised, 1968, 467 § 31.

Chapter 100. — Auctioneers.

SECT. 1, paragraph added at end, 1936, 209 § 1.

SECT. 2 revised, 1941, 81; 1948, 550 § 11; 1949, 297 § 3.

SECT. 5 amended, 1932, 156 § 1.

SECT. 6 revised, 1948, 550 § 12; 1949, 297 § 4.

SECT. 14 revised, 1932, 156 § 2; 1948, 550 § 13; 1949, 297 § 5.

SECT. 16 revised, 1932, 156 § 3.

SECTS. 18-21 added, 1936, 209 § 2 (relative to bankruptcy auctions and other auctions of similar type and relative to certain fraudulent practices at auctions).

SECT. 18 revised, 1948, 550 § 14; 1949, 297 § 6.

Chapter 101. — Transient Vendors, Hawkers and Pedlars.

SECT. 1, paragraph inserted before first paragraph, 1941, 490 § 21; second paragraph revised, 1936, 218; section revised, 1958, 146; amended, 1968, 467 § 32; 1969, 704 § 47. (See 1969, 704 § 60.)

SECT. 2 amended, 1948, 372; 1957, 243; revised, 1959, 218.

SECT. 3 amended, 1939, 261 § 23; 1941, 490 § 22; second sentence revised, 1948, 493 § 1; amended, 1972, 684 § 16. (See 1948, 493 § 5; 1972, 684 § 136.)

SECT. 5 amended, 1933, 254 § 64. (See 1933, 254 § 66.)

SECT. 6A added, 1938, 85 (providing that applications for transient vendors' licenses shall contain irrevocable power of attorney for service of process, and providing for services of process under authority thereof).

SECT. 15 amended, 1937, 214; revised, 1937, 333; 1955, 757 § 11.

SECT. 16 revised, 1935, 42; amended, 1937, 130.

SECT. 19 amended, 1934, 114; 1937, 73.

SECT. 22 amended, 1961, 293 § 1; first three sentences stricken out and sentence inserted, 1967, 274; sentence added at end, 1948, 493 § 2. (See 1948, 493 § 5.)

SECT. 22A added, 1962, 541 (further regulating certain hawkers and pedlars).

SECT. 23, sentence added at end, 1948, 493 § 3; section repealed, 1961, 293 § 2. (See 1948, 493 § 5.)

SECT. 24 amended, 1936, 74; 1945, 493 § 1; 1951, 395; sentence added at end, 1948, 493 § 4; section revised, 1954, 627 § 22; 1961, 293 § 3; amended, 1955, 214; 1966, 535 § 7; revised, 1967, 478. (See 1945, 493 § 2; 1948, 493 § 5; 1954, 627 §§ 65, 67.)

SECT. 25 revised, 1961, 293 § 4; repealed, 1970, 775.

SECT. 26 amended, 1961, 293 § 5.

SECT. 27 amended, 1941, 490 § 23.

SECT. 30 amended, 1934, 77.

SECT. 32 amended, 1941, 490 § 24.

SECT. 33 amended, 1945, 160; 1970, 225.

Chapter 102. — Shipping and Seamen, Harbors and Harbor Masters.

SECT. 1A added, 1968, 219 § 1 (further defining the crime of boarding a boat or vessel without authority).

SECT. 3 amended, 1968, 219 § 2.

SECT. 4 amended, 1968, 219 § 3.

SECT. 15 revised, 1932, 232 § 1; repealed, 1960, 275 § 3.

SECT. 15A added, 1932, 232 § 2 (penalty for improper operation of motor and other boats); repealed, 1960, 275 § 3.

SECT. 15B added, 1950, 678 (relative to the regulation of the operation of motor boats upon rivers or inland lakes); repealed, 1960, 275 § 3.

SECT. 16 repealed, 1960, 275 § 3.

SECT. 17 revised, 1932, 57.

Chapter 103. — Pilots.

SECT. 31 revised, 1953, 41; 1958, 222; first paragraph revised, 1962, 159; section revised, 1967, 304; amended, 1970, 176 § 1; revised, 1973, 229 § 1. (See 1973, 229 § 2.)

Chapter 104. — Agents, Consignees and Factors.

SECT. 4, sentence added at end, 1957, 765 § 4. (See 1957, 765 § 21.)

Chapter 105. — Public Warehouses.

SECT. 1 amended, 1935, 310 § 1; first paragraph, first sentence amended, 1972, 684 § 17; paragraph added, 1957, 765 § 5. (See 1957, 765 § 21; 1972, 684 § 136.)

SECTS. 2A and 2B added, 1935, 122 § 1 (relative to the termination of liability of sureties on bonds furnished by public warehousemen). (See 1935, 122 § 3.)

SECT. 2C added, 1947, 499 (authorizing the keeping and maintenance of certain public warehouses without a license).

SECT. 4, paragraph added, 1971, 325.

SECT. 6 revised, 1935, 122 § 2. (See 1935, 122 § 3.)

SECT. 9 clause (h) revised, 1935, 310 § 2.

SECT. 26 amended, 1948, 145.

SECT. 33, paragraph added at end, 1946, 172.

SECTS. 7-54, 65, 66 repealed, 1957, 765 § 2; captions preceding sections 7, 15, 42, 65 stricken out, 1959, 580 § 1. (See 1957, 765 § 21.)

SECT. 57 amended, 1959, 580 § 2.

SECT. 59 amended, 1959, 580 § 3.

Chapter 106. — Uniform Commercial Code.

Chapter stricken out and new chapter 106 inserted, 1957, 765 § 1. (See 1957, 765 §§ 17-21.)

The following references are to chapter 106, as so inserted:

SECT. 1 — 201, subsection (4) revised, 1963, 188 § 24; subsection (27) amended, 188 § 1; subsection (30) revised, 1958, 542 § 1; subsection (33) revised, 1958, 542 § 2.

SECT. 2 — 312, subsection (4) added, 1958, 542 § 3.

SECT. 2 — 316, subsection (5) added, 1965, 297.

SECT. 2 — 316A added, 1970, 880 (providing that attempts to exclude or modify the warranty of merchantability or fitness for a purpose in a sale of consumer goods shall be unenforceable); amended, 1973, 799 § 1. (See 1973, 799 § 2.)

SECT. 2 — 318 revised, 1971, 670 § 1; revised, 1973, 750 § 1. (See 1971, 670 § 2.)

SECT. 2 — 603, subsection (1) amended, 1958, 542 § 4.

SECT. 3 — 104 revised, 1958, 542 § 5.

SECT. 3 — 105, subparagraph (c) of subsection (1) amended, 1963, 188 § 2.

SECT. 3 — 112, subsection (1), subparagraph (b) revised, 1963, 188 § 3.

SECT. 3 — 122, subsection (4) amended, 1960, 273.

SECT. 3 — 412, subsection (2) amended, 1963, 188 § 4.

SECT. 3 — 504, subsection (4) amended, 1963, 188 § 5.

SECT. 3 — 511, subsection (6) revised, 1958, 542 § 6.

SECT. 3 — 601, subsection (1), subparagraph (d) amended, 1958, 542 § 7; subsection (3), subparagraph (b) amended, 1958, 542 § 8.

SECT. 4 — 106 amended, 1963, 188 § 6.

SECT. 4 — 109 added, 1963, 188 § 7 (defining the process of posting by payor banks).

SECT. 4 — 204, subsection (3) added, 1963, 188 § 8.

SECT. 6 — 103, paragraph added at end, 1963, 188 § 9.

SECT. 6 — 104, subsection (2) amended, 1963, 188 § 10.

SECT. 6 — 106, subsection (3) amended, 1963, 188 § 11.

SECT. 6 — 107, subparagraph (b) of subsection (3) amended, 1963, 188 § 12.

SECT. 7 — 210, subparagraph (b) of subsection (2) amended, 1963, 188 § 13.

SECT. 8 — 102 revised, 1963, 188 § 14.

SECT. 8 — 107 added, 1963, 188 § 15.

SECT. 8 — 208, subsection (1) amended, 1963, 188 § 16.

SECT. 8 — 304, subsection (2) amended, 1959, 580 § 4.

SECT. 8 — 306, subsection (3) amended, 1963, 188 § 17.

SECT. 8 — 308, subparagraph (b) of subsection (3) amended, 1963, 188 § 18.

SECT. 8 — 311 amended, 1958, 542 § 9.

SECT. 8 — 313 revised, 1963, 188 § 19.

SECT. 8 — 318 amended, 1959, 580 § 5.

SECT. 8 — 320 added, 1963, 188 § 20.

SECT. 8 — 402 revised, 1959, 580 § 6.

SECT. 8 — 403 revised, 1959, 580 § 7.

SECT. 9 — 103, subsection (2) amended, 1963, 188 § 21; subsection (5) added, 1963, 188 § 22.

SECT. 9 — 105, subsection (2) amended, 1958, 542 § 10.

SECT. 9 — 206, subsection (1) revised, 1963, 188 § 23.

SECT. 9 — 207 revised, 1959, 580 § 8.

SECT. 9 — 301, subsection (2) amended, 1959, 580 § 9.

SECT. 9 — 310 amended, 1958, 542 § 11.

SECT. 9 — 312, subsection (3) subparagraph (b) amended, 1958, 542 § 12; subsection (4) amended, 1959, 580 § 10; subsection (5) amended, 1958, 542 § 13.

SECT. 9 — 402, subsection (3) revised, 1958, 542 § 14.

SECT. 9 — 403, subsection (1), revised, 1960, 379 § 1; subsection (3) amended, 1958, 542 § 15; subsection (4) amended, 1959, 580 § 11; 1960, 379 § 2; subsection (5) amended, 1958, 542 § 16; revised, 1960, 379 § 3; amended, 1961, 131 § 1; revised, 1971, 777; amended, 1972, 684 § 124. (See 1972, 684 § 136.)

SECT. 9 — 404, subsection (1) amended, 1961, 131 § 2; 1972, 684 § 125; subsection (2) revised, 1958, 542 § 17; subsection (3) amended, 1961, 131 § 3; 1972, 684 § 126. (See 1972, 684 § 136.)

SECT. 9 — 405 revised, 1959, 580 § 12; subsection (1) amended, 1961, 131 § 4; 1972, 684 § 127; subsection (2) amended, 1961, 131 § 5; 1972, 684 § 128. (See 1972, 684 § 136.)

SECT. 9 — 406 amended, 1961, 131 § 6; 1972, 684 § 129. (See 1972, 684 § 136.)

SECT. 9 — 407, subsection (2) revised, 1958, 542 § 18; amended, 1964, 79; 1972, 684 § 130. (See 1972, 684 § 136.)

SECT. 9 — 408 added, 1958, 542 § 19 (relative to the destruction of certain old records).

SECT. 9 — 409 added, 1960, 379 § 4 (providing for filings as to fixtures in registries of deeds, duties of registers of deeds, and combined real estate and fixture mortgage).

SECT. 9 — 501 revised, 1959, 580 § 13.

Chapter 107. — Money and Registration, Issuance and Redemption of Bonds and other Securities, Facsimile Signatures (former title, Money and Negotiable Instruments).

Title changed, 1959, 580 § 14.

SECT. 5 revised, 1947, 55; repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 6 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 9 repealed, 1957, 765 § 2; caption preceding said section stricken out, 1959, 580 § 14. (See 1957, 765 § 21.)

SECT. 11 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 12 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 13, caption preceding said section stricken out, 1959, 580 § 14.

SECT. 31 amended, 1941, 215.

SECTS. 14-45 repealed, 1957, 765 § 2; captions preceding any of said sections stricken out, 1959, 580 § 14. (See 1957, 765 § 21.)

SECT. 45A added, 1953, 439 (relative to the use of facsimile signatures in the drawing of checks by treasurers of public bodies).

SECT. 107 amended, 1950, 287 § 2.

SECT. 111A added, 1947, 167 (relative to the time for payment by bank of checks and other instruments); repealed, 1950, 287 § 3.

SECTS. 46-212 repealed, 1957, 765 § 2; captions preceding any of said sections stricken out, 1959, 580 § 14. (See 1957, 765 § 21.)

Chapter 107A. — Assignments of Accounts Receivable.

New chapter inserted, 1945, 141 § 1. (See 1945, 141 § 2.)

Chapter repealed 1957, 765 § 2. (See 1957, 765 § 21.)

Chapter 108. — Criminal Offences Relative to Bills of Lading (former title, Bills of Lading).

Title changed, 1959, 580 § 15.

SECTS. 1-41 repealed, 1957, 765 § 2; captions preceding any of said sections stricken out, 1959, 580 § 15. (See 1957, 765 § 21.)

SECT. 42 revised, 1959, 580 § 16.

SECT. 44 amended, 1959, 580 § 17.

SECTS. 49-51 repealed, 1957, 765 § 2; caption preceding section 49 stricken out, 1959, 580 § 15. (See 1957, 765 § 21.)

Chapter 108A. — Partnerships.

SECT. 34, first paragraph amended, 1932, 180 § 16.

Chapter 109. — Limited Partnerships.

SECT. 31 amended, 1957, 698 § 1; 1972, 684 § 18. (See 1972, 684 § 136.)

Chapter 110. — Labels, Trade Marks, Names and Registration thereof.

SECT. 1, definitions of "Label" and "Name" stricken out, 1973, 897 § 1. (See 1973, 897 § 8.)

SECTS. 2-3 repealed, 1973, 897 § 2. (See 1973, 897 § 8.)

SECT. 4B added, 1946, 169 § 1 (penalizing the use for trade purposes of the words "Army", "Navy" and other words denoting branches of the United States Government); amended, 1948, 466; sentence added at end, 1956, 350. (See 1946, 169 § 3.)

SECT. 5 revised, 1948, 550 § 15; 1952, 32 § 1; 1959, 63; sentence inserted after second sentence, 1967, 429.

SECT. 7 repealed, 1973, 897 § 2. (See 1973, 897 § 8.)

SECT. 7A added, 1947, 307 (authorizing injunctive relief in certain cases of trade mark infringement or unfair competition); repealed, 1973, 897 § 2. (See 1973, 897 § 8.)

- SECT. 8, paragraph added at end, 1958, 442 § 1. (See 1958, 442 § 2.)
SECTS. 8-15 repealed, 1973, 897 § 2. (See 1973, 897 § 8.)
SECT. 17 revised, 1948, 550 § 16.
SECT. 20 amended, 1953, 319 § 13. (See 1953, 319 §§ 39, 40.)
SECT. 21 amended, 1934, 373 § 5; revised, 1948, 550 § 17; 1957, 356 § 15.
SECT. 25 amended, 1953, 319 § 14. (See 1953, 319 §§ 39, 40.)
SECTS. 25A-25C added, under caption, "REGISTRATION OF CERTAIN TOWELS, GARMENTS, APRONS AND LINENS", 1958, 389 § 1.
SECT. 26 amended, 1946, 169 § 2; revised, 1973, 897 § 3. (See 1973, 897 § 8.)
SECT. 27 revised, 1973, 897 § 4. (See 1973, 897 § 8.)
SECT. 29 added, 1958, 389 § 2 (establishing penalties for violations of provisions relative to registration of certain towels, garments, aprons and linens).

Chapter 110A. — Promotion and Sale of Securities.

Chapter stricken out and new chapter 110A inserted, 1932, 290 § 1. (See 1932, 290 §§ 3, 4.)

The following references are to chapter 110A, as so inserted:

SECT. 2, paragraph (a) revised, 1939, 442 § 4; paragraph (c) amended, 1936, 316; 1938, 445 § 2; paragraph (f) revised, 1938, 445 § 3.

SECT. 3, paragraph (i½) inserted, 1945, 288 § 1; last paragraph revised, 1945, 288 § 2; section revised, 1954, 558 § 1.

SECT. 4, paragraph (e) amended, 1961, 493 § 5; paragraph (g) revised, 1938, 445 § 4; paragraph (h) stricken out, 1954, 558 § 2; paragraph (j) added, 1938, 445 § 5.

SECT. 5, first paragraph amended, 1963, 484 § 1; first sentence amended, 1972, 684 § 132; revised, 1967, 527; paragraph inserted before the last paragraph, 1938, 445 § 6; same paragraph amended, 1954, 558 § 3. (See 1963, 484 § 3; 1972, 684 § 136.)

SECT. 5A added, 1965, 131 § 1 (making certain contracts for sale of securities voidable).

SECT. 9, last sentence stricken out, 1938, 445 § 7.

SECT. 10, second sentence revised, 1954, 558 § 4; fourth sentence stricken out and two new sentences inserted, 1938, 445 § 8; three sentences added at end of first paragraph, 1954, 558 § 5; second paragraph amended, 1963, 484 § 2; revised, 1972, 684 § 133. (See 1963, 484 § 3; 1972, 684 § 136.)

SECT. 11 amended, 1950, 822 § 2.

SECT. 11A added, 1938, 445 § 9 (regulating the sale by a corporation of its securities to employees). [For prior legislation, see General Laws, chapter 155 § 23A, repealed by 1938, 445 § 13.]

SECT. 11A stricken out and sections 11A-11E inserted, 1950, 822 § 3 (relative to the sale of securities on the installment plan).

SECT. 12 revised, 1938, 445 § 10; last paragraph amended, 1939, 442 § 5.

SECT. 12A added, 1938, 445 § 11 (relative to the modifying or annulling by the commission of orders or findings made by the director of the securities division and to review of such action); repealed, 1939, 442 § 6.

SECT. 13 amended, 1936; 68.

SECT. 15A added, 1965, 222 (regulating sale of certain securities by small loan companies).

SECT. 18 revised, 1938, 445 § 12; 1965, 131 § 2.

Chapter stricken out and new chapter 110A inserted, 1972, 694 § 1. (See 1972, 694 § 9.)

The following references are to chapter 110A as so inserted:

SECT. 202, paragraph (b) amended, 1973, 430 § 8.

Chapter 110B. — Registration and Protection of Trademarks.

New chapter inserted, 1973, 897 § 5. (See 1973, 897 § 8.)

Chapter 111. — Public Health.

For temporary legislation providing for a dental research program for the training of feminine personnel, see 1949, 473; repealed, 1950, 667.

SECT. 1, paragraph added at end, 1938, 265 § 6; definition of "Farming" or "Agriculture" inserted, 1966, 217; "Inland waters" defined, 1951, 448 § 1.

SECTS. 1A and 1B added, 1951, 552 (providing that certain laws relating to pollution or contamination of waters shall apply to governmental agencies).

SECT. 1A repealed, 1966, 685 § 4.

SECT. 1B repealed, 1966, 685 § 4.

SECT. 2, first paragraph amended, 1973, 1168 § 18; paragraph added, 1964, 508 § 2; first two sentences revised, 1971, 544 § 1. (See 1964, 508 §§ 3, 4; 1973, 1168 § 40.)

SECT. 2A added, 1956, 602 § 11 (providing for co-operation by the commissioner with the Massachusetts rehabilitation commission for rehabilitation of handicapped persons).

SECT. 2B added, 1967, 900 (providing for declaration of air pollution emergencies).

SECT. 2C added, 1971, 806 (authorizing the issuance of cease orders to violators of pollution regulations by the commissioner of public health).

SECT. 3 revised, 1946, 152; last sentence revised, 1966, 713 § 2; sentence added, 1973, 1168 § 19. (See 1973, 1168 § 40.)

SECT. 3A added, 1956, 436 § 3 (establishing the board of trustees of the Massachusetts hospital school).

SECTS. 4A-4C added, 1950, 800 (relative to the establishment of alcoholic clinics).

SECT. 4A, two sentences added at end of first paragraph, 1954, 581 § 3; section revised, 1956, 715 § 3; 1959, 418 § 4; repealed, 1971, 1076 § 3. (See 1954, 581 §§ 4, 5; 1959, 418 §§ 5-8.)

SECT. 4B repealed, 1971, 1076 § 3.

SECT. 4C amended, 1956, 715 § 4; repealed, 1971, 1076 § 3.

SECT. 4D added, 1959, 418 § 3; amended, 1969, 838 § 13; repealed, 1971, 1076 § 3. (See 1969, 838 § 74.)

SECT. 4E added, 1962, 706 (authorizing the department of public health to combat mental retardation in certain children).

SECT. 4F added, 1965, 484 § 1 (establishing an advisory council on radiation protection); first paragraph amended, 1966, 420.

SECT. 4G added, 1967, 865 § 1 (establishing program for care, treatment and rehabilitation of epileptics).

SECT. 4H added, 1968, 498 (authorizing the care and treatment of persons suffering from chronic renal diseases); two sentences added, 1973, 1186 § 1.

SECT. 4I added, 1971, 539 (authorizing the department of public health to establish a program for the prevention of the disease erythroblastosis fetalis).

SECT. 4J added, 1971, 1084 § 1 (authorizing payment by the department of public health for hospital or nursing care for certain multiple-handicapped children); amended, 1973, 1229 § 4N. (See 1973, 1229 § 13.)

SECT. 5, paragraph added at end, 1941, 388; same paragraph revised, 1945, 615; section revised, 1957, 678 § 1; second, third and fourth paragraphs stricken out and three paragraphs inserted, 1959, 522; paragraph inserted after second paragraph, 1960, 172 § 1; same paragraph stricken out and two paragraphs inserted, 1963, 390 § 1; all after first paragraph stricken out, 1965, 898 § 1. (See 1957, 678 § 2.)

SECT. 5A added, 1941, 612 (relative to the preparation and distribution by the department of public health of products applicable to the prevention or cure of diseases of man); revised, 1964, 415.

SECT. 5B added, 1955, 335 (authorizing the department of public health to regulate methods of handling and disposing of radioactive materials); revised, 1960, 633; first paragraph, fourth and fifth sentences stricken out and three sentences inserted, 1965, 495; paragraph amended, 1970, 443 § 15.

SECT. 5C added, 1956, 595 (to regulate certain uses of fluoroscopic shoe-fitting machines); repealed, 1958, 79 § 1.

SECT. 5D added, 1959, 501 (authorizing the department of public health to make rules and regulations concerning plastic bags and plastic film and to provide penalties for the violation thereof).

SECT. 5E added, 1960, 677 (providing that persons applying chemicals to certain waters to control algae, weeds and other aquatic nuisances be licensed).

SECT. 5F added, 1961, 498 § 1 (relative to the control of algae, weeds and aquatic nuisances in certain lakes, ponds, streams and other bodies of water by the department of public health); revised, 1969, 722 § 2; paragraph added, 1973, 594 § 1.

SECT. 5G added, 1961, 625 (authorizing the department of public health to require the installation and operation of treatment facilities necessary to deliver a safe water supply).

SECT. 5H added, 1964, 16 § 2 (relative to the adoption of regulations by the department of public health to prevent the pollution of the waters of

the commonwealth); paragraph added, 1965, 347; section repealed, 1966, 685 § 4. (See 1964, 16 § 3; 1966, 685 § 4.)

SECT. 51 added, 1968, 560 (authorizing the regulation of the use of laser equipment).

SECT. 6 revised, 1938, 265 § 7; sentence added at end, 1948, 129 § 1.

SECTS. 6A-6C added, 1973, 1227 (establishing a program within the department of public health for the care of persons suffering from hemophilia).

SECT. 8A added, 1959, 502 (authorizing the department to make rules and regulations concerning the disposal or discard of containers of poisonous substances); amended, 1960, 759.

SECT. 8B added, 1966, 552 (authorizing the department of public health to make certain rules and regulations relative to ambulances); repealed, 1973, 948 § 6.

SECT. 8C added, 1968, 548 § 1 (authorizing procedures for fluoridation of public water supplies); first paragraph amended, 1971, 1024 § 1; third paragraph revised, 1971, 1024 § 2.

SECT. 9, second sentence amended, 1964, 477 § 2; two sentences inserted after second sentence, 1957, 593; revised, 1972, 806 § 33.

SECT. 11 revised, 1934, 328 § 1.

SECT. 12 revised, 1943, 331 § 1.

SECT. 13, last sentence revised, 1943, 331 § 2.

SECT. 14A added, 1960, 678 (providing that the state department of public health furnish drugs for the treatment of certain rheumatic fever patients).

SECT. 15 amended, 1934, 340 § 7; revised, 1967, 347 § 2.

SECT. 16 amended, 1934, 340 § 8; revised, 1967, 347 § 3.

SECT. 17 amended, 1937, 340.

SECT. 20 revised, 1947, 76; 1972, 777 § 4.

SECT. 21, first sentence revised, 1968, 274.

SECT. 24 amended, 1937, 365; revised, 1939, 234; 1945, 292 § 10.

SECT. 24A added, 1960, 624 (authorizing scientific studies to reduce morbidity and mortality within the commonwealth).

SECT. 24B added, 1968, 358 § 3 (providing for certain statistical information on births). (See 1968, 358 § 5.)

SECT. 25A added, 1972, 715 (requiring the department of public health to establish and maintain an inventory of health care resources within the commonwealth).

SECTS. 25B-25G added, 1972, 776 § 3 (regulating the procedures relative to determinations by the department of public health of the need for the construction or expansion of certain health care facilities). (See 1972, 776 § 6.)

SECT. 25C, fourth paragraph amended, 1973, 1168 § 20; paragraph added, 1973, 1168 § 21. (See 1973, 1168 § 40.)

SECT. 26 revised, 1946, 268 § 1.

SECTS. 26A-26E added, 1946, 268 § 2 (relative to the replacement of a board of health of a city by a health department).

SECT. 26C revised, 1973, 204 § 1.

SECT. 27A revised, 1932, 209; first sentence revised, 1963, 145; seventh sentence revised, 1963, 145.

SECTS. 27B and 27C added, 1953, 600 § 1 (relative to the organization of regional health districts). (See 1953, 600 § 2.)

SECT. 27B, fifth paragraph amended, 1954, 273; sixth paragraph amended, 1954, 681 § 8. (See 1954, 681 §§ 20-22.)

SECT. 30 revised, 1961, 55.

SECT. 31 amended, 1937, 285.

SECT. 31A stricken out, and new sections 31A and 31B inserted, 1937, 282.

SECT. 31A, paragraph added at end, 1945, 423.

SECT. 31C added, 1954, 672 § 4 (relative to the control of atmospheric pollution by local boards of health); second paragraph amended, 1970, 841 § 1; paragraph added at end, 1963, 483; amended, 1970, 841 § 2; paragraph added at end, 1970, 841 § 3.

SECT. 31D added, 1967, 455 (relative to disposal of privy, cesspool and septic tank contents; revised, 1969, 795.)

SECTS. 34-43 and 46-49, and the caption preceding section 34, repealed, 1937, 362 § 6. (See 1937, 362 §§ 1-5, 7.)

SECT. 51 revised, 1943, 16 § 1; 1967, 891 § 1.

SECT. 51A added, 1973, 1186 § 2 (authorizing the department of public health to regulate and license certain out-of-hospital dialysis units).

SECT. 52 revised, 1967, 891 § 2; paragraph added, 1973, 1186 § 3.

SECT. 53 amended, 1943, 16 § 2; revised, 1967, 891 § 3; amended, 1973, 1186 § 4.

SECT. 54 amended, 1943, 16 § 3; revised, 1967, 891 § 4; amended, 1973, 1186 § 5.

SECT. 55 revised, 1967, 891 § 5.

SECT. 56 revised, 1967, 891 § 6.

SECT. 57A added, 1943, 436 § 1 (permitting the department of public health to establish and maintain cancer clinics). (See 1943, 436 § 2.)

SECT. 57B added, 1953, 382 (relative to the establishing and maintenance of muscular dystrophy clinics).

SECT. 57C added, 1954, 538 § 1 (creating facilities for care of the aging).

SECTS. 58-62, and caption preceding section 58, stricken out, and new sections 58-62 inserted under the caption "AGENCIES GIVING DAY CARE TO CHILDREN", 1950, 205.

SECT. 58 revised, 1959, 457; 1962, 719 § 1. (See 1962, 719 §§ 2-4.)

SECT. 59, sentence added at end, 1959, 497; section revised, 1962, 719 § 1; amended, 1972, 802 § 7. (See 1962, 719 §§ 2-4; 1972, 802 § 77.)

SECTS. 60-62 revised, 1962, 719 § 1.

SECT. 61, paragraph added, 1967, 15.

SECTS. 58-62 repealed, 1972, 785 § 4. (See 1972, 785 § 20.)

SECTS. 62I-62S added, under caption, 1954, 508 § 1 (establishing the Massachusetts hospital school and hospital for state minor wards). (See 1954, 508 §§ 3-5.)

SECT. 62J revised, 1969, 619.

SECT. 62M, first sentence amended, 1967, 252; second sentence amended, 1968, 492 § 4; revised, 1973, 1229 § 4A. (See 1973, 1229 § 13.)

SECT. 63 amended, 1962, 598 § 3, 546 § 2; section and caption preceding section revised, 1963, 517 § 2.

SECT. 64 amended, 1962, 546 § 3; revised, 1963, 517 § 3.

SECT. 65 revised, 1951, 562 § 1; 1952, 270 § 1; 1957, 460; amended, 1962, 546 § 4; repealed, 1963, 517 § 4. (See 1951, 562 § 11; 1952, 270 § 10.)

SECT. 65A amended, 1936, 346 § 1; 1941, 506; revised, 1948, 412; amended, 1952, 492; revised, 1953, 383; 1954, 538 § 2; 1955, 220; 1957, 458; amended, 1963, 517 § 5. (See 1936, 346 § 2.)

SECT. 65B added, 1945, 453 (providing for the admission of children suffering from rheumatic heart disease to the North Reading state sanatorium); revised, 1958, 258; repealed, 1962, 598 § 4.

SECTS. 65C and 65D added, 1959, 131 (relative to certain funds of patients now or formerly in institutions under the supervision and control of the department of public health).

SECT. 66 amended, 1934, 219; first sentence revised, 1947, 630; section revised, 1951, 562 § 2; 1952, 270 § 2; second sentence stricken out and two sentences inserted, 1957, 461; section repealed, 1961, 608 § 1. (See 1936, 346 § 2; 1951, 562 §§ 10, 11; 1952, 270 § 10; 1961, 608 §§ 12-14.)

SECT. 66A added, 1937, 392 (permitting the admission to state sanatoria and county tuberculosis hospitals, for purposes of diagnosis and observation, of certain patients with diseases of the lungs other than recognizable tuberculosis); repealed, 1961, 608 § 1. (See 1961, 608 §§ 12-14.)

SECT. 67 revised, 1956, 345; amended, 1963, 517 § 6.

SECTS. 67A-67D added under caption "CARE OF CERTAIN INFANTS PREMATURELY BORN", 1937, 332.

SECT. 67A revised, 1939, 246 § 1; 1949, 601 § 1; 1965, 695 § 1.

SECT. 67B revised, 1949, 601 § 2.

SECT. 67C revised, 1939, 246 § 2; amended, 1945, 535; revised, 1949, 601 § 3; amended, 1955, 753; revised, 1961, 54; 1963, 573 § 1; 1965, 695 § 2; first paragraph amended, 1968, 492 § 5; 1973, 1229 § 4B; paragraph added at end, 1968, 559. (See 1973, 1229 § 13.)

SECT. 67D revised, 1963, 573 § 2.

SECT. 67E added, 1963, 22 § 3 (relative to reporting of children born with congenital deformities or birth injuries).

SECTS. 67F-67H added, 1971, 1095 (requiring certain hearing tests for pre-school children and offering certain diagnostic hearing tests at the expense of the commonwealth).

SECT. 69A amended, 1936, 337 § 1; repealed, 1957, 459 § 1.

SECT. 69B revised, 1953, 562; amended, 1955, 585 § 1; repealed, 1957, 459 § 1. (See 1955, 585 § 3.)

SECT. 69C amended, 1936, 337 § 2; revised, 1953, 562; amended, 1955, 585 § 2; repealed, 1957, 459 § 1. (See 1955, 585 § 3.)

SECT. 69D revised, 1953, 562; repealed, 1957, 459 § 1.

SECTS. 69E-69I added, under caption, 1954, 522 (relative to admissions to and charges at the Lemuel Shattuck Hospital).

SECT. 69E revised, 1957, 459 § 2; 1958, 357; 1959, 494; amended, 1962, 546 § 5; revised, 1963, 517 § 7; amended, 1973, 1167.

SECT. 69H revised, 1957, 459 § 3; amended, 1962, 546 § 6; revised, 1968, 492 § 6; amended, 1973, 1229 § 4C. (See 1973, 1229 § 13.)

SECT. 69I, last sentence revised, 1957, 459 § 4; amended, 1962, 546 § 7.

SECT. 69J added, 1956, 497 (authorizing the department of public health to make contracts for the operation of concessions in Lemuel Shattuck Hospital); amended, 1958, 268.

SECT. 70 amended, 1941, 194 § 5, 389 § 1; 1945, 291; first sentence revised, 1965, 203; section revised, 1957, 604; amended, 1963, 23; revised, 1964, 653; 1967, 891 § 7; fifth sentence amended, 1970, 614; last sentence amended, 1970, 357.

SECTS. 70A-70D added, 1959, 624 § 1 (creating a lien in favor of hospitals for services rendered to persons injured as a result of certain accidents). (See 1959, 624 § 2.)

SECT. 70A amended, 1961, 161; revised, 1967, 891 § 8.

SECTS. 71-73 stricken out and sections 71-72A and 73 inserted, 1941, 661 § 1. (See 1941, 661 § 2.)

SECTS. 71-72A and 73 stricken out and new sections 71-72A and 73 inserted, 1952, 602 § 9. (See 1952, 602 § 18.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to sections 71-72A and 73, as so inserted:

SECT. 71, sentence inserted after first sentence, 1956, 70; fifth sentence stricken out and three sentences inserted, 1955, 662 § 8; eighth sentence revised, 1955, 662 § 7; tenth sentence revised, 1954, 538 § 3; section revised, 1957, 545 § 1; first sentence revised, 1963, 758; ninth sentence revised, 1963, 783; seventeenth sentence revised, 1963, 285; 1965, 469; two paragraphs added at end, 1964, 277; paragraph added at end, 1964, 620 § 2; 1965, 160; section revised, 1966, 614 § 1; first sentence revised, 1966, 713 § 3; eleventh sentence revised, 1966, 713 § 4; section revised, 1967, 891 § 9; paragraph inserted after second paragraph, 1970, 881; fourteenth paragraph revised, 1968, 686; amended, 1973, 1210 § 18; paragraph added, 1973, 1168 § 22. (See 1964, 620 § 1; 1973, 1168 § 40, 1210 § 39.)

SECT. 71A added, 1955, 449 (to require hospitals to determine blood type of patients); repealed, 1967, 891 § 12.

SECT. 71B added, 1955, 662 § 9 (providing for an appeal in certain cases of refusal to grant licenses to maintain certain homes for the aged); repealed, 1967, 891 § 12.

SECT. 72, paragraph added at end, 1956, 439; section amended, 1957, 545 § 2; first paragraph revised, 1966, 614 § 2; amended, 1966, 713 § 5; section revised, 1967, 891 § 10; amended, 1973, 1229 § 40. (See 1973, 1229 § 13.)

SECT. 72A, first sentence amended, 1957, 545 § 3; revised, 1966, 614 § 3; section repealed, 1967, 891 § 12.

SECT. 72B added, 1960, 482 § 1 (establishing an advisory council to consult with the department of public health relative to the hospital survey and construction act of the federal government); repealed, 1967, 891 § 12. (See 1960, 482 § 2.)

SECT. 72C added, 1963, 730 § 1 (regulating lighting and ventilation in convalescent or nursing homes); first sentence revised, 1964, 602.

SECT. 72D added, 1967, 48 (requiring coin-operated telephones in convalescent and nursing homes).

SECT. 73 amended, 1957, 545 § 4; 1963, 730 § 2; first sentence stricken out and three sentences inserted, 1963, 762; first sentence revised, 1966, 614 § 4; section revised, 1967, 891 § 11.

SECT. 73A added, 1967, 891 § 11A (further regulating the licensing of hospitals, clinics, infirmaries, and nursing homes).

SECT. 74 amended, 1941, 72.

SECT. 76 revised, 1951, 562 § 3; 1952, 270 § 3; repealed, 1961, 608 § 1. (See 1951, 562 § 11; 1952, 270 § 10; 1961, 608 §§ 12-14.)

SECTS. 77 and 78 stricken out and two sections inserted, 1961, 608 § 2. (See 1961, 608 §§ 12-14.)

For prior changes see Table of Changes contained in Acts and Resolves of 1960.

SECTS. 78-90 affected (as to district of Chelsea, Revere and Winthrop), 1934, 78.

SECT. 78, first paragraph, fifth and sixth sentences stricken out and new sentence inserted, 1968, 492 § 7; amended, 1973, 1229 § 4D. (See 1973, 1229 § 13.)

SECT. 78A added, 1959, 529 (providing that county tuberculosis hospitals may under certain conditions admit persons suffering with chronic diseases as patients); third sentence revised, 1968, 492 § 8; amended, 1973, 1229 § 4E. (See 1973, 1229 § 13.)

SECTS. 79-83A stricken out and sections 79-83B inserted, 1961, 608 § 2. (See 1961, 608 §§ 12-14.)

SECT. 79, first paragraph, third sentence stricken out and two sentences inserted, 1968, 492 § 9; third sentence amended, 1973, 1229 § 4F. (See 1973, 1229 § 13.)

For prior changes see Table of Changes contained in Acts and Resolves of 1960.

The following references are to sections 79-83B, as so inserted:

SECT. 80, first paragraph revised, 1968, 492 § 10; amended, 1973, 1229 § 46; second paragraph amended, 1965, 362. (See 1973, 1229 § 13.)

SECT. 82, first sentence amended, 1968, 487 § 3; fourth sentence revised, 1962, 769 § 1; third and fourth sentences stricken out and three sentences inserted, 1965, 710 § 1; fifth sentence stricken out and two sentences inserted, 1968, 492 § 11; sixth sentence amended, 1973, 1229 § 44. (See 1965, 710 § 2; 1973, 1229 § 13.)

SECT. 85, first sentence revised, 1943, 414 § 1; section revised, 1943, 500 § 1; 1951, 562 § 7; 1952, 270 § 7; 1961, 608 § 3; second sentence revised, 1969, 849 § 74; stricken out and two sentences inserted, 1971, 766 § 24. (See 1943, 500 § 3; 1951, 562 § 11; 1952, 270 § 10; 1961, 608 §§ 12-14; 1969, 849 § 79.)

SECT. 85A revised, 1932, 65; paragraph added at end, 1959, 223; section revised, 1961, 608 § 4. (See 1961, 608 §§ 12-14.)

SECT. 85B repealed, 1961, 608 § 1. (See 1961, 608 §§ 12-14.)

SECT. 85C repealed, 1961, 608 § 1. (See 1961, 608 §§ 12-14.)

SECT. 86 revised, 1961, 608 § 5. (See 1961, 608 §§ 12-14.)

SECT. 87 amended, 1945, 398 § 1; revised, 1961, 608 § 6; first sentence revised, 1968, 487 § 4. (See 1961, 608 §§ 12-14.)

SECT. 87A added, 1945, 398 § 2 (providing that trustees of Bristol county tuberculosis hospital shall be appointed by the governor); revised, 1961, 608 § 7; repealed, 1968, 487 § 6. (See 1945, 398 §§ 4, 5; 1961, 608 §§ 12-14.)

SECT. 88 revised, 1943, 500 § 2; 1946, 310 § 2; 1951, 562 § 8; 1952, 270 § 8; 1961, 608 § 8; last sentence revised, 1962, 769 § 2; 1968, 492 § 12; amended, 1973, 1229 § 41. (See 1943, 500 § 3; 1951, 562 § 11; 1952, 270 § 10; 1961, 608 §§ 12-14; 1973, 1229 § 13.)

SECT. 88A added, 1943, 500 § 2 (relative to charges for the support of patients in county tuberculosis hospitals); revised, 1946, 310 § 3; repealed, 1951, 562 § 9. (See 1943, 500 § 3; 1951, 562 § 11.)

SECT. 88B added, 1952, 270 § 9 (providing for admission of persons afflicted with pulmonary tuberculosis to certain hospitals in cases of emergency); repealed, 1961, 608 § 1. (See 1952, 270 § 10; 1961, 608 §§ 12-14.)

SECT. 89 repealed, 1961, 608 § 1. (See 1961, 608 §§ 12-14.)

SECT. 90 repealed, 1961, 608 § 1. (See 1961, 608 §§ 12-14.)

SECT. 91 amended, 1954, 538 § 5; paragraph added at end, 1955, 559 § 1.

SECTS. 91A and 91B added, 1954, 538 § 6 (relative to the conversion of certain tuberculosis hospitals or facilities into homes for the care and treatment of aging persons).

SECT. 91A repealed, 1961, 608 § 1. (See 1961, 608 §§ 12-14.)

SECT. 91B repealed, 1961, 608 § 1. (See 1961, 608 §§ 12-14.)

SECT. 91C added, 1959, 462 (enabling the use of certain facilities for the care of diseases of the chest).

SECT. 92 revised, 1955, 559 § 2; 1961, 608 § 9.

SECTS. 94A-94H added, 1956, 615 § 1 (relative to hospitalization of certain tuberculosis patients and to the establishment of a state sanatorium treatment center for such patients). (See 1956, 615 § 2.)

SECT. 94A amended, 1964, 419 § 1.

SECT. 94B amended, 1964, 419 § 2.

SECT. 94C amended, 1964, 419 § 3.

SECT. 94D revised, 1964, 419 § 4.

SECT. 94E revised, 1961, 608 § 10; amended, 1964, 419 § 5. (See 1961, 608 §§ 12-14.)

SECT. 94F amended, 1964, 419 § 6.

SECT. 96 revised, 1938, 265 § 8.

SECT. 96A added, 1938, 265 § 9. (regulating the transportation to another town of a person infected with a disease dangerous to public health).

SECT. 97 revised, 1938, 265 § 10.

SECT. 104 revised, 1938, 265 § 11.

SECT. 107 revised, 1938, 265 § 12.

SECT. 109 revised, 1938, 265 § 13.

SECT. 109A added, 1936, 115 (relative to the treatment of infants' eyes at time of birth); amended, 1943, 46; 1968, 358 § 4. (See 1968, 358 § 5.)

SECT. 110, second sentence amended, 1932, 180 § 17.

SECT. 110A added, 1963, 545 (requiring a phenylketonuria test of certain newborn children).

SECT. 111 revised, 1938, 265 § 14; second paragraph revised, 1948, 129 § 2.

SECT. 111A added, 1963, 118 (requiring the reporting of cases of cerebral palsy).

SECT. 112 amended, 1938, 265 § 15.

SECT. 113 revised, 1938, 265 § 16.

SECT. 116, first sentence revised, 1961, 608 § 11; sentence in lines 24-32 amended, 1943, 275 § 1; section revised, 1964, 339 § 1; 1967, 508. (See 1961, 608 §§ 12-14; 1964, 339 § 3.)

SECT. 116A added, under caption, 1937, 393 (providing for the hospitalization of patients with chronic rheumatism); amended, 1968, 492 § 13.

SECT. 117 revised, 1935, 155; 1937, 391; amended, 1948, 129 § 3; paragraph added at end, 1954, 44.

SECT. 118 amended; 1933, 44; 1948, 129 § 4.

SECT. 119 amended, 1948, 129 § 5.

SECT. 120 repealed, 1948, 120.

SECT. 121 revised, 1945, 555; first two sentences revised, 1948, 129 § 6.

SECT. 121A added, 1939, 407 (requiring a serological test for syphilis of pregnant women).

SECT. 122A added, 1947, 148 (increasing the powers of boards of health with respect to the supplying of water for domestic purposes in places of habitation and in places where the public is furnished food or drink).

SECT. 124, first sentence revised, 1949, 280; second sentence revised, 1965, 898 § 2.

SECT. 125 revised, 1970, 649 § 1.

SECT. 125A added, 1958, 469 (providing for the right of appeal from an order of a board of health which adjudges the operation of a farm to be a nuisance).

SECT. 127 revised, 1937, 339; sentence inserted after first sentence, 1963, 148 § 2.

SECTS. 127A-127J, inclusive, added, 1965, 898 § 3 (relative to the enforcement of the minimum standards of fitness for human habitation existing under the state sanitary code).

SECT. 127A, first paragraph amended, 1973, 880; paragraph added, 1971, 261.

SECT. 127B, first paragraph amended, 1966, 78; 1973, 295; eighth sentence revised, 1972, 522; paragraph added, 1973, 920.

SECT. 127C, paragraph added at end, 1969, 242.

SECT. 127G, sentence added, 1971, 843 § 3; amended, 1973, 591 § 2. (See 1971, 843 § 27; 1973, 591 § 22.)

SECT. 128H amended, 1971, 373; third sentence revised, 1972, 201.

SECT. 127K added, 1968, 404 § 2 (declaring provisions in leases or other rental agreements pertaining to real estate waiving certain statutory benefits to be against public policy).

SECT. 127L added, 1972, 799 (regulating rights of tenants to reimbursement from landlords for the costs of certain repairs).

SECT. 127M added, 1973, 848 (restricting the construction and maintenance of certain sewage disposal systems).

SECT. 128, two paragraphs added at end, 1943, 486; first of said paragraphs amended, 1947, 631 § 2; paragraph inserted after same paragraph, 1947, 631 § 2; section repealed, 1954, 209 § 1.

SECT. 128A added, 1949, 156 § 1 (relative to the filling and levelling of sites of demolished or removed buildings).

SECTS. 128B-128E added, 1954, 209 § 2 (establishing minimum housing standards and defining the powers of local boards of health relative to dwelling places).

SECT. 128D, last sentence stricken out, 1954, 447 § 1; section revised, 1960, 172 § 2.

SECT. 128E, sentence added at end, 1960, 172 § 3.

SECT. 128F added, 1954, 447 § 2 (providing penalties for violations of the law establishing minimum housing standards and rules and regulations relative thereto).

SECTS. 128B-128F, inclusive, repealed, 1963, 390 § 2.

SECT. 128G added, 1967, 718 § 5 (relative to inspection of farm labor camps). (See 1967, 718 § 10.)

SECT. 128H added, 1967, 718 § 5A (relative to educational and recreational opportunities at farm labor camps). (See 1967, 718 § 10.)

SECT. 137 revised, 1961, 326.

SECT. 141 revised, 1937, 278.

SECT. 142A added, 1954, 672 § 3 (relative to the control of atmospheric pollution); revised, 1959, 422. (See 1954, 672 §§ 2, 5, 6.)

SECTS. 142B and 142C added, 1960, 676 § 1 (relative to control of air pollution in the city of Boston and vicinity). (See 1960, 676 §§ 2, 3.)

SECT. 142B, second paragraph amended, 1965, 472; third paragraph revised, 1971, 800; fifth paragraph revised, 1972, 359 § 1; paragraph inserted after fifth paragraph, 1971, 797.

SECT. 142D added, 1969, 836 (authorizing the department of public health to form air pollution districts.)

SECT. 142E added, 1970, 838 (relative to control of air pollution by agencies of state and local governments); second paragraph amended, 1972, 359 § 2.

SECT. 142F added, 1971, 1013 § 1 (providing a criminal penalty for dis-

charging extra fuel into the atmosphere from an aircraft). (See 1971, 1013 § 2.)

SECT. 143 revised, 1933, 269 § 2; 1948, 480 § 1; amended, 1956, 275 § 1.

SECT. 147 amended, 1948, 480 § 2.

SECT. 150A added, 1955, 310 § 1 (concerning the assignment of places for public and private dumps); first paragraph, first sentence revised, 1969, 515 § 1; second paragraph, second sentence revised, 1969, 429; section revised, 1970, 839; paragraph inserted after second paragraph, 1973, 1217 § 6. (See 1955, 310 §§ 2, 3.)

SECT. 151 amended, 1943, 332 § 9; revised, 1956, 275 § 2.

SECT. 154 amended, 1934, 340 § 9; sixth sentence revised, 1967, 347 § 4; eighth sentence revised, 1967, 347 § 5.

SECT. 159 amended, 1951, 448 § 2.

SECT. 160 amended, 1951, 448 § 3.

SECT. 160A added, 1960, 613 (regulating cross connections between public water supplies and other water supplies).

SECT. 161 repealed, 1961, 48.

SECT. 162 amended, 1951, 448 § 4.

SECT. 163 amended, 1951, 448 § 5.

SECT. 173A added, 1938, 293 (extending the jurisdiction of certain police officers employed to protect public sources of water supply from pollution).

SECT. 173B added, 1943, 84 (authorizing water commissioners and others to enter premises within the watersheds of certain sources of supply).

SECT. 175 revised, 1941, 353; 1963, 453.

SECTS. 176-180 repealed, 1938, 265 § 17.

SECT. 183 amended, 1973, 925 § 15. (See 1973, 925 § 84.)

SECT. 184A added, 1939, 344 (authorizing the state department of public health to issue certificates of approval relative to bacteriological laboratories); second paragraph amended, 1946, 155 § 1; paragraph added at end, 1946, 155 § 2.

SECT. 184B added, 1950, 431 (restricting the establishment and maintenance of blood banks); amended, 1967, 528; first sentence revised, 1973, 262.

SECT. 184C added, 1969, 641 (authorizing certain minors to donate blood without prior parental assent).

SECT. 185A added, 1945, 543 § 2 (relative to the furnishing of certain material for use in determining and recording the physical condition of school children).

SECT. 186A added, 1958, 79 § 2 (regulating the use of shoe-fitting machines employing fluoroscopic, X-ray or radiation principles); amended, 1970, 443 § 16.

SECT. 186B added, 1973, 649 § 3 (regulating the sale of certain flammable sleepwear). (See 1973, 649 § 5.)

SECT. 187 amended, 1973, 1114 § 7. (See 1973, 1114 § 351.)

SECTS. 190-199 added, 1971, 1081 § 1 (providing for a program of lead paint poisoning prevention and control). (See 1971, 1081 § 3.)

SECT. 195, second paragraph amended, 1973, 149.

SECT. 196 amended, 1971, 1081 § 2. (See 1971, 1081 § 3.)

SECT. 200 added, 1973, 650 (requiring the reporting of certain burn injuries caused by fabric ignition).

Chapter 111A. — Drug Addiction Rehabilitation.

New chapter inserted, 1963, 763 § 2.

Chapter repealed, 1969, 889 § 23A.

Chapter 111B. — Alcoholism.

New chapter inserted, 1971, 1076 § 1. (See 1971, 1076 § 22.)

SECT. 3, definition of "Halfway house for alcoholics" added, 1973, 1040 § 1. (See 1973, 1040 § 3.)

SECT. 5 amended, 1973, 1229 § 4J. (See 1973, 1229 § 13.)

SECT. 6A added, 1973, 1040 § 2 (providing for the licensing of halfway houses for alcoholics by the department of public health). (See 1973, 1040 § 3.)

SECT. 8 revised, 1973, 328 § 1; amended, 1973, 1143. (See 1973, 328 § 2.)

SECT. 13 added, 1973, 586 § 1 (exempting police officers and certain persons from certain liability while performing their duties pursuant to the alcoholism treatment and rehabilitation law). (See 1973, 586 § 2.)

Chapter 111C. — Emergency Medical Care.

New chapter inserted, 1973, 948 § 1.

Chapter 112. — Registration of Certain Professions and Occupations.

SECT. 1, first sentence revised, 1969, 704 § 48. (See 1969, 704 § 60.)

SECT. 2, second sentence revised, 1933, 171 § 1; 1936, 247 § 1; three paragraphs added at end of section, 1936, 247 § 2; section amended, 1938, 210; paragraph added at end, 1939, 415 § 1; section revised, 1939, 451 § 37; amended, 1941, 722 § 9; second sentence stricken out and four sentences inserted, 1945, 396 § 1; sentence inserted after second sentence, 1955, 622; revised, 1957, 329; third sentence (as appearing in 1945, 396 § 1) amended, 1952, 585 § 21; fourth sentence (as appearing in 1945, 396 § 1) revised, 1954, 519 § 1; fifth and sixth sentences (as appearing in 1939, 451 § 37) revised, 1948, 28; third paragraph revised, 1945, 396 § 2; paragraph inserted after fourth paragraph, 1948, 413; paragraph added at end, 1946, 365; section revised, 1959, 344 § 1; third sentence stricken out and three sentences inserted, 1960, 177; same three sentences stricken out and four sentences inserted, 1960, 367; first six sentences stricken out and four sentences inserted, 1966, 299; first paragraph amended, 1969, 426 §§ 1, 2; paragraph added at end, 1970, 540; section revised, 1971, 662; first paragraph amended, 1973, 925 § 16; fourth paragraph amended, 1973, 312; fifth paragraph amended, 1972, 372. Affected, 1938, 259; 1948, 221. (See 1933, 171 § 2; 1936, 247 §§ 3-6; 1939, 415 §§ 3, 4; 1959, 344 § 3; 1973, 925 § 84.)

SECT. 2A amended, 1945, 396 § 3; 1954, 519 § 2; 1959, 344 § 2. (See 1959, 344 § 3.)

SECT. 2B added, 1955, 759 § 1 (relative to schools for the training of medical laboratory technologists). (See 1955, 759 § 2.)

SECT. 2C added, 1957, 655 § 1 (requiring schools for the training of medical X-ray technicians to be approved by the board of registration in medicine). (See 1957, 655 § 2.)

SECT. 5 revised, 1937, 425 § 12. (See 1937, 425 § 15.)

SECT. 8 revised, 1948, 550 § 18.

SECT. 9 revised, 1933, 152; 1945, 186; amended, 1955, 526; revised, 1960, 483; 1962, 578; amended, 1973, 925 § 17; 1060 § 1. (See 1973, 925 § 84; 1060 § 3.)

SECT. 9A, first sentence amended, 1966, 527; third sentence amended, 1963, 780; section revised, 1972, 534.

SECT. 9B added, 1970, 325 (authorizing temporary registration as qualified physicians under designated circumstances); sentence added, 1972, 486.

SECTS. 9C-9H added, 1973, 937 § 1 (providing for the use of physician assistants). (See 1973, 937 § 4.)

SECT. 12 amended, 1948, 129 § 7.

SECT. 12A, first sentence amended, 1943, 41; revised, 1962, 407; section revised, 1963, 108.

SECT. 12B added, 1962, 217 (exempting registered physicians from civil liability for emergency care or treatment rendered at the scene of an accident to persons injured in motor vehicle accidents); revised, 1964, 59; 1965, 578; amended, 1967, 374; 1969, 343.

SECT. 12C added, 1967, 309 § 2 (exempting physicians and nurses from liability in carrying out immunization programs).

SECT. 12D added, 1970, 717 § 2 (requiring physicians to include the generic or chemical names when prescribing drugs by brand name).

SECT. 12E added, 1970, 816 (authorizing drug dependent minors of twelve years or older to consent to hospital and medical care for said drug dependency); amended, 1973, 430 § 8A.

SECT. 12F added, 1970, 847 (as renumbered by 1971, 335 § 1) (permitting physicians to render emergency medical treatment of minors without civil liability).

SECT. 12G added, 1971, 335 § 2 (authorizing disclosure by physicians and hospitals of certain medical information concerning certain patients).

SECT. 12H added, 1973, 173 § 1 (requiring physicians to print or write their names on prescription blanks).

SECT. 12I added, 1973, 521 § 1 (providing that certain medical personnel need not participate in certain medical procedures).

SECT. 13 amended, 1937, 425 § 2; revised, 1956, 344; amended, 1970, 443 § 17. (See 1937, 425 § 15.)

SECT. 14 amended, 1937, 425 § 3; 1970, 443 § 18. (See 1937, 425 § 15.)

SECT. 15 amended, 1937, 425 § 4; 1970, 443 § 19. (See 1937, 425 § 15.)

SECT. 16 revised, 1937, 425 § 5; 1948, 557; 1950, 363 § 1; first paragraph amended, 1955, 676 § 1; 1970, 443 §§ 20, 21; 1972, 684 § 19; 1973,

925 § 18; second paragraph amended, 1970, 443 § 22; 1972, 684 § 20; third paragraph amended, 1970, 443 § 23; fourth paragraph amended, 1952, 585 § 22; 1970, 443 § 24; fifth paragraph amended, 1970, 443 § 25. (See 1937, 425 § 15; 1950, 363 § 2; 1951, 767; 1955, 676 §§ 2, 3; 1972, 684 § 136; 1973, 925 § 84.)

SECT. 17 revised, 1937, 425 § 6; amended, 1970, 443 § 26. (See 1937, 425 § 15.)

SECT. 17A added, 1937, 425 § 7 [defining certain duties of the board of registration in chiropody (podiatry)]; amended, 1970, 443 § 27. (See 1937, 425 § 15.)

SECT. 18 amended, 1937, 425 § 8; 1970, 443 § 28. (See 1937, 425 § 15.)

SECT. 19 amended, 1937, 425 § 9; revised, 1951, 105; amended, 1970, 443 § 29. (See 1937, 425 § 15.)

SECT. 20 amended, 1937, 425 § 10. (See 1937, 425 § 15.)

SECT. 21 amended, 1937, 425 § 11; revised, 1948, 550 § 19; amended, 1970, 443 § 30. (See 1937, 425 § 15.)

SECT. 21A added, 1973, 173 § 2 (requiring podiatrists to print or write their names on prescription blanks).

SECT. 23 repealed, 1937, 425 § 13. (See 1937, 425 § 15.)

SECTS. 23A-23P added, under caption, 1951, 656 § 1 (relative to the practice of physical therapy by registered physical therapists). (See 1951, 656 § 2.)

SECT. 23G, first sentence revised, 1955, 493 § 1. (See 1955, 493 § 3.)

SECT. 23I, fourth sentence revised, 1955, 493 § 2. (See 1955, 493 § 3.)

SECTS. 23A-23P stricken out and sections 23A-23Q inserted, 1958, 585 § 1. (See 1958, 585 §§ 2-4.)

SECT. 23B, last sentence revised, 1972, 487 § 1.

SECT. 23C clause (a) revised, 1973, 925 § 19. (See 1973, 925 § 84.)

SECT. 23E revised, 1972, 487 § 2.

SECT. 23G, first sentence amended, 1972, 684 § 21. (See 1972, 684 § 136.)

SECT. 24 amended, 1932, 227; 1933, 126; 1937, 343 § 1; revised, 1941, 52 § 1; amended, 1945, 502 § 1; 1952, 585 § 23; revised, 1957, 463; amended, 1972, 684 § 22. (See 1941, 52 § 2; 1943, 165; 1945, 502 §§ 2, 4; 1972, 684 § 136.) Temporarily affected, 1948, 631; 1952, 361.

SECT. 24A added, 1945, 502 § 3 (relative to registrations and renewal of registrations as pharmacists and assistant pharmacists); revised, 1955, 429; 1956, 575; third sentence amended, 1972, 684 § 23. (See 1945, 502 § 4; 1972, 684 § 136.)

SECT. 24B added, 1946, 194 (relative to standards for schools and colleges of pharmacy); revised, 1947, 503.

SECT. 27 revised, 1934, 328 § 2; amended, 1937, 343 § 2; second sentence amended, 1960, 634 § 1.

SECT. 30 amended, 1937, 343 § 3.

SECT. 32 amended, 1934, 328 § 3.

SECT. 34 amended, 1934, 328 § 4.

SECT. 35 amended, 1934, 328 § 5; 1935, 306; 1937, 343 § 4; revised, 1948, 539 § 1.

SECT. 36 revised, 1934, 328 § 6.

SECTS. 36A-36D added, under caption, 1948, 539 § 2 (relative to the licensing of persons engaged in the sale, distribution or delivery, at wholesale, of drugs and medicines).

SECT. 36B revised, 1963, 450 § 1; amended, 1972, 684 § 24. (See 1963, 450 § 2; 1972, 684 § 136.)

SECT. 38 revised, 1934, 236.

SECT. 39 amended, 1939, 138; 1951, 410; 1953, 281; revised, 1962, 695; last sentence revised, 1963, 488 § 1; amended, 1972, 684 § 25. (See 1963, 488 § 2; 1972, 684 § 136.)

SECT. 40 amended, 1934, 328 § 6A; 1937, 343 § 5.

SECT. 42A added, 1937, 343 § 6 (relative to the retail drug business and pharmacy); first paragraph amended, 1970, 584; paragraph added at end, 1960, 634 § 2.

SECTS. 43-53 temporarily affected, 1949, 473. (See 1950, 667.)

SECT. 43 revised, 1965, 583 § 1.

SECT. 44 amended, 1965, 583 § 2; 1972, 684 § 26. (See 1972, 684 § 136.)

SECT. 45, second sentence amended, 1932, 180 § 18; paragraph added at end, 1939, 415 § 2; section revised, 1949, 564 § 1; first paragraph amended, 1972, 684 § 27; 1973, 925 § 20. (See 1939, 415 § 3; 1948, 221; 1972, 684 § 136; 1973, 925 § 84.)

SECT. 45A amended, 1949, 564 § 2; revised, 1965, 583 § 3.

SECT. 46, clause Third amended, 1934, 108.

SECT. 47 amended, 1965, 583 § 4.

SECT. 48 revised, 1965, 583 § 5.

SECT. 49 revised, 1948, 270; sentence added at end, 1963, 654 § 3.

SECT. 50 amended, 1935, 344; revised, 1949, 333; 1954, 408 § 1.

SECT. 50A added, 1973, 173 § 3 (requiring dentists to write or print their names on prescription blanks).

SECT. 51 revised, 1949, 576; first paragraph revised, 1971, 620; second paragraph amended, 1965, 583 § 6; last paragraph stricken out and two paragraphs inserted, 1965, 583 § 7; last paragraph amended, 1972, 684 § 28. (See 1972, 684 § 136.)

SECT. 52 revised, 1948, 123; 1952, 117.

SECTS. 52A and 52B added, 1934, 281 (relative to methods and practices of dentists and dental hygienists).

SECT. 52A revised, 1937, 253; 1954, 408 § 2; clause (5) amended, 1965, 583 § 8.

SECT. 52C added, 1954, 408 § 3 (restricting advertising by dental technicians).

SECT. 53 amended, 1949, 564 § 3.

SECT. 54 revised, 1958, 533 § 3; second sentence revised, 1969, 104.

SECT. 55 amended, 1937, 66; revised, 1939, 251 § 1; first paragraph amended, 1945, 724; 1952, 585 § 24; stricken out and two paragraphs inserted, 1957, 492; same two paragraphs stricken out and one paragraph inserted, 1958, 533 § 4; first paragraph stricken out and two paragraphs inserted, 1965, 46; first paragraph, second and third sentences revised, 1967, 347 § 6; second sentence amended, 1968, 538 § 1; revised, 1973, 925 § 21; third sentence amended, 1968, 538 § 2; fifth sentence

amended, 1968, 538 § 3; paragraph inserted, 1951, 433 § 1; amended, 1972, 684 § 29. (See 1939, 251 §§ 2, 3, 4; 1945, 711; 1951, 433 § 2; 1952, 585 §§ 25, 26; 1972, 684 § 136; 1973, 925 § 84.)

SECT. 56 revised, 1958, 533 § 5.

SECT. 56A added, 1963, 468 (authorizing the board of registration in veterinary medicine to issue a license to certain veterinarians licensed in other states).

SECT. 56B added, 1973, 173 § 4 (requiring veterinarians to write or print their names on prescription blanks).

SECT. 58A added, 1973, 503 (exempting veterinarians from civil liability as a result of rendering certain emergency care to domestic animals).

SECT. 59 revised, 1948, 224; 1958, 533 § 6.

SECTS. 60A-60J added under caption "REGISTRATION OF ARCHITECTS" 1941, 696 § 2. (See 1941, 696 §§ 3, 4.)

SECT. 60A, preliminary paragraph amended, 1945, 265 § 2; definition of "Good moral character" inserted, 1971, 390 § 2; definition of "Practice of Architecture" revised, 1957, 679 § 1; amended, 1971, 390 § 1. (See 1957, 679 §§ 4, 5.)

SECT. 60B, first paragraph revised, 1969, 101; amended, 1971, 390 § 3; second paragraph revised, 1953, 558 § 1; 1971, 753 § 1; 1973, 445; amended, 1972, 684 § 30. (See 1972, 684 § 136.)

SECT. 60C, clause (c) revised, 1943, 167; section revised, 1962, 94; paragraph added, 1967, 503; section revised, 1971, 390 § 4.

SECT. 60D revised, 1953, 558 § 2; amended, 1971, 753 § 2. (See 1953, 558 § 4.)

SECT. 60E, paragraph added at end, 1953, 558 § 3; amended, 1971, 753 § 3.

SECT. 60F revised, 1957, 679 § 2. (See 1957, 679 §§ 4, 5.)

SECT. 60G amended, 1971, 282 § 1, 390 § 5.

SECTS. 60K-60M added, 1945, 265 § 1 (further regulating the practice of architecture); stricken out and sections 60K-60O inserted, 1957, 679 § 3. (See 1957, 679 §§ 4, 5.)

SECT. 60K amended, 1971, 390 § 6.

SECT. 60L amended, 1971, 390 § 7.

SECT. 61, caption preceding said section revised, 1963, 241 § 1; first sentence amended, 1963, 241 § 2; paragraph added at end, 1963, 241 § 3.

SECT. 64 amended, 1954, 681 § 9. (See 1954, 681 §§ 20, 22.)

SECTS. 66-73 stricken out, and new sections 66-73 inserted, 1934, 339 § 2.

SECT. 68, first paragraph amended, 1973, 925 § 22. (See 1973, 925 § 84.)

SECT. 69 revised, 1949, 463.

SECT. 70 revised, 1948, 550 § 20.

SECT. 72 amended, 1938, 434 § 1. (See 1938, 434 § 4.)

SECT. 73 amended, 1938, 434 § 2. (See 1938, 434 § 4.)

SECT. 73A added, 1937, 287 § 1 (regulating advertising in connection with the sale of eyeglasses, lenses or eyeglass frames). (See 1937, 287 § 2.)

SECT. 73B added, 1938, 434 § 3 (further regulating optometrists with respect to premises where practice may be carried on and to the sharing of their fees). (See 1938, 434 § 4.)

SECTS. 73C-73L added, under caption, 1955, 688 § 2 (relative to registering and licensing dispensing opticians).

SECT. 73C, last sentence revised, 1967, 152.

SECT. 73E, first paragraph revised, 1967, 440; amended, 1973, 925 § 23. (See 1973, 925 § 84.)

SECT. 73G amended, 1956, 164.

SECTS. 74-81 stricken out, and new sections 74-81C added, 1941, 620 § 3. (See 1941, 620 §§ 1, 4-12.)

SECT. 74, third sentence amended, 1948, 108; 1953, 350 § 4; section revised, 1959, 415 § 1; amended, 1960, 693 § 8; 1964, 21 § 1; first sentence revised, 1968, 572; third, fourth and fifth sentences revised, 1969, 603 § 1; third sentence amended, 1972, 684 § 31; 1973, 265 § 1; fourth sentence amended, 1972, 684 § 32; fifth sentence amended, 1972, 684 § 33. (See 1959, 415 § 5; 1969, 603 § 7; 1972, 684 § 136.)

SECT. 74A, third sentence amended, 1951, 87; section revised, 1953, 350 § 5; 1959, 415 § 2; amended, 1960, 693 § 9; 1964, 21 § 2; third sentence revised, 1968, 320; third, fourth and fifth sentences revised, 1969, 603 § 2; third sentence amended, 1972, 684 § 34; 1973, 265 § 2; fourth sentence amended, 1972, 684 § 35; fifth sentence amended, 1972, 684 § 36. Affected, 1956, 371; 1957, 539, 595 §§ 6, 7. (See 1953, 350 §§ 13, 14; 1959, 415 § 5; 1969, 603 § 7; 1972, 684 § 136.)

SECT. 74B revised, 1953, 350 § 6; repealed, 1967, 195 § 1.

SECT. 75 revised, 1953, 350 § 7; amended, 1960, 693 § 10.

SECT. 76 revised, 1953, 350 § 8; second sentence revised, 1969, 603 § 3; amended, 1972, 684 § 37. (See 1969, 603 § 7; 1972, 684 § 136.)

SECT. 76A added, 1966, 599 § 1 (providing for the temporary registration of certain nurses to practice nursing); third sentence revised, 1969, 603 § 4; amended, 1972, 684 § 38. (See 1969, 603 § 7; 1972, 684 § 136.)

SECT. 77 amended, 1957, 595 § 1. (See 1957, 595 § 8.)

SECT. 80 revised, 1957, 595 § 2; first sentence amended, 1966, 599 § 2. (See 1957, 595 § 8.)

SECT. 80A revised, 1953, 350 § 9; 1957, 595 § 3. (See 1957, 595 §§ 7, 8; 1958, 354 §§ 1-4.)

SECT. 80B added, 1957, 595 § 4 (defining "Professional Nursing"); third paragraph, clause (5) amended, 1963, 811 § 1; revised, 1964, 428; third paragraph, clause (5) revised, 1967, 299; clause (7) added, 1963, 811 § 2. (See 1957, 595 § 8.)

SECT. 81 revised, 1953, 350 § 10; 1957, 595 § 5. (See 1957, 595 §§ 6, 7, 8; 1958, 354 §§ 1-4.)

SECT. 81A revised, 1953, 350 § 11; amended, 1960, 693 § 11.

SECT. 81B revised, 1953, 350 § 12; amended, 1960, 693 § 12; revised, 1966, 599 § 3.

SECT. 81C amended, 1960, 693 § 13.

SECTS. 81A-81Q inserted under caption "REGISTRATION OF PROFESSIONAL ENGINEERS AND OF LAND SURVEYORS", 1941, 643 § 2. (See 1941, 643 §§ 3-5.)

SECT. 81A, as so inserted, amended and renumbered 81D, 1941, 722 § 9A.

SECT. 81D revised, 1958, 584 § 2; definitions of "Land surveying" and

"Land surveyor" revised, 1970, 707 § 3; definition of "Practice of engineering" amended, 1970, 707 § 2.

SECT. 81L amended, 1941, 722, § 9B.

SECTS. 81B-81Q, inclusive, inserted by 1941, 643 § 2, renumbered 81E-81T, inclusive, 1941, 722 § 9C.

SECT. 81E revised, 1958, 584 § 3; first sentence revised, 1970, 707 § 4.

SECT. 81J revised, 1958, 584 § 4; subsection (1), clause (c) amended, 1966, 76 § 1; clause (d) added, 1966, 76 § 2; section revised, 1970, 707 § 5. (See 1958, 584 §§ 11-13.)

SECT. 81K revised, 1958, 584 § 5; second paragraph revised, 1970, 707 § 6; 1972, 684 § 40. (See 1972, 684 § 136.)

SECT. 81L, paragraph inserted after first paragraph, 1958, 584 § 6; stricken out, 1970, 707 § 7.

SECT. 81M revised, 1958, 584 § 7; first paragraph amended, 1970, 707 § 8; paragraph added, at end, 1970, 707 § 9. (See 1958, 584 §§ 11-13.)

SECT. 81N revised, 1960, 472 § 1; amended, 1970, 707 § 10; 1972, 684 §§ 41, 42. (See 1960, 472 § 2; 1972, 684 § 136.)

SECT. 81O repealed, 1970, 707 § 11.

SECT. 81P, paragraph inserted before first paragraph, 1970, 707 § 12; second paragraph revised, 1971, 282 § 2; paragraph inserted after second paragraph, 1958, 584 § 8.

SECT. 81R revised, 1958, 584 § 9.

SECT. 81T revised, 1958, 584 § 10. (See 1958, 584 §§ 11-13.)

SECTS. 82-87, and caption before said section 82, stricken out, and new sections 82-87 inserted, under caption "REGISTRATION OF EMBALMERS AND FUNERAL DIRECTORS", 1936, 407 § 3. (See 1936, 407 §§ 5-8.)

SECT. 82, definition of "Apprentice" inserted, 1945, 596 § 1; definition of "Funeral directing", revised, 1939, 160 § 1.

SECT. 83, third paragraph amended, 1939, 160 § 4; section revised, 1945, 596 § 2; 1948, 491; second paragraph amended, 1972, 684 § 43; 1973, 925 § 24; third paragraph amended, 1973, 925 § 25; fourth paragraph amended, 1972, 684 § 44; fifth paragraph amended, 1972, 684 § 45; sixth paragraph amended, 1972, 684 § 46; eighth paragraph amended, 1972, 684 § 47; ninth paragraph amended, 1972, 684 § 48. (See 1972, 684 § 136; 1973, 925 § 84.)

SECT. 84, second paragraph amended, 1972, 684 § 49. (See 1972, 684 § 136.)

SECT. 85 amended, 1941, 232.

SECT. 87 amended, 1937, 13; 1939, 160 § 2.

SECTS. 82-87 stricken out and sections 82-84, 84A, 85-87 inserted, 1954, 653 § 2. (See 1954, 653 §§ 3, 5, 6, 7.)

SECT. 83, seventh paragraph revised, 1956, 295.

SECT. 85A added, 1958, 528 (authorizing the board of registration in embalming and funeral directing to enter into reciprocal agreements with other states).

SECT. 87B amended, 1953, 510 § 2; 1960, 721.

SECTS. 87A-87E stricken out and new sections 87A-87E inserted, 1963, 663 § 2. (See 1963, 663 §§ 6-12.)

SECT. 87A, paragraph (a) amended, 1973, 925 § 26; paragraph (c) stricken out and paragraphs (c) and (d) inserted, 1972, 693 § 1. (See 1973, 925 § 84.)

SECT. 87B, paragraph (b) revised, 1972, 693 § 2.

SECT. 87C, paragraphs (c) and (d) revised, 1972, 693 § 3.

SECT. 87D, paragraph (6) revised, 1972, 693 § 4; paragraphs (9) and (10) revised, 1972, 693 § 5.

SECTS. 87F-87S. See 1937, 184.

SECT. 87F, paragraph contained in lines 4-9 revised, 1934, 260 § 1; "Instructor" and "Apprentice" defined, 1948, 579 § 1.

SECT. 87H, four sentences added at end, 1934, 260 § 2; section amended, 1936, 314 § 1; second paragraph amended, 1937, 94; same paragraph revised, 1941, 619 § 1; 1950, 319; amended, 1954, 355; section revised, 1958, 295; first paragraph amended, 1963, 471 § 1; second paragraph, fourth sentence stricken out and two sentences inserted, 1963, 471 § 2; second, third and fourth sentences revised, 1969, 588; sixth sentence revised, 1963, 490; seventh sentence revised, 1971, 829; three paragraphs added at end, 1969, 587. (See 1941, 619 § 2.)

SECT. 87I amended, 1936, 314 § 2; revised, 1948, 579 § 2; sixth and seventh sentences stricken out and four sentences inserted, 1958, 292; section amended, 1971, 781.

SECT. 87K, paragraph added at end, 1936, 314 § 3.

SECT. 87M amended, 1936, 314 § 4.

SECT. 87O amended, 1933, 149 § 2. (See 1933, 149 § 3.)

SECT. 87P amended, 1934, 260 § 3; sentence inserted after second sentence, 1958, 287; two sentences added at end, 1950, 61; paragraph added at end, 1950, 440 § 1; revised, 1963, 510 § 1. (See 1950, 440 § 2; 1963, 510 § 3.)

SECT. 87Q repealed, 1963, 510 § 2.

SECT. 87R amended, 1936, 314 § 5.

SECT. 87S, sentence added at end, 1952, 362.

SECTS. 87T-87JJ added, under caption "REGISTRATION OF HAIRDRESSERS", 1935, 428 § 2. (See 1935, 428 §§ 6, 7.)

SECT. 87T, definition of "Apprentice" stricken out and definition of "Instructor" added, 1941, 626 § 1; definition of "Shop" revised, 1941, 626 § 2; section revised, 1943, 565 § 1.

SECT. 87U amended, 1937, 385 § 2; revised, 1941, 626 § 3; amended, 1949, 345; 1958, 85.

SECT. 87V amended, 1937, 385 § 3; revised, 1941, 626 § 4; 1943, 565 § 2; 1950, 540 § 1; first sentence amended, 1966, 456 § 1; second sentence revised, 1957, 503 § 1. (See 1950, 540 § 3; 1953, 307; 1957, 503 § 3; 1965, 531 §§ 3, 4.)

SECT. 87W amended, 1937, 385 § 4; revised, 1941, 626 § 5; 1943, 565 § 3; first paragraph revised, 1950, 540 § 2; 1959, 343; amended, 1965, 531 § 1; 1966, 456 § 2; sentence added at end of second paragraph, 1946, 550 § 2; 1951, 253. (See 1950, 540 § 3; 1953, 307; 1965, 531 §§ 3, 4.)

SECT. 87X revised, 1941, 626 § 6; 1943, 565 § 4; 1951, 273; amended, 1966, 456 § 3.

SECT. 87Y revised, 1949, 579.

SECT. 87Z amended, 1937, 385 § 5; revised, 1943, 565 § 5; paragraph added at end, 1953, 274; revised, 1955, 435; paragraph added at end, 1955, 333.

SECT. 87AA revised, 1941, 626 § 7; 1943, 565 § 6; paragraph added at end, 1953, 537 § 1; 1960, 462; 1965, 531 § 2.

SECT. 87BB amended, 1937, 385 § 6; revised, 1943, 565 § 7; first paragraph amended, 1960, 442 § 1; 1966, 456 § 4; second paragraph revised, 1960, 442 § 2; paragraph inserted after second paragraph, 1971, 334.

SECT. 87CC revised, 1941, 626 § 8; 1943, 565 § 8; first paragraph amended, 1948, 347; 1965, 186; last sentence revised, 1968, 318; schedule revised, 1951, 427; sentence added, 1953, 537 § 2; schedule revised, 1954, 501; amended, 1959, 388 § 1; revised, 1960, 717; third paragraph stricken out and four paragraphs inserted, 1966, 456 § 5; third paragraph revised, 1968, 460; 1970, 160; 1972, 684 § 50; 1973, 368; fourth paragraph (as appearing in 1943, 565 § 8) amended, 1960, 716. (See 1966, 456 § 8; 1972, 684 § 136.)

SECT. 87DD revised, 1943, 565 § 9.

SECT. 87EE revised, 1937, 385 § 7.

SECT. 87GG revised, 1941, 626 § 9; 1943, 565 § 10; first sentence revised, 1966, 456 § 6; third sentence stricken out and two sentences inserted, 1953, 291; same sentences stricken out and four sentences inserted, 1955, 434; sentences added at end, 1946, 550 § 3; last sentence amended, 1966, 456 § 7. (See 1966, 456 § 8.)

SECT. 87II amended, 1937, 385 § 8; revised, 1941, 626 § 10; 1943, 565 § 11.

SECT. 87JJ revised, 1941, 626 § 11; 1943, 565 § 12.

SECT. 87KK added, 1951, 509 (relative to notification of examination dates to applicants for registration); amended, 1955, 193; two sentences added at end, 1957, 503 § 2.

SECTS. 87LL-87OO added, under caption, 1957, 673 § 2 (relative to the registration of sanitarians). (See 1957, 673 § 3.)

SECTS. 87PP-87DDD added, under caption, 1957, 726 § 2 (relative to the registration of real estate brokers and salesmen). (See 1957, 726 §§ 3, 5, 7.)

SECT. 87PP, paragraph defining "non-resident" revised, 1962, 775 § 1. (See 1962, 775 § 3.)

SECT. 87SS, first paragraph revised, 1962, 775 § 2. (See 1962, 775 § 3.)

SECT. 87TT, first paragraph revised, 1961, 363 § 2; second paragraph amended, 1973, 925 § 27. (See 1973, 925 § 84.)

SECT. 87UU, second paragraph amended, 1972, 684 § 51. (See 1972, 684 § 136.)

SECT. 87XX, last sentence revised, 1963, 735 § 1; section amended, 1968, 483 § 1. (See 1963, 735 § 2.)

SECT. 87ZZ, paragraphs (a), (b) and (c) revised, 1960, 658; paragraph (a) amended, 1972, 684 § 52; paragraphs (b) and (c) revised, 1968, 483 § 2; paragraph (b) amended, 1972, 684 § 53; paragraph (c) amended, 1972, 684 § 54; paragraph (d) revised, 1959, 455. (See 1972, 684 § 136.)

SECT. 87AAA, first paragraph amended, 1961, 181; last two clauses stricken out and clauses (j) and (k) added, 1967, 148; first paragraph

amended, 1971, 973; 1973, 330; 536 §§ 1, 2; paragraph inserted after first paragraph, 1966, 422.

SECT. 87BBB amended, 1971, 277.

SECTS. 87EEE-87OOO added, under caption, 1958, 625 § 2 (regulating the practice of electrolysis). (See 1958, 625 §§ 3, 5; 1960, 814.)

SECT. 87GGG revised, 1964, 518 § 1; first paragraph, third sentence amended, 1969, 243; 1973, 925 § 28; paragraph amended, 1970, 416; paragraph added at end, 1969, 166; amended, 1970, 328. (See 1973, 925 § 84.)

SECT. 87LLL revised, 1964, 518 § 2; amended, 1973, 782. (See 1964, 518 § 3.)

SECTS. 87PPP-87VVV added, under caption, 1963, 604 § 2 (relative to the registration of radio and television technicians). (See 1963, 604 § 4.)

SECT. 87OOO, paragraph added, 1967, 137; amended, 1973, 925 § 29. (See 1973, 925 § 84.)

SECT. 87PPP, definition of "Master technical license" revised, 1973, 925 § 30; definition of "Radio or television receiver" inserted, 1965, 816 § 1; definition of "Technician license" revised, 1967, 47. (See 1973, 925 § 84.)

SECT. 87QQQ revised, 1965, 816 § 2.

SECT. 87RRR revised, 1965, 714; first paragraph amended, 1966, 59; first sentence amended, 1972, 684 § 55. (See 1972, 684 § 136.)

SECT. 87SSS, last sentence revised, 1965, 816 § 3.

SECT. 87TTT, second paragraph amended, 1964, 229; 1965, 170; 1973, 925 § 31. (See 1973, 925 § 84.)

SECT. 87UUU, clause (d) revised, 1967, 517.

SECTS. 87WW-87ZZZ added, under caption, 1970, 521 § 2 (providing for the registration of certified health officers).

SECTS. 87AAAA-87BBBB added, under caption, 1970, 781 § 2 (providing for certification of waste treatment facility operators).

SECTS. 87CCCC-87DDDD added, under caption, 1971, 942 § 2 (regulating the certification of operators of drinking water supply facilities).

SECT. 88, clause (3) amended, 1941, 626 § 13; 1956, 410.

SECTS. 89-97 added, under caption, 1966, 409 § 2 (establishing a board of registration of chiropractors). (See 1966, 409 § 3.)

SECT. 89, definition of "License renewal certificate" added, 1972, 447 § 1.

SECT. 91, second sentence revised, 1968, 453; third sentence amended (effective date to be December 1, 1969) 1966, 409 § 5; 1973, 925 § 32. (See 1973, 925 § 84.)

SECT. 92 revised, 1968, 137.

SECT. 95 amended, 1969, 313; 1972, 447 § 2.

SECT. 96 amended, 1968, 477; revised, 1972, 447 § 3.

SECTS. 98-107 added, under caption, 1968, 473 § 2 (providing for registration of landscape architects).

SECT. 103, paragraph (2) amended, 1972, 684 § 56. (See 1972, 684 § 136.)

SECT. 105 repealed, 1972, 283.

SECTS. 108-117 added, under caption, 1970, 865 § 2 (relative to the registration of nursing home administrators).

SECT. 109, paragraph (b) amended, 1973, 925 § 33. (See 1973, 925 § 84.)

SECTS. 118-129 added, under caption, 1971, 1021 § 2 (regulating the registration and licensing of psychologists).

Chapter 113. — Promotion of Anatomical Science.

SECT. 1 amended, 1941, 351 § 7; 1958, 613 § 2E; revised, 1961, 102.

SECT. 2 revised, 1954, 627 § 25. (See 1954, 627 §§ 65, 67.)

SECTS. 7-10 added, 1967, 353 (facilitating anatomical gifts); stricken out and sections 7-13 inserted, 1971, 653.

SECT. 8 amended, 1972, 344 § 1.

SECT. 10, subsection (b) amended, 1972, 344 § 2; subsection (d) amended, 1973, 151.

Chapter 114. — Cemeteries and Burials.

SECT. 1 amended, 1936, 319 § 1. (See 1936, 319 § 7.)

SECT. 5A added, 1959, 256 § 2 (further regulating cemetery corporations).

SECT. 6 amended, 1936, 319 § 2. (See 1936, 319 § 7.)

SECT. 7 revised, 1936, 319 § 3. (See 1936, 319 § 7.)

SECT. 8 revised, 1936, 319 § 4. (See 1936, 319 § 7.)

SECT. 9 amended, 1936, 319 § 5. (See 1936, 319 § 7.)

SECT. 19 revised, 1948, 550 § 48. (See 1948, 550 § 51.)

SECT. 20, sentence added at end, 1948, 550 § 49. (See 1948, 550 § 51.)

SECT. 24 revised, 1948, 550 § 50. (See 1948, 550 § 51.)

SECT. 25 amended, 1934, 85 § 1. (See 1934, 85 § 2.)

SECT. 42A added, 1969, 268 (regulating visiting hours in certain cemeteries); two sentences added at end, 1970, 285.

SECT. 42B added, 1970, 415 (prohibiting use of a cemetery for the making of a commercial motion picture film without permission).

SECTS. 43A-43N added, under caption, 1936, 319 § 6 (relative to the ownership, maintenance and operation of cemeteries and crematories and to the disposal of dead human bodies). (See 1936, 319 § 7.)

SECT. 43D revised, 1972, 32.

SECT. 43O added, 1948, 497 (prohibiting the sale of monuments for cemetery lots by certain corporations).

SECT. 45 amended, 1954, 627 § 26. (See 1954, 627 §§ 65, 67.)

SECT. 45A added, 1954, 438 (relative to the use of the name of funeral directors in connection with death certificates or burial permits).

SECT. 46 amended, 1954, 627 § 27; revised, 1958, 465; second paragraph revised, 1968, 34. (See 1954, 627 §§ 65, 67.)

SECT. 46A added, 1949, 604 (relative to permits for the burial or other disposition of the bodies of deceased veterans); sentence added at end, 1975, 86.

SECT. 47 amended, 1954, 627 § 28. (See 1954, 627 §§ 65, 67.)

SECT. 49 revised, 1936, 407 § 4; last paragraph amended, 1939, 160 § 3. (See 1936, 407 §§ 5-8.)

SECT. 51 added, under caption "EMBALMING FLUIDS", 1955, 472; amended, 1958, 148.

Chapter 115. — Veterans' Benefits (former title, State and Military Aid, Soldiers' Relief, etc.).

For legislation providing for payments for the benefit of certain soldiers and sailors, see 1942, 11; 1943, 211; 1945, 366; 1946, 584; 1948, 549; 1954, 627 §§ 39, 65, 67, 688; 1955, 708; 1957, 744.

Chapter stricken out, and new chapter 115 (with new title) inserted, 1946, 584 § 1. (See 1946, 584 §§ 2, 21, 22.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 115, as so inserted:

SECT. 1, paragraph 6 revised, 1948, 510; paragraph 7 added, 1947, 444; paragraph inserted, 1951, 526 § 2; definition of "Veteran" revised, 1951, 590 § 1; paragraph added at end, 1951, 590 § 2; section revised, 1954, 627 § 35; definition of "Dependent" revised, 1969, 601; definition of "Institution" inserted, 1967, 570 § 1; definition of "Reside" added, 1965, 793 § 1; definition of "Veteran" amended, 1954, 688 § 4; 1956, 692 § 1; clauses (d) and (e) revised, 1967, 510 § 2. (See 1951, 590 §§ 7, 8; 1954, 627 §§ 38, 65, 67.)

SECT. 1A added, 1954, 627 § 36 (relative to the requirements for hospital benefits available to veterans); repealed, 1956, 692 § 2. (See 1954, 627 §§ 65, 67.)

SECT. 2, second and third paragraphs revised, 1951, 590 § 3; third paragraph amended, 1957, 749; 1965, 793 § 2; sixth paragraph amended, 1965, 793 § 3; seventh paragraph revised, 1948, 535 § 1; 1956, 395 § 1; amended, 1957, 158; 1970, 97; eighth paragraph amended, 1952, 597; last paragraph stricken out and two paragraphs inserted, 1951, 546; paragraph added at end, 1969, 628. (See 1951, 590 §§ 7, 8; 1954, 627 §§ 38, 65, 67.)

SECT. 2A added, 1960, 648 (providing for the enforcement of certain decisions of the commissioner of veterans' services).

SECT. 3, first paragraph revised, 1962, 431.

SECT. 3A added, 1948, 96 § 1 (providing for the use of photostatic copies of discharge papers of veterans in certain cases). (See 1947, 96 § 2.)

SECT. 5 revised, 1948, 535 § 2; first paragraph revised, 1950, 493 § 1; 1951, 590 § 4; amended, 1955, 305 § 1; revised, 1965, 793 § 4; second paragraph revised, 1951, 590 § 4; amended, 1955, 305 § 2; revised, 1961, 317; last sentence amended, 1968, 402; third paragraph amended, 1955, 305 § 3; revised, 1956, 394; fourth paragraph amended, 1954, 493; last paragraph revised, 1949, 599; paragraph added at end, 1951, 753 § 1; amended, 1965, 793 § 5. (See 1951, 590 §§ 7, 8; 1954, 627 §§ 38, 65, 67; 1965, 793 § 9.)

SECT. 5A added, 1958, 487 (creating a lien upon the real estate of certain recipients of veterans' benefits); second paragraph amended, 1964, 409; paragraph inserted after second paragraph, 1962, 469; paragraph added at end, 1962, 561.

SECT. 6, last sentence revised, 1965, 793 § 6.

SECTS. 6A-6C added, under caption, 1949, 660 (providing for payment of annuities to certain paraplegic veterans).

SECT. 6A revised, 1954, 627 § 37. (See 1954, 627 §§ 65, 67.)

SECT. 6B revised, 1953, 530; 1956, 567 § 1; paragraph added at end, 1968, 462.

SECT. 6C amended, 1956, 567 § 2.

SECT. 7, first sentence revised, 1948, 535 § 3; sentence added at end, 1949, 500.

SECT. 8, last sentence revised, 1948, 535 § 4; section revised, 1948, 648; first two sentences revised, 1956, 395 § 2; 1966, 570 § 2; sentence added at end, 1951, 590 § 5; last two sentences revised, 1965, 793 § 7. (See 1951, 590 §§ 7, 8; 1954, 627 §§ 38, 65, 67.)

SECT. 9 revised, 1957, 143; last sentence revised, 1965, 793 § 8.

SECTS. 10-14 added, under caption, 1946, 599 § 1 (relative to local departments of veterans' services). (See 1946, 599 §§ 2, 3; 1947, 1.)

SECT. 10, first paragraph, first sentence revised, 1972, 122; second paragraph revised, 1948, 229.

SECT. 11 amended, 1956, 104; first paragraph revised, 1964, 172.

SECT. 15 added, 1948, 415 (providing for audit of accounts of districts formed to establish departments of veterans' services).

Chapter 115A. — Soldiers' Homes.

New chapter inserted, 1954, 627 § 42. (See 1954, 627 §§ 65, 67.)

SECT. 2 amended, 1971, 1001.

SECT. 6 added, 1959, 236 § 1 (regarding the disposition of certain unclaimed funds of former patients or members of the Soldiers' Homes).

SECT. 7 added, 1960, 387 § 1 (relative to the disposition of certain unclaimed funds of former patients of Soldiers' Homes).

SECT. 8 added, 1961, 580 (authorizing the boards of trustees of Soldiers' Homes to lease land at said homes for construction of chapels thereon).

SECT. 9 added, 1962, 563 (providing domiciliary facilities for women veterans at the Soldiers' Home in Massachusetts).

SECT. 10 added, 1963, 400 (authorizing the Soldiers' Home in Massachusetts to provide for training grants for fellows in medicine, surgery and urology).

Chapter 116. — Settlement.

SECT. 1, clause First revised, 1973, 925 § 34; clause Fifth amended, 1943, 455 § 13; revised, 1951, 590 § 6; amended, 1954, 627 §§ 45, 46; 1955, 403 § 5; revised, 1955, 740 § 1. (See 1951, 590 §§ 7, 8; 1954, 627 §§ 65, 67; 1955, 403 § 14, 740 § 2; 1973, 925 § 84.)

SECT. 2 revised, 1933, 213; amended, 1943, 379; 1946, 584 § 4; first sentence revised, 1955, 740 § 3; amended, 1961, 388 § 1. (See 1946, 584 § 22; 1955, 740 § 2; 1961, 388 § 2.)

SECT. 4 revised, 1946, 584 § 5; 1950, 493 § 2. (See 1946, 584 § 22.)

SECT. 5 amended, 1943, 455 § 14; revised, 1946, 584 § 6; amended, 1948, 624 § 1; 1973, 925 § 35. (See 1946, 584 § 22; 1948, 624 § 2; 1973, 925 § 84.)

Chapter 117. — Support by the Commonwealth (former title, Support by the Cities and Towns).

Chapter stricken out and new chapter 117 (with same title) inserted, 1971, 908.

For prior changes see Table of Changes contained in Acts and Resolves of 1972.

The following references are to chapter 117, as so inserted:

SECT. 3, fourth paragraph amended, 1973, 1210 § 19. (See 1973, 1210 § 39.)

SECT. 9 revised, 1973, 925 § 36. (See 1973, 925 § 84.)

SECT. 10 amended, 1973, 1210 § 20. (See 1973, 1210 § 39.)

Chapter 118. — Aid to Families with Dependent Children (former title, Aid to Dependent Children).

Chapter stricken out and new chapter 118 (with new title) inserted, 1936, 413 § 1. (See 1936, 413 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 118, as so inserted:

Title changed, 1963, 432 § 4.

For act extending the provisions of aid to dependent children to persons eligible for aid under Title IV of the Social Security Act, see 1961, 575.

SECT. 1 amended, 1939, 487; revised, 1952, 463; 1957, 430; paragraph defining "aid to dependent children" revised, 1963, 432 § 5; section revised, 1967, 658 § 27.

SECT. 2 amended, 1941, 593 § 1; 1943, 97; 1945, 412; sentence inserted after fourth sentence, 1945, 532 § 1; section revised, 1946, 415; 1948, 418; first sentence revised, 1951, 390; amended, 1958, 349; 1959, 385; revised, 1962, 556 § 1; last five sentences stricken out and four sentences inserted, 1951, 525 § 1; third sentence revised, 1953, 325; section revised, 1967, 658 § 28; 1969, 885 § 18.

SECT. 2A added, 1945, 567 (relative to certain persons in families receiving aid under the law providing aid to dependent children); amended, 1967, 658 § 29; repealed, 1973, 925 § 37. (See 1973, 925 § 84.)

SECT. 2B added, 1969, 885 § 19 (requiring that certain information be included on application forms for assistance).

SECT. 3 revised, 1962, 556 § 2; 1967, 658 § 30; 1969, 885 § 20; fourth paragraph amended, 1973, 1210 § 21. (See 1973, 1210 § 39.)

SECT. 4 repealed, 1967, 658 § 31.

SECT. 4A added, 1943, 117 (permitting recipients of aid to dependent children, so called, to leave the commonwealth without suspension of such aid); first paragraph amended, 1967, 658 § 32; paragraph added at end, 1945, 458 § 1.

SECT. 5 revised, 1941, 593 § 2; first sentence amended, 1963, 432 § 6; two sentences added at end, 1949, 613 § 1; stricken out and one sentence inserted, 1953, 323; section revised, 1967, 658 § 33; first sentence stricken out, 1969, 885 § 21

SECT. 6 revised, 1941, 405; first sentence amended, 1960, 781 § 12; two sentences added at end, 1943, 491; section repealed, 1967, 658 § 34. (See 1939, 454 § 21.)

SECT. 7 revised, 1950, 657; amended, 1963, 432 § 7; repealed, 1967, 658 § 34.

SECT. 8 revised, 1939, 248; repealed, 1967, 658 § 34.

SECT. 9 amended, 1946, 584 § 7. (See 1946, 584 § 22.)

SECT. 10, second sentence revised, 1964, 345 § 1.

SECT. 11 added, 1961, 487 (authorizing any institution which has rendered service to a child or parent to file an application for aid on his behalf with the local board of public welfare); first paragraph amended, 1967, 658 § 35; 1973, 1210 § 22; third paragraph revised, 1967, 658 § 36; amended, 1969, 885 § 22; paragraph added, 1966, 498 § 1. (See 1973, 1210 § 39.)

Chapter 118A. — Assistance to the Aged and Disabled (former title, Old Age Assistance and Medical Assistance for the Aged).

Chapter stricken out and new chapter 118A inserted, 1973, 1210 § 23. (See 1973, 1210 § 39.)

For prior changes see Table of Changes contained in Acts and Resolves of 1972.

Chapter 118B. — The Merit System in the Administration of Aid to Families with Dependent Children and Old Age Assistance.

New chapter inserted, 1950, 793 § 7.

Title changed, 1963, 432 § 9.

SECT. 2, first sentence revised, 1952, 353 § 3; amended, 1959, 141 § 2; revised, 1963, 432 § 10. (See 1952, 353 § 10.)

SECT. 3, first sentence amended, 1952, 353 § 4; revised, 1960, 343 § 2; amended, 1963, 432 § 11. (See 1952, 353 § 10.)

SECT. 4, second and third sentences revised, 1960, 343 § 3.

SECT. 5, fourth sentence amended, 1952, 353 § 5; 1963, 432 § 12. (See 1952, 353 § 10.)

SECT. 6 amended, 1952, 353 § 6. (See 1952, 353 § 10.)

SECT. 8, paragraph added at end, 1956, 515.

SECT. 9 amended, 1952, 353 § 7; 1963, 432 § 13. (See 1952, 353 § 10.)

SECT. 10 amended, 1952, 353 § 8. (See 1952, 353 § 10.)

Chapter repealed, 1967, 658 § 55.

Chapter 118C. — Coverage of Certain Employees under the Federal Social Security Act.

New chapter inserted, 1951, 658.

Chapter 118D. — Assistance to Persons Who Are Disabled.

New chapter inserted, 1951, 741 § 2. (See 1951, 741 §§ 1, 4.)

SECT. 1, first sentence revised, 1961, 127 § 2; section revised, 1967, 658 § 56.

SECT. 2, first sentence stricken out and three sentences inserted, 1965, 586 § 2; two sentences inserted after first sentence, 1961, 443; third sentence (as appearing in 1954, 741 § 2) revised, 1963, 389; section revised, 1967, 658 § 57.

SECT. 3 amended, 1958, 613 § 3B; repealed, 1967, 658 § 58.

SECT. 4, sentence added at end, 1960, 659 § 1; section revised, 1967, 658 § 59; last sentence amended, 1968, 36 § 2; revised, 1968, 687 § 2; section revised, 1970, 169 § 2; third sentence amended, 1972, 788 § 3; last sentence revised, 1971, 698 § 2; amended, 1972, 788 § 4. (See 1960, 659 § 2; 1968, 36 § 3; 1970, 169 § 3; 1971, 698 § 4.)

SECT. 5, last sentence revised, 1953, 461; sentence added at end, 1961, 267; section revised, 1967, 658 § 60.

SECT. 6 repealed, 1967, 658 § 61.

SECT. 7 amended, 1957, 659 § 1; 1967, 658 § 62; revised, 1969, 885 § 25.

SECT. 8, first sentence revised, 1957, 493; paragraph (a) amended, 1955, 492 § 1; paragraph (c) amended, 1955, 492 § 2; paragraph (d) amended, 1955, 492 § 3; paragraphs (a)-(g) stricken out and paragraphs 1-7 inserted, 1957, 659 § 2; section revised, 1967, 658 § 63; first paragraph revised, 1970, 343 § 2.

SECT. 9 repealed, 1967, 658 § 64.

SECT. 10 revised, 1963, 432 § 14; amended, 1966, 535 § 9.

SECT. 11 amended, 1966, 535 § 10.

SECT. 12 repealed, 1967, 658 § 64.

SECT. 14, paragraph added, 1966, 498 § 3; section revised, 1967, 658 § 65; 1969, 885 § 26.

SECT. 15 amended, 1956, 602 § 12; revised, 1967, 658 § 66. (See 1956, 602 §§ 17-20.)

SECT. 16 revised, 1967, 658 § 67.

SECTS. 18-20 repealed, 1967, 658 § 68.

SECT. 20, first sentence revised, 1952, 353 § 9; amended, 1967, 658 § 69. (See 1952, 353 § 10.)

SECT. 21 added, 1953, 571 § 2 (relative to the appointment of guardians and conservators for certain applicants for public assistance).

Chapter repealed, 1973, 1210 § 24. (See 1973, 1210 § 39.)

Chapter 118E. — Medical Care and Assistance.

New chapter inserted, 1969, 800 § 1.

SECT. 1, second paragraph amended, 1973, 925 § 38; revised, 1973, 1210 § 25. (See 1973, 925 § 84, 1210 § 39.)

SECT. 5, third sentence revised, 1973, 1210 § 26. (See 1973, 1210 § 39.)

SECT. 6, clause (17) added, 1971, 1084 § 2; revised, 1973, 1068 § 2.

SECT. 7, paragraph inserted after first paragraph, 1971, 1084 § 3.

SECT. 9, paragraph added, 1973, 1210 § 27. (See 1973, 1210 § 39.)

SECT. 10, paragraph (1) revised, 1972, 745; paragraph (7) added, 1972, 779; fifth paragraph revised, 1973, 925 § 39. (See 1973, 925 § 84.)

SECT. 13 revised, 1971, 826.

SECT. 14 revised, 1973, 1210 § 28. (See 1973, 1210 § 39.)

SECT. 20 revised, 1970, 701 § 2. (See 1970, 701 § 4.)

SECT. 24 amended, 1973, 1168 § 23. (See 1973, 1168 § 40.)

SECT. 25 revised, 1973, 1210 § 29. (See 1973, 1210 § 39.)

Chapter 119. — Protection and Care of Children, and Proceedings against Them.

SECTS. 1-51 stricken out and sections 1-39 inserted, 1954, 646 § 1.

For prior changes see Table of Changes contained in Acts and Resolves of 1954.

The following references are to sections 1-39, as so inserted:

SECT. 1, second paragraph amended, 1972, 785 § 5. (See 1972, 785 § 20.)

SECT. 3 amended, 1967, 658 § 70.

SECT. 4 amended, 1960, 378 § 1.

SECT. 6 revised, 1960, 378 § 2.

SECT. 8A added, 1965, 618 (relative to the licensing of certain homes providing day care to children).

SECT. 12 amended, 1967, 658 § 71.

SECT. 18 amended, 1967, 658 § 72.

SECT. 20 amended, 1967, 658 § 73.

SECTS. 2-20 repealed, 1972, 785 § 6. (See 1972, 785 § 20.)

SECT. 21 revised, 1972, 785 § 7; amended, 1973, 1073 § 3; 1076 § 1A. (See 1972, 785 § 20.)

SECT. 22 revised, 1972, 785 § 8. (See 1972, 785 § 20.)

SECT. 23, first sentence amended, 1962, 535; subsection C revised, 1960, 325; 1970, 888 § 5; subsection D revised, 1969, 859 § 7; 1972, 731 § 7; amended, 1973, 1073 § 4; subsection F added, 1970, 825; amended, 1973, 433; section revised, 1973, 925 § 40. (See 1970, 888 § 31; 1973, 925 § 84.)

SECT. 23A added, 1958, 588 § 2 (providing for the care and custody of children born to inmates of the Massachusetts Correctional Institution at Framingham or whose mothers are committed thereto); section revised, 1966, 473. (See 1958, 588 § 3.)

SECT. 23B added, 1966, 495 (relative to services for mothers bearing children out of wedlock).

SECT. 24, first sentence revised, 1969, 859 § 8; 1972, 731 § 8; third sentence amended, 1973, 1076 § 2.

SECT. 26 amended, 1973, 925 § 41; 1076 § 3. (See 1973, 925 § 84.)

SECT. 27, sentence added, 1973, 1005.

SECT. 29 revised, 1973, 1076 § 4.

SECT. 29A added, 1970, 386 (providing for liability of parents for legal fees and expenses incurred by minors in criminal proceedings).

SECT. 30 repealed, 1961, 396 § 5.

SECT. 31 repealed, 1961, 396 § 5.

SECT. 33 revised, 1970, 404 § 1.

SECT. 34 amended, 1967, 658 § 74.

SECT. 37 revised, 1967, 658 § 75.

SECT. 39 amended, 1967, 658 § 76.

SECTS. 39A and 39B added, 1964, 534 (requiring physicians to report injury or abuse to patients under sixteen years of age in certain cases).

SECT. 39A, paragraph inserted after second paragraph, 1971, 918; paragraph added, 1971, 630 § 1.

SECT. 39B, paragraph inserted after first paragraph, 1970, 407.

SECT. 39C added, 1971, 630 § 2 (requiring certain reports relative to child abuse by social services workers and school officials).

SECTS. 39A-39C repealed, 1973, 1076 § 6.

SECT. 39D added, 1972, 631 (authorizing the probate court to grant visitation rights to certain grandparents of unmarried minor children).

SECTS. 39E-39J added, 1973, 1073 § 5 (providing care and services for certain children).

SECTS. 51A-51G added, 1973, 1076 § 5 (providing protective services for certain children who have been injured, abused or neglected).

SECT. 52, definition of "Court" revised, 1965, 659 § 2; 1969, 859 § 9; 1972, 731 § 9; definition of "Delinquent child" amended, 1948, 310 § 3; revised, 1960, 353 § 1*; definition of "Wayward child" stricken out, 1973, 1073 § 6.

SECT. 54 amended, 1966, 374; first paragraph amended, 1973, 1073 § 7.

SECT. 55, last paragraph revised, 1949, 593 § 6; section revised, 1952, 605 § 3; first paragraph amended, 1973, 1073 § 8; last paragraph revised, 1969, 838 § 14. (See 1952, 605 §§ 19-21; 1969, 838 § 74.)

SECT. 56 revised, 1943, 244 § 1; amended, 1964, 308 § 1; first paragraph amended, 1973, 1073 §§ 9, 10; second paragraph amended, 1973, 1073 § 11; paragraph added, 1971, 336.

SECT. 57, first sentence amended, 1973, 1073 § 12; sentence inserted after first sentence, 1966, 147.

SECT. 58, paragraph inserted after third paragraph, 1941, 264 § 1; section revised, 1948, 310 § 4*; paragraph added at end, 1948, 385; section revised, 1969, 838 § 15; first paragraph amended, 1973, 1073 § 13; second paragraph amended, 1973, 925 § 42; third paragraph amended, 1973, 1073 § 14; fourth paragraph revised, 1969, 859 § 10; 1972, 731 § 10; amended, 1973, 1073 § 15. (See 1969, 838 § 74; 1973, 925 § 84.)

SECT. 58A amended, 1941, 194 § 6; revised, 1941, 327; 1947, 616; repealed, 1948, 310 § 5.*

SECT. 58B added, 1957, 194 § 1 (providing for the imposition of non-criminal fines upon juveniles for violation of the motor vehicle laws); amended, 1969, 838 § 16. (See 1957, 194 § 2; 1969, 838 § 74.)

SECT. 59, second paragraph stricken out, 1941, 648 § 1.

SECT. 60 stricken out and new sections 60 and 60A inserted, 1938, 174 § 1 (relative to the use of information and records in cases of waywardness or delinquency).

SECT. 60 amended, 1948, 310 § 6; 1973, 1073 § 16.

SECT. 60A amended, 1973, 1073 § 17. (See 1948, 310 § 31.)

SECT. 61 amended, 1948, 310 § 7; revised, 1964, 308 § 2. (See 1948, 310 § 31; 1964, 308 § 13.)

SECT. 63 revised, 1932, 95 § 1; first sentence amended, 1965, 348; revised, 1973, 1073 § 18; second sentence amended, 1973, 1073 § 19; last sentence revised, 1965, 659 § 3; two sentences added, 1969, 859 § 11; sentence added, 1972, 731 § 11. (See 1965, 659 § 7.)

*See 1948, 310 §§ 30, 31.

SECT. 64 revised, 1956, 731 § 2.

SECT. 65 amended, 1932, 95 § 2.

SECT. 66 revised, 1941, 648 § 2; 1943, 244 § 2; amended, 1960, 353 § 2.

SECT. 67 amended, 1941, 648 § 3; revised, 1943, 244 § 2; 1955, 609 § 1; 1969, 838 § 17. (See 1969, 838 § 74.)

SECT. 68 revised, 1943, 244 § 2; 1948, 310 § 8*; 1955, 609 § 2; amended, 1956, 269; revised, 1969, 838 § 18; third paragraph revised, 1969, 859 § 12; 1972, 731 § 12. (See 1969, 838 § 74.)

SECTS. 68A-68C added, 1955, 609 § 3 (relating to the detention of wayward and delinquent children and juvenile offenders).

SECT. 68A revised, 1969, 838 § 19. (See 1969, 838 § 74.)

SECT. 68B revised, 1969, 838 § 20. (See 1969, 838 § 74.)

SECT. 68C amended, 1969, 838 § 21. (See 1969, 838 § 74.)

SECT. 69 revised, 1943, 244 § 2.

SECT. 69A added, 1948, 310 § 9 (providing that courts and certain public officers and authorities shall make available to the youth service board information relative to cases committed to said board)*; amended, 1969, 838 § 22. (See 1969, 838 § 74.)

SECT. 72 amended, 1947, 235; revised, 1948, 310 § 10*; amended, 1949, 595; revised, 1964, 308 § 3; amended, 1969, 838 § 23. (See 1969, 838 § 74.)

SECT. 72A added, 1964, 308 § 4 (relating to the disposition of proceedings against any person who commits an offense or violation prior to his seventeenth birthday and is not apprehended until after his eighteenth birthday). (See 1964, 308 § 13.)

SECT. 73 revised, 1945, 202; amended, 1948, 310 § 11*; repealed, 1964, 308 § 5.

SECT. 74 amended, 1933, 196 § 1; revised, 1948, 310 § 12; amended, 1960, 353 § 3*; revised, 1964, 308 § 6; 1967, 787.

SECT. 75 amended, 1933, 196 § 2; revised, 1948, 310 § 13; amended, 1960, 353 § 4*; revised, 1964, 308 § 7.

SECT. 76 revised, 1948, 310 § 14*; repealed, 1964, 308 § 5.

SECT. 77 revised, 1948, 310 § 15*; repealed, 1964, 308 § 5.

SECT. 78 repealed, 1964, 308 § 5.

SECT. 79 amended, 1948, 310 § 16*; 1953, 319 § 15; repealed, 1964, 308 § 5. (See 1953, 319 §§ 39, 40.)

SECT. 80 revised, 1948, 310 § 17*; repealed, 1964, 308 § 5.

SECT. 81 amended, 1948, 310 § 18*; repealed, 1964, 308 § 5.

SECT. 82 amended, 1948, 310 § 19*; repealed, 1964, 308 § 5.

SECT. 83 revised, 1948, 310 § 20*; 1964, 308 § 8; amended, 1969, 838 § 24. (See 1969, 838 § 74.)

SECT. 84 added, 1964, 308 § 9 (relative to the form of warrant of commitment to the youth service board); revised, 1969, 838 § 25. (See 1969, 838 § 74.)

Chapter 120. — Department of Youth Services and Massachusetts Training Schools (former title, Youth Service Board and Massachusetts Training Schools).

Title changed, 1969, 838 § 26. (See 1969, 838 § 74.)

*See 1948, 310 §§ 30, 31.

For prior changes see Table of Changes contained in Acts and Resolves of 1968.

SECT. 1 revised, 1952, 605 § 4; 1969, 838 § 27. (See 1952, 605 §§ 19-21; 1969, 838 § 74.)

SECT. 2 revised, 1952, 605 § 5; amended, 1955, 770 § 4; revised, 1969, 838 § 28. (See 1952, 605 §§ 19-21; 1955, 770 §§ 117, 123; 1969, 838 § 74.)

SECT. 2A added, 1965, 902 (establishing the positions of first, second and third deputy director in the division of youth service); second sentence revised, 1969, 766 § 6; section repealed, 1969, 838 § 29. (See 1969, 766 § 48; 838 § 74.)

SECT. 3 revised, 1952, 605 § 6; amended, 1969, 838 § 30. (See 1952, 605 §§ 19-21; 1969, 838 § 74.)

SECT. 4 revised, 1952, 605 § 7; amended, 1969, 838 § 31. (See 1952, 605 §§ 19-21; 1969, 838 § 74.)

SECT. 4A added, 1952, 605 § 8 (establishing a division of youth service in the department of education); first sentence revised, 1969, 704 § 49; section repealed, 1969, 838 § 32. (See 1952, 605 §§ 15, 19-21; 1969, 704 § 60; 838 § 74.)

SECT. 5 revised, 1969, 838 § 33. (See 1969, 838 § 74.)

SECT. 6, paragraph (e) revised, 1949, 593 § 1; section amended, 1969, 838 § 34. (See 1969, 838 § 74.)

SECT. 6A amended, 1969, 838 § 35. (See 1969, 838 § 74.)

SECT. 7 amended, 1952, 605 § 9; revised, 1969, 838 § 36. (See 1952, 605 §§ 15, 19-21; 1969, 838 § 74.)

SECT. 8, fourth and fifth sentences revised, 1952, 605 § 10; fourth and fifth sentences revised, 1969, 838 § 37. (See 1952, 605 §§ 15, 19-21; 1969, 838 § 74.)

SECT. 9 amended, 1952, 605 § 11; 1969, 838 § 38. (See 1952, 605 §§ 15, 19-21; 1969, 838 § 74.)

SECT. 10, subsection (a) amended, 1950, 545; section revised, 1952, 605 § 12; 1969, 838 § 39; subsection (a) amended, 1973, 925 § 43. (See 1952, 605 §§ 15, 19-21; 1969, 838 § 74; 1973, 925 § 84.)

SECT. 10A repealed, 1949, 593 § 2.

SECT. 11 revised, 1952, 605 § 13; amended, 1955, 766 § 5; 1957, 532; revised, 1969, 838 § 40. (See 1952, 605 §§ 15, 19-21; 1969, 838 § 74.)

SECT. 12 amended, 1949, 593 § 3; revised, 1952, 605 § 14; 1969, 838 § 41. (See 1952, 605 §§ 15, 19-21; 1969, 838 § 74.)

SECT. 13 amended, 1949, 593 § 4; 1969, 838 § 42. (See 1969, 838 § 74.)

SECT. 13A added, 1953, 619 § 1 (relative to payments by the commonwealth for damages to property caused by acts of certain inmates of institutions under management of the Youth Service Board); amended, 1969, 838 § 43. (See 1953, 619 § 2; 1969, 838 § 74.)

SECT. 14 amended, 1954, 685 § 2; revised, 1969, 838 § 44. (See 1969, 838 § 74.)

SECT. 15 revised, 1969, 838 § 45. (See 1969, 838 § 74.)

SECT. 16 amended, 1969, 838 § 46; revised, 1973, 925 § 44. (See 1969, 838 § 74; 1973, 925 § 84.)

SECT. 17 amended, 1969, 838 § 47. (See 1969, 838 § 74.)

SECT. 18 amended, 1969, 838 § 48. (See 1969, 838 § 74.)

SECT. 19 amended, 1969, 838 § 49; first paragraph amended, 1973, 925 § 45. (See 1969, 838 § 74; 1973, 925 § 84.)

SECT. 20 amended, 1969, 838 § 50. (See 1969, 838 § 74.)

SECT. 21 revised, 1969, 838 § 51. (See 1969, 838 § 74.)

SECT. 22 amended, 1956, 731 § 3; revised, 1969, 838 § 52. (See 1969, 838 § 74.)

SECT. 23 amended, 1969, 838 § 53; revised, 1973, 925 § 46. (See 1969, 838 § 74; 1973, 925 § 84.)

SECT. 23A amended, 1969, 838 § 54. (See 1969, 838 § 74.)

SECT. 24 revised, 1969, 838 § 55. (See 1969, 838 § 74.)

SECT. 25 revised, 1969, 838 § 56. (See 1969, 838 § 74.)

SECT. 26 amended, 1969, 838 § 57. (See 1969, 838 § 74.)

Chapter 121. — Powers and Duties of the Department of Public Welfare, and the Massachusetts Hospital School.

SECT. 1 amended, 1966, 214 § 2; repealed, 1967, 658 § 77.

SECT. 2 repealed, 1967, 658 § 77.

SECT. 3 revised, 1952, 602 § 11; repealed, 1967, 658 § 77.

SECT. 4 repealed, 1967, 658 § 77.

SECT. 4A added, 1941, 630 § 3 (relative to information concerning recipients of old age assistance and aid to dependent children); revised, 1945, 240 § 2; repealed, 1967, 658 § 77.

SECT. 5 repealed, 1966, 214 § 1.

SECT. 6 amended, 1941, 351 § 11; 1948, 310 § 25; 1956, 436 § 1; repealed, 1958, 613 § 4. (See 1948, 310 §§ 30, 31.)

SECT. 7 amended, 1941, 351 § 12; revised, 1941, 404; amended, 1948, 310 § 26; revised, 1952, 602 § 12; second sentence stricken out, 1958, 613 § 5; section repealed, 1966, 214 § 1. (See 1948, 310 §§ 30, 31.)

SECT. 8 repealed, 1960, 313 § 3.

SECT. 8A added, 1935, 311 § 2 (relative to funds received by the director of the division of aid and relief for the benefit of persons under the care and supervision of the department); revised, 1941, 523; amended, 1950, 162 § 4; revised, 1954, 126 § 4; 1961, 493 § 6; repealed, 1967, 658 § 77.

SECT. 8B added, 1941, 618 (relative to the disposition of certain unclaimed moneys held by the division of child guardianship for the benefit of certain wards thereof); repealed, 1967, 658 § 77.

SECT. 9 amended, 1941, 351 § 13; last two sentences stricken out, 1956, 715 § 5; section revised, 1958, 613 § 6; repealed, 1966, 214 § 1.

SECT. 9A added, 1934, 167 (relative to the interstate transportation of poor and indigent persons); sentence added at end, 1945, 458 § 3; repealed, 1967, 658 § 77.

SECT. 10 repealed, 1958, 613 § 4.

SECT. 11 repealed, 1958, 613 § 4.

SECT. 12 amended, 1941, 351 § 14; repealed, 1958, 613 § 4.

SECT. 13 amended, 1941, 351 § 15; repealed, 1958, 613 § 4.

SECT. 14 repealed, 1966, 214 § 1.

SECT. 15 amended, 1941, 351 § 16; repealed, 1948, 310 § 27. (See 1948, 310 §§ 30, 31.)

SECT. 16 repealed, 1960, 313 § 3.

SECT. 20 repealed, 1966, 214 § 1.

SECT. 21 repealed, 1966, 214 § 1.

SECT. 22 repealed, 1966, 214 § 1.

SECT. 22A repealed, 1948, 618 § 2. (See 1948, 618 § 3.)

SECTS. 22B-22E added, under caption, 1960, 776 § 1 (establishing a division of urban and industrial renewal); repealed and caption preceding section 22B stricken out, 1964, 636 § 4. (See 1960, 776 § 12; 1964, 636 § 13.)

SECT. 23 (and caption) amended, 1933, 364 § 2; section amended, 1935, 449 § 2; revised, 1935, 475 § 3; amended, 1964, 636 § 5; repealed, 1969, 751 § 2. (See 1933, 364 § 8.)

SECT. 24 amended, 1933, 364 § 3; repealed, 1969, 751 § 2. (See 1933, 364 § 8.)

SECT. 24A added, 1935, 449 § 2A (authorizing the acceptance and use by the state board of housing of grants of federal funds); repealed, 1969, 751 § 2.

SECT. 24B added, 1935, 485 § 1 (authorizing the state board of housing to take land by eminent domain in order to aid or co-operate with the United States with respect to federal housing projects); repealed, 1969, 751 § 2.

SECT. 25 revised, 1933, 364 § 4; repealed, 1969, 751 § 2. (See 1933, 364 § 8.)

SECT. 26 amended, 1933, 364 § 5; revised, 1935, 475 § 4; amended, 1936, 211 § 6; 1947, 340 § 6; two paragraphs added at end, 1954, 643 § 2; same paragraphs stricken out, 1955, 654 § 1; section repealed, 1969, 751 § 2. (See 1933, 364 § 8; 1936, 211 § 7; 1955, 654 § 5.)

SECTS. 26A-26H added, 1933, 364 § 6 (relative to the powers and duties of the state board of housing, and to limited dividend corporations under its control). (See 1933, 364 § 8.)

SECT. 26H revised, 1935, 449 § 3.

SECTS. 26A-26H repealed, 1945, 654 § 2.

SECTS. 26I-26BB added, under caption, 1935, 449 § 5 (relative to the establishment, powers and duties, and discontinuance, of local housing authorities).

SECTS. 26I-26BB stricken out and new sections 26I-26II inserted, 1938, 484 § 1 (to relate the Massachusetts Housing Authority Law to the United States Housing Act of 1937). (See 1938, 484 § 2; 1941, 269 § 2; 1941, 317.)

SECTS. 26I-26II stricken out and new sections 26I-26NN inserted, 1946, 574 § 1. (See 1946, 574 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to sections 26I to 26NN, as so inserted:

SECT. 26I amended, 1948, 200 § 1; 1952, 617 § 1; 1953, 668 § 2; revised, 1955, 654 § 2; 1966, 707 § 1; repealed, 1969, 751 § 2. (See 1955, 654 § 5.)

SECT. 26J amended, 1953, 668 § 3; 1955, 654 § 3; definition of "Housing authority" or "Authority" stricken out and definition of "Housing authority" inserted, 1952, 617 § 2; definition of "Division of urban and industrial renewal" or "division" inserted, 1960, 776 § 2; revised, 1964, 636 § 6; 1966, 138 § 1; 1968, 761 § 8; definition of "Housing board", or "board" revised, 1948, 260 § 4; 1964, 636 § 6A; 1966, 138 § 2; 1968, 761 § 9; definition of "Federal legislation" revised, 1953, 647 § 10; definition of "Low-rent housing" amended, 1953, 668 § 4; definition of "Low-rent housing project" revised, 1966, 705 § 1; definition of "Elderly persons of low income" inserted, 1953, 668 § 3; definition of "Blighted open area" inserted, 1953, 647 § 12; amended, 1957, 613 § 1; revised, 1960, 776 § 3; definition of "Community renewal project" inserted, 1966, 692 § 1; definition of "Sub-standard area" revised, 1960, 776 § 5; definition of "Decadent area" revised, 1953, 647 § 11; 1960, 776 § 4; definition of "Land assembly and redevelopment project" revised, 1953, 647 § 13; 1958, 198; 1962, 643 § 1; definition of "Land assembly and redevelopment plan" amended, 1953, 647 § 14; definition of "Mayor" inserted, 1951, 322; revised, 1954, 71 § 1; definitions of "Redevelopment authority" and "Relocation project" inserted, 1952, 617 § 3; definition of "Relocation payments" inserted, 1966, 619 § 1; definition of "Veterans" revised, 1948, 200 § 2; definitions of "Servicemen" and "Veterans" stricken out and definitions of "Serviceman" and "Veteran" inserted, 1949, 760 § 1; definition of "Veteran" revised, 1950, 624 § 1; 1951, 441 § 1; 1952, 616 § 1; 1955, 403 § 6; 1967, 150; section repealed, 1969, 751 § 2. (See 1950, 624 § 2; 1951, 441 § 2; 1952, 616 § 2; 1955, 403 § 14, 654 § 5.)

SECT. 26K, first paragraph amended, 1954, 72 § 1; second paragraph amended, 1953, 647 § 15; 1953, 668 § 5; 1966, 704 § 1; paragraph added, 1954, 72 § 2; section repealed, 1969, 751 § 2.

SECT. 26L, sentence inserted after second sentence, 1954, 428 § 1; sentence inserted, 1955, 128 § 1; fourth sentence revised, 1949, 688; stricken out, 1968, 271 § 1; sentence added at end, 1961, 496 § 1; section repealed, 1969, 751 § 2. (See 1954, 428 §§ 3, 4; 1955, 128 § 3; 1961, 496 § 2.)

SECT. 26M, sentence added at end, 1954, 428 § 2; 1955, 128 § 2; revised, 1968, 271 § 2; section repealed, 1969, 751 § 2. (See 1954, 428 §§ 3, 4; 1955, 128 § 3.)

SECT. 26N, last sentence revised, 1966, 696; section repealed, 1969, 751 § 2.

SECT. 26O, first paragraph revised, 1960, 780; 1966, 705 § 2; second paragraph revised, 1961, 72; section repealed, 1969, 751 § 2.

SECT. 26P, paragraph (b) amended, 1952, 617 § 5; 1953, 647 § 16, 668 § 6; 1955, 640 § 2; paragraph added at end, 1961, 188 § 1; amended, 1962, 115, 764 § 1; last paragraph revised, 1968, 230; section repealed, 1969, 751 § 2.

SECT. 26Q, last sentence revised, 1950, 105 § 2; paragraph added at end, 1961, 188 § 2; amended, 1962, 764 § 2; section repealed, 1969, 751 § 2.

SECT. 26R repealed, 1969, 751 § 2.

SECT. 26S, second paragraph amended, 1958, 571; revised, 1962, 784; 1964, 636 § 7; section repealed, 1969, 751 § 2.

SECT. 26T, first paragraph revised, 1960, 491; two paragraphs inserted after first paragraph, 1965, 564; second paragraph amended, 1968, 231; section repealed, 1969, 751 § 2.

SECT. 26U revised, 1955, 327; section repealed, 1969, 751 § 2.

SECT. 26V, paragraph added at end, 1957, 140; revised, 1967, 407; section repealed, 1969, 751 § 2.

SECTS. 26W-Z repealed, 1969, 751 § 2.

SECT. 26AA, paragraph added, 1966, 705 § 3; amended, 1967, 582 § 2; section repealed, 1969, 751 § 2.

SECT. 26BB amended, 1953, 647 § 17; repealed, 1969, 751 § 2.

SECT. 26CC revised, 1950, 486; amended, 1957, 106; revised, 1957, 613 § 2; second sentence revised, 1961, 12; first paragraph revised, 1966, 692 § 2; amended, 1968, 23 § 10; paragraph added, 1966, 619 § 2; amended, 1968, 23 § 11; section repealed, 1969, 751 § 2.

SECT. 26DD amended, 1953, 654 § 94; repealed, 1969, 751 § 2.

SECT. 26EE, paragraph added at end, 1969, 630; section repealed, 1969, 751 § 2.

SECT. 26FF, sentence inserted after first sentence, 1955, 685; first four sentences stricken out and three sentences inserted, 1959, 512; clause (c) revised, 1949, 760 § 2; clause (d) revised, 1954, 625; amended, 1957, 77; clause (e) amended, 1948, 51; 1950, 479 § 5; clause (f) revised, 1949, 760 § 3; sentence added, 1966, 705 § 4; revised, 1968, 249 § 1; clause (g) added, 1965, 740; amended, 1968, 249 § 2; paragraph added at end, 1950, 631; sentence added at end, 1951, 313; 1954, 629; section repealed, 1969, 751 § 2.

SECT. 26GG revised, 1949, 760 § 4; repealed, 1969, 751 § 2.

SECT. 26HH, last sentence amended, 1961, 493 § 7; second sentence stricken out and four sentences inserted, 1963, 806 § 1; sentence inserted after fifth sentence, 1969, 369 § 1; section repealed, 1969, 751 § 2. (See 1963, 806 § 2.)

SECT. 26JJ revised, 1953, 647 § 18; amended, 1957, 613 § 3; repealed, 1969, 751 § 2.

SECT. 26KK, second paragraph revised, 1947, 486; amended, 1953, 409 § 8; section revised, 1953, 647 § 18; second paragraph amended, 1957, 613 § 4; section revised, 1960, 776 § 6; repealed, 1969, 751 § 2.

SECT. 26LL repealed, 1969, 751 § 2.

SECT. 26MM amended, 1953, 647 § 19; repealed, 1969, 751 § 2.

SECT. 26NN stricken out and sections 26NN-26QQ inserted, 1948, 200 § 3 (relative to state-aided projects).

SECT. 26NN, sentence inserted after first sentence, 1949, 742 § 1; last sentence of first paragraph revised, 1951, 456; amended, 1952, 550 § 4; revised, 1954, 507 § 1, 667 § 2; 1955, 641; 1963, 585 § 1; first paragraph amended, 1955, 489; 1966, 28; second sentence stricken out and four sentences inserted, 1969, 369 § 2; first sentence of third paragraph revised, 1954, 676; 1957, 537; last sentence of fourth paragraph revised, 1957, 372 § 2; last sentence of fifth paragraph revised, 1952, 550 § 2; stricken out, 1966, 705 § 5; subdivision (a), first paragraph revised, 1949, 742 § 2; amended, 1954, 507 § 2; subdivision (a), second paragraph amended

1952, 550 § 1; subdivision (a), third paragraph amended, 1949, 742 § 3; 1954, 507 § 3; 1963, 585 § 2; subdivision (b), first sentence revised, 1952, 550 § 3; subdivision (b), first paragraph, sentence added at end, 1949, 713; subdivision (b), second paragraph amended, 1949, 742 § 4; 1950, 753; 1957, 372 § 3; two paragraphs inserted after second paragraph, 1966, 705 § 6; paragraph added, 1967, 635; subdivision (d) added, 1949, 682 § 1; subdivision (e) added, 1950, 386; revised, 1952, 550 § 5; subdivision (f) added, 1953, 508; subdivision (g) added, 1954, 116; subdivision (h) added, 1965, 899 § 1; section repealed, 1969, 751 § 2. (See 1949, 682 § 2; 1952, 550 §§ 6, 7; 1954, 507 § 4; 1957, 372 § 5.)

SECTS. 26OO-26PP repealed, 1969, 751 § 2.

SECT. 26QQ and caption preceding it stricken out and new section and caption inserted, 1952, 617 § 4 (relative to creating redevelopment authorities); first two paragraphs revised, 1957, 150 § 1; paragraph inserted after second paragraph, 1958, 199; three paragraphs added at end, 1958, 299; section repealed, 1969, 751 § 2.

SECT. 26RR added, 1952, 617 § 6 (relative to contracts for state financial assistance for housing); first paragraph amended, 1958, 572 § 1; second paragraph amended, 1955, 640 § 3; third paragraph amended, 1953, 647 § 20; 1958, 572 § 2; paragraph (b) (2) revised, 1955, 640 § 4; paragraph (b) (3) amended, 1955, 640 § 5; paragraph added at end, 1955, 640 § 6; section repealed, 1969, 751 § 2.

SECT. 26SS added, 1952, 617 § 7 (providing a severability clause in case of a finding of invalidity or unconstitutionality of any part of this act); stricken out and sections 26SS-26WW inserted, under caption, 1953, 668 § 1 (to provide for the housing of elderly persons).

SECTS. 26SS-26VV revised, 1954, 667 § 1.

SECTS. 26SS-26TT repealed, 1969, 751 § 2.

SECT. 26UU, subdivision (c) revised, 1968, 217; subdivision (e) revised, 1968, 500; subdivision (f) added, 1965, 899 § 2; section repealed, 1969, 751 § 2.

SECT. 26VV amended, 1956, 466; revised, 1957, 168; first sentence amended, 1957, 705 § 2; section revised, 1957, 767; 1958, 591; 1960, 542; 1961, 573; 1963, 551; 1966, 626, 732; 1967, 572; 1968, 524; 1969, 687; repealed, 1969, 751 § 2. (See 1957, 705 §§ 1, 3, 4.)

SECT. 26WW stricken out and sections 26WW-26CCC inserted, under captions, 1955, 654 § 4 (relative to urban renewal projects). (See 1955, 654 § 5.)

SECTS. 26WW-26XX repealed, 1969, 751 § 2.

SECT. 26YY, second sentence revised, 1966, 704 § 2; section repealed, 1969, 751 § 2.

SECT. 26ZZ, second paragraph amended, 1957, 613 § 5; section revised, 1960, 776 § 7; first paragraph, second sentence amended, 1968, 142 § 1; second paragraph, second sentence amended, 1968, 142 § 2; paragraph added, 1966, 704 § 3; amended, 1968, 153; section repealed, 1969, 751 § 2.

SECTS. 26AAA-26CCC repealed, 1969, 751 § 2.

SECTS. 26DDD-26FFF added, under caption, 1960, 776 § 8 (providing financial assistance for urban redevelopment and urban renewal projects). (See 1960, 776 § 10.)

SECT. 26DDD, sentence added, 1964, 636 § 8; section repealed, 1969, 751 § 2.

SECT. 26EEE, second paragraph, sentence inserted after first sentence, 1962, 643 § 1A; section repealed, 1969, 751 § 2.

SECT. 26FFF, clauses (b) and (c) stricken out and clauses (b), (c) and (d) inserted, 1962, 643 § 2; clause (d) revised, 1967, 825; section repealed, 1969, 751 § 2. (See 1962, 643 § 4.)

SECTS. 26GGG and 26HHH added, under caption, 1960, 776 § 9 (providing financial assistance for non-federally aided commercial or industrial redevelopment projects).

SECT. 26GGG repealed, 1969, 751 § 2.

SECT. 26GGG½ added, 1968, 766 § 1 (extending state financial assistance to certain urban renewal projects to be redeveloped for residential reuse); repealed, 1969, 751 § 2.

SECT. 26HHH revised, 1962, 643 § 3; third paragraph amended, 1968, 766 § 2; section repealed, 1969, 751 § 2.

SECTS. 26III and 26JJJ added, 1964, 721 (providing for the rehabilitation of dwelling accommodations).

SECT. 26JJJ, paragraph added, 1967, 461; section repealed, 1969, 751 § 2.

SECTS. 26KKK, 26LLL and 26MMM added, 1966, 707 § 2 (providing a rental assistance program for families of low income); repealed, 1969, 751 § 2.

SECTS. 23-26MMM repealed, 1972, 751 § 2.

SECT. 27 repealed, 1933, 364 § 7.

SECTS. 28-37 repealed, 1954, 508 § 2. (See 1954, 508 §§ 3-5.)

SECT. 31 amended, 1948, 559.

SECT. 38 repealed, 1966, 214 § 1.

SECT. 39 amended, 1941, 351 § 17; repealed, 1958, 613 § 4.

SECT. 40 amended, 1941, 656 § 13; repealed, 1966, 214 § 1. (See 1941, 656 § 17.)

SECT. 41 revised, 1958, 179; repealed, 1967, 658 § 77.

SECT. 42 amended, 1932, 180 § 22; 1941, 406; 1958, 613 § 7; 1964, 339 § 2; two sentences added at end, 1952, 303; section repealed, 1967, 658 § 77.

SECT. 43 added, 1968, 220 (requiring housing authorities to confer with tenant organizations); repealed, 1969, 751 § 2.

SECT. 44 added, 1968, 596 (prohibiting termination of tenancies without cause and without hearing); section numbers changed from "Section 43" to "Section 44", 1968, 766 § 3; section repealed, 1969, 751 § 2.

Chapter 121A. — Urban Redevelopment Corporations.

New chapter inserted, 1945, 654 § 1.

SECT. 1, definition of "Decadent area" amended, 1947, 15; section revised, 1953, 647 § 1; definition of "Project" amended, 1954, 73 § 1; paragraph added at end, 1954, 73 § 2; section revised, 1960, 652 § 1; definition of "Housing board" or "board" revised, 1964, 636 § 9; 1967, 172

§ 1; 1968, 761 § 10; paragraph defining "mayor" added, 1967, 172 § 2. (Sec 1960, 652 §§ 12-15.)

SECT. 2 revised, 1953, 647 § 1; 1960, 652 § 2. (See 1960, 652 §§ 12-15.)

SECT. 3 revised, 1953, 647 § 1; first sentence revised, 1960, 652 § 3; paragraph inserted after first paragraph, 1968, 356 § 1. (See 1960, 652 §§ 12-15.)

SECT. 5, first sentence amended, 1960, 652 § 4.

SECT. 6, first two paragraphs stricken out and four paragraphs inserted, 1953, 647 § 2; paragraph added at end, 1956, 640 § 1.

SECT. 6A added, 1960, 652 § 5.

SECT. 7, first two paragraphs revised, 1947, 487 § 1; first paragraph amended, 1956, 640 § 2; last paragraph amended, 1961, 493 § 8.

SECT. 7A added, 1946, 574 § 3 (relative to acquisition from housing authorities of sites for urban redevelopment); first sentence revised, 1955, 654 § 4A; amended, 1967, 127 § 1; 1969, 751 § 3. (See 1955, 654 § 5.)

SECT. 8 revised, 1960, 652 § 6.

SECT. 9 revised, 1956, 640 § 3; sentence added at end, 1968, 356 § 2.

SECT. 10, two paragraphs added at end, 1953, 647 § 3; section revised, 1956, 640 § 4; second paragraph, second sentence revised, 1969, 540 § 1. (See 1969, 540 § 2.)

SECT. 12, paragraph added at end, 1947, 487 § 2.

SECT. 15, first paragraph revised, 1953, 647 § 4.

SECT. 16 stricken out and sections 16 and 16A inserted, 1953, 647 § 5.

SECT. 17 repealed, 1953, 647 § 6.

SECT. 18 amended, 1960, 652 § 7; paragraph (a) revised, 1953, 647 § 7; paragraph (e) revised, 1953, 647 § 8; amended, 1960, 652 § 8; paragraph (f) amended, 1960, 652 § 9; paragraph (g) amended, 1960, 652 § 10; paragraphs (h), (i) and (j) stricken out and paragraphs (h), (i), (j) and (k) inserted, 1960, 652 § 11; paragraph added, 1967, 127 § 2. (See 1960, 652 §§ 12-15.)

SECT. 18A added, 1946, 129 (authorizing savings banks to invest in urban redevelopment projects).

SECT. 18B added, 1953, 647 § 9 (relative to the forming of urban redevelopment corporations); first sentence amended, 1969, 751 § 4.

SECT. 18C added, 1965, 859 § 1 (authorizing individuals to undertake or acquire and carry on urban redevelopment projects under the laws applicable to urban redevelopment corporations); amended, 1966, 421 § 1; 1968, 761 § 11; clause (f) amended, 1966, 421 § 2.

Chapter 121B. Housing and Urban Renewal.

New chapter inserted, 1969, 751 § 1.

SECT. 1, definition of "Handicapped persons of low income" inserted after definition of "Federal legislation", 1970, 812 § 1; definition of "Elderly persons of low income" revised, 1973, 1215 § 15A.

SECT. 3A added, 1970, 851 § 1 (authorizing the establishment of regional housing authorities).

SECT. 5, sixth paragraph amended, 1971, 565 § 1.

SECT. 11, paragraph (*m*) stricken out and paragraphs (*m*) and (*n*) inserted, 1970, 851 § 2.

SECT. 15, sentence inserted after fifth sentence, 1970, 359 § 1.

SECT. 21 amended, 1973, 834.

SECT. 26 amended, 1970, 694 § 2; clause (*k*) added, 1973, 884 § 1.

SECT. 26A added, 1973, 1215 § 8 (relative to increased housing for the elderly).

SECT. 29, first paragraph, second sentence revised, 1970, 851 § 3; amended, 1973, 1215 § 9; first paragraph, fourth sentence amended, 1973, 1215 § 9A; third paragraph amended, 1973, 286.

SECT. 31, first paragraph amended, 1973, 1168 § 24; second paragraph, subparagraph (*a*) revised, 1970, 851 § 5; 1972, 318; subparagraph (*b*), second sentence amended, 1973, 851; 1210 § 10 third paragraph amended, 1973, 296 § 3. (See 1973, 1168 § 40.)

SECT. 32, first paragraph revised, 1971, 1114 § 1; second paragraph, clause (*c*), third sentence amended, 1973, 925 § 47; clause (*e*), second sentence amended, 1972, 250; sentence added, 1970, 851 § 4. (See 1973, 925 § 84.)

SECT. 34 revised, 1970, 359 § 2; first paragraph revised, 1971, 603; seventh paragraph, subdivision (*b*), first paragraph amended, 1971, 1114 § 2; second paragraph amended, 1971, 1114 § 3; 1972, 802 § 8; third, fourth and fifth paragraphs stricken out and two paragraphs inserted, 1971, 1114 § 4; section revised, 1973, 1215 § 11. (See 1972, 802 § 77.)

SECT. 34A added, 1973, 884 § 2 (authorizing the department of community affairs to enter into certain contracts with housing authorities relating to MHFA projects).

SECT. 35 revised, 1970, 359 § 3.

SECT. 37 revised, 1970, 359 § 4; second paragraph, third sentence revised, 1972, 802 § 9. (See 1972, 802 § 77.)

SECT. 38, caption preceding said section revised, 1970, 812 § 2; paragraph added at end, 1970, 812 § 3.

SECT. 40, clause (*a*), sentence added at end, 1970, 812 § 4; clause (*c*) revised, 1970, 812 § 6; sentence added, 1970, 740; clause revised, 1970, 812 § 6; amended, 1973, 1168 § 25; clause (*e*), three sentences added at end, 1970, 853; clause revised, 1973, 1215 § 12; clause (*f*) amended, 1973, 1168 § 26; sentence added, 1970, 812 § 5; clause (*g*) added, 1973, 1168 § 27. (See 1973, 1168 § 40.)

SECT. 41 revised, 1970, 359 § 5; first paragraph amended, 1971, 1114 § 5; second paragraph stricken out, 1971, 1114 § 6; section revised, 1973, 1215 § 13.

SECT. 43, first paragraph, fifth sentence revised and paragraph added, 1970, 854 § 1; second paragraph, sentence added, 1971, 1114 § 7; revised, 1973, 1215 § 14.

SECT. 44, first paragraph, clause (*a*) revised, 1970, 854 § 2; clause (*b*) revised, 1971, 1114 § 8; second paragraph, last sentence stricken out and two sentences inserted, 1970, 854 § 3.

SECT. 44A added, 1973, 884 § 3 (authorizing housing authorities to lease certain dwelling units in MHFA financed projects).

SECT. 48, paragraph inserted after first paragraph, 1971, 168.

SECT. 55, clause (d) revised, 1970, 419.

SECT. 57, third paragraph, clauses (b) and (c) revised, 1970, 409.

SECT. 59 revised, 1970, 359 § 6.

Chapter 121C. — Economic Development and Industrial Corporations.

New chapter inserted, 1972, 725.

Chapter 122. — Tewksbury Hospital (former titles, Tewksbury State Hospital and Infirmary and State Infirmary).

Chapter stricken out and new chapter 122 inserted, 1958, 613 § 8. (See 1958, 613 §§ 9-14.)

For prior changes see Table of Changes contained in Acts and Resolves of 1956.

The following references are to chapter 122, as so inserted:

SECT. 14 revised, 1964, 545 § 1; second paragraph amended, 1968, 492 § 15; 1973, 1229 § 4K. (See 1964, 545 §§ 3, 4; 1973, 1229 § 13.)

SECT. 17 repealed, 1964, 545 § 2.

SECT. 18 repealed, 1964, 545 § 2.

SECT. 19 repealed, 1964, 545 § 2.

SECT. 20, seventh sentence stricken out, 1960, 539; section repealed, 1964, 545 § 2.

Chapter 123. — Treatment and Commitment of Mentally Ill and Mentally Retarded Persons.

Chapter stricken out and new chapter 123 (with new title) inserted, 1970, 888 § 4. (See 1970, 888 § 31.)

For prior changes see Table of Changes contained in Acts and Resolves of 1970.

The following references are to chapter 123, as so inserted:

SECT. 1, definition of "Facility" amended, 1971, 760 § 1; definition of "Probate court" stricken out, 1971, 760 § 1A.

SECT. 4, first paragraph, sentence inserted after second sentence, 1972, 640; second paragraph, first sentence revised, 1973, 569 § 1; sentence added, 1971, 760 § 2.

SECT. 5 amended, 1973, 569 § 2.

SECT. 6, paragraph (a) amended, 1971, 760 § 3; 1973, 569 § 3; paragraphs (b) and (c) stricken out and paragraph (b) inserted, 1971, 760 § 4.

SECT. 7 revised, 1971, 760 § 5.

SECT. 8, two paragraphs added, 1971, 760 § 6; paragraph (f) amended, 1973, 569 § 4.

SECT. 9 revised, 1971, 760 § 7.

SECT. 10, first paragraph amended, 1973, 925 § 48; paragraph added, 1971, 575 § 1. (See 1973, 925 § 84.)

SECT. 11, last two sentences stricken out, 1971, 760 § 8.

SECT. 12, paragraph (b) amended, 1971, 760 § 9; paragraphs (d) and (e) revised, 1971, 760 § 10.

SECTS. 13-14 revised, 1971, 760 § 11.

SECT. 15, paragraphs (a)-(d) revised, 1971, 760 § 12; paragraph (b) amended, 1973, 569 §§ 5, 6; paragraph (d) revised, 1973, 569 § 7; paragraph (e) amended, 1973, 569 § 8; paragraph (f) amended, 1973, 569 § 9.

SECT. 16, paragraphs (b)-(e) revised, 1971, 760 § 13; paragraph (b) amended, 1972, 281; 1973, 569 § 10; paragraph (c) amended, 1973, 569 § 11; paragraph (e) amended, 1973, 569 § 12; paragraph (f) amended, 1971, 760 § 14.

SECT. 17, paragraph (a) revised, 1971, 760 § 15; paragraph (d) stricken out, 1971, 760 § 16.

SECT. 18, paragraph (a) amended, 1971, 760 § 17; 1973, 569 §§ 13, 14.

SECT. 24, paragraph (a) amended, 1973, 1229 § 4L. (See 1973, 1229 § 13.)

SECT. 28A added, 1971, 530 (requiring superintendents of state mental institutions to make immediate reports to the district attorney of the death of any person confined therein).

SECT. 30, sentence inserted before first sentence, 1971, 462.

SECT. 32 amended, 1973, 925 § 49; 1229 § 4Q. (See 1973, 925 § 84, 1229 § 13.)

SECT. 33 amended, 1973, 1229 § 4R. (See 1973, 1229 § 13.)

SECT. 34, paragraphs (b) and (c) added, 1971, 575 § 2.

SECT. 35, second paragraph amended, 1973, 643 §§ 1, 2; third paragraph amended, 1971, 1076 § 4.

SECT. 36A added, 1972, 398 (requiring privacy of certain court records except in the discretion of the court).

SECT. 37 amended, 1973, 925 § 50. (See 1973, 925 § 84.)

SECT. 38 revised, 1971, 1071 § 6; definition of "Dependency related drug" revised, 1972, 806 § 34.

SECT. 43 clause (4) amended, 1973, 1229 § 4S. (See 1973, 1229 § 13.)

SECT. 54 amended, 1973, 1229 § 4T. (See 1973, 1229 § 13.)

Chapter 123A. — Care, Treatment and Rehabilitation of Sexually Dangerous Persons (former title, Care, Treatment and Rehabilitation of Sexual Offenders and Victims of such Offenders).

New chapter inserted, 1947, 683.

Chapter stricken out and new chapter 123A (with new title) inserted, 1954, 686 § 1. (See 1954, 686 § 2; 1957, 772 § 7.)

Chapter stricken out and new chapter 123A (with new title) inserted, 1958, 646 § 1. (See 1958, 646 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1959.

The following references are to chapter 123A, as so inserted:

SECT. 2 revised, 1959, 615.

SECT. 6 amended, 1969, 838 § 58. (See 1969, 838 § 74.)

SECT. 9 amended, 1960, 347; second paragraph revised, 1966, 608.

Chapter 124. — Powers and Duties of the Department of Correction.

SECT. 1 amended, 1939, 451 § 38; 1941, 344 § 4; revised, 1955, 770 § 7; paragraph (e) revised, 1956, 731 § 4; section revised, 1972, 777 § 5; amended, 1973, 430 § 9. (See 1955, 770 §§ 144-123; 1956, 731 §§ 29-33.)

SECT. 2 revised, 1955, 770 § 8; third paragraph stricken out and two paragraphs inserted, 1972, 777 § 6. (See 1955, 770 §§ 114, 117, 118, 123.)

SECTS. 3 and 4 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 5 amended, 1941, 344 § 5; 1955, 770 § 9. (See 1955, 770 §§ 117, 123.)

SECT. 6 amended, 1936, 23 § 2; 1939, 451 § 39; 1955, 770 § 10. (See 1955, 770 §§ 117, 123.)

SECT. 7 amended, 1939, 451 § 40; repealed, 1954, 567 § 3. (See 1954, 567 § 10.)

SECT. 8 amended, 1935, 48 § 1; 1953, 319 § 18. (See 1935, 48 § 2; 1953, 319 §§ 39, 40.)

SECT. 10 added, 1972, 777 § 7 (further defining the powers and duties of the department of correction).

Chapter 125. — Correctional Institutions of the Commonwealth (former title, Penal and Reformatory Institutions of the Commonwealth).

Chapter stricken out and new chapter 125 (with new title) inserted, 1955, 770 § 11. (See 1955, 770 §§ 114-123.)

For prior changes see Table of Changes contained in Acts and Resolves of 1955.

The following references are to chapter 125, as so inserted:

SECT. 1 amended, 1956, 731 § 5; revised, 1972, 777 § 8. (See 1956, 731 §§ 29-33.)

SECT. 2, first sentence amended, 1956, 16 § 2; section revised, 1957, 777 § 1.

SECT. 4 revised, 1957, 50 § 1; 1966, 165 § 1; amended, 1967, 30; 1973, 925 § 51. (See 1957, 50 § 2; 1966, 165 § 2; 1973, 925 § 84.)

SECT. 5 revised, 1957, 777 § 2.

SECT. 7 amended, 1957, 777 § 3.

SECT. 9, second sentence revised, 1957, 494; two paragraphs inserted after first paragraph, 1960, 201; second paragraph revised, 1964, 348; third paragraph revised, 1961, 90; section revised, 1972, 777 § 9.

SECT. 13 amended, 1957, 777 § 4.

SECT. 14 amended, 1957, 777 § 5.

SECT. 15 amended, 1957, 777 § 6.

SECT. 16, first paragraph, first sentence revised, 1972, 777 § 10; second sentence stricken out, 1970, 888 § 18; paragraph added at end, 1956, 715 § 15; amended, 1970, 888 § 19; revised, 1971, 1076 § 5. (See 1970, 888 § 31; 1971, 1076 § 22.)

SECT. 19, paragraph inserted before first paragraph, 1956, 715 § 16; amended, 1967, 619 § 2; 1969, 889 § 22; revised, 1970, 888 § 6; amended, 1971, 760 § 18; section revised, 1971, 1076 § 6. (See 1970, 888 § 31.)

Chapter 126. — Jails, Houses of Correction and Reformation, and County Industrial Farms.

SECT. 4, sentence added at end, 1957, 192.

SECT. 9A added, 1948, 469 (relative to the wearing of uniforms by certain officers and employees of county penal institutions).

SECT. 16 revised, 1937, 219 § 6.

SECT. 18A added, 1953, 355 (relative to indemnification by counties of certain officers sustaining expenses or damages by reason of wilful acts of inmates).

SECT. 24, last sentence revised, 1955, 770 § 12. (See 1955, 770 §§ 117, 118, 123.)

SECT. 27 revised, 1971, 399.

SECT. 37 amended, 1936, 228.

SECT. 38 revised, 1957, 28 § 1. (See 1957, 28 § 2.)

Chapter 127. — Officers and Inmates of Penal and Reformatory Institutions, Paroles and Pardons.

SECT. 1 revised, 1941, 490 § 27.

SECTS. 1A-1B added, 1972, 777 § 11 (providing minimum standards for the care and custody of prisoners in county correctional facilities and for inspections of such facilities).

SECT. 2 amended, 1941, 344 § 10; revised, 1955, 770 § 13; amended, 1957, 777 § 7; sentence added, 1972, 805 § 3. (See 1955, 770 §§ 117, 118, 123.)

SECT. 3, sentence added at end, 1962, 569.

SECT. 4 amended, 1955, 770 § 14. (See 1955, 770 §§ 117, 118, 123.)

SECT. 6 amended, 1955, 770 § 15; revised, 1957, 777 § 8. (See 1955, 770 §§ 117, 118, 123.)

SECT. 10 amended, 1936, 23 § 3; 1941, 656 § 15; revised, 1955, 770 § 16. (See 1941, 656 § 17; 1955, 770 §§ 116-118, 123.)

SECT. 11 revised, 1941, 344 § 11; repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 12 amended, 1941, 344 § 12; revised, 1955, 770 § 17. (See 1955, 770 §§ 116-118, 123.)

SECT. 14 amended, 1939, 200.

SECT. 15 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 16, last sentence stricken out, 1933, 77 § 1; section amended, 1941, 344 § 13; revised, 1948, 129 § 8; first sentence revised, 1955, 770 § 18; section revised, 1957, 777 § 9. (See 1955, 770 §§ 117, 123.)

SECT. 17 revised, 1933, 77 § 2; last sentence revised, 1955, 770 § 19. (See 1955, 770 §§ 117, 123.)

SECT. 18 amended, 1933, 77 § 3.

SECT. 20 revised, 1955, 770 § 20, amended, 1956, 731 § 6. (See 1955, 770 §§ 117, 123; 1956, 731 §§ 29-33.)

SECT. 21 revised, 1955, 770 § 21. (See 1955, 770 §§ 117, 123.)

SECT. 23 amended, 1941, 69.

SECT. 27 amended, 1955, 770 § 22. (See 1955, 770 §§ 117, 123.)

SECT. 28 revised, 1955, 770 § 23; amended, 1957, 777 § 10; sentence added, 1972, 805 § 4. (See 1955, 770 §§ 117, 123.)

SECT. 29, sentence added, 1972, 805 § 5.

SECT. 32 revised, 1955, 770 § 24; amended, 1957, 777 § 11.

SECT. 33 revised, 1955, 770 § 25; amended, 1957, 777 § 12. (See 1955, 770 §§ 117, 123.)

SECT. 34 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 35 amended, 1941, 344 § 14; repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 36 revised, 1941, 237 § 1; first sentence revised, 1955, 770 § 26; section revised, 1957, 777 § 13; 1962, 142. (See 1955, 770 §§ 117, 123.)

SECT. 36A added, 1955, 770 § 27 (relative to the right of an inmate to confer with an attorney at law designated by him); amended, 1957, 777 § 14. (See 1955, 770 §§ 116, 117, 123.)

SECT. 37 revised, 1941, 237 § 2; 1955, 770 § 28; amended, 1957, 777 § 15. (See 1955, 770 §§ 117, 123.)

SECT. 38A added, 1953, 295 (penalizing prisoners in certain correctional institutions who hold persons as hostages).

SECT. 38B added, 1959, 445 § 1 (establishing a penalty for assault or assault and battery by certain prisoners on their custodians or guards); revised, 1966, 279.

SECT. 38C added, 1960, 807 (providing that the superintendent of a correctional institution notify the district attorney of each felony committed therein).

SECT. 39 amended, 1955, 357; revised, 1955, 770 § 29; amended, 1957, 777 § 16. (See 1955, 770 §§ 117, 123.)

SECT. 40 revised, 1955, 770 § 30; amended, 1957, 777 § 17. (See 1955, 770 §§ 117, 123.)

SECT. 41 revised, 1955, 770 § 31. (See 1955, 770 §§ 117, 123.)

SECTS. 42-47 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 48 revised, 1955, 770 § 32; section and preceding caption revised, 1972, 777 § 12. (See 1955, 770 §§ 117, 123.)

SECT. 48A revised, 1946, 461 § 1; 1955, 770 § 33; amended, 1957, 777 § 18; second paragraph revised, 1960, 590. (See 1955, 770 §§ 117, 123.)

SECT. 49 revised, 1955, 770 § 34. (See 1955, 770 §§ 117, 123.)

SECT. 49 stricken out and sections 49-49A inserted, 1972, 777 § 13 (relative to prisoner participation in education, training and employment programs).

SECT. 49B added, 1973, 717 (relative to the employment of prisoners on state property).

SECT. 50 revised, 1941, 344 § 15; repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 51 amended, 1941, 344 § 16; revised, 1955, 770 § 35; amended, 1957, 777 § 19. (See 1955, 770 §§ 117, 119, 123.)

SECT. 52 revised, 1955, 770 § 36. (See 1955, 770 §§ 117, 123.)

SECT. 54 amended, 1955, 770 § 37. (See 1955, 770 §§ 117, 119, 123.)

SECT. 59 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 61 revised, 1955, 770 § 38. (See 1955, 770 §§ 117, 123.)

SECTS. 62-65 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 66 revised, 1955, 770 § 39; amended, 1957, 777 § 20. (See 1955, 770 §§ 117, 123.)

SECT. 66A added, 1955, 770 § 40 (relative to the purchase of tools, implements and materials required for use in prison industries). (See 1955, 770 §§ 117, 123.)

SECT. 67 amended, 1955, 770 § 41; revised, 1957, 777 § 21. (See 1955, 770 §§ 117, 123.)

SECT. 67A added, 1932, 252 § 1 (regulating the sale of prison made goods); repealed, 1972, 777 § 14. (See 1932, 252 § 2.)

SECT. 68 revised, 1955, 770 § 42; amended, 1972, 777 § 15. (See 1955, 770 §§ 117, 123.)

SECT. 69 amended, 1955, 770 § 43; revised, 1957, 777 § 22. (See 1955, 770 §§ 117, 123.)

SECT. 70 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 71 revised, 1941, 344 § 17; 1946, 461 § 2; first paragraph revised, 1955, 770 § 44; section revised, 1957, 777 § 23; first sentence revised, 1964, 180; section revised, 1972, 777 § 16. (See 1955, 770 §§ 117, 119, 123.)

SECT. 72 amended, 1941, 344 § 18; revised, 1941, 436 § 1; first and third sentences revised, 1955, 770 § 45; section revised, 1957, 777 § 24. (See 1941, 436 § 2; 1955, 770 §§ 117, 123.)

SECT. 73 revised, 1955, 770 § 46; amended, 1957, 777 § 25. (See 1955, 770 §§ 117, 120, 123.)

SECTS. 74-77 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 78 and sections 79-82 (and heading preceding said section 79) repealed, 1941, 344 § 19.

SECTS. 83A-83D added, 1951, 755 (relative to the establishment of prison camps in state forests). (See 1955, 770 §§ 117, 120, 123.)

SECT. 83A revised, 1956, 667; first sentence revised, 1972, 172 § 1.

SECT. 83B amended, 1955, 770 § 47; 1971, 1076 § 7; first paragraph amended, 1972, 172 § 2. (See 1955, 770 §§ 117, 123; 1971, 1076 § 22.)

SECT. 83D revised, 1961, 482.

SECT. 83E added, 1956, 731 § 7 (relative to the establishment of camps for certain prisoners prior to their release or parole); amended, 1957, 363.

SECT. 84 amended, 1941, 490 § 28.

SECT. 85, caption preceding section revised, 1956, 715 § 17; section revised, 1950, 727 § 1; amended, 1955, 770 § 48; revised, 1957, 777 § 26. (See 1955, 770 §§ 117, 123.)

SECT. 86 revised, 1950, 727 § 2; amended, 1955, 770 § 49. (See 1955, 770 §§ 117, 123.)

SECTS. 85-86 repealed, 1972, 777 § 17.

SECTS. 86A-86C added, 1956, 715 § 18 (relative to the employment of prisoners in day-work).

SECT. 86B amended, 1960, 399.

SECT. 86C revised, 1960, 312.

SECTS. 86A-86C repealed, 1971, 1076 § 8. (See 1971, 1076 § 22.)

SECTS. 86D and 86E added, 1967, 723 (authorizing day work outside certain prisons).

SECT. 86D, second paragraph revised, 1970, 478.

SECTS. 86D-86E repealed, 1972, 777 § 17.

SECT. 86F added, 1967, 821 § 1 (providing for work release programs in houses of correction); amended, 1971, 26.

SECT. 86G added, 1968, 363 (providing for work release programs at Suffolk County House of Correction and Suffolk County Jail).

SECT. 87 amended, 1941, 344 § 20; revised, 1955, 770 § 50; amended, 1957, 777 § 27. (See 1955, 770 §§ 117, 123.)

SECT. 88 amended, 1955, 770 § 51; revised, 1957, 777 § 28. (See 1955, 770 §§ 117, 123.)

SECT. 89 revised, 1955, 770 § 52; amended, 1957, 777 § 29. (See 1955, 770 §§ 117, 123.)

SECT. 90 amended, 1955, 770 § 53. (See 1955, 770 §§ 117, 123.)

SECT. 90A revised, 1938, 65; 1951, 394; amended, 1952, 299; revised, 1970, 460; 1972, 777 § 18.

SECT. 91 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 92 revised, 1955, 770 § 54. (See 1955, 770 §§ 117, 123.)

SECT. 92A added, 1972, 780 (reducing the age requirement and eliminating fees for prisoners taking general educational development tests).

SECT. 93 revised, 1955, 770 § 55. (See 1955, 770 §§ 117, 123.)

SECT. 95 repealed, 1958, 588 § 1.

SECT. 96 amended, 1941, 351 § 42; repealed, 1958, 588 § 1; amended, 1958, 613 § 8B (effective date subsequent to effective date of 1958, 588 § 1 and therefore of no effect).

SECTS. 96A and 96B added, 1936, 383 (providing for the disposition of unclaimed money and property of former prisoners).

SECT. 96A amended, 1945, 290; revised, 1955, 770 § 56; amended, 1957, 777 § 30. (See 1955, 770 §§ 117, 123.)

SECT. 96B revised, 1955, 770 § 57; amended, 1957, 777 § 31. (See 1955, 770 §§ 117, 123.)

SECT. 97 revised, 1943, 113; 1955, 770 § 58; amended, 1956, 731 § 8; revised, 1958, 634; 1968, 627. (See 1955, 770 §§ 117, 123.)

SECT. 97A added, 1968, 624 (permitting transfer of prisoners sentenced to state prison to suitable and appropriate federal institutions).

SECTS. 98-108 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 109 repealed, 1941, 344 § 21.

SECT. 109A repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 109B added, 1935, 113 § 1 (relative to the transfer of certain prisoners from the Massachusetts Reformatory to the State Prison); repealed, 1955, 770 § 122. (See 1935, 113 § 2; 1955, 770 §§ 117, 123.)

SECTS. 110 and 111 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 111A added, 1933, 169 (relative to transfers of defective delinquents and drug addicts from one institution to another under the department of correction); amended, 1969, 889 § 23.

SECT. 113 revised, 1955, 770 § 59. (See 1955, 770 §§ 117, 123.)

SECT. 114 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 117 revised, 1941, 510 § 1; 1943, 120.

SECT. 117A added, 1967, 258 § 1 (authorizing sheriff under certain conditions to temporarily place prisoner in a hospital).

SECT. 118 revised, 1938, 456; amended, 1941, 351 § 43; revised, 1941, 510 § 2; amended, 1958, 613 § 8C.

SECT. 119 revised, 1967, 258 § 2.

SECT. 122 amended, 1955, 770 § 60. (See 1955, 770 §§ 117, 123.)

SECT. 123 amended, 1941, 510 § 3; second sentence revised, 1955, 770 § 61. (See 1955, 770 §§ 117, 123.)

SECT. 124 revised, 1955, 770 § 62. (See 1955, 770 §§ 117, 123.)

SECT. 125 amended, 1946, 148; revised, 1955, 770 § 63. (See 1955, 770 §§ 117, 123.)

SECT. 126 revised, 1955, 770 § 64. (See 1955, 770 §§ 117, 123.)

SECT. 127 amended, 1938, 71; 1941, 70, 690 § 5A; first sentence revised, 1965, 754; sentence added at end, 1945, 449 § 2; amended, 1953, 215 § 1; last two sentences stricken out, 1955, 770 § 65. (See 1941, 690 §§ 8-10; 1953, 215 § 2; 1955, 770 §§ 117, 123.)

SECT. 128 amended, 1939, 451 § 41; revised, 1941, 690 § 1; 1960, 765 § 3; revised, 1970 § 298. (See 1941, 690 §§ 8-10.)

Sects. 129-139 stricken out and new sections 129-136A inserted, 1941, 690 § 2. (See 1941, 690 §§ 8-10.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to sections 129-136A, as so inserted:

SECT. 129, third sentence amended, 1945, 49 § 1; section revised, 1946, 543 § 1; sentence added at end, 1947, 131 § 1; section revised, 1948, 450 § 1; third, fourth and fifth paragraphs revised, 1954, 567 § 4; section revised, 1955, 770 § 66; first paragraph amended, 1965, 884 § 1; last sentence of second paragraph revised, 1960, 524, 765 § 4; said sentence stricken out and two sentences inserted, 1961, 282; next to last sentence amended, 1965, 884 § 2; paragraph added at end, 1959, 445 § 2; revised, 1963, 535; sentence added, 1965, 884 § 3; revised, 1967, 379. (See 1945, 49 § 2; 1946, 543 § 6; 1947, 131 § 2; 1948, 450 § 3; 1954, 567 § 10; 1955, 770 §§ 117, 123; 1965, 884 § 4.)

SECT. 129A added, 1959, 224 (providing for a reduction in sentence for prisoners who donate blood for certain causes); revised, 1959, 382 § 1; sentence inserted after first sentence, 1960, 794; section revised, 1965, 317; third sentence stricken out and two sentences inserted, 1967, 221; third and fourth sentences stricken out and sentence inserted, 1968, 205. (See 1959, 382 § 2.)

SECT. 129B added, 1960, 350 (providing for the reduction of sentences of prisoners in correctional institutions by the number of days such prisoners were confined while awaiting trial); revised, 1961, 74.

SECT. 129C added, 1963, 164 (providing a further deduction of sentence for good conduct while confined at a prison camp).

SECT. 129D added, 1973, 528 (providing for deductions of sentence for certain satisfactory conduct of prisoners of correctional institutions).

SECT. 130 revised, 1946, 543 § 2; 1948, 450 § 2; 1955, 770 § 67. (See 1946, 543 § 6; 1948, 450 § 3; 1955, 770 §§ 117, 123.)

SECT. 130A added, 1955, 770 § 68 (relative to the issuance of certificates of termination by the parole board); amended, 1970, 263. (See 1955, 770 §§ 117, 123.)

SECT. 131A added, 1965, 887 (requiring the parole board to notify state and local police of the effective date and the conditions of parole permits).

SECT. 132 revised, 1946, 543 § 3; last sentence revised, 1954, 567 § 5; repealed, 1955, 770 § 122. (See 1946, 543 § 6; 1954, 567 § 10; 1955, 770 §§ 117, 123.)

SECT. 133 amended, 1946, 254; revised, 1955, 770 § 69; 1965, 764 § 1; amended, 1966, 261; 1969, 184; 1971, 464. (See 1955, 770 §§ 117, 123; 1965, 764 § 2.)

SECTS. 133A and 133B added, 1955, 770 § 70 (relative to the parole of certain prisoners). (See 1955, 770 §§ 117, 123.)

SECT. 133A, first sentence revised, 1956, 731 § 9; section revised, 1965, 766 § 1; third paragraph amended, 1973, 278. (See 1965, 766 § 3.)

SECT. 134 revised, 1946, 543 § 4; 1955, 770 § 71; 1960, 765 § 5; 1965, 769 § 2; amended, 1973, 647 § 1. (See 1946, 543 § 6; 1955, 770 §§ 117, 123.)

SECT. 135, last sentence revised, 1954, 567 § 6; section revised, 1960, 765 § 6. (See 1954, 567 § 10.)

SECT. 136 revised, 1946, 543 § 5; amended, 1955, 770 § 73; amended, 1973, 647 § 2; paragraph added, 1973, 647 § 3. (See 1946, 543 § 6; 1955, 770 §§ 117, 123.)

SECT. 136A amended, 1951, 33; revised, 1956, 715 § 19; repealed, 1971, 1076 § 8. (See 1971, 1076 § 22.)

SECT. 140 amended, 1971, 1076 § 9. (See 1971, 1076 § 22.)

SECT. 141 amended, 1941, 174 § 1; revised, 1947, 578; first sentence amended, 1956, 731 § 10; revised, 1960, 765 § 7; section revised, 1970, 299.

SECT. 144 amended, 1950, 460; 1970, 505.

SECT. 145 amended, 1953, 319 § 19. (See 1953, 319 §§ 39, 40.)

SECT. 146 revised, 1932, 221 § 1; two sentences inserted after third sentence, 1962, 400.

SECT. 147 stricken out, 1965, 772.

SECT. 149 amended, 1939, 451 § 51; revised, 1941, 174 § 2; amended, 1941, 690 § 3; revised, 1946, 424 § 1; amended, 1971, 592 § 2; revised, 1972, 154 § 1. (See 1941, 690 §§ 8-10; 1946, 424 § 2.)

SECT. 149A added, 1965, 765 (providing that parole officers may issue warrants for the temporary custody of parolees); amended, 1969, 291.

SECT. 150 revised, 1969, 194.

SECT. 151, last sentence amended, 1932, 180 § 25; section revised, 1956, 731 § 11; amended, 1958, 613 § 8D.

SECTS. 151A-151G added, under caption, 1937, 307 § 1 (providing for the entry of this commonwealth into compacts with any of the United States for mutual helpfulness in relation to persons convicted of crimes or offences who are on probation or parole). (See 1937, 307 § 2.)

SECT. 151F revised, 1957, 229 § 2.

SECT. 151G revised, 1957, 229 § 3.

SECTS. 151H and 151I added, 1956, 229 (authorizing contracts with other states for the joint return of parole and probation violators).

SECT. 151J added, 1957, 229 § 1 (authorizing the retaking and temporary detention of parolees under the out-of-state probationer and parolee supervision law); second sentence revised, 1961, 99.

SECT. 151K added, 1958, 363 (extending the power of the commonwealth further to enter into interstate compacts for the supervision of probationers and parolees).

SECT. 152 revised, 1939, 479; sentence inserted after second sentence, 1948, 310 § 21; second paragraph revised, 1951, 42; 1952, 256; paragraph inserted after third paragraph, 1951, 773; sentence added at end of fourth paragraph, 1941, 297; same sentence stricken out, 1945, 38 § 8; section revised, 1954, 567 § 7; 1961, 467 § 1; second paragraph revised, 1969, 838 § 59. See 1945, 180. (See 1948, 310 §§ 30, 31; 1954, 567 § 10; 1969, 838 § 74.)

SECT. 153. See 1945, 180.

SECT. 154 amended, 1939, 451 § 52; revised, 1941, 690 § 4; 1954, 567 § 8; 1961, 467 § 2. See 1945, 180. (See 1941, 690 §§ 8-10; 1954, 567 § 10.)

SECT. 154A added, 1935, 225 (requiring consideration by the advisory board of pardons of the cases of certain life prisoners on the question of extending clemency); amended, 1939, 451 § 53; 1955, 770 § 72; repealed, 1965, 766 § 2. (See 1955, 770 §§ 117, 123.)

SECT. 155 revised, 1954, 567 § 9. (See 1954, 567 § 10.)

SECT. 158 revised, 1941, 344 § 24; 1955, 770 § 74. (See 1955, 770 §§ 117, 123.)

SECT. 159 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 160 revised, 1941, 344 § 25; 1943, 433; last sentence stricken out, 1945, 512; section revised, 1955, 770 § 75. (See 1955, 770 §§ 117, 123.)

SECT. 162 revised, 1951, 467; 1955, 770 § 76; amended, 1957, 777 § 32. (See 1955, 770 §§ 117, 123.)

SECT. 162A added, 1961, 101 § 1 (requiring notification to the state fire marshal of the date of release or discharge of persons convicted of arson).

SECT. 165 amended, 1968, 329.

SECTS. 166-169 added, 1939, 484 (regulating the payment or receipt of money or other rewards or gratuities for the purpose of obtaining the granting of any pardon, parole, or commutation of or respite from sentence).

SECTS. 166 and 167 revised, 1941, 690 § 5. (See 1941, 690 §§ 8-10.)

Chapter 128. — Agriculture.

SECT. 1 amended, 1941, 490 § 29; revised, 1967, 28; definition of "Riding school operator" inserted, 1972, 717 § 1; definition of "Trustees" revised, 1973, 43 § 1.

SECT. 1A added, 1952, 386 (defining "agriculture" and "farming"); revised, 1960, 181.

SECT. 2, paragraph (a) revised, 1941, 490 § 30; paragraph (c) revised, 1971, 650; paragraph (d) revised, 1957, 428; paragraph (f) amended, 1937, 415 § 1; 1938, 230; 1956, 694; revised, 1962, 558; amended, 1968, 628 § 1; paragraph (g) added, 1933, 291 § 1; same paragraph repealed, 1941, 598 § 3; paragraph (g) inserted after paragraph (f), 1969, 807 § 2; amended,

1973, 846; paragraph (h) added, 1971, 987 § 2; revised, 1973, 1066; paragraph added, 1965, 619.

SECT. 2A added, 1972, 527 (requiring licensing of riding instructors).

SECT. 2B added, 1972, 717 § 2 (regulating riding schools and stables where horses are kept for hire); amended, 1973, 43 § 2.

SECT. 6 amended, 1933, 291 § 2; 1941, 598 § 4; revised, 1973, 607 § 5. (See 1973, 607 § 9.)

SECT. 7 revised, 1961, 398; 1973, 43 § 3.

SECT. 8 repealed, 1971, 29.

SECT. 8A added, 1943, 495 (relative to the control or destruction of certain rodents by the commissioner of agriculture); amended, 1946, 366; 1973, 43 § 4.

SECT. 8B added, 1969, 37 § 2 (placing mink ranches under the supervision of the department of agriculture).

SECT. 10 amended, 1934, 340 § 10; revised, 1973, 43 § 5. (See 1934, 340 § 18.)

SECT. 13 amended, 1934, 340 § 11; revised, 1967, 347 § 7. (See 1934, 340 § 18.)

SECTS. 16-31A affected, 1939, 405.

SECT. 16, caption preceding section revised, 1941, 490 § 31; 1965, 678 § 2; section amended, 1941, 490 § 32; revised, 1965, 678 § 2; sentence added at end, 1968, 436.

SECT. 20A added, 1953, 91 (relative to the control of water chestnut).

SECT. 21 revised, 1948, 303 § 1.

SECT. 22 amended, 1941, 490 § 33; repealed, 1952, 480 § 2. (See 1952, 480 § 3.)

SECT. 23 amended, 1941, 490 § 34.

SECT. 24 revised, 1972, 67.

SECT. 24A added, 1939, 136 (providing for the control of the Dutch elm disease); repealed, 1949, 761 § 13.

SECT. 27 revised, 1938, 309; 1948, 303 § 2.

SECT. 31, second sentence revised, 1967, 17.

SECT. 31A revised, 1943, 144.

SECTS. 32-38 revised, 1951, 506.

SECTS. 36 and 37 stricken out and new section 36 inserted, 1966, 606.

SECT. 36A added, 1967, 18 (requiring keeping of records by apiary inspectors).

SECT. 38A added, under caption, 1965, 678 § 3 (providing that the director of the division of fairs supervise the establishment and holding of fairs).

SECT. 39 repealed, 1933, 74 § 2.

Caption preceding section 40 revised, 1971, 990 § 1.

SECT. 40 amended, 1971, 990 § 2.

SECT. 41 revised, 1957, 319 § 1. (See 1957, 319 § 2.)

SECT. 42 revised, 1932, 166; paragraph added at end, 1947, 180.

SECT. 44, first sentence revised, 1969, 849 § 75; sentence inserted after first sentence, 1971, 991. (See 1969, 849 § 79.)

SECTS. 51-62 added, 1972, 365 § 3 (further regulating the sale of commercial feed).

SECT. 51, first paragraph revised, 1973, 43 § 6; definition of "Per cent or percentage" inserted, 1973, 43 § 7.

SECT. 63 added, 1973, 43 § 8 (authorizing the commissioner of agriculture to regulate the sale of commercial feed).

SECTS. 64-83 added, 1973, 607 § 6 (further regulating the sale of commercial fertilizers, soil conditioners and agricultural liming materials). (See 1973, 607 § 9.)

Chapter 128A. — Horse and Dog Racing Meetings.

New chapter inserted, 1934, 374 § 3.

SECT. 1, definition of "State or county fair" added at end, 1958, 208 § 1; revised, 1963, 805 § 1.

SECT. 2, subsection (4) revised, 1971, 951 § 1; subsection (5) amended, 1946, 575 § 1; revised, 1958, 229 § 1; second paragraph revised, 1950, 716; 1959, 295 § 1; 1971, 43.

SECT. 3, first paragraph revised, 1935, 454 § 2; 1943, 269; 1958, 208 § 2; 1959, 295 § 2; 1963, 805 § 2; 1971, 76; third paragraph, clause (a) revised, 1971, 951 § 2; clause (b) revised, 1946, 575 § 2; 1958, 229 § 2; 1971, 955; clause (c) amended, 1941, 382; clause (d) revised, 1946, 575 § 3; 1953, 663; 1971, 721 § 1; stricken out, 1972, 813 § 1; clause (e) revised, 1939, 505 § 1; 1971, 87 § 1; 1958, 116; clause (f) amended, 1935, 454 § 3; revised, 1971, 721 § 2; 1973, 327 § 1; clause (g) revised, 1971, 87 § 2; clause (h) amended, 1935, 454 § 4; clause (i) revised, 1939, 505 § 2; 1967, 14; clause (j) revised, 1946, 575 § 4; 1971, 986; 1972, 813 § 2; clause (l) revised, 1965, 209 § 1; clause (m) added, 1935, 239 (forbidding the licensed racing of horses and dogs under the pari-mutuel system of betting, on publicly owned premises); clause (n) added, 1935, 471 § 1 (forbidding the licensed racing of dogs under such system, in certain residential neighborhoods); designation of the clause added by 1935, 471 § 1 changed from (n) to (o), 1936, 405 § 3; clause (p) added, 1961, 1; clause (q) added, 1964, 686 § 1; revised, 1973, 214 § 1; fourth paragraph amended, 1972, 383; 1973, 214 § 2; fifth paragraph revised, 1971, 542. (See 1935, 571 § 2; 1939, 505 § 3; 1958, 208 § 3; 1964, 686 § 2.)

SECT. 4, second paragraph amended, 1947, 567; revised, 1949, 521; last paragraph revised, 1939, 356.

SECT. 5, first paragraph revised, 1935, 454 § 1; paragraph inserted after first paragraph, 1946, 252; second paragraph, as appearing in 1934, 374 § 3, revised, 1936, 351; 1946, 575 § 5; second sentence of same paragraph amended, 1953, 311 § 1; third paragraph, as so appearing, revised, 1936, 351; 1939, 473; first sentence of same paragraph revised, 1946, 381 § 1, 575 § 7; 1949, 294 § 1; amended, 1953, 311 § 2; second sentence of same paragraph revised, 1946, 381 § 2; 1949, 294 § 3; third sentence of same paragraph amended, 1953, 311 § 3; fourth paragraph amended, 1965, 209 § 2; paragraph inserted after fourth paragraph, 1947, 390 § 1; last paragraph, as appearing in 1934, 374 § 3, amended, 1939, 497; paragraph added at end, 1946, 575 § 6; revised, 1949, 294 § 2; section revised, 1968, 97 § 1; amended, 1969, 546 § 30; third paragraph amended, 1969, 807 § 3; third, fourth and fifth paragraphs stricken out and seven paragraphs in-

serted, 1971, 718 § 1; third paragraph amended, 1972, 208 § 1; fourth paragraph revised, 1972, 208 § 2; sixth paragraph stricken out, 1969, 546 § 31; last paragraph revised, 1971, 718 § 2; 1972, 208 § 3. Temporarily affected, 1948, 220; 1949, 294 § 4; 1951, 178; 1953, 246 § 14, 499; 1955, 276; 1957, 280; 1959, 32; 1961, 137; 1963, 290; 1965, 292. (See 1969, 546 § 34.)

SECT. 5A added, 1046, 445 § 1 (relative to the disposition of money held for payment of unclaimed winnings upon wagers made at horse and dog racing meetings). (See 1946, 445 § 2.)

SECT. 8 revised, 1971, 721 § 3.

SECT. 9, first paragraph revised, 1971, 96; last paragraph revised, 1935, 454 § 5.

SECT. 9A added, 1935, 454 § 6 (relative to rules, regulations and conditions to be prescribed by the state racing commission); revised, 1956, 454.

SECT. 10 revised, 1936, 268.

SECT. 10A added, 1960, 102 (prohibiting certain persons from entering, while a racing meeting is being conducted, the premises of a licensee).

SECT. 10B added, 1973, 457 (providing a penalty for falsely making, altering, forging, uttering or publishing pari-mutuel betting tickets).

SECT. 11A added, 1963, 835 (prohibiting interlocking directorates between fairs and commercial racing corporations).

SECT. 11B added, 1972, 397 (further regulating certain licensees of the state racing commission).

SECT. 13 amended, 1935, 454 § 7.

SECT. 13A added, 1935, 454 § 8 (relative to the application of certain laws as to betting and certain local requirements as to race tracks and public amusements, in the case of racing meetings under this chapter); revised, 1939, 159; amended, 1941, 295; first paragraph amended, 1951, 777 § 2; paragraph added at end, 1948, 437. (See 1935, 471 § 2.)

SECT. 13B added, 1937, 322 (prohibiting and penalizing the use of drugs for the purpose of affecting the speed of horses at horse racing meetings); revised, 1958, 86.

SECT. 13C added, 1950, 111 (penalizing attempts to influence persons connected with horse or dog racing to affect the result of a race).

SECT. 14 revised, 1935, 279 § 2; 1936, 253 § 2; amended, 1938, 282; revised, 1947, 138 § 2; second paragraph amended, 1964, 559 § 1; paragraph added at end, 1964, 559 § 1. (See 1935, 279 § 3; 1936, 253 § 1.)

SECT. 14A added, 1935, 279 § 1 (providing for the resubmission to the voters of the several counties of the question of licensing dog races at which the pari-mutuel system of betting shall be permitted); repealed, 1936, 253 § 1. (See 1935, 279 § 3; 1936, 253 § 1.)

SECT. 14B added, 1953, 389 (providing for the submission to the voters of Berkshire County of the question of licensing horse races at county fairs at which the pari-mutuel system of betting shall be permitted); first paragraph amended, 1964, 559 § 2; paragraph added at end, 1964, 559 § 2.

SECT. 14C added, 1955, 406 (providing for the submission to the voters of Hampshire County of the question of licensing horse races at county fairs at which the pari-mutuel system of betting shall be permitted); first paragraph amended, 1964, 559 § 3; paragraph added at end, 1964, 559 § 3.

SECT. 15 revised, 1936, 436 § 2; 1941, 729 § 12; amended, 1947, 390 § 2; revised, 1948, 319; 1955, 540 § 2; 1965, 525; 1968, 97 § 2; amended, 1968, 628 § 2; 1969, 807 § 4; revised, 1971, 987 § 3. (See 1936, 436 § 4; 1941, 729 § 15; 1955, 540 §§ 5-7.)

Chapter 128B. — Conservation of Soil and Soil Resources and Prevention and Control of Erosion.

New chapter inserted, 1945, 531.

SECT. 2, paragraph (2) revised, 1947, 73 § 1.

SECT. 3, first paragraph revised, 1955, 307 § 1; third paragraph, subdivision 1 revised, 1956, 513 § 1; subdivision 5 revised, 1949, 517; subdivision 9 added, 1956, 513 § 2. (See 1955, 307 § 2.)

SECT. 5 revised, 1947, 73 § 2; 1954, 244.

SECT. 7, subdivision 1 revised, 1956, 513 § 3; subdivisions 3 and 4 revised, 1956, 513 § 4; subdivision 6 revised, 1956, 513 § 5.

Chapter repealed, 1963, 664 § 4. (See 1963, 664 §§ 5-7.)

Chapter 129. — Livestock Disease Control (former title, Animal Industry).

Title changed, 1941, 490 § 35.

SECT. 1 revised, 1934, 340 § 12; definition of "Agents" revised, 1967, 347 § 8; definition of "Contagious disease" revised, 1966, 54; definitions of "Director" and "Division" revised, 1967, 347 § 9; definition of "Domestic animals" added, 1935, 70; definition of "Pet shop" added, 1971, 993 § 1. (See 1934, 340 § 18.)

SECT. 8A added, 1941, 375 (establishing a scale of fees for the inoculation of swine against hog cholera); repealed, 1966, 397.

SECT. 9 amended, 1943, 332 § 10; 1971, 32.

SECT. 10 amended, 1934, 340 § 13. (See 1934, 340 § 18.)

SECT. 12A repealed, 1966, 398.

SECT. 13 repealed, 1966, 399.

SECT. 14A added, 1953, 19 § 1 (providing for co-operation with the federal government in the eradication of certain animal diseases). (See 1953, 19 § 2); section stricken out and sections 14A and 14B inserted, 1953, 655 § 2 (providing for the eradication of certain animal diseases). (See 1953, 655 § 1.)

SECT. 14B, fourth paragraph revised, 1967, 347 § 10; eighth and ninth paragraphs revised, 1967, 347 § 11.

SECT. 14C added, 1968, 510 (providing for slaughtering of cholera-exposed or affected hogs); amended, 1973, 882.

SECT. 15 revised, 1941, 162; amended, 1962, 255; revised, 1963, 579 § 1; amended, 1969, 159.

SECT. 21 amended, 1963, 29.

SECT. 26A revised, 1938, 168; amended, 1941, 173; revised, 1966, 55.

SECT. 26B added, 1957, 337 (relative to the control of disease in the purchase, sale and transportation of live poultry and hatching eggs).

SECT. 29 amended, 1938, 308.

SECT. 32 amended, 1939, 451 § 54; first sentence amended, 1966, 52.

SECT. 33 amended, 1934, 272; 1946, 417; revised, 1952, 519; amended, 1973, 881.

SECT. 33B revised, 1934, 96; 1954, 647 § 1. (See 1954, 647 § 4.)

SECT. 33B stricken out and sections 33B-33D inserted, 1956, 527 § 1 (relative to the control and eradication of brucellosis in bovine animals). (See 1956, 527 § 5.)

SECT. 36A added, 1935, 426 (providing for the licensing of certain dealers in bovine animals); repealed, 1941, 607 § 2.

SECT. 36B added, 1938, 314 (providing for the vaccination of certain cattle to curtail the spread of Bang's disease, so called); revised, 1943, 56; 1952, 518; 1954, 647 § 2; 1956, 527 § 2; last two sentences revised, 1965, 72 § 1; 1966, 91 § 1. (See 1956, 527 § 5.)

SECT. 36C added, 1938, 386 (regulating the transportation of neat cattle); repealed, 1941, 607 § 2.

SECTS. 36D and 36E added, 1954, 647 § 3 (prohibiting the importation or transportation of certain cattle unless tested and vaccinated for brucellosis). (See 1954, 647 § 4; 1956, 527 §§ 5; 6.)

SECT. 36D revised, 1956, 527 § 3; amended, 1960, 371; revised, 1965, 72 § 2; amended, 1966, 91 § 2.

SECT. 36E revised, 1956, 527 § 3.

SECTS. 36F and 36G added, 1956, 527 § 4 (relative to the testing of cattle for brucellosis).

SECT. 36F revised, 1958, 449; 1965, 72 § 3; amended, 1966, 91 § 3.

SECT. 36H added, 1966, 94 (authorizing the director of livestock disease control to waive compliance of certain provision of law relative to brucellosis or Bang's disease in bovine animals).

SECT. 38 revised, 1934, 340 § 14. (See 1934, 340 § 18.)

SECTS. 39-43 added, 1941, 607 § 1 (to further regulate the dealing in and transportation of bovine animals and to prevent the spread of disease among such animals).

SECT. 39 revised, 1971, 312 § 1.

SECT. 39A added, 1971, 993 § 2 (requiring certain pet shop operators to obtain licenses from the director of animal health).

SECT. 40 revised, 1946, 416 § 1; amended, 1971, 312 § 2.

SECT. 42 revised, 1966, 53.

SECT. 43 revised, 1946, 416 § 2; amended, 1971, 993 § 3.

Chapter 129A. — Marine Fish and Fisheries, Inland Fish and Fisheries, Birds and Mammals, General Provisions.

New chapter inserted, 1933, 329 § 1.

SECT. 1, definition of "Warden" revised, 1937, 413 § 2; definitions of "Coastal Warden", "Deputy Coastal Warden" and "Supervisor", revised, 1939, 491 § 11. (See 1937, 413 §§ 3, 4; 1939, 491 § 12.)

SECT. 10, sentence added at end, 1941, 171.

Chapter 129A repealed in part, 1941, 598 § 7; entirely repealed, 1941, 599 § 1. (See 1941, 598 § 9, 599 § 7.)

Chapter 130. — Marine Fish and Fisheries (former title, Marine Fish and Fisheries, including Crustacea and Shellfish).

Chapter stricken out, and new chapter 130 (with new title) inserted, 1933, 329 § 2.

Chapter stricken out, and new chapter 130 (with new title) inserted, 1941, 598 § 1. (See 1941, 598 § 9.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 130, as so inserted:

SECT. 1, definition of "Canned lobster meat or crab meat" inserted, 1956, 512; definitions of "Coastal warden", "Deputy" or "deputy coastal warden" stricken out, 1964, 524 § 5; definition of "Fish" amended, 1945, 98 § 1; definition of "Fish inspector" stricken out, 1964, 524 § 5; definition of "Scallop" revised, 1971, 133 § 1; definition of "Shellfish" inserted, 1963, 131; last paragraph revised, 1945, 98 § 2.

SECT. 2, second paragraph revised, 1949, 566 § 1; amended, 1950, 628 § 1; revised, 1951, 360; last paragraph revised, 1945, 98 § 3; same paragraph stricken out and three paragraphs inserted, 1962, 715 § 6.

SECT. 2A added, 1962, 715 § 7 (establishing the marine fisheries fund).

SECT. 3 revised, 1970, 861 § 1. (See 1970, 861 § 7.)

SECT. 5 repealed, 1964, 524 § 6.

SECT. 6 repealed, 1964, 524 § 6.

SECT. 7 repealed, 1964, 524 § 6.

SECT. 8 repealed, 1964, 524 § 6.

SECT. 8A added, 1963, 383 § 1 (relative to the enforcement of certain marine fisheries laws by police officers); amended, 1964, 524 § 7.

SECT. 9 amended, 1964, 524 § 8.

SECT. 11 repealed, 1964, 524 § 6.

SECT. 13, first paragraph amended, 1964, 524 § 9; third paragraph revised, 1949, 566 § 2.

SECT. 15 repealed, 1963, 383 § 2.

SECT. 15A added, 1945, 281 (providing for reciprocal enforcement of laws relating to marine fisheries).

SECT. 17, subsections (8) and (9) added, 1968, 438 § 1; subsection (10) added, 1971, 1104.

SECT. 17A added, 1962, 715 § 8 (relating to the management of marine fisheries).

SECT. 17B added, 1973, 931 § 1 (relating to aquaculture).

SECT. 20, two paragraphs added at end, 1948, 430 § 1. (See 1948, 430 §§ 2, 3.)

SECT. 22 revised, 1952, 501 § 1; repealed, 1972, 789 § 1.

SECTS. 23-24 revised, 1972, 789 § 2.

SECT. 25, first sentence amended, 1972, 789 § 3; sentence added, 1972, 789 § 4.

SECT. 26, first sentence amended, 1972, 789 § 5.

SECT. 27 revised, 1972, 789 § 6.

SECT. 27A added, 1963, 426 (regulating the removal, filling and dredging of certain areas bordering on the coastal waters of the commonwealth); second sentence amended, 1969, 406 § 1; third sentence stricken out and two sentences inserted, 1965, 375; fourth sentence amended, 1969, 406 § 2; section revised, 1972, 510; repealed, 1972, 784 § 2.

SECT. 31 amended, 1945, 98 § 4; revised, 1960, 233.

SECT. 33 amended, 1945, 98 § 5.

SECT. 37, paragraph contained in lines 10 and 11 amended, 1943, 149; same paragraph revised, 1943, 533 § 1; 1948, 76 § 1; section revised, 1960, 152; amended, 1971, 91. (See 1943, 533 § 2.)

SECT. 37A added, 1958, 281 (relative to the taking of green crabs).

SECT. 38 revised, 1960, 642; first paragraph, first sentence stricken out and nine sentences inserted, 1970, 861 § 2; sixth and seventh sentences revised, 1971, 442 § 1; ninth sentence revised, 1973, 878; second paragraph stricken out, 1973, 393 § 1; third paragraph, first and second sentences revised, 1973, 393 § 2; first sentence revised, 1973, 709; third sentence stricken out and eight sentences inserted, 1969, 737 § 1; fourth paragraph amended, 1969, 737 § 2; stricken out, 1970, 861 § 3; fifth paragraph revised, 1970, 861 § 4. (See 1969, 737 § 4; 1970, 861 § 7; 1971, 442 § 4.)

SECT. 38A added, 1969, 737 § 3 (relating to visible identification of lobster and edible crab fishermen and their equipment).

SECT. 39 amended, 1959, 150; 1964, 524 § 10; 1972, 26.

SECT. 40 revised, 1951, 194; amended, 1954, 248.

SECT. 41 revised, 1963, 300 § 1; 1966, 610; 1967, 392; first sentence amended, 1970, 779 § 1.

SECT. 41A added, 1970, 779 § 2 (relative to penalties for possession of female lobsters from which eggs have been removed).

SECT. 42, last sentence amended, 1945, 242 § 15.

SECT. 43, second and third sentences revised, 1949, 566 § 3; last sentence amended, 1945, 242 § 16; section revised, 1959, 153; amended, 1973, 225.

SECT. 44 revised, 1950, 423 § 1, 628 § 2; 1951, 408 § 1; 1953, 156; amended, 1959, 151; revised, 1963, 300 § 2. (See 1951, 408 § 2.)

SECT. 45 revised, 1963, 300 § 3; repealed, 1964, 524 § 6.

SECT. 46 repealed, 1964, 524 § 6.

SECT. 47, third sentence revised, 1963, 300 § 4.

SECT. 52, first paragraph, sentence added at end, 1970, 236; fourth paragraph, two sentences inserted after first sentence, 1972, 33.

SECT. 55 amended, 1951, 281; 1952, 182.

SECT. 57, first paragraph revised, 1973, 931 § 2.

SECT. 58 amended, 1973, 931 § 3.

SECT. 59 revised, 1973, 931 § 4.

SECT. 61 amended, 1973, 931 § 5.

SECT. 62, third sentence amended, 1973, 931 § 6.

SECT. 64 amended, 1973, 931 § 7.

SECT. 65 amended, 1973, 931 § 8.

SECT. 68A added, 1973, 931 § 9 (regulating the issuance of an aquaculture license).

SECT. 69 amended, 1945, 98 § 6; revised, 1959, 201.

SECT. 74, first paragraph amended, 1948, 463; sentence added at end, 1945, 99 § 1; section revised, 1954, 243 § 1; paragraph inserted after paragraph (5), 1960, 324; section revised, 1967, 51. (See 1954, 243 § 2.)

SECT. 74A added, 1956, 288 § 1 (authorizing the department of public health immediately to designate shellfish areas as contaminated in the event of emergencies).

SECT. 75, second paragraph amended, 1956, 288 § 2; 1965, 124.

SECT. 76, paragraph inserted after third paragraph, 1948, 365; section revised, 1961, 506 § 1.

SECT. 77 revised, 1961, 506 § 2.

SECT. 78 repealed, 1961, 506 § 3.

SECT. 79 repealed, 1961, 506 § 3.

SECT. 80, first paragraph amended, 1961, 199 § 1; second paragraph amended, 1961, 199 § 2; third paragraph amended, 1945, 98 § 7; fifth paragraph revised, 1967, 878; sixth and seventh paragraphs stricken out and paragraph inserted, 1964, 524 § 11; section revised, 1970, 861 § 5; first paragraph amended, 1971, 442 § 2; second paragraph amended, 1971, 442 § 3. (See 1970, 861 § 7; 1971, 442 § 4.)

SECT. 81, first sentence amended and sentence inserted after first sentence, 1955, 711; sentence added at end, 1945, 99 § 2; stricken out, 1961, 199 § 3; section revised, 1965, 70.

SECT. 82, sentence inserted after first sentence, 1964, 257 § 1; sentence added at end, 1945, 99 § 3; stricken out, 1961, 199 § 4.

SECT. 83 revised, 1965, 697; 1970, 861 § 6. (See 1970, 861 § 7.)

SECT. 84, caption preceding said section stricken out, 1964, 524 § 5A; section repealed, 1964, 524 § 6.

SECT. 85 repealed, 1964, 524 § 6.

SECT. 87 amended, 1954, 186; repealed, 1964, 524 § 6.

SECT. 88 repealed, 1964, 524 § 6.

SECT. 89 repealed, 1964, 524 § 6.

SECT. 90 repealed, 1964, 524 § 6.

SECT. 91 repealed, 1964, 524 § 6.

SECT. 92, first paragraph amended, 1961, 199 § 5; second paragraph amended, 1971, 133 § 2.

SECT. 96 revised, 1954, 167.

SECTS. 97-97A repealed, 1973, 653.

SECT. 98 revised, 1965, 439; amended, 1972, 34.

SECT. 100 amended, 1945, 264 § 1.

SECTS. 100A and 100B added, 1945, 264 § 2 (making permanent the law protecting striped bass). For prior temporary legislation see 1941, 421.

SECT. 100B revised, 1947, 515.

SECT. 100C added, 1959, 206 (regulating the methods of taking shad).

SECT. 101 repealed, 1962, 222.

SECT. 101A added, 1965, 129 § 1 (providing protection for the gray seal).

SECT. 102 revised, 1964, 257 § 2.

SECT. 104 revised, 1962, 715 § 9.

SECT. 105 added, 1965, 768 § 1 (providing for the protection of the coastal wetlands of the commonwealth). (See 1965, 768 § 4.)

Chapter 131. — Inland Fisheries and Game and Other Natural Resources
(former title, Powers and Duties of the Division of Fisheries and Game).

Chapter stricken out and new chapter 131 (with new title) inserted 1967, 802 § 1.

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

SECT. 1, definitions of "Falcon" and "Falconry" inserted, 1973, 496 § 1; definition of "Raptors" inserted, 1973, 496 § 2.

SECT. 4, clause (2) amended, 1973, 496 § 3; revised, 1973, 1071 § 1; clause (15) added, 1968, 718. (See 1973, 1071 § 11.)

SECT. 5, paragraph inserted after first paragraph, 1972, 422.

SECT. 11, second paragraph, last sentence stricken out and two sentences inserted, 1968, 530; next to last sentence revised, 1969, 652; section revised, 1972, 706 § 1; third paragraph amended, 1973, 206; seventh paragraph amended, 1973, 430 § 10.

SECT. 12 amended, 1972, 706 § 2.

SECT. 13, paragraph added at end, 1968, 550.

SECT. 14, first paragraph amended, 1973, 925 § 52; clause (c) revised, 1973, 156 § 1; fourth paragraph revised, 1971, 60; 1973, 156 § 2. (See 1973, 925 § 84.)

SECT. 16 amended, 1972, 706 § 3.

SECT. 19 stricken out and sections 19-19A inserted, 1972, 223 § 1 (further regulating the importing of fish and wildlife into the commonwealth).

SECT. 19A amended, 1973, 1071 § 2. (See 1971, 1071 § 11.)

SECT. 20 amended, 1972, 706 § 4.

SECT. 21 amended, 1972, 706 § 5.

SECT. 22 amended, 1973, 1071 § 3. (See 1973, 1071 § 11.)

SECT. 23, first paragraph, two sentences added, 1972, 573 § 1; first two paragraphs stricken out and five paragraphs inserted, 1971, 1071 § 4; seventh paragraph, clause (4) revised, 1973, 1071 § 5; clause (7) revised, 1973, 1071 § 6; clauses (9)-(10) added, 1973, 496 § 4; eighth paragraph revised, 1972, 573 § 2; amended, 1973, 496 § 5; paragraph added, 1973, 1071 § 7. (See 1973, 1071 § 11.)

SECT. 25 revised, 1973, 1071 § 8. (See 1973, 1071 § 11.)

SECT. 26, first paragraph revised, 1973, 1071 § 9; third paragraph revised, 1973, 1071 § 10. (See 1973, 1071 § 11.)

SECT. 26A added, 1971, 876 § 1 (providing protection for certain wild animals); first paragraph amended, 1972, 127 § 1. (See 1971, 876 § 2; 1972, 127 § 2.)

SECT. 27 amended, 1972, 706 § 6.

SECT. 28, first paragraph, clause 1 amended, 1972, 706 § 7; clause (2) amended, 1969, 17; 1972, 706 § 8.

SECT. 29 revised, 1972, 125; amended, 1972, 223 § 2.

SECT. 31 amended, 1972, 135; second paragraph, clause (3) amended, 1972, 706 § 9; 1973, 496 § 6.

SECT. 33 revised, 1969, 280.

SECT. 40, sentence inserted before next to last sentence, 1968, 444 § 2; section revised, 1971, 1020; 1972, 784 § 1; fourth paragraph amended, 1973, 163; paragraph inserted after eleventh paragraph, 1973, 769.

SECT. 40A added, 1968, 444 § 1 (protecting the inland wetlands of the commonwealth); revised, 1972, 782.

SECT. 41 revised, 1970, § 136.

SECT. 42 revised, 1970, 612.

SECT. 45, sentence inserted after first sentence, 1971, 498.

SECT. 57, second sentence amended, 1973, 402; third sentence revised, 1968, 214; amended, 1973, 496 § 7.

SECT. 63 amended, 1970, 732 § 2.

SECT. 65 amended, 1970, 183; paragraph added at end, 1970, 732 § 3.

SECT. 71 revised, 1969, 167; 1970, 167.

SECT. 75A added, 1972, 445 § 1 (regulating the hunting or possession of certain birds or their eggs); amended, 1973, 496 § 8.

SECT. 80 amended, 1972, 706 § 10.

SECT. 87, third sentence revised, 1972, 221.

SECT. 90, first paragraph amended, 1970, 224 § 1; second paragraph stricken out and two paragraphs inserted, 1970, 102; third paragraph stricken out, 1972, 223 § 3; fourth paragraph amended, 1972, 223 § 4; fifth and sixth paragraphs revised, 1971, 149; eighth paragraph, first sentence revised, 1970, 224 § 2; eleventh paragraph inserted, 1972, 445 § 2.

Chapter 132. — Forestry.

For temporary legislation relative to suppression of the gypsy moth, see 1952, 622.

SECT. 1 amended, 1937, 415 § 2; 1941, 490 § 36; 1947, 344 § 26; 1948, 660 § 2. (See 1948, 660 § 26.)

SECT. 1A, added, 1948, 660 § 3 (relative to the duties of the chief moth superintendent); amended, 1949, 761 § 1.

SECT. 4 revised, 1948, 660 § 4; amended, 1949, 761 § 2.

SECT. 5 repealed, 1932, 180 § 27.

SECT. 6 revised, 1941, 455; amended, 1952, 363.

SECT. 8 revised, 1948, 660 § 5; 1949, 761 § 3; 1956, 657 § 2.

SECT. 9 revised, 1952, 308 § 1.

SECT. 11 revised, 1937, 415 § 3; 1948, 660 § 6; first sentence amended, 1949, 761 § 4; 1950, 422; 1955, 340; section revised, 1956, 657 § 3; first paragraph revised, 1967, 52.

SECT. 11A added, 1952, 480 § 1 (relative to elimination of white pine blister rust by department of conservation); revised, 1956, 657 § 4. (See 1952, 480 § 3.)

SECT. 12 amended, 1937, 415 § 4; revised, 1948, 660 § 7; 1956, 657 § 5.

SECT. 12A added, 1945, 401 (relative to suppression of gypsy moths, etc., on land of the commonwealth); revised, 1948, 660 § 8; 1949, 761 § 5; 1956, 657 § 6.

SECT. 13 revised, 1935, 87; amended, 1937, 415 § 5; revised, 1948, 660 § 9; last sentence stricken out and two sentences inserted, 1949, 761 § 6; last sentence revised, 1950, 694 § 1; section revised, 1956, 657 § 7; first three sentences stricken out and two sentences inserted, 1968, 80.

SECT. 14 revised, 1937, 415 § 6; revised, 1948, 660 § 10; third paragraph revised, 1949, 761 § 7; amended, 1950, 694 § 2; revised, 1951, 488; sixth paragraph revised, 1949, 761 § 8; section revised, 1956, 657 § 8.

SECT. 15 revised, 1948, 660 § 11; 1956, 657 § 9.

SECT. 16 revised, 1948, 660 § 12; 1956, 657 § 10.

SECT. 17 amended, 1937, 415 § 6A; last sentence revised, 1946, 432 § 10; section revised, 1948, 660 § 13; 1956, 657 § 11.

SECT. 18 amended, 1937, 415 § 6B; revised, 1948, 660 § 14; repealed, 1956, 657 § 12.

SECT. 18A added, 1949, 174 (authorizing municipalities to form districts and pool expenditures for the suppression of certain insect pests); first paragraph revised, 1952, 489 § 1; section repealed, 1956, 657 § 12.

SECT. 18B added, 1949, 211 (authorizing counties to engage in the work of suppression of certain insect pests); revised, 1952, 489 § 2; repealed, 1956, 657 § 12.

SECT. 19 revised, 1948, 660 § 15; repealed, 1956, 657 § 12.

SECT. 20 repealed, 1956, 657 § 12.

SECT. 21 repealed, 1956, 657 § 12.

SECT. 22 amended, 1937, 415 § 7; revised, 1948, 660 § 16; repealed, 1956, 657 § 12.

SECT. 23 revised, 1948, 660 § 17; repealed, 1956, 657 § 12.

SECT. 24 revised, 1948, 660 § 18; repealed, 1956, 657 § 12.

SECT. 25 revised, 1937, 415 § 8; 1948, 660 § 19; amended, 1949, 761 § 9; revised, 1956, 657 § 13.

SECT. 26 amended, 1937, 415 § 9; revised, 1948, 660 § 20; sentence added at end, 1954, 118; section repealed, 1956, 657 § 14.

SECTS. 26A-26D added, 1949, 761 § 10 (relative to the eradication of the Dutch elm disease).

SECT. 26A revised, 1956, 657 § 15.

SECT. 26B repealed, 1956, 657 § 16.

SECT. 26C amended, 1950, 694 § 3; repealed, 1956, 657 § 16.

SECT. 26D revised, 1952, 489 § 3; 1956, 657 § 17.

SECTS. 26E-26G added, 1956, 657 § 18 (relative to the condemnation, removal and destruction of trees infected with Dutch elm disease).

SECT. 27 amended, 1937, 415 § 10; revised, 1948, 660 § 21; repealed, 1956, 657 § 19.

SECT. 28 amended, 1937, 415 § 11; revised, 1948, 660 § 22; repealed, 1956, 657 § 19.

SECT. 29 repealed, 1948, 660 § 23.

SECT. 30, last sentence revised, 1945, 514.

SECT. 33 amended, 1935, 373; 1936, 415 § 1.

SECT. 34, new paragraph added at end, 1935, 233.

SECT. 34A, first paragraph revised, 1950, 574; paragraph added at end, 1947, 366.

SECT. 35 amended, 1952, 308 § 2.

SECT. 36 revised, 1936, 415 § 2.

SECT. 36A added, 1945, 27 (relative to the acquisition by prescription or adverse possession of title to lands of the commonwealth under control of the department of conservation).

SECT. 38A added, 1969, 458 (directing the department of natural resources to construct trails for horseback riding, hiking and snowmobiling).

SECTS. 40-45 added, under caption "FOREST CUTTING PRACTICES", 1943, 539.

SECTS. 42, 43 and 44 revised, 1952, 427.

SECT. 43 amended, 1970, 756 § 1.

SECT. 45 revised, 1970, 756 § 2.

SECT. 46 added, 1957, 652 (requiring a license for the harvesting of timber or other forest products for hire or profit on land devoted to forest purposes); revised, 1970, 756 § 3.

Chapter 132A. — State Recreation Areas outside of the Metropolitan Parks District (former title, State Parks and Reservations outside of the Metropolitan Parks District).

Title changed, 1954, 419 § 1.

SECT. 1 amended, 1954, 419 § 2. (See 1954, 419 § 6.)

SECT. 2 amended, 1941, 490 § 37; 1954, 419 § 3. (See 1954, 419 § 6.)

SECTS. 2A-2D added, 1958, 656 § 1 (providing for the development of state parks, state forest recreation areas and state reservations by the department of natural resources).

SECT. 2D, subdivision (2) amended, 1971, 902 § 2.

SECT. 3, first sentence revised, 1955, 672; 1958, 656 § 2; sentence inserted after second sentence, 1964, 365.

SECT. 3A added, 1958, 656 § 3 (relative to the taking of certain lands by the department of natural resources).

SECT. 4 amended, 1954, 419 § 4; 1958, 640 § 10; first sentence amended, 1968, 501 § 3. (See 1954, 419 § 6; 1968, 501 § 7.)

SECT. 5 amended, 1946, 432 § 11.

SECT. 7 revised, 1941, 722 § 11.

SECT. 9 amended, 1933, 75 § 4.

SECT. 10 added, 1954, 419 § 5 (establishing the State Recreation Areas Fund); revised, 1968, 501 § 4. (See 1954, 419 § 6; 1968, 501 § 7.)

SECT. 11 added, 1960, 517 (establishing a conservation program for cities and towns); third sentence stricken out and two sentences inserted, 1966, 179.

SECT. 12 added, 1969, 627 (protecting the Appalachian trail).

SECT. 13 added, 1970, 542 (establishing an ocean sanctuary adjacent to the Cape Cod National Seashore).

SECTS. 14-15 added, 1971, 742 (establishing the Cape Cod Bay Ocean Sanctuary and the Cape and Islands Sanctuary).

SECT. 16 added, 1972, 130 (establishing the North Shore Ocean Sanctuary).

Chapter 135. — Unclaimed and Abandoned Property.

SECT. 1 revised, 1947, 441 § 1.

SECTS. 2-4 repealed, 1947, 441 § 2.

SECT. 8 amended, 1938, 98 § 1; 1973, 640.

SECT. 9 amended, 1938, 98 § 3.

SECT. 11 amended, 1938, 98 § 2.

Chapter 136. — Observance of a Common Day of Rest and Legal Holidays
(former title, Observance of the Lord's Day and Legal Holidays).

Title changed, 1960, 812 § 2; 1962, 616 § 2.

Chapter stricken out and new chapter 136 inserted, 1962, 616 § 2.

For prior changes see Table of Changes contained in Acts and Resolves of 1963.

The following references are to chapter 136, as so inserted:

SECT. 2 revised, 1969, 498; amended, 1971, 951 § 3.

SECT. 3 amended, 1971, 951 § 4.

SECT. 4, paragraph (1) amended, 1964, 97; 1968, 64; revised, 1969, 152; paragraph (7) amended, 1964, 456; revised, 1973, 944 § 2; paragraph (8) added, 1968, 448; paragraph (9) added, 1973, 1000 § 3.

SECT. 6, clause (2) revised, 1968, 340; clause (6) amended, 1964, 9; clause (8) and paragraph following said clause stricken out and new clause (8) inserted, 1964, 216; clause (25) revised, 1963, 230; clause (34) amended, 1965, 488; clause (37) revised, 1965, 243; clause (40) revised, 1969, 267; clause (44) added, 1965, 370; revised, 1970, 309; clause (45) added, 1967, 311; revised, 1970, 76; clause (46) added, 1968, 392; clause (47) added, 1972, 675.

SECT. 7, first paragraph revised, 1964, 384 § 1.

SECT. 13 revised, 1968, 24 § 4; 1972, 271 § 2. (See 1968, 24 § 7.)

SECT. 14, first paragraph revised, 1963, 265; 1964, 293; amended, 1969, 213; second sentence revised, 1970, 734 § 1; second paragraph revised, 1968, 24 § 5. (See 1968, 24 § 7.)

SECT. 15 amended, 1964, 384 § 2; 1970, 734 § 2.

Chapter 138. — Alcoholic Liquors (old title, Intoxicating Liquors and Certain Non-Intoxicating Beverages).

Chapter stricken out, and new chapter 138 inserted, 1933, 376 § 2.

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 138, as so inserted:

SECT. 1, definition of "Alcohol" added, 1935, 440 § 1; definition of "Club" revised, 1934, 385 § 1; definition of "Minor" inserted, 1972, 155 § 1; 368 § 1; definition of "Restaurant" amended, 1936, definition of "Tavern" amended, 1934, 121 § 1; 1935, 253 § 1; 1968, 45; 1973, 430 § 10A; definition of "Wines" revised, 1941, 637 § 1. (See 1941, 637 § 3; 1972, 155 § 5.)

SECT. 2 revised, 1934, 305, 372 § 4; 1935, 440 § 2; first sentence revised, 1939, 470 § 1; 1943, 542 § 1.

SECT. 3 amended, 1935, 440 § 3.

SECT. 4 amended, 1934, 385 § 2; 1958, 80.

SECT. 9 amended, 1971, 477 § 1.

SECT. 7 amended, 1935, 440 § 4.

SECT. 10 amended, 1935, 440 § 5; 1973, 417.

SECT. 10A revised, 1943, 542 § 2; sentence added, 1965, 401.

SECT. 10B added, 1934, 370 § 11 (authorizing the alcoholic beverages control commission to remove a member of a local licensing board under certain conditions).

SECT. 11 revised, 1936, 207 § 1; 1947, 138 § 3; 1966, 511; amended, 1971, 339, 705; 1973, 100. (See 1935, 281.)

SECT. 11A, first paragraph amended, 1934, 142 § 1; paragraph inserted, 1934, 142 § 2; paragraph added at end, 1934, 142 § 3; section revised, 1934, 211 § 1; last paragraph stricken out, 1935, 440 § 6; section revised, 1951, 208. (See 1934, 142 § 4, 211 § 2.)

SECT. 12, first paragraph amended, 1934, 121 § 2; last sentence of first paragraph revised, 1934, 370 § 1; second paragraph amended, 1934, 121 § 2; sentence contained in lines 42-53 revised, 1934, 370 § 2; section revised, 1934, 385 § 3; first paragraph amended, 1935, 253 § 2; revised, 1935, 440 § 7; new paragraph inserted after first paragraph, 1935, 253 § 3; proviso contained in lines 46-48 stricken out, 1935, 253 § 4; third paragraph revised, 1935, 440 § 8; next to last paragraph stricken out, 1935, 440 § 9; section revised, 1935, 468 § 1; first paragraph amended, 1936, 207 § 2; first sentence amended, 1973, 241 § 1; second sentence amended, 1949, 391; revised, 1967, 124; sentence inserted after second sentence, 1968, 395; last sentence revised, 1937, 331; 1943, 542 § 3; second paragraph revised, 1936, 368 § 2; amended, 1943, 542 § 4; 1963, 176; stricken out, 1970 § 185; paragraph inserted after third paragraph, 1948, 649; revised, 1973, 1161; fourth paragraph, as appearing in 1935, 468 § 1, amended, 1959, 480; 1973, 241 § 2; sixth paragraph amended, 1955, 336; revised, 1965, 505; 1966, 275; 1968, 268; amended, 1968, 365; revised, 1972, 138; amended, 1973, 477; paragraph added, 1937, 264; 1971, 586 § 1. (See 1943, 542 § 20; 1973, 241 § 4.)

SECT. 12A added, 1950, 372 (relative to the renewal of licenses to sell liquor in restaurants).

SECT. 13, last two sentences stricken out, 1934, 385 § 4; section revised, 1935, 440 § 10.

SECT. 14 amended, 1934, 370 § 3; first paragraph, second sentence revised, 1967, 253; amended, 1973, 241 § 3; paragraph added at end, 1935, 440 § 11. (See 1973, 241 § 4.)

SECT. 15, first paragraph amended, 1934, 385 § 5; revised, 1935, 440 § 12; amended, 1973, 422; second paragraph revised, 1934, 370 § 4; third sentence revised, 1936, 225 § 1; paragraph revised, 1938, 353.

SECT. 15A added, 1934, 370 § 5 (relative to the publication of applications for original licenses); revised, 1935, 440 § 13; 1939, 414; amended, 1943, 542 § 5; first paragraph, fifth sentence revised, 1965, 400; first paragraph revised, 1967, 523; third sentence revised, 1968, 361; second paragraph, sentence inserted after first sentence, 1970, 192 § 2; section revised, 1971, 477 § 2.

SECT. 16 revised, 1936, 368 § 3.

SECT. 16A revised, 1934, 385 § 6; 1937, 424 § 1; first sentence stricken out and two sentences inserted, 1970, 352.

SECT. 16B revised, 1935, 440 § 14; paragraph added at end, 1937, 291; section revised, 1937, 424 § 2; second paragraph revised, 1939, 92; section amended, 1943, 542 § 6; last paragraph revised, 1964, 417.

SECT. 16C added, 1954, 569 § 1 (limiting licenses for the sale of alcoholic beverages near schools and churches); first paragraph revised, 1965, 629 § 1; 1968, 435; 1969, 305; 1970, 192 § 1; second paragraph amended, 1971, 586 § 2. (See 1954, 569 §§ 2, 3; 1965, 629 § 2.)

SECT. 16D added, 1962, 478 § 1 (prohibiting the granting of licenses for the sale of alcoholic beverages in bowling alleys). (See 1962, 478 § 2.)

SECT. 17, second proviso of first paragraph amended, 1934, 385 § 7; first paragraph amended, 1935, 81; last paragraph revised, 1934, 83; section revised, 1935, 440 § 15; first paragraph amended, 1936, 136, 245; 1937, 14 § 1; second paragraph revised, 1936, 199; paragraph added after the second paragraph, 1936, 368 § 4; section revised, 1937, 424 § 3; first two paragraphs stricken out and paragraph inserted, 1970, 453 § 1; paragraph in lines 77-105 amended, 1946, 305; 1953, 310; 1965, 570; 1968, 197 § 1A; 1970, 453 § 2; paragraph in lines 106-118 revised, 1939, 263; paragraph in lines 119-122 revised, 1941, 522; same paragraph amended, 1945, 666; revised, 1950, 222; 1951, 145; paragraph inserted before last paragraph, 1968, 305; paragraph added at end, 1952, 197 § 1; 1960, 691. (See 1937, 14 § 2; 1952, 197 § 2.)

SECT. 18, first paragraph revised, 1935, 440 § 16; first sentence revised, 1943, 542 § 7; fifth sentence revised, 1966, 571; stricken out, 1971, 729; two paragraphs added, 1934, 385 § 8; paragraph added, 1943, 542 § 8; 1973, 520.

SECT. 18A added, under caption "SELLING AGENTS OF FOREIGN IMPORTERS AND MANUFACTURERS", 1934, 312; first paragraph revised, 1935, 440 § 17.

SECT. 18B added, 1943, 542 § 9 (relative to the issuance of certificates of compliance to persons licensed outside the commonwealth to export and sell alcoholic beverages to licensees under this chapter); sentence added, 1970, 893; three paragraphs added, 1971, 1022 § 1.

SECT. 19, first paragraph revised, 1935, 440 § 18; second paragraph amended, 1934, 385 § 9; last paragraph amended, 1934, 385 § 10; 1935, 440 § 19; paragraph added at end, 1936, 368 § 5.

SECT. 19A added, 1934, 385 § 11 (relative to the licensing of salesmen for manufacturers and for wholesalers and importers); revised, 1935, 440 § 20.

SECT. 20 revised, 1934, 385 § 12; first paragraph amended, 1936, 368 § 6; paragraph inserted, 1936, 368 § 7; section revised, 1943, 542 § 10.

SECT. 20A added, 1937, 424 § 4 (relative to granting permits to public warehousemen to store and warehouse alcoholic beverages); amended, 1953, 654 § 95.

SECT. 21 revised, 1934, 385 § 13; first paragraph amended, 1935, 440 § 21; first six paragraphs revised, 1936, 411 § 1; 1939, 367 § 1; first paragraph (as appearing in 1939, 367 § 1) amended, 1943, 542 § 11; third paragraph (as so appearing) stricken out and two new paragraphs inserted, 1941, 637 § 2; sixth paragraph (as so appearing) revised, 1943, 36; first

seven paragraphs stricken out and eight paragraphs inserted, 1947, 625 § 1; next to the last paragraph (as appearing in 1934, 385 § 13) amended, 1936, 368 § 8; last paragraph (as so appearing) revised, 1939, 451 § 55; paragraph added at end, 1939, 394; same paragraph stricken out and two paragraphs inserted, 1947, 524; section amended, 1953, 654 § 96; revised, 1954, 402; first paragraph, first sentence revised, 1966, 14 § 26, 698 § 1; second sentence amended, 1955, 421 § 1; three sentences in lines 59-73 revised, 1957, 374 § 1; sentence in lines 84-89 revised, 1966, 585; paragraph in lines 96-101 revised, 1957, 374 § 2; next to last paragraph amended, 1961, 259; sentence added at end, 1955, 421 § 2. [For temporary additional excise, 1939, 434; 1941, 339; 1943, 423; 1945, 546; 1949, 674; 1951, 386 § 7; 1955, 495 § 1; 1957, 456 § 12; 1959, 31 § 11. Additional excise, 1945, 731 § 11; 1953, 246 § 11.] (See 1936, 411 § 2; 1939, 367 § 2; 1941, 637 § 3; 1947, 625 §§ 3, 4; 1966, 14 § 27, 698 § 87.)

SECT. 22 revised, 1934, 385 § 14; 1935, 440 § 22; third paragraph revised, 1956, 105; fourth and fifth paragraphs stricken out and new paragraph inserted, 1937, 418.

SECT. 22A added, 1934, 385 § 15 (providing for the granting by the alcoholic beverages control commission in certain cases of permits to sell alcoholic beverages); sentence added at end, 1955, 322.

SECT. 23, sentence added at end of fourth paragraph, 1934, 370 § 6; last paragraph amended, 1934, 245; section revised, 1934, 385 § 16; fifth paragraph amended, 1935, 253 § 5; last four paragraphs stricken out, and five new paragraphs inserted, 1935, 440 § 23; second of the paragraphs so inserted revised, 1941, 578; fourth paragraph revised, 1938, 238; sentence added at end of next to last paragraph, 1939, 470 § 2; section revised, 1943, 542 § 12; first paragraph amended, 1965, 399; 1971, 260 § 1; fourth paragraph revised, 1971, 260 § 2; fifth paragraph, sentence added, 1967, 454; eighth paragraph revised, 1971, 260 § 3; paragraph added at end, 1955, 652; stricken out, 1971, 477 § 3; paragraph added, 1973, 1009.

SECT. 23A added, 1945, 215 (authorizing the alcoholic beverages control commission to take action to eliminate unfair competition and other trade abuses in the sale of alcoholic beverages); revised, 1950, 780.

SECT. 23B added, 1955, 382 (permitting holders of alcoholic beverages licenses to retain said licenses when the licensed premises have been taken by public necessity); amended, 1958, 514; 1973, 424.

SECT. 24, first sentence amended, 1934, 232; section revised, 1943, 542 § 13; first sentence revised, 1952, 426; section revised, 1971, 478.

SECT. 25 revised, 1968, 574 § 1; paragraph inserted after first paragraph, 1970, 768 § 1; fourth paragraph amended, 1970, 768 § 2; paragraph added 1970, 768 § 3.

SECTS. 25A and 25B added, 1946, 304 (prohibiting discrimination between licensees authorized to sell alcoholic beverages by eliminating the practice of granting special inducements to favored licensees).

SECT. 25A, clause (b) stricken out, 1970, 140 § 1; paragraph added, 1971, 494.

SECT. 25B, paragraph (e) revised, 1950, 261; section revised, 1970, 140 § 2.

SECT. 25C added, 1952, 385, section number corrected, 567 § 1 (relative to the elimination of certain trade abuses); paragraph (c) revised, 1965, 428; paragraph (d), second paragraph revised, 1963, 258. (See 1952, 567 § 2.)

SECT. 25D added, 1966, 706 (eliminating price discrimination against Massachusetts consumers of alcoholic beverages); paragraph (h) amended, 1973, 698.

SECT. 25E added, 1971, 833 (further regulating the sale of brand name alcoholic beverages to licensed wholesalers); amended, 1973, 442.

SECT. 26, first paragraph amended, 1935, 440 § 24.

SECT. 27 revised, 1934, 301 § 1; amended, 1934, 385 § 23; revised, 1935, 442; amended, 1936, 436 § 3; revised, 1936, 438; 1941, 729 § 13; 1947, 625 § 2; first sentence revised, 1955, 540 § 3. (See 1936, 436 § 4; 1941, 729 § 15; 1947, 625 § 4; 1955, 540 §§ 5, 6, 7.)

SECT. 28 amended, 1934, 112.

SECT. 29 revised, 1935, 440 § 25; second paragraph amended, 1956, 283 § 1. (See 1956, 283 § 2.)

SECT. 30 amended, 1935, 83 § 1; 1943, 542 § 14; revised, 1963, 449 § 1. (See 1935, 83 § 2; 1963, 449 § 2.)

SECT. 30A revised, 1934, 370 § 7; 1935, 440 § 26.

SECT. 30B amended, 1935, 440 § 27; paragraph added at end, 1936, 368 § 9.

SECT. 30D amended, 1935, 440 § 28.

SECT. 30E, first paragraph amended, 1935, 440 § 29.

SECT. 30F revised, 1935, 440 § 30.

SECT. 30G amended, 1935, 440 § 31.

SECT. 30H added, 1935, 440 § 32 (possession or transportation of alcoholic beverages or alcohol under certain circumstances deemed prima facie evidence of violation of law).

SECT. 31 amended, 1935, 440 § 33; revised, 1936, 368 § 10; repealed, 1962, 333.

SECT. 32 amended, 1934, 370 § 8.

SECT. 33 revised, 1934, 370 § 9; amended, 1935, 468 § 2; last sentence revised, 1936, 225 § 2; section amended, 1937, 268; 1941, 356; revised, 1962, 436; first sentence revised, 1971, 504; second sentence revised, 1967, 323; 1968, 24 § 6, 188 §§ 1, 2; 1972, 286; amended, 1973, 608 § 1; sentence added, 1968, 437; revised, 1971, 108. (See 1968, 24 § 7.)

SECT. 33A added, 1973, 608 § 2 (authorizing a change in the hours of sale of alcoholic beverages).

SECT. 34 amended, 1935, 440 § 34; revised, 1936, 171; 1937, 424 § 5; amended, 1943, 542 § 15; 1962, 354; revised, 1972, 155 § 2. (See 1972, 155 § 5.)

SECT. 34A added, 1935, 146 (relative to procuring by false representation sales or delivery of alcoholic beverages to minors); revised, 1935, 440 § 35.

SECT. 34B added, 1964, 735 (providing for the issuance of liquor purchase identification cards to persons twenty-one years of age or over who apply therefor); first paragraph, first sentence amended, 1972, 155 § 3;

third paragraph stricken out and two paragraphs inserted, 1967, 556. (See 1972, 155 § 5.)

SECT. 34C added, 1966, 317 § 2. (prohibiting the transportation of alcoholic beverages by minors); sentence inserted after first sentence, 1967, 377.

SECT. 36 amended, 1934, 385 § 17.

SECT. 37 revised, 1934, 385 § 18.

SECT. 38 amended, 1941, 199.

SECT. 40 amended, 1959, 313 § 1.

SECTS. 42-55 affected, 1935, 440 § 36.

SECT. 42 first paragraph amended, 1959, 313 § 2; paragraph added at end, 1935, 440 § 36.

SECT. 46 amended, 1934, 370 § 10; 1935, 440 § 37.

SECT. 47 amended, 1959, 313 § 3.

SECT. 50 amended, 1959, 313 § 4.

SECT. 51 amended, 1959, 313 § 5.

SECT. 52 amended, 1959, 313 § 6.

SECT. 53 amended, 1959, 313 § 7.

SECT. 54 amended, 1959, 313 § 8.

SECT. 56 revised, 1935, 440 § 38; 1936, 368 § 11.

SECT. 57 revised, 1936, 368 § 12.

SECT. 62 amended, 1935, 440 § 39.

SECT. 63, first sentence revised, 1934, 385 § 19; section revised, 1935, 440 § 40; 1936, 368 § 13.

SECT. 63A revised, 1935, 440 § 41; 1943, 542 § 16.

SECT. 64 revised, 1934, 385 § 20; sentence inserted after first sentence, 1964, 64.

SECT. 65 revised, 1943, 542 § 17.

SECT. 67 amended, 1934, 385 § 21; revised, 1935, 440 § 42; amended, 1938, 400; first paragraph amended, 1943, 542 § 18; section revised, 1953, 672; second paragraph revised, 1964, 73; fourth paragraph revised, 1962, 500; last two paragraphs stricken out and three paragraphs inserted, 1954, 574; fifth paragraph amended, 1971, 477 § 4; paragraph inserted after fifth paragraph, 1955, 461.

SECT. 69 amended, 1973, 287.

SECT. 70 revised, 1934, 301 § 2; 1945, 598.

SECT. 71 amended, 1953, 654 § 97.

SECTS. 72-75 repealed, 1934, 372 § 1.

SECT. 76 revised, 1934, 372 § 2; next to last sentence revised, 1934, 385 § 22; section revised, 1935, 440 § 43.

SECT. 77 revised, 1943, 542 § 19.

Chapter 139. — Common Nuisances.

SECT. 1 revised, 1966, 195; first sentence revised, 1970, 649 § 2.

SECT. 2, first sentence revised, 1970, 649 § 3; sentence added at end, 1945, 697 § 5; section revised, 1973, 1114 § 8. (See 1973, 1114 § 351.)

SECT. 3A added, 1969, 649 § 4 (providing for collection of costs incurred by cities and towns for demolition and removal of burnt, dangerous or dilapidated structures).

SECT. 6 amended, 1973, 1114 § 9. (See 1973, 1114 § 351.)

SECT. 7 revised, 1973, 1114 § 10. (See 1973, 1114 § 351.)

SECT. 12 revised, 1973, 1114 § 11. (See 1973, 1114 § 351.)

SECT. 14, caption amended, 1934, 328 § 9; section amended, 1934, 328 § 10.

SECT. 16 amended, 1934, 328 § 11.

SECT. 16A amended, 1934, 328 § 12; revised, 1973, 1114 § 12. (See 1973, 1114 § 351.)

SECT. 17 repealed, 1934, 328 § 13.

SECT. 19 amended, 1934, 328 § 14.

SECT. 20 amended, 1934, 328 § 15; 1948, 132.

Chapter 140. — Licenses.

SECT. 4 amended, 1934, 171 § 1. (See 1959, 250.)

SECT. 6 amended, 1937, 424 § 6; revised, 1941, 439 § 1.

SECT. 6A added, 1937, 424 § 7. (providing for the granting of common victuallers' licenses and licenses to sell alcoholic beverages upon condition that licensed premises are equipped and furnished according to plans and estimates approved in advance); repealed, 1941, 439 § 2.

SECT. 8 amended, 1936, 368 § 14; revised, 1943, 328.

SECT. 9A added, 1939, 431 (relative to the keeping of the premises of common victuallers open for business).

SECT. 10 amended, 1935, 167.

SECT. 12 revised, 1932, 86; 1933, 92; 1943, 31; amended, 1965, 490; 1972, 513.

SECTS. 21E and 21F added, under caption, 1933, 284 (providing for the regulation of organizations dispensing food or beverages to members and guests).

SECT. 21E, last sentence revised, 1934, 328 § 16; affected, 1934, 328 § 17.

SECT. 22 amended, 1960, 740; revised, 1965, 171; revised, 1973, 481.

SECT. 22A added, 1970, 859 § 1 (authorizing the installation of kitchen and cooking facilities in certain lodging houses). (See 1970, 859 § 2.)

SECT. 23 revised, 1952, 577. (See 1959, 250.)

SECT. 26 revised, 1954, 61.

SECT. 27, first sentence amended, 1947, 375; 1950, 326 § 1; 1954, 134 § 1; revised, 1964, 592 § 1.

SECT. 29 amended, 1953, 135.

SECTS. 32A-32E added, under caption, 1939, 416 (requiring the licensing of recreational camps, overnight camps or cabins and trailer camps); caption preceding section 32A revised, 1950, 326 § 2; 1954, 134 § 2; 1964, 592 § 2.

SECT. 32A amended, 1950, 326 § 3; 1954, 134, § 3; revised, 1964, 592 § 3; sentence added, 1965, 426.

SECT. 32B amended, 1941, 396; revised, 1945, 153; first two sentences amended, 1950, 326 § 4; first sentence amended, 1954, 134 § 4; revised, 1964, 592 § 4; second sentence revised, 1950, 802 § 1; 1970, 296. (See 1950, 802 §§ 4, 5.)

SECT. 32C amended, 1950, 326 § 5; 1954, 134 § 5; revised, 1964, 592 § 5.

SECT. 32D amended, 1950, 326 § 6; 1954, 134 § 6; revised, 1964, 592 § 6.

SECT. 32E amended, 1950, 326 § 7; 1954, 134 § 7; revised, 1964, 592 § 7.

SECTS. 32F-32K added, under caption, 1950, 326 § 8 (providing for the regulation of trailer coach parks); caption preceding section 32F revised, 1964, 592 § 8.

SECT. 32F, sentence added at end, 1950, 802 § 2; paragraph added at end, 1951, 74; amended, 1955, 623; 1956, 162 § 1; section revised, 1964, 592 § 9. (See 1950, 802 §§ 4, 5; 1956, 162 § 2.)

SECT. 32G revised, 1950, 802 § 3; 1952, 583 § 1; 1954, 410; 1964, 592 § 10; first paragraph amended, 1966, 104; first three sentences revised, 1968, 464 § 2; first sentence amended, 1972, 470; paragraph added at end, 1968, 464 § 3. (See 1950, 802 §§ 4, 5; 1952, 583 § 3.)

SECT. 32H revised, 1964, 592 § 11.

SECT. 32I revised, 1964, 592 § 12.

SECT. 32J revised, 1964, 592 § 13; 1973, 1007 § 1.

SECT. 32L added, 1956, 444 (defining a trailer coach); revised, 1964, 592 § 14; stricken out and sects. 32M-32Q inserted, 1973, 1007 § 2.

SECT. 34 amended, 1972, 802 § 10. (See 1972, 802 § 77.)

SECT. 35 amended, 1972, 802 § 11. (See 1972, 802 § 77.)

SECTS. 41-46 repealed, 1969, 59 § 1.

SECTS. 46A-46R added, 1964, 670 § 1 (regulating agencies procuring the employment of United States residents as domestic and household workers in the commonwealth of persons not resident therein). (See 1964, 670 §§ 2, 3.)

SECTS. 46A-46R revised, 1966, 729.

SECT. 46A, definition of "Applicant" sentence added, 1967, 896 § 3; definition of "Employment agency" revised, 1967, 896 § 1; 1968, 412 § 1; subsection (a) of definition of "Fee" amended, 1967, 896 § 2.

SECT. 46B, sentence added, 1967, 896 § 3A; revised, 1968, 412 § 2.

SECT. 46D, sixth sentence revised, 1969, 59 § 2.

SECT. 46L revised, 1967, 896 § 4.

SECT. 46O, paragraph (a) revised, 1967, 896 § 5; paragraph (b) amended, 1967, 896 § 6; paragraphs (e) and (f) added, 1967, 896 § 7.

SECT. 46Q, first paragraph, sentence added at end, 1969, 67; 371.

SECT. 46R, first paragraph amended, 1967, 896 § 8.

SECT. 48 repealed, 1937, 342 § 2.

SECT. 51 amended, 1932, 275; 1935, 428 § 3; 1936, 55 § 1; revised, 1941, 626 § 12; amended, 1947, 253. (See 1935, 428 §§ 6, 7; 1936, 55 § 2.)

SECT. 52 amended, 1935, 428 § 4. (See 1935, 428 § 7.)

SECT. 54A added, 1967, 600 § 2 (prohibiting operation of a junkyard within one thousand feet of federally aided highway).

SECT. 55 amended, 1938, 59.

SECT. 56A added, 1951, 345 (relative to the licensing of shooting galleries).

SECT. 57, sentence added, 1952, 103 § 1; revised, 1973, 129; sentence added, 1968, 32; revised, 1970, 265.

SECT. 58, second paragraph revised, 1948, 181 § 1; definition of "Class 2" revised, 1952, 103 § 2.

SECT. 59 amended, 1934, 254 § 1; 1938, 96; revised, 1948, 181 § 2; sentence inserted after tenth sentence, 1957, 308. (See 1934, 254 § 2; 1953, 349.)

SECT. 59A added, 1967, 600 § 3 (relative to rules governing location of screens and fences).

SECT. 60 revised, 1948, 201 § 3. (See 1948, 201 § 4.)

SECT. 62 amended, 1948, 181 § 3; second sentence revised, 1961, 73 § 3.

SECT. 63 revised, 1971, 124.

SECT. 64, first sentence revised, 1961, 45 § 1.

SECT. 65 revised, 1948, 181 § 4; repealed, 1961, 45 § 2.

SECT. 66 revised, 1963, 322; amended, 1970, 710.

SECT. 67A added, 1966, 93 (providing that junk dealers and motor vehicle dealers shall remove, and forward to the registrar of motor vehicles, identification and registration number plates from junked motor vehicles).

SECT. 71 revised, 1943, 154.

SECT. 90, three sentences added at end, 1934, 179 § 1; section revised, 1946, 223 § 1. (See 1946, 223 § 2.)

SECTS. 90A-90D added, 1959, 505 § 1 (limiting interest rates on home mortgages). (See 1959, 505 §§ 2-4.)

SECT. 90A, first sentence stricken out and two sentences inserted, 1960, 446; first sentence revised, 1962, 286; amended, 1973, 19.

SECT. 90E added, 1962, 523 (providing a criminal penalty for charging a greater rate of interest than is allowed by the law governing the financing of certain home mortgages).

SECTS. 92 and 93 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 95 revised, 1956, 689 § 1. (See 1956, 689 § 9.)

SECT. 96, sentence added at end, 1934, 179 § 2; section amended, 1941, 158 § 1; 1956, 689 § 2; 1959, 136 § 1; revised, 1962, 795 § 1; third sentence revised, 1967, 190. (See 1941, 158 §§ 2, 3; 1956, 689 § 9.)

SECT. 97 amended, 1969, 790 § 1; 1973, 1149 § 2. (See 1973, 1149 § 33.)

SECT. 98 amended, 1957, 97.

SECT. 100 amended, 1946, 119; revised, 1946, 174 § 1; 1956, 689 § 4. (See 1946, 174 § 2; 1956, 689 §§ 8A, 9.)

SECT. 100A added, 1968, 164 § 1 (limiting charges for insuring the life or health of certain borrowers).

SECT. 102 revised, 1969, 790 § 2; amended, 1973, 1149 § 3. (See 1973, 1149 § 33.)

SECT. 103 revised, 1962, 351 § 1.

SECT. 105 repealed, 1969, 221.

SECT. 107 revised, 1970, 316.

SECT. 108 revised, 1957, 765 § 6. (See 1957, 765 § 21.)

SECT. 110, first sentence amended, 1962, 351 § 2; third sentence amended, 1959, 136 § 2; 1956, 689 § 5; section revised, 1962, 795 § 2; first sentence revised, 1967, 196. (See 1956, 689 § 9.)

SECT. 114A added, 1956, 689 § 8 (further regulating the rate of interest and charges on loans of fifteen hundred dollars or less and relating to certain other loans); revised, 1962, 795 § 3; two sentences added at end, 1963, 646; last sentence revised, 1969, 168. (See 1956, 689 § 9; 1962, 795 § 4.)

SECT. 114B added, 1972, 783 § 1 (relative to maximum interest rates and billing periods for consumer credit); revised, 1973, 273 § 1. (See 1972, 783 § 4; 1973, 273 § 5.)

SECT. 115 revised, 1948, 550 § 21; 1949, 297 § 7.

SECT. 121 amended, 1934, 359 § 1; revised, 1957, 688 § 4; first sentence revised, 1960, 186; sentence inserted after third sentence, 1959, 296 § 1; last sentence revised, 1968, 737 § 1; section revised, 1969, 799 § 1; first sentence revised, 1971, 456 § 1; first paragraph revised, 1973, 892 § 1.

SECT. 121A added, 1972, 268 (qualifying certain certifications by the department of public safety as certain prima facie evidence).

SECT. 122 revised, 1957, 688 § 5; 1959, 296 § 2.

SECT. 122A revised, 1957, 688 § 6; 1959, 296 § 3.

SECT. 122B added, 1968, 737 § 2 (further regulating the sale of ammunition); revised, 1969, 799 § 2; first paragraph amended, 1971, 456 § 2; 1973, 892 § 2; fifth paragraph revised, 1973, 157.

SECT. 123 revised, 1957, 688 § 7; 1959, 296 § 4; 1968, 737 § 3; 1969, 799 § 3.

SECT. 125 amended and sentence added at end, 1957, 688 § 8; first sentence revised, 1969, 799 § 4.

SECT. 126 amended, 1957, 688 § 9; revised, 1958, 49.

SECT. 127 revised, 1957, 688 § 10.

SECT. 128 amended, 1957, 688 § 11; first sentence amended, 1968, 737 § 4; revised, 1971, 456 § 3; 1973, 134; second sentence revised, 1969, 799 § 5.

SECTS. 128A and 128B added, 1968, 737 § 5 (further regulating the purchase and sale of firearms).

SECT. 128A revised, 1969, 799 § 6.

SECT. 129 amended, 1957, 688 § 12; revised, 1968, 737 § 6; 1973, 158.

SECT. 129A repealed, 1945, 254.

SECTS. 129B-129D added, 1968, 737 § 7 (regulating issuance of firearms license and identification card). (See 1968, 737 § 18.)

SECT. 129B revised, 1969, 799 § 7; first paragraph amended, 1972, 312 § 1; fifth paragraph revised, 1972, 312 § 2; sixth paragraph revised, 1971, 225.

SECT. 129C revised, 1969, 799 § 8; first and second paragraphs revised, 1973, 892 § 3; third paragraph revised, 1972, 312 § 3; fourth paragraph amended, 1973, 892 § 4; fifth paragraph amended, 1973, 892 § 5; sixth paragraph stricken out, 1971, 456 § 4.

SECT. 129D revised, 1969, 799 § 9; amended, 1973, 892 § 6.

SECT. 130, sentence added at end, 1945, 132; section revised, 1951, 373 § 1; 1957, 688 § 13; 1959, 296 § 5; amended, 1967, 802 § 2; revised, 1968, 737 § 8; 1969, 799 § 10; amended, 1973, 161. (See 1968, 737 § 18.)

SECT. 130A added, 1951, 373 § 2 (further regulating the sale of firearms); repealed, 1957, 688 § 14.

SECT. 131 revised, 1936, 302; amended, 1951, 201; 1953, 319 § 20; sentence added at end, 1953, 454; section revised, 1957, 688 § 15; 1959, 296 § 6; first sentence revised, 1969, 799 § 11; sentence added at end, 1960, 293; section revised, 1972, 415; second paragraph amended, 1973, 138; paragraph added, 1973, 892 § 7. (See 1953, 319 §§ 39, 40.)

SECT. 131A revised, 1957, 688 § 16; 1959, 296 § 7; first paragraph, sentence inserted after first sentence, 1965, 95; amended, 1972, 312 § 4; revised, 1973, 892 § 7A; fourth sentence revised, 1973, 135; paragraph added, 1973, 892 § 8.

SECT. 131B amended, 1957, 688 § 17.

SECT. 131C added, 1934, 246 (prohibiting persons licensed to carry pistols and revolvers from carrying the same in vehicles unless said weapons are under their control therein); first sentence amended, 1957, 688 § 18; revised, 1965, 44.

SECT. 131D added, 1947, 492 § 5 (relative to the emission of smoke by steam locomotives); repealed, 1954, 672 § 7; caption preceding section stricken out, 1957, 688 § 19.

SECTS. 131E and 131F added, 1957, 688 § 20 (prohibiting a penalty for the unlawful purchasing by a licensee of firearms for another and relative to the issuance of temporary licenses to non-residents).

SECT. 131E revised, 1968, 737 § 9; first and second sentences revised, 1969, 799 § 12; second sentence revised, 1973, 159.

SECT. 131F revised, 1959, 296 § 8; paragraph added at end, 1969, 799 § 12A.

SECT. 131G added, 1964, 447 (authorizing certain non-residents to carry firearms in or through the commonwealth); revised, 1965, 86.

SECT. 131H added, 1967, 802 § 3 (relative to the distribution of fines recovered in prosecution of fish, bird and mammal laws); first paragraph revised, 1969, 799 § 13; second paragraph amended, 1973, 136.

SECT. 132 repealed, 1954, 672 § 7.

SECT. 133 amended, 1939, 451 § 56; revised, 1948, 550 § 22; 1949, 297 § 8; repealed, 1954, 672 § 7.

SECT. 134 repealed, 1954, 672 § 7.

SECT. 135 repealed, 1954, 672 § 7.

SECT. 136 revised, 1947, 492 § 6; repealed, 1954, 672 § 7.

SECT. 136A, under caption "DOGS", added, 1934, 320 § 1 (definitions of certain words and phrases in sections 137-175); amended, 1943, 111 § 1. (See 1934, 320 § 34.)

SECT. 137 amended, 1932, 289 § 1; revised (and caption stricken out) 1934, 320 § 2; revised, 1943, 111 § 2; 1945, 140; second paragraph amended, 1956, 78 § 1; last two sentences stricken out, 1956, 44 § 1. (See 1934, 320 § 34.)

SECTS. 137A-137C added, 1934, 320 § 3 (relative to kennel licenses and regulating holders of such licenses). (See 1934, 320 § 34.)

SECT. 137A, paragraph added at end, 1937, 95; first paragraph stricken out and three paragraphs inserted, 1943, 111 § 3.

SECT. 137C revised, 1939, 206.

SECT. 137D added, 1948, 329 (prohibiting the issuing of dog licenses to persons convicted of cruelty to animals).

SECT. 138 revised, 1934, 320 § 4; 1938, 92; 1943, 111 § 4. (See 1934, 320 § 34.)

SECT. 139 amended, 1934, 320 § 5; sentence inserted after second sentence, 1956, 44 § 2; sentence added at end, 1939, 23; sentence added at end, 1941, 132; section revised, 1962, 35 § 1; first sentence revised, 1971,

19; third sentence amended, 1966, 535 § 11. (See 1934, 320 § 34; 1962, 35 § 2.)

SECT. 140 repealed, 1934, 320 § 6. (See 1934, 320 § 34.)

SECT. 141 revised, 1934, 320 § 7. (See 1934, 320 § 34.)

SECT. 141A added, 1957, 298 § 2 (providing that certain provisions of law relating to dogs shall not apply to chapter 49A of the General Laws).

SECT. 141B added, 1973, 854 (exempting certain pet shops from the kennel licensing laws).

SECTS. 142-144 repealed, 1934, 320 § 8. (See 1934, 320 § 34.)

SECT. 145 amended, 1932, 289 § 2.

SECT. 145A added, 1932, 289 § 3 (relative to the furnishing of antirabic vaccine); revised, 1934, 320 § 9; 1937, 375; last sentence revised, 1939, 42. (See 1934, 320 § 34.)

SECT. 145B added, 1969, 207 (relating to the vaccination of dogs against rabies).

SECT. 146 revised, 1934, 320 § 10; 1941, 133 § 1. (See 1934, 320 § 34.)

SECT. 147 revised, 1932, 289 § 4; 1934, 320 § 11; amended, 1941, 133 § 2; first sentence revised, 1957, 47; 1971, 125. (See 1934, 320 § 34.)

SECT. 148 repealed, 1932, 289 § 6. (See G. L. chapter 41 § 13A, inserted by 1932, 289 § 5.)

SECT. 150 revised, 1934, 320 § 12; 1954, 357. (See 1934, 320 § 34.)

SECT. 151 revised, 1934, 320 § 13; fifth sentence revised, 1948, 11 § 1; sentence inserted after fifth sentence, 1956, 78 § 2.

SECT. 151A added, 1934, 320 § 14 (powers and duties of dog officers under annual warrants from mayors or selectmen); first sentence revised, 1957, 298 § 3; amended, 1973, 49 § 2; last sentence revised, 1948, 11 § 2; amended, 1957, 48; revised, 1962, 98; 1969, 18. (See 1934, 320 § 34.)

SECT. 152 revised, 1934, 320 § 15; 1957, 298 § 4. (See 1934, 320 § 34.)

SECT. 153 revised, 1934, 320 § 16; 1957, 298 § 5; amended, 1973, 49 § 3. (See 1934, 320 § 34.)

SECT. 154 repealed, 1934, 320 § 17. (See 1934, 320 § 34.)

SECT. 155 revised, 1934, 320 § 18; sentence added at end, 1968, 281. (See 1934, 320 § 34.)

SECT. 155A added, 1972, 495 § 2 (providing for indemnification of police officers for certain damages).

SECT. 156 revised, 1934, 320 § 19; 1951, 156. (See 1934, 320 § 34.)

SECT. 157 revised, 1934, 320 § 20. (See 1934, 320 § 34.)

SECT. 158 revised, 1934, 320 § 21. (See 1934, 320 § 34.)

SECT. 159 revised, 1934, 320 § 22. (See 1934, 320 § 34.)

SECT. 160 revised, 1934, 320 § 23. (See 1934, 320 § 34.)

SECT. 161, first two sentences amended, 1932, 289 § 7; section amended, 1934, 320 § 24. (See 1934, 320 § 34.)

SECT. 161A added, 1934, 320 § 25 (reimbursement for damages by dogs regulated). (See 1934, 320 § 34.)

SECT. 162 revised, 1934, 320 § 26. (See 1934, 320 § 34.)

SECT. 163 amended, 1934, 320 § 27. (See 1934, 320 § 34.)

SECT. 164 amended, 1934, 320 § 28. (See 1934, 320 § 34.)

SECT. 165 revised, 1934, 320 § 29. (See 1934, 320 § 34.)

- SECT. 166 amended, 1934, 320 § 30. (See 1934, 320 § 34.)
- SECT. 167, three sentences added, 1967, 234.
- SECT. 170 amended, 1934, 320 § 31. (See 1934, 320 § 34.)
- SECT. 171 revised, 1934, 320 § 32. (See 1934, 320 § 34.)
- SECT. 172 revised, 1932, 289 § 8.
- SECT. 173A added, 1967, 627 (providing for non-criminal disposition of violations of dog control laws); first paragraph amended, 1971, 526; 1973, 627.
- SECT. 174 amended, 1953, 319 § 21. (See 1953, 319 §§ 39, 40.)
- SECT. 174A added, 1967, 313 (regulating killing of certain dogs by carbon monoxide fumes).
- SECT. 174B added, 1972, 92 (requiring restraint of dogs in public highway rest areas).
- SECT. 175 revised, 1932, 289 § 9; 1934, 320 § 33; 1943, 93; repealed, 1945, 276 § 2. (See 1934, 320 § 34.)
- SECT. 176 revised, 1948, 550 § 23.
- SECT. 177, paragraph added, 1964, 284.
- SECT. 177A added, under caption, 1949, 361 (relative to the licensing and operation of mechanical amusement devices).
- SECT. 179 revised, 1948, 434; amended, 1964, 558; revised, 1968, 77.
- SECTS. 180A-180D added, under caption, 1935, 378 (providing for the licensing and bonding of certain theatrical booking agents, personal agents and managers).
- SECT. 180A revised, 1946, 566 § 1; paragraph added at end, 1948, 256; section revised, 1954, 630.
- SECT. 180B revised, 1946, 566 § 2.
- SECT. 180C revised, 1946, 566 § 3.
- SECTS. 180A-180D stricken out and sections 180A-180G inserted, 1960, 666.
- SECT. 181, paragraph added, 1971, 996. Affected by 1935, 454 § 8.
- SECT. 181A added, 1948, 534 (requiring certain entertainers and persons appearing under assumed names to file their true names with the commissioner of public safety); amended, 1961, 292.
- SECT. 181B added, 1949, 132 (requiring the posting of the schedule of admission prices to travelling entertainments).
- SECT. 183A amended, 1935, 102 § 1; 1936, 71 § 1. (See 1935, 102 § 2.)
- SECT. 183B repealed, 1936, 71 § 2.
- SECT. 183D added, 1951, 216 (requiring common victuallers and others to post minimum charges).
- SECT. 184 amended, 1934, 328 § 18.
- SECT. 185 repealed, 1963, 195.
- SECT. 185A amended, 1936, 279; paragraph added at end, 1941, 247.
- SECT. 185D amended, 1967, 126.
- SECT. 185F revised, 1969, 596.
- SECT. 185H added, under caption, 1939, 253 (relative to the licensing and supervision of dancing schools, so called).
- SECT. 185I added, 1963, 194 (providing that no persons may tell fortunes for money unless licensed).

SECT. 186 amended, 1936, 169 § 1.

SECT. 187 amended, 1936, 169 § 2.

SECT. 192 revised, 1948, 550 § 24; 1949, 297 § 9.

SECT. 197 amended, 1973, 925 § 53. (See 1973, 925 § 84.)

SECT. 198, first sentence stricken out and two sentences inserted, 1968, 51 § 1.

SECT. 202 revised, 1936, 169 § 3; 1948, 550 § 25; 1949, 297 § 10; amended, 1969, 59 § 2A.

Chapter 140A. — Regulation of Certain Credit Transactions.

New chapter inserted, 1966, 587 § 1. (See 1966, 587 § 7.)

SECT. 1, clause (1) revised, 1968, 354 § 1; clause (3), second sentence revised, 1967, 673 § 1. (See 1967, 673 § 4.)

SECT. 5, clauses (f) and (g) revised, 1967, 673 § 2. (See 1967, 673 § 4.)

SECT. 7, second sentence stricken out and three sentences inserted, 1967, 673 § 3. (See 1967, 673 § 4.)

Chapter repealed, 1969, 517 § 2.

Chapter 140B. — Control of Certain Junkyards.

New chapter inserted, 1967, 600 § 1.

Chapter 140C. — Consumer Credit Cost Disclosure.

New chapter inserted, 1969, 517 § 1.

SECT. 1, clause (k½) inserted, 1973, 273 § 2.

SECT. 4, subsection (a) amended, 1973, 802 § 1.

SECT. 5, subsection (i) added, 1972, 229 § 1.

SECT. 6, subsection (a) amended, 1973, 802 § 2; subsection (b) amended, 1973, 802 § 3; subsection (c) revised, 1973, 802 § 4; subsection (e) revised, 1972, 229 § 2.

SECT. 6A added, 1971, 860 § 2 (regulating certain billing and finance charge procedures for consumer protection).

SECT. 6B added, 1972, 783 § 2 (relative to computation and imposition of finance charges); revised, 1973, 273 § 3.

SECT. 7, subsection (d), item (4) added, 1970, 824 § 2; subsection (o) revised, 1972, 229 § 3; subsection (p) added, 1972, 229 § 4.

SECT. 8, subsection (b) amended, 1972, 229 § 5; subsection (c) amended, 1972, 229 § 6; subsection (g) amended, 1972, 229 § 7.

SECT. 9, subsection (e) added, 1972, 229 § 8.

SECT. 10, subsection (b) amended, 1972, 229 § 9.

Chapter 141. — Supervision of Electricians.

SECT. 1, first paragraph amended, 1943, 308; section revised, 1962, 582 § 1. (See 1962, 582 §§ 3, 4.)

SECT. 2, third paragraph revised, 1966, 9; fourth paragraph stricken out, 1946, 480 § 1.

SECT. 2A added, 1946, 480 § 2 (granting a credit in the examination standing of certain veterans applying for electricians' licenses); revised, 1954, 627 § 29. (See 1954, 627 §§ 41, 65, 67.)

SECT. 3, clause (3) revised, 1954, 190 § 1; 1960, 723; amended, 1963, 491; clause (4) amended, 1934, 347 § 1; revised, 1959, 312 § 1; revised, 1967, 317; amended, 1972, 684 § 57; clause (5) amended, 1954, 190 § 2; revised, 1959, 312 § 2; amended, 1972, 684 § 58; clause (8) amended, 1948, 187. (See 1972, 684 § 136.)

SECT. 8 revised, 1948, 629 § 1; 1962, 582 § 2. (See 1948, 629 § 2; 1962, 582 §§ 3, 4.)

Chapter 142. — Supervision of Plumbing.

SECT. 1, definition of "Apprentice" inserted, 1963, 431 § 1; definition of "Certificate of a plumbing corporation or certificate of a plumbing partnership" inserted after definition of "Certificate", 1969, 731 § 1.

SECT. 2 revised, 1958, 332; amended, 1963, 228 § 1; revised, 1971, 604 § 1.

SECT. 3, sentence inserted after the first sentence, 1948, 382; sentence added at end, 1958, 263; section revised, 1959, 284; second sentence amended, 1960, 190; 1963, 148 § 1; section revised, 1963, 431 § 2.

SECT. 3A added, 1963, 431 § 3 (providing that apprentice plumbers be licensed); two paragraphs added, 1973, 951.

SECT. 3B added, 1969, 731 § 2 (relative to requirements for plumbing corporation or partnership certificates).

SECT. 4, first sentence revised, 1947, 382; second sentence revised, 1962, 488; paragraph added at end, 1946, 502; revised, 1954, 627 § 30; 1967, 282. (See 1954, 627 §§ 65, 67.)

SECT. 4A added, 1969, 731 § 3 (authorizing the installation of certain plumbing and plumbing repairs by certain plumbers).

SECT. 5 revised, 1954, 200; sentence added at end, 1963, 431 § 4; section revised, 1965, 645 § 1; last sentence revised, 1966, 209; section revised, 1971, 533.

SECT. 6 revised, 1934, 347 § 2; third sentence revised, 1965, 645 § 2.

SECT. 8 repealed, 1965, 358 § 1.

SECT. 11 amended, 1945, 703 § 11; revised, 1954, 627 § 31. (See 1954, 627 §§ 65, 67.)

SECT. 13 amended, 1934, 284; 1954, 157; revised, 1963, 228 § 2; 1965, 358 § 2; 1971, 604 § 2; amended, 1973, 193. (See 1965, 358 § 3.)

SECT. 15 revised, 1952, 112.

SECT. 16 amended, 1963, 431 § 5.

SECT. 17 revised, 1936, 234; 1941, 518 § 1; paragraph added at end, 1945, 477; section revised, 1955, 612 § 1.

SECT. 18 revised, 1941, 518 § 2.

SECT. 19 revised, 1941, 518 § 3; 1955, 612 § 2.

SECT. 21 added, 1938, 302 (providing for regulation of plumbing in buildings owned and used by the commonwealth).

SECT. 22 added, 1941, 518 § 4 (providing for the enforcement of certain laws relative to the marking, construction and installation of hot water tanks).

Chapter 143. — Inspection and Regulation of, and Licenses for, Buildings, Elevators and Cinematographs.

SECT. 1, definition of "Alteration" revised, 1945, 480; definition of "Building" inserted, 1945, 480; definition of "Clinic" inserted, 1971, 779 § 1; definition of "Commissioner" inserted, 1945, 480; definition of "Day care services for children" inserted, 1962, 720 § 1; stricken out and definition of "Day care center" inserted, 1972, 785 § 9; definition of "Group residence" inserted, 1971, 1098 § 1; definition of "Inspector" amended, 1943, 544 § 7B; revised, 1945, 480; definition of "Institution" inserted, 1955, 662 § 1; revised, 1959, 446 § 1; 1966, 614 § 5; amended, 1970, 888 § 20; 1971, 1098 § 2; definition of "Miscellaneous hall" revised, 1970, 199 § 2; definition of "Place of assembly" inserted after paragraph in lines 12-14, 1943, 546 § 1; revised, 1945, 480; amended, 1970, 199 § 1; definition of "Public building" revised, 1945, 480; definition of "Public hall" revised, 1946, 363 § 1; 1970, 199 § 3; definition of "Special hall" revised, 1941, 694; definition of "Structure" inserted, 1945, 480; definition of "Supervisor of plans" revised, 1946, 363 § 1; section revised, 1972, 802 § 12. (See 1945, 722 § 2; 1970, 888 § 31; 1972, 785 § 20; 802 § 77.)

SECT. 2 amended, 1949, 125; 1959, 563; 1960, 252 § 1; 1962, 72; 1963, 21; last sentence revised, 1967, 436 § 1, 606 § 1; section repealed, 1968, 232. (See 1960, 252 § 2.)

SECT. 2A added, 1948, 582 § 1 (excluding the state house from certain provisions of law relating to the safety of persons in buildings); sentence added at end, 1951, 430; amended, 1972, 802 § 13. (See 1948, 582 § 3; 1954, 153; 1957, 487; 1972, 802 § 77.)

SECT. 2B added, 1949, 547 (providing for regulations relative to fire protection and prevention in the state house); amended, 1972, 802 § 14. (See 1972, 802 § 77.)

SECT. 2C added, 1954, 34 (relative to the evacuation of the state house in case of fire or other disaster).

SECT. 3 revised, 1943, 544 § 2; 1945, 674 § 1; first paragraph revised, 1946, 363 § 2; amended, 1949, 156 § 3; 1959, 607 § 2; 1968, 499 § 1; paragraph inserted after second paragraph, 1958, 515; 1946, 423; paragraph added at end, 1949, 156 § 4; amended, 1951, 85; section revised, 1972, 802 § 15; first paragraph stricken out and three paragraphs inserted, 1973, 1152 § 1. (See 1945, 722 § 2; 1972, 802 § 77; 1973, 1152 § 3.)

SECTS. 3A-3H added, 1943, 544 § 2 (providing for rules and regulations for protecting life and limb in places of assembly and for the enforcement of laws, rules and regulations ordinances and by-laws for protecting the same therein). (See 1943, 544 §§ 7A and 8.)

SECT. 3A revised, 1945, 482 § 1; 1972, 802 § 16. (See 1945, 722 § 2; 1972, 802 § 77.)

SECT. 3B revised, 1945, 645 § 2; sentence inserted after first sentence, 1947, 646; first two sentences revised, 1963, 691; first sentence amended, 1968, 499 § 2; fourth paragraph amended, 1948, 144 § 1; section repealed, 1972, 802 § 17. (See 1963, 691 § 2; 1972, 802 § 77.)

SECT. 3C repealed, 1945, 645 § 3.

SECT. 3D revised, 1945, 482 § 2; repealed, 1972, 802 § 17. (See 1945, 722 § 2; 1972, 802 § 77.)

SECTS. 3E and 3F repealed, 1945, 645 § 3.

SECT. 3G revised, 1945, 482 § 3; 1946, 363 § 3. (See 1945, 722 § 2.)

SECT. 3H revised, 1945, 645 § 4; amended, 1968, 499 § 3.

SECTS. 3I-3K added, 1947, 631 § 1 (to provide regulations for the prevention of fire and the preservation of life, health and morals in buildings used for dwelling purposes and to provide for alternatives to the requirements of ordinances, by-laws or regulations relative to the construction, alteration, repair, use or occupancy of such buildings).

SECT. 3I amended, 1948, 438 § 1.

SECT. 3J amended, 1950, 534 § 1; first paragraph amended, 1955, 617 § 1; second paragraph amended, 1955, 617 § 2; third paragraph amended, 1952, 158.

SECTS. 3G-3J repealed, 1972, 802 § 17. (See 1972, 802 § 77.)

SECT. 3K, paragraph added at end, 1948, 438 § 2; same paragraph amended, 1949, 530; section repealed, 1950, 534 § 2.

SECT. 3L added, 1950, 617 § 1 (relative to rules and regulations for the installation, repair and maintenance of electrical wiring and fixtures); first paragraph amended, 1972, 802 § 18; paragraph added, 1956, 403; revised, 1959, 355; paragraph added, 1961, 531 § 2. (See 1950, 617 § 2; 1972, 802 § 77.)

SECT. 3M added, 1951, 285 (relative to the depth and slant of window ledges on certain new buildings); stricken out, 1951, 752.

SECTS. 3N and 3O added, 1960, 737 § 2 (relative to rules and regulations governing gas fitting). (See 1960, 737 §§ 3, 4, 5 and 7.)

SECT. 3N amended, 1972, 802 § 19. (See 1972, 802 § 77.)

SECT. 3O revised, 1963, 217; paragraph added, 1964, 170; paragraph inserted after first paragraph, 1964, 312 § 2; paragraph added, 1966, 161.

SECT. 3P added, 1961, 531 § 3 (providing for appeals in connection with matters relating to installation of wiring and fixtures).

SECT. 3Q added, 1962, 630 § 1 (authorizing the department of public safety to promulgate rules and regulations for the safety of persons and the prevention of fire in convalescent or nursing homes and rest homes); first sentence revised, 1966, 614 § 6; amended, 1972, 802 § 20; second sentence revised, 1968, 406. (See 1962, 630 § 2; 1972, 802 § 77.)

SECT. 3R added, 1965, 464 § 1 (requiring that the main doors of certain apartment houses be designed or equipped to close and lock automatically); sentence inserted after first sentence, 1967, 735 § 1; first sentence revised, 1969, 303; second paragraph revised, 1967, 142; paragraph added at end, 1968, 319; section revised, 1972, 802 § 21. (See 1965, 464 § 2; 1967, 735 § 2; 1972, 802 § 77.)

SECT. 3S added, 1967, 260 (requiring owners of multiple dwellings to post their names and addresses); revised, 1972, 493.

SECTS. 3T-3V added, 1971, 837 § 1 (requiring the use of safety glazing materials in the construction of certain buildings). (See 1971, 837 § 2; 1972, 131.)

SECT. 3T amended, 1973, 353.

SECT. 3W added, 1973, 418 (further regulating plans and specifications for the erection or alteration of public buildings).

SECT. 3X added, 1973, 1096 (providing for notice to local postmasters of the issuance of building permits for ten or more residential units).

SECTS. 4-5 repealed, 1972, 802 § 22. (See 1972, 802 § 77.)

SECT. 6 revised, 1946, 363 § 4; amended, 1949, 541 § 1; revised, 1957, 214 § 1; 1972, 802 § 23. (See 1972, 802 § 77.)

SECT. 7, sentence added at end, 1949, 156 § 2; section revised, 1957, 214 § 2.

SECT. 8 amended, 1945, 697 § 1; 1949, 541 § 2; revised, 1957, 214 § 3; amended, 1972, 802 § 24. (See 1972, 802 § 77.)

SECT. 9 revised, 1945, 697 § 2; sentence inserted after first sentence, 1949, 156 § 5; section amended, 1949, 541 § 3; revised, 1957, 214 § 4; third sentence amended, 1959, 75; stricken out and two sentences inserted, 1970, 649 § 5; section revised, 1972, 802 § 25. (See 1972, 802 § 77.)

SECT. 9A added, 1945, 697 § 2A (relative to recovery for damage to other property caused by the making safe or taking down of a dangerous structure). (See 1945, 697 § 2B.)

SECT. 10 revised, 1945, 697 § 3; amended, 1949, 541 § 4; 1972, 802 § 26. (See 1972, 802 § 77.)

SECT. 11 amended, 1949, 541 § 5.

SECT. 12 amended, 1945, 697 § 4; 1972, 802 § 27. (See 1972, 802 § 77.)

SECT. 13 revised, 1946, 363 § 5.

SECT. 15 amended, 1943, 544 § 3; first sentence amended, 1947, 645 § 1; section revised, 1949, 539; first sentence amended, 1952, 509 § 1; 1955, 662 § 2; revised, 1959, 446 § 2; amended, 1960, 596 § 2; 1962, 720 § 2; revised, 1963, 687 § 1; 1966, 614 § 7; amended, 1971, 779 § 2; revised, 1971, 1098 § 3; 1972, 785 § 10; sentence inserted after sixth sentence, 1972, 684 § 59. (See 1943, 544 § 7A; 1963, 687 § 3; 1972, 684 § 59, 785 § 20.)

SECT. 15A added, 1960, 596 § 3 (directing the commissioner of public safety to establish standards for the construction of public and private schoolhouses). (See 1960, 596 § 4.)

SECT. 16 amended, 1943, 544 § 3; revised, 1945, 473. (See 1943, 544 § 7A.)

SECTS. 15-16 repealed, 1972, 802 § 28. (See 1972, 802 § 77.)

SECT. 16A added, 1966, 252 (providing, that the furnishing of safety inspection or advisory services by an insurer shall not subject such insurer to liability for damages as a result of any act or omission in the course of such services).

SECT. 20 amended, 1945, 700 § 1.

SECT. 21 amended, 1943, 544 § 3; revised, 1943, 546 § 2; 1945, 536; first sentence revised, 1947, 645 § 2; amended, 1952, 509 § 2; 1955, 662 § 3; revised, 1959, 446 § 3; amended, 1962, 720 § 3; revised, 1963, 687 § 2; 1966, 614 § 8; amended, 1971, 779 § 3; revised, 1971, 1098 § 4; 1972, 785 § 11. (See 1943, 544 § 7A, 546 § 5; 1945, 722 § 2; 1963, 687 § 3; 1972, 785 § 20.)

SECTS. 21A and 21B added, 1943, 546 § 3 (further regulating the means of ingress to and egress from places of assembly and certain other places). (See 1943, 546 §§ 5 and 6.)

SECT. 21A amended, 1945, 474 § 1; 1946, 363 § 6; revised, 1948, 440.

SECT. 21B amended, 1945, 482 § 4; revised, 1945, 722 § 1; paragraph added at end, 1946, 327 § 1; section revised, 1947, 654 § 1; 1948, 502. (See 1947, 654 § 3.)

SECT. 21C added, 1946, 327 § 2 (relative to the use and maintenance of revolving doors, so called, in certain buildings); revised, 1947, 654 § 2; 1948, 439 § 1; 1949, 540; paragraph added at end, 1952, 435. (See 1947, 654 § 3.)

SECTS. 17-21C repealed, 1972, 802 § 28. (See 1972, 802 § 77.)

SECT. 21D added, 1972, 391 § 1 (requiring certain auxiliary lighting and exit signs in certain dwellings). (See 1972, 391 § 2.)

SECTS. 24-33 amended, 1943, 544 § 3. (See 1943, 544 § 7A.)

SECTS. 24-31 repealed, 1972, 802 § 28. (See 1972, 802 § 77.)

SECT. 28 revised, 1945, 474 § 2; 1947, 648; sentence inserted after second sentence, 1972, 684 § 60; third sentence revised, 1955, 662 § 5. (See 1972, 684 § 136.)

SECT. 29 revised, 1950, 288 § 1. (See 1950, 288 §§ 2, 3.)

SECT. 32 revised, 1972, 802 § 29. (See 1972, 802 § 77.)

SECT. 33 revised, 1945, 533 § 1; 1946, 363 § 7; amended, 1947, 645 § 3; 1948, 439 § 2; 1952, 509 § 3; 1955, 662 § 4; revised, 1959, 446 § 4; 1966, 614 § 9; amended, 1971, 779 § 4; revised, 1971, 1098 § 5. (See 1945, 722 § 2.)

SECT. 34 revised, 1943, 544 § 4; amended, 1952, 541 § 4; 1954, 158. (See 1943, 544 § 7A.)

SECTS. 33-34 repealed, 1972, 802 § 30. (See 1972, 802 § 77.)

SECT. 35 revised, 1972, 802 § 31. (See 1972, 802 § 77.)

SECTS. 36-42 repealed, 1972, 802 § 32. (See 1972, 802 § 77.)

SECT. 43 amended, 1943, 544 § 3; 1972, 802 § 33. (See 1943, 544 § 7A; 1972, 802 § 77.)

SECT. 44 amended, 1947, 643; revised, 1963, 690 § 1. (See 1963, 690 § 5.)

SECT. 45 revised, 1963, 690 § 2; amended, 1971, 112. (See 1963, 690 § 5.)

SECT. 45 revised, 1963, 690 § 2. (See 1963, 690 § 5.)

SECT. 46 revised, 1963, 690 § 3. (See 1963, 690 § 5.)

SECT. 47, last sentence stricken out, 1945, 700 § 2.

SECT. 48 amended, 1945, 700 § 3.

SECT. 49 amended, 1943, 544 § 3; revised, 1945, 526; paragraph added at end, 1963, 705. (See 1943, 544 § 7A.)

SECTS. 44-49 repealed, 1972, 802 § 32. (See 1972, 802 § 77.)

SECT. 50, sentence added at end, 1945, 472; section revised, 1972, 802 § 34. (See 1945, 722 § 2; 1972, 802 § 77.)

SECTS. 51 and 52 amended, 1943, 544 § 3. (See 1943, 544 § 7A.)

SECT. 51 revised, 1945, 510; 1972, 802 § 35. (See 1972, 802 § 77.)

SECT. 52 revised, 1945, 478; first sentence amended, 1963, 681.

SECT. 53 amended, 1949, 541 § 6.

SECT. 54 revised, 1943, 544 § 5. (See 1943, 544 § 7A.) Affected, 1955, 675 § 2.

SECTS. 52-54 repealed, 1972, 802 § 36. (See 1972, 802 § 77.)

SECT. 54A added, 1966, 239 (requiring certain officials not to accept or approve certain plans and specifications unless they bear the seal of a

registered architect or a registered professional engineer); amended, 1972, 802 § 37. (See 1972, 802 § 77.)

SECT. 55 amended, 1949, 541 § 7.

SECTS. 55-56 repealed, 1972, 802 § 38. (See 1972, 802 § 77.)

SECT. 57 revised, 1945, 533 § 2; 1948, 582 § 2; 1972, 802 § 39. (See 1945, 722 § 2; 1948, 582 § 3; 1954, 153; 1957, 487; 1972, 802 § 77.)

SECT. 59 revised, 1943, 544 § 6; 1945, 533 § 3; 1972, 802 § 40. (See 1943, 544 § 7A; 1945, 722 § 2; 1972, 802 § 77.)

SECT. 60 amended, 1945, 533 § 4; revised, 1972, 802 § 41. (See 1945, 722 § 2; 1972, 802 § 77.)

SECT. 61 revised, 1945, 674 § 2; 1972, 802 § 42. (See 1945, 722 § 2; 1972, 802 § 77.)

SECT. 62, sentence added at end, 1950, 509; six sentences added at end, 1956, 722; section revised, 1957, 519; sixth sentence stricken out, 1963, 616 § 1; section revised, 1972, 802 § 43. (See 1972, 802 § 77.)

SECT. 62A added, 1963, 616 § 2 (relative to the inspection of elevators in certain cities and towns); amended, 1972, 802 § 44. (See 1972, 802 § 77.)

SECT. 63 amended, 1972, 802 § 45. (See 1972, 802 § 77.)

SECT. 64 revised, 1963, 616 § 3; last sentence revised, 1966, 157; section revised, 1972, 802 § 46. (See 1972, 802 § 77.)

SECT. 65 revised, 1972, 802 § 47. (See 1972, 802 § 77.)

SECT. 66, first sentence revised, 1970, 182; section revised, 1972, 802 § 48. (See 1972, 802 § 77.)

SECT. 67 repealed, 1956, 481.

SECT. 68 amended, 1972, 802 § 49. (See 1972, 802 § 77.)

SECT. 69 revised, 1945, 643 § 2; first paragraph amended, 1972, 802 § 50; second paragraph amended, 1948, 144 § 2. (See 1959, 373; 1962, 288; 1972, 802 § 77.)

SECT. 70 revised, 1957, 257; 1959, 439 § 2; amended, 1972, 802 § 51; amended, 1973, 926. (See 1972, 802 § 77.)

SECTS. 71A-71C added, 1945, 626 § 1 (providing for the licensing of persons engaged in the construction and maintenance of elevators and escalators). (See 1945, 626 § 2.)

SECT. 71A revised, 1957, 637 § 1; fourth sentence revised, 1963, 801 § 78.

SECT. 71B, second sentence stricken out, 1956, 474; section revised, 1957, 637 § 2; sentence added, 1973, 985.

SECT. 71C revised, 1957, 637 § 3; paragraph (1) amended, 1972, 684 § 61. (See 1972, 684 § 136.)

SECT. 71D added, 1946, 495 (providing that persons engaged in certain work in the construction and maintenance of elevators and escalators need not be licensed as elevator constructors, maintenance men or repairmen); revised, 1957, 637 § 4.

SECT. 71E added, 1956, 475 (relative to the inspection, regulation and operation of moving stairways); revised, 1957, 637 § 4A.

SECT. 71F added, 1957, 637, § 5 (relative to the licensing of persons engaged in the construction of elevators, moving stairways and dumb-waiters).

SECT. 71G added, 1963, 616 § 4 (relative to the licensing of elevator op-

erators and the fees for such licenses); second sentence stricken out and four sentences inserted, 1968, 373 § 5; third sentence revised, 1969, 177 § 1. (See 1968, 373 § 6.)

SECTS. 71H-71O added, under caption, 1968, 565 § 1 (creating a recreational tramway board).

SECTS. 72-73 revised, 1971, 772 § 1.

SECT. 74 revised, 1941, 553 § 1; 1971, 772 § 1. (See 1941, 553 § 9.)

SECT. 75 revised, 1941, 553 § 2; amended, 1950, 112; 1968, 227 § 1; 1971, 772 § 2; amended, 1973, 925 § 54. (See 1941, 553 § 9; 1973, 925 § 54.)

SECT. 76 revised, 1941, 553 § 3; repealed, 1971, 772 § 3. (See 1941, 553 § 9.)

SECTS. 77 and 78 repealed, 1941, 553 § 4. (See 1941, 553 § 9.)

SECT. 79 revised, 1941, 553 § 5; 1968, 227 § 2; repealed, 1971, 772 § 3. (See 1941, 553 § 9.)

SECT. 80 repealed, 1941, 553 § 4. (See 1941, 553 § 9.)

SECT. 81 amended, 1971, 772 § 4.

SECT. 82 amended, 1941, 553 § 6; 1971, 772 § 5. (See 1941, 553 § 9.)

SECTS. 83-84 revised, 1971, 772 § 6.

SECT. 85 amended, 1941, 553 § 7; revised, 1955, 44. (See 1941, 553 § 9.)

SECT. 86 amended, 1941, 553 § 8; repealed, 1971, 772 § 7. (See 1941, 553 § 9.)

SECT. 88 repealed, 1971, 772 § 7.

SECT. 89 added, 1955, 152 § 1 (relative to the storage, distribution and exhibition of certain nitrate motion picture film); revised, 1971, 772 § 8.

SECT. 90 added, 1967, 339 (requiring certain bold face type in exculpatory provisions of contracts to repair or remodel dwellings).

SECTS. 91-92 added, 1972, 802 § 52 (regulating penalties and issued building permits under the new state building code). (See 1972, 802 § 77.)

Chapter 144. — Tenement Houses in Cities.

SECT. 1 revised, 1966, 707 § 5.

SECT. 94, second paragraph stricken out, 1966, 707 § 6.

SECT. 95 revised, 1966, 707 § 7.

SECTS. 95A, 95B and 95C added, 1966, 707 § 8 (relative to the service of all lawful process on non-resident owners of tenement houses in cities).

Chapter 145. — Tenement Houses in Town.

SECT. 1 revised, 1966, 707 § 9.

SECT. 17A added, 1934, 168 (relative to the erection of garages in the yards of certain tenement houses).

SECT. 59, second sentence stricken out, 1966, 707 § 10; sentence added at end, 1948, 550 § 26.

SECT. 60 revised, 1966, 707 § 11.

SECTS. 60A, 60B and 60C added, 1966, 707 § 12 (relative to the service of all lawful process on non-resident owners of tenement houses in towns).

Chapter 146. — Inspection of Boilers, Air Tanks, etc., Licenses of Engineers, Firemen, and Operators of Hoisting Machinery.

SECT. 1, definition of "Boiler" inserted, 1972, 225 § 1; definition of

"Inspector" revised, 1958, 486 § 3; definition of "Pressure vessel" inserted, 1972, 225 § 2.

SECT. 2 amended, 1941, 459; 1946, 336 § 1; revised, 1958, 525.

SECT. 4 amended, 1946, 336 § 2.

SECT. 6, sentence added, 1971, 365.

SECT. 7 amended, 1948, 321.

SECT. 13 amended, 1952, 153.

SECT. 14, first sentence revised, 1972, 189.

SECT. 16 revised, 1932, 180 § 28.

SECT. 18 amended, 1953, 35 § 1.

SECT. 22 revised, 1952, 541 § 1; 1971, 667 § 1; amended, 1972, 684 § 62. (See 1972, 684 § 136.)

SECT. 34 revised, 1938, 319 § 1; sentence inserted after first sentence, 1962, 139; sentence added at end, 1947, 620; same sentence revised, 1948, 146.

SECT. 35 amended, 1938, 319 § 2.

SECT. 38 amended, 1953, 35 § 2.

SECT. 40 revised, 1952, 541 § 2; amended, 1971, 667 § 2; first sentence amended, 1972, 684 § 63. (See 1972, 684 § 136.)

SECT. 45A added, under caption, 1963, 561 (providing for the inspection of certain refrigeration and air conditioning systems by the division of inspection in the department of public safety); last two sentences stricken out and three sentences inserted, 1963, 655; section revised, 1971, 570; amended, 1972, 684 § 64. (See 1972, 684 § 136.)

SECT. 46, first sentence amended, 1953, 207 § 1A.

SECT. 48, first paragraph stricken out and four paragraphs inserted, 1961, 306.

SECT. 49, last sentence revised, 1953, 207 § 1; section revised, 1962, 27 § 1; 1970, 568 § 1. (See 1953, 207 § 2; 1962, 27 § 2.)

SECT. 50 amended, 1935, 67; 1951, 36; revised, 1962, 574 § 1; 1970, 569; amended, 1973, 251.

SECT. 50A added, 1971, 605 (establishing the eligibility requirements for licensing certain nuclear steam power plant operators and engineers).

SECTS. 50B-50C added, 1972, 295 § 1 (requiring nuclear power plants to employ certain nuclear power plant engineers with certain powers and duties). (See 1972, 295 § 2.)

SECT. 52 repealed, 1948, 140.

SECT. 53, sentence added, 1965, 113.

SECT. 57 revised, 1952, 541 § 3; amended, 1971, 364; second sentence amended, 1972, 684 § 65. (See 1972, 684 § 136.)

SECT. 59 amended, 1971, 342.

SECT. 60 amended, 1951, 398; 1972, 684 § 66. (See 1972, 684 § 136.)

SECT. 62 revised, 1971, 363.

SECT. 63 amended, 1952, 154.

SECT. 64 revised, 1961, 310; two sentences inserted after second sentence, 1962, 574 § 2.

SECT. 65, third sentence revised, 1971, 574.

SECT. 67 revised, 1941, 525 § 1; amended, 1946, 180; revised, 1951, 393; 1952, 175; first sentence stricken out and four sentences inserted, 1968,

373 § 1; second sentence amended, 1972, 684 § 67. (See 1972, 684 § 136.) (See 1941, 525 § 2.)

SECT. 67A added, under caption, 1964, 680 § 1 (relative to the office of examiner for the certification of oil burner technicians).

SECT. 68 stricken out, 1953, 319 § 22. (See 1953, 319 §§ 39, 40.)

SECTS. 70-80 added, 1970, 647 (relative to the inspection of hot water heating boilers and their appurtenances).

Chapter 147. — State and Other Police, and Certain Powers and Duties of the Department of Public Safety.

SECT. 1A added, 1947, 668 § 1 (relative to the policing of reservations of the United States of America). (See 1947, 668 § 2.)

SECT. 4, two paragraphs added at end, 1963, 798 § 3.

SECT. 4A, sentence added, 1972, 805 § 6.

SECT. 4B added, 1939, 116 (providing that local police authorities and district attorneys be furnished with information relative to certain persons charged with or convicted of sex crimes, so called, upon their release or discharge from certain institutions); revised, 1954, 246; amended, 1970, 888 § 21. (See 1970, 888 § 31.)

SECT. 4C added, 1955, 771 § 2 (relative to the functions and duties of the criminal information bureau); subdivision (a) amended, 1969, 749 § 2; subdivision (b) amended, 1972, 805 § 7; subdivision (d) added, 1956, 365; section revised, 1973, 793 § 3.

SECT. 4D added, 1969, 434 § 1 (authorizing the department of public safety to make drug analyses and to issue certificates of the results which shall be prima facie evidence thereof). (See 1969, 434 § 2.)

SECT. 4E added, 1969, 749 § 3 (establishing the functions and duties of the narcotics unit of the state police criminal information bureau); revised, 1969, 889 § 23B; 1973, 793 § 4.

SECT. 4F added, 1972, 252 (qualifying the certificate of a chemist of the department of public safety as prima facie evidence of an analysis as to presence of sperm cells).

SECT. 6 amended, 1972, 802 § 53. (See 1972, 802 § 77.)

SECT. 8, third sentence revised, 1971, 1076 § 10. (See 1971, 1076 § 22.)

SECT. 8A added, 1938, 296 (authorizing the carrying of certain weapons by sheriffs, deputy sheriffs and special sheriffs, and certain officers in the department of correction); revised, 1939, 174.

SECT. 10 amended, 1934, 23.

SECT. 10A added, 1949, 148 (authorizing the appointment as special police officers of employees of the Port of Boston Authority).

SECT. 10B added, 1953, 536 (authorizing the appointment as special police officers of certain employees of the department of mental health); first two sentences stricken out and five sentences inserted, 1969, 386.

SECT. 10C added, 1956, 231 (authorizing the appointment as special police officers of certain employees of the department of public health); first two sentences stricken out and five sentences inserted, 1969, 388.

SECT. 10D added, 1957, 349 (providing for the appointment of employees of the Massachusetts Turnpike Authority as special police officers).

SECT. 10E added, 1957, 731 (providing for the appointment as special

police officers of employees of the Soldiers' Home in Holyoke and the Soldiers' Home in Massachusetts); first two sentences stricken out and five sentences inserted, 1969, 387.

SECT. 10F added, 1965, 381 (providing that police appointing authorities may appoint parking control officers); revised, 1969, 320.

SECT. 10G added, 1965, 565 (authorizing the appointment as special police officers of employees of colleges, universities and other educational institutions).

SECT. 10H added, 1968, 176 (authorizing the appointment as special police officers certain employees of the civil defense agency).

SECT. 10I added, 1969, 420 (authorizing the appointment of certain Middlesex County Sanatorium employees as special police officers by the commissioner of public safety).

SECT. 10J added, 1972, 360 (authorizing the appointment of employees of the division of employment security as special police officers).

SECT. 10K added, 1973, 126 (authorizing the appointment of state lottery commission employees as special police officers); revised, 1973, 1002 § 8.

SECT. 11 revised, 1967, 85.

SECTS. 13B and 13C added, under caption, 1939, 419 § 2 (providing for the ultimate abolition of reserve police forces in certain cities and towns).

SECT. 16A added, 1937, 85 § 1 (providing for one day off in every seven days for police officers in certain cities and towns); revised, 1938, 426 § 1.

SECT. 16B added, 1938, 426 § 2 (providing for one day off in every six days for police officers of certain cities and towns).

SECT. 16C added, 1951, 346 § 1 (providing for a five day work week for police officers in certain cities and towns).

SECT. 17 amended, 1937, 85 § 2; 1938, 426 § 3; 1951, 346 § 2; sentence added at end, 1954, 325; stricken out and two sentences inserted, 1961, 246 § 1; stricken out, 1970, 886 § 1.

SECT. 17A added, 1952, 268 (providing additional off duty and extra pay for police officers in certain cases); sentence inserted after first sentence, 1961, 200; section revised, 1962, 318; first sentence revised, 1965, 205; amended, 1968, 704; 1970, 547 § 5. (See 1970, 547 § 6.)

SECTS. 17B and 17C added, 1956, 349 (providing for a forty hour week for police officers of certain cities and towns and compensation for overtime service).

SECT. 17C amended, 1969, 872 § 2.

SECT. 17D added, 1961, 246 § 2 (providing that police officers in certain cities and towns shall be excused from duty without loss of pay while in attendance as official delegates at the annual convention of the Massachusetts Police Association); last sentence stricken out, 1970, 886 § 2.

SECT. 17E added, 1962, 321 § 1 (providing for the payment of overtime compensation owed to a police officer at the time of his death or retirement).

SECT. 17F added, 1969, 435 § 1 (providing extra pay for certain police heads for duty on certain holidays); amended, 1970, 547 § 5A. (See 1970, 547 § 6.)

SECT. 17G, 1969, 872 § 1 (providing overtime compensation for regular city, town and metropolitan district commission police).

SECT. 19, sentence added after the first sentence, 1939, 256 § 2. (See 1939, 256 § 3.)

SECT. 21A added, under caption, 1967, 430 (authorizing employment of police cadets).

SECTS. 22-30 and caption preceding section 22 stricken out and sections 22-30 inserted under the caption "PRIVATE DETECTIVE BUSINESS", 1960, 802 § 1. (See 1960, 802 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1959.

The following references are to sections 22-30, as so inserted:

SECT. 23, clause 10 added, 1962, 361.

SECT. 25, first paragraph, sentence added at end, 1968, 738 § 3; second paragraph, sentence inserted after first sentence, 1970, 43.

SECT. 26 amended, 1972, 684 § 68. (See 1972, 684 § 136.)

SECT. 28, paragraph added at end, 1968, 22.

SECT. 29, first paragraph, sentence inserted after second sentence, 1970, 42.

SECT. 29A added, 1973, 228 (requiring agencies employing armed guards to keep certain records).

SECT. 32 revised, 1935, 262 § 1.

SECT. 33 amended, 1935, 262 § 2.

SECT. 35 revised, 1934, 69; 1948, 199; amended, 1973, 1214 § 1.

SECT. 36 revised, 1932, 79.

SECT. 38 revised, 1947, 234; sixth sentence amended, 1953, 238.

SECT. 39 revised, 1948, 371; 1949, 371; 1950, 114; amended, 1972, 377; 1973, 1214 § 2.

SECT. 39A added, 1948, 232 (excluding certain persons who have been knocked out from participating in boxing or sparring matches).

SECT. 39B added, 1954, 177 (requiring certain persons licensed to conduct boxing matches to provide insurance for contestants).

SECT. 40 amended, 1952, 203; revised, 1956, 660.

SECT. 40A added, 1957, 623 § 3 (establishing a boxers' fund and regulating payments thereto); first paragraph amended, 1964, 367; paragraph added at end, 1959, 463.

SECT. 46 revised, 1958, 399.

SECT. 50A added, 1956, 357 (authorizing courses of instruction in boxing or sparring matches or exhibitions at certain boys' clubs, schools and recreational agencies).

SECTS. 52-55 added, under caption, 1971, 486 § 3 (licensing the game of Beano).

SECT. 52, first paragraph revised, 1972, 616 § 1; fourth paragraph, first sentence stricken out, 1972, 616 § 2; seventh paragraph revised, 1972, 93.

SECT. 53, first paragraph, second sentence revised, 1972, 102.

SECTS. 52-55 repealed, 1973, 729 § 2.

SECT. 56 added, 1972, 429 § 1 (prohibiting the sale of power lawnmowers without certain safety devices). (See 1972, 429 § 2.)

Chapter 148. — Fire Prevention.

SECT. 1, definition of "Head of the fire department" revised, 1945, 470; definition of "local licensing authority" amended, 1932, 102; revised, 1953, 230 § 1; three paragraphs added at end, defining "Board", "Building" and "Structure", 1945, 470. (See 1953, 230 § 2.)

SECT. 2 amended, 1948, 504.

SECT. 3 amended, 1945, 700 § 4.

SECT. 4 amended, 1945, 710 § 2; paragraph added at end, 1955, 662 § 6; revised, 1959, 446 § 5; amended, 1964, 123; 1972, 802 § 54. (See 1972, 802 § 77.)

SECT. 5, sentence in lines 16-17 amended, 1945, 463; last sentence stricken out, 1962, 456.

SECT. 5A added, 1962, 636 (prohibiting the use of a certain type of space heater in buildings used for human habitation).

SECT. 9 amended, 1945, 710 § 3.

SECT. 9A added, 1969, 903 (requiring the board of fire prevention to regulate the keeping, storage, manufacture, sale, use, launching, operation and flying of model rocket engines).

SECT. 10 revised, 1945, 710 § 4; third paragraph amended, 1948, 144 § 3.

SECT. 10A added, 1932, 75 (relative to the granting of certain permits and the making of certain inspections by municipal officers designated by the state fire marshal); revised, 1945, 479.

SECT. 10B added, 1954, 331 (establishing a penalty for the violation of any rule or regulation made by the board of fire prevention regulations).

SECTS. 10C-10H added, 1964, 680 § 2 (providing for the examination and certification of oil burner technicians and the establishment of fees therefor). (See 1964, 680 § 3.)

SECT. 10D, first sentence stricken out and two sentences inserted, 1970, 591; second sentence revised, 1972, 684 § 69; fifth sentence stricken out and four sentences inserted, 1968, 373 § 3; fifth sentence amended, 1972, 684 § 70. (See 1972, 684 § 136.)

SECT. 10E, second sentence stricken out and four sentences inserted, 1968, 373 § 4.

SECT. 13, first paragraph amended, 1932, 22 § 1; section amended, 1935, 123 § 1; revised, 1936, 394 § 1; first paragraph amended, 1945, 415 § 1; revised, 1945, 710 § 5; 1948, 550 § 27; amended, 1951, 329; 1953, 200; second paragraph amended, 1945, 710 § 6; paragraph inserted after second paragraph, 1958, 251; third paragraph amended, 1939, 333; 1945, 710 § 7; paragraph inserted, 1959, 353 § 1; fourth paragraph (as appearing in 1936, 394 § 1) amended, 1945, 710 § 8; last paragraph, as so appearing, amended, 1938, 99. (See 1932, 22 § 2; 1936, 394 §§ 2, 3; 1945, 415 § 2, 710 § 19; 1959, 353 § 2.)

SECT. 14 amended, 1938, 103.

SECT. 16 amended, 1941, 288.

SECT. 18 repealed, 1934, 182 § 2.

SECT. 19, sentence added at end, 1948, 550 § 28.

SECT. 20A added, 1946, 501 (relative to bonds to cover risk of damages from blasting operations conducted in several municipalities).

SECT. 20B added, 1967, 532 § 1 (relative to competency to conduct blasting operations); third sentence revised, 1972, 684 § 71; sixth sentence stricken out and four sentences inserted, 1968, 373 § 2; sixth sentence amended, 1972, 684 § 72. (See 1967, 532 § 2; 1972, 684 § 136.)

SECT. 20C added, 1972, 333 (establishing liability for damages caused by blasting without proof of negligence).

SECT. 21 amended, 1945, 710 § 9.

SECT. 22 amended, 1945, 710 § 10.

SECT. 23 amended, 1935, 123 § 2; first sentence revised, 1964, 155.

SECT. 23A added, 1948, 188 (prohibiting the use of inflammable anti-freeze solutions in fire hydrants).

SECT. 25A added, 1962, 688 § 1 (prohibiting the sale or installation of secondhand space heaters and secondhand portable stoves in buildings used for human habitation).

SECT. 25B added, 1962, 688 § 2 (prohibiting the use of space heaters in buildings used for human habitation).

SECT. 25C added, 1970, 29 (relative to the sale of certain decorating candles).

SECT. 25D added, 1973, 648 (regulating the manufacture and sale of certain types of children's clothing and sleepwear).

SECT. 26 amended, 1945, 481.

SECT. 26A added, 1973, 395 § 1 (requiring sprinkler systems in high rise buildings).

SECT. 27 amended, 1973, 395 § 2.

SECT. 27A added, 1932, 283 (relative to the protection of life and property from fire hazards incident to the present industrial emergency).

SECT. 27B added, 1962, 337 (prohibiting piling snow on fire hydrants so as to conceal the same or cover their outlets).

SECT. 28 amended, 1945, 710 § 12; paragraph B amended, 1972, 802 § 55; paragraph I revised, 1949, 512; amended, 1970, 81; revised, 1972, 802 § 56; paragraph J revised, 1958, 333; paragraph L amended, 1943, 546 § 4; revised, 1946, 363 § 9; amended, 1963, 680 § 1; 1972, 802 § 57; paragraph N added, 1946, 363 § 9; amended, 1972, 802 § 58; paragraph O added, 1966, 390; paragraph P added, 1969, 55. (See 1943, 546 § 5; 1963, 680 § 2; 1972, 802 § 77.)

SECT. 28A added, 1963, 689 (requiring the head of the fire department to report to the proper authority violations of the building laws); amended, 1972, 802 § 59. (See 1972, 802 § 77.)

SECT. 28B added, 1969, 190 (requiring notice by certain establishments to fire departments of the use of canine guards).

SECT. 29 amended, 1939, 205.

SECT. 30 amended, 1945, 710 § 13; first sentence revised, 1956, 214.

SECT. 31 amended, 1945, 460.

SECT. 38 amended, 1945, 710 § 14.

SECT. 38A added, 1938, 95 (prohibiting the removal of certain gasoline tanks without a permit).

SECT. 39 revised, 1943, 291 § 1; amended, 1966, 403; clause (9) added, 1956, 213; clause (10) added, 1966, 637; stricken out, 1967, 366; section revised, 1973, 1028 § 1.

SECT. 39A added, 1943, 291 § 2 (authorizing the making of rules and regulations for the granting of permits for supervised displays of fireworks); amended, 1945, 256; 710 § 15.

SECT. 40 amended, 1945, 710 § 16; sentence added at end, 1948, 550 § 29.

SECT. 42, sentence added at end, 1951, 184.

SECT. 46 amended, 1945, 710 § 17; revised, 1973, 1028 § 2.

SECT. 47 repealed, 1973, 1028 § 3.

SECTS. 48 and 49 repealed, 1946, 282.

SECT. 49A added, 1934, 182 § 1 (relative to the inspection of kerosene or any product thereof kept for sale for illuminating, heating or cooking purposes); repealed, 1946, 282.

SECT. 50 amended, 1943, 291 § 3.

SECT. 52A added, 1950; 258 (prohibiting the sale of exploding matches); revised, 1967, 178.

SECT. 53 repealed, 1943, 291 § 4.

SECT. 54 revised, 1948, 370 § 2; amended, 1952, 254.

SECT. 56, first sentence revised, 1962, 168 § 1; 338 § 22; second sentence revised, 1961, 397; last sentence amended, 1957, 172; sentence added, 1965, 444; revised, 1973, 1141 § 6. (See 1962, 168 §§ 2, 3; 338 §§ 23, 24.)

SECT. 57 added, 1969, 86 (prohibiting the installation of certain siding without an electrical permit).

Chapter 149. — Labor and Industries.

For temporary legislation authorizing the commissioner of labor and industries to suspend certain laws, rules and regulations relative to the employment of women and minors when necessary to provide relief from conditions resulting from the present shortage of man power, see 1943, 382.

For temporary legislation authorizing the commissioner of labor and industries to suspend certain laws, rules and regulations relative to the employment of women and minors when an emergency exists or conditions of hardship require or justify suspension, see 1947, 357 § 4; 1949, 332; 1950, 168; 1951, 167; 1952, 119; 1953, 236; 1954, 10; 1955, 106; 1956, 304; 1957, 162; 1958, 214; 1959, 45; 1960, 85; 1961, 84; 1962, 26; 1963, 1; 1965, 25.

For legislation relative to interstate compacts affecting labor and industry, see 1933, Res. 44; 1934, 383, Res. 25; 1935, 315 §§ 1-3; 1936, Res. 68; 1937, 404; 1943, 255.

SECT. 1, paragraph defining "Apprentice" inserted, 1967, 296 § 1; paragraph defining "buildings used for industrial purposes" or "industrial establishments" revised, 1962, 102; paragraph defining "co-operative courses" amended, 1939, 461 § 4; paragraph defining "discrimination" inserted, 1937, 367 § 1; paragraphs defining "employee" and "employer" inserted, 1945, 584 § 1; definition of "employee" amended, 1970, 760 § 1; definition of "employment" amended, 1945, 584 § 2; revised, 1945, 646; amended, 1970, 760 § 2; paragraph defining "employment permit", "permit for employment" or "employment certificate" inserted, 1939, 461 § 4A; revised, 1945, 133 § 3; paragraph defining "mercantile establishments" amended, 1936, 78.

SECT. 3 amended, 1970, 760 § 3.

SECT. 6 amended, 1934, 132 § 1; 1937, 249; first paragraph amended, 1970, 760 § 4; two paragraphs added at end, 1952, 155; third paragraph amended, 1961, 224; 1962, 710; paragraph added at end, 1954, 680 § 7. (See 1934, 132 § 2.)

SECT. 8 amended, 1943, 441.

SECT. 10 amended, 1970, 760 § 5.

SECT. 11 amended, 1935, 328; revised, 1950, 453.

SECT. 17 amended, 1945, 430; revised, 1961, 585; amended, 1970, 760 § 6.

SECTS. 18A-18I added, under caption, 1959, 614 (establishing safety orders applicable to longshore and waterfront operations).

SECT. 19A added, 1953, 117 (requiring the furnishing of copies of certain medical reports to employees).

SECT. 19B added, 1959, 255 (prohibiting the use of lie detector tests by employers as a condition of employment); revised, 1963, 797; 1973, 620.

SECT. 20A added, 1933, 351 § 1 (relative to the judicial enforcement of certain contracts relative to membership in labor or employers' organizations). (See 1933, 351 § 2.)

SECTS. 20B and 20C added, 1935, 407 § 1 (regulating the liability of labor unions and others involved in labor disputes, and defining labor disputes and other terms used in connection therewith). (See 1935, 407 § 6.)

SECT. 20C, first sentence amended, 1950, 452 § 1; subsection (c) stricken out and subsections (c)-(f) inserted, 1950, 452 § 2; sentence amended, 1973, 1114 § 13; subsection (e) amended, 1973, 1114 § 14. (See 1937, 436 § 10; G. L. 150A § 6 (h) inserted by 1938, 345 § 2; 1950, 452 §§ 5-7; 1973, 1114 § 351.)

SECT. 20D added, 1958, 678 (prohibiting the solicitation, acceptance or payment of money for the purpose of encouraging or discouraging the formation or functioning of a labor organization).

SECT. 21 revised, 1965, 234.

SECT. 22 amended, 1951, 166 § 1; 1955, 430; two sentences added at end, 1956, 471.

SECT. 22A added, 1969, 448 § 1 (prohibiting professional strikebreaking).

SECT. 23, first paragraph amended, 1951, 166 § 2; second paragraph amended, 1935, 114; revised, 1970, 213.

SECT. 23A added, 1934, 233 (regulating the employment of armed guards in connection with strikes, lockouts and other labor troubles).

SECT. 23B added, 1955, 241 (prohibiting the use of auxiliary police or other personnel organized under the civil defense laws in connection with any labor dispute).

SECT. 24 amended, 1933, 272; revised, 1950, 452 § 4. (See 1950, 452 §§ 5-7.)

SECTS. 24A-24J added, under the caption "DISCRIMINATION AGAINST CERTAIN PERSONS IN EMPLOYMENT ON ACCOUNT OF AGE", 1937, 367 § 2.

SECT. 24C amended, 1970, 760 § 7.

SECT. 24I revised, 1970, 760 § 8.

SECT. 24K added, 1972, 532 (prohibiting discrimination in employment against rehabilitated handicapped persons).

SECTS. 26 and 27 stricken out, and new sections 26-27D added, 1935, 461 (relative to preference and minimum wages of veterans and others in certain employments on certain public works).

SECT. 26 amended, 1947, 334; first sentence revised, 1954, 627 § 32; sentence added at end, 1956, 606 § 1; amended, 1960, 401 § 1; revised, 1964, 609 § 1; first paragraph, first sentence amended, 1967, 296 § 2; third sentence amended, 1967, 296 § 3; paragraph added at end, 1937, 346; same paragraph revised, 1938, 413; 1946, 591 § 46. (See 1954, 627 §§ 65, 67.)

SECT. 27, first sentence amended, 1967, 296 § 4; revised, 1973, 625 § 1; third sentence amended, 1967, 296 § 5; sentence inserted after third sentence, 1973, 625 § 2; last sentence revised, 1955, 180; last sentence stricken out and three sentences inserted, 1956, 606 § 2; last three sentences revised, 1960, 401 § 2; second from last sentence amended, 1964, 609 § 2; next to last sentence amended, 1964, 609 § 3.

SECT. 27B revised, 1965, 417; first paragraph, first sentence amended, 1967, 296 § 6; third paragraph, Statement of Compliance amended, 1967, 296 § 7.

SECT. 27C, second sentence stricken out and two sentences inserted, 1971, 744; last sentence stricken out and four sentences inserted, 1961, 475 § 1.

SECT. 27D amended, 1955, 453; revised, 1958, 364; 1961, 475 § 2.

SECT. 27E added, 1938, 67 (establishing residential requirements to be observed in the employment of certain persons by the department of public works).

SECT. 27F added, 1960, 795 (requiring payment of determined wages to operators of trucks and other equipment rented for use on public works).

SECT. 27G added, 1968, 537 (requiring payment of determined wages for contracts for moving of furniture and fixtures entered into by commonwealth).

SECT. 28 revised, 1948, 550 § 30.

SECT. 29 amended, 1935, 217 § 2; revised, 1935, 472 § 2; 1938, 361; 1955, 702 § 2; 1957, 682 § 1; first and second paragraphs revised, 1962, 696; first paragraph amended, 1964, 609 § 4; second paragraph amended, 1964, 609 § 5; second, third and fourth paragraphs stricken out and five paragraphs inserted, 1972, 774 § 5. (See 1955, 702 § 3; 1957, 682 § 3; 1972, 774 § 12.)

SECT. 29A added, 1949, 185 (relative to the enforcement of certain surety bonds by persons furnishing labor and materials on private building projects); amended, 1972, 399.

SECT. 30 revised, 1936, 367 § 1; 1947, 680 § 1.

SECT. 30A added, 1947, 677 § 1 (further regulating the work hours of certain persons employed by the commonwealth); amended, 1949, 780; 1950, 439; revised, 1952, 626; 1955, 643 § 6; amended, 1960, 430 § 1; 1963, 798 § 4; next to last sentence stricken out, 1960, 614 § 1; section

amended, 1969, 838 § 60; 1970, 758 § 1; revised, 1973, 271. (See 1947, 677 §§ 2, 3; 1955, 643 § 12; 1960, 430 § 2, 614 § 3; 1969, 838 § 74.)

SECT. 30B added, 1960, 614 § 2 (relative to the payment of overtime to certain employees of the commonwealth); revised, 1960, 762 § 1; amended, 1963, 798 § 5; 1962, 748; 1969, 838 § 61; 1970, 758 § 2. (See 1960, 614 § 3, 762 § 2; 1969, 838 § 74.)

SECT. 30C added, 1971, 1004 § 7 (relative to compensation for overtime work by certain employees of the commonwealth).

SECT. 32 revised, 1945, 680.

SECT. 33A added, 1947, 649 (authorizing a forty hour week for employees of certain cities and towns); revised, 1948, 657.

SECT. 33B added, 1950, 653 (further regulating the work hours of persons employed by cities and towns).

SECT. 33C added, 1961, 510 (requiring the payment of overtime to certain city and town employees at the rate of one and one-half times their regular rate of compensation).

SECT. 33D added, 1973, 507 (authorizing leave of absences with pay to public employees for certain blood donations).

SECT. 34 amended, 1936, 367 § 2; revised, 1947, 680 § 2.

SECT. 34A added, 1938, 438 (requiring contractors on public buildings and other public works to provide and continue in force, during the full term of the contract, insurance under the Workmen's Compensation Law, so called).

SECT. 34B added, 1939, 252 (regulating the rate of compensation paid to reserve police officers by contractors on certain public works).

SECT. 34C added, 1947, 680 § 3 (concerning the applicability of certain provisions of law relative to hours of labor on public works).

SECT. 36 amended, 1942, 1 § 7; revised, 1957, 91. (See 1942, 1 § 9.)

SECT. 39 revised, 1935, 444 § 1; 1954, 632 § 1. (See 1935, 444 § 2.)

SECT. 40 revised, 1945, 426 § 1; repealed, 1954, 632 § 2. (See 1945, 426 § 2.)

SECTS. 44A-44E stricken out and sections 44A-44L inserted, 1956, 679 § 1. (See 1956, 679 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1960.

The following references are to sections 44A-44L, as so inserted:

SECT. 44A, second sentence revised, 1957, 590 § 1; first paragraph revised, 1960, 692; amended, 1967, 535 § 1; paragraph added, 1967, 535 § 2; paragraph added, 1967, 899.

SECT. 44B, subsection (1) revised, 1973, 1008 § 1; subsection (2) amended, 1961, 604 § 1; subsection (3), second sentence revised, 1960, 771 § 2; amended, 1961, 604 § 2; subsection (4) revised, 1963, 445 § 1; 1973, 1008 § 2.

SECT. 44C, second sentence amended, 1962, 645; revised, 1963, 267; 1964, 523; third sentence revised, 1957, 590 § 2; paragraph added at end, 1961, 604 § 3; 1970, 497.

SECT. 44D, second sentence revised, 1961, 604 § 4; section revised, 1965, 598.

SECT. 44F revised, 1960, 771 § 3; paragraph added at end, 1961, 604 § 5.

SECT. 44G, first line of "Form for Sub-Bid" revised, 1965, 836 § 1; paragraph C of said form revised, 1965, 836 § 2; paragraph D of said form revised, 1960, 771 § 4; paragraph E of said form revised, 1961, 604 § 6; 1965, 836 § 3. (See 1965, 836 §§ 7, 8.)

SECT. 44H, first sentence revised, 1963, 445 § 2; second sentence amended, 1965, 836 § 4; last sentence of first paragraph stricken out and two sentences inserted, 1960, 771 § 5; fourth sentence amended, 1965, 836 § 5; second paragraph amended, 1965, 836 § 6; paragraph added at end, 1960, 771 § 6; 1961, 604 § 7. (See 1965, 836 § 8.)

SECT. 44I, paragraph (3) revised, 1960, 771 § 7; paragraph (5) added, 1960, 771 § 8; paragraph (6) added, 1967, 884.

SECT. 44K revised, 1957, 590 § 3; 1967, 535 § 3.

SECT. 48 revised, 1935, 185, 423 § 3; amended, 1938, 320; revised, 1939, 235 § 1.

SECT. 49 amended, 1937, 221; revised, 1938, 295; 1961, 70 § 1.

SECT. 50 revised, 1933, 225; amended, 1935, 423 § 1; revised, 1961, 70 § 2.

SECT. 50A added, 1935, 423 § 2 (making one day's rest in seven law applicable to watchmen and employees maintaining fires in certain establishments).

SECT. 51 revised, 1939, 235 § 2.

SECT. 51A added, 1954, 93 (authorizing exemptions from the law requiring one day's rest in seven).

SECT. 51B added, 1958, 593 (providing that certain injured workers shall have preference in re-employment); sentence added at end, 1969, 336.

SECT. 52, first sentence amended, 1968, 167; last sentence revised, 1961, 47.

SECT. 52A added, 1956, 385 (providing for leave of absence from work for training for employees who are members of organized units of the ready reserve of the armed forces of the United States).

SECT. 53 amended, 1968, 331 § 1.

SECT. 53A added, 1968, 331 § 2 (limiting weight permitted to be lifted by female employees).

SECT. 55 revised, 1945, 87.

SECT. 56 amended, 1932, 110 § 1; revised, 1935, 200; first sentence stricken out and two sentences inserted, 1939, 377; first sentence amended, 1941, 574, 610 § 1; 1947, 161; revised, 1947, 368; amended, 1948, 196; revised, 1961, 44; amended, 1970, 760 § 9; sentence inserted after first sentence, 1967, 357 § 1; fourth sentence amended, 1970, 760 § 10; first paragraph, next to last sentence revised, 1966, 183; sentence inserted before last sentence, 1971, 95; sentence added at end, 1941, 610 § 1; revised, 1967, 357 § 2; paragraph added at end, 1946, 241 § 1. (See 1941, 610 §§ 2, 3.)

SECT. 57 amended, 1932, 110 § 2.

SECT. 59 amended, 1933, 193 § 1; 1936, 170 § 1; revised, 1947, 357 § 1; 1965, 448; first paragraph amended, 1968, 323 § 1; 1969, 201; second para-

graph amended, 1968, 323 § 2. (For prior temporary legislation authorizing the commissioner of labor and industries to suspend certain provisions relative to the hours of employment of women in the textile and leather industries, see 1933, 347; time for suspension as to the textile industry extended, 1935, 429; 1936, 154; 1937, 153; 1938, 68; 1939, 96; 1941, 154; 1943, 306; 1945, 14; 1946, 96. For prior temporary legislation suspending certain provisions relative to the hours of employment of women and children in the textile industry and to their meal periods, 1946, 127, 560.)

SECT. 60 revised, 1935, 203; paragraph added at end, 1939, 193 § 1; section revised, 1939, 273, 461 § 5; 1947, 109 § 1; amended, 1955, 113; second paragraph, second sentence revised, 1969, 107; paragraph added at end, 1962, 107 § 2; paragraph added, 1967, 267. (See 1939, 461 § 13.)

SECT. 61, clause (1) revised, 1946, 241 § 2; section amended, 1954, 98; last sentence stricken out, 1954, 240 § 1.

SECT. 62, clause (13) amended, 1934, 328 § 19; section amended, 1945, 337; clause (15) added, 1946, 171; amended, 1954, 240 § 2; last sentence revised, 1962, 452; amended, 1966, 43.

SECT. 62A added, 1967, 165 (allowing certain minor vocational agricultural students to perform certain work).

SECT. 65 amended, 1939, 352; revised, 1939, 461 § 6.

SECT. 66 amended. 1933, 193 § 2; 1936, 170 § 2; 1939, 255; 1946, 48; affected, 1946, 127, 560; section revised, 1947, 357 § 2; 1961, 69; amended, 1962, 60; amended, 1967, 95; revised, 1968, 323 § 3; 1971, 417.

SECT. 67 revised, 1939, 348; amended, 1961, 68; revised, 1973, 925 § 55. (See 1973, 925 § 84.)

SECTS. 69-73. See 1934, 114.

SECT. 69 amended, 1939, 461 § 7.

SECT. 70, sentence added at end, 1939, 94; section revised, 1945, 133 § 4.

SECT. 71 amended, 1945, 133 § 5; revised, 1958, 38.

SECT. 73 revised, 1939, 461 § 8; amended, 1955, 503.

SECTS. 69-73 revised, 1972, 47.

SECT. 78 amended, 1934, 292 § 1; 1954, 240 § 3.

SECT. 79 amended, 1954, 291; revised, 1961, 43.

SECT. 84 amended, 1932, 180 § 29.

SECT. 86 revised, 1939, 461 § 9; first paragraph revised, 1947, 109 § 2.

SECT. 87 revised, 1939, 461 § 10; paragraph inserted after subsection (4) (e), 1952, 63.

SECT. 88 amended, 1945, 133 § 6.

SECT. 89 revised, 1945, 133 § 7.

SECT. 90 revised, 1945, 133 § 8.

SECT. 94 revised, 1939, 461 § 11.

SECT. 95, first paragraph amended, 1945, 133 § 9; 1956, 234 § 1; second paragraph amended, 1956, 234 § 2.

SECT. 95A added, 1970, 798 (authorizing employment of certain minors between the ages of sixteen and eighteen in industry while attending school).

SECT. 100 amended, 1939, 280; affected, 1946, 127, 560; section revised, 1947, 357 § 3; 1957, 723; 1958, 461; amended, 1968, 323 § 4.

SECT. 101 revised, 1938, 335; amended, 1955, 111.

SECT. 104 amended, 1932, 27; 1939, 193 § 2; revised, 1954, 110; sentence inserted after first sentence, 1962, 107 § 1.

SECTS. 105A-105C added, under caption, 1945, 584 § 3 (penalizing discriminatory wage rates based on sex).

SECT. 105A revised, 1947, 565; 1951, 180.

SECT. 105C amended, 1970, 760 § 11.

SECT. 105D added, 1972, 790 § 1 (requiring employers to grant maternity leave to certain employees).

SECT. 106, sentence added at end, 1955, 373 § 1; section revised, 1956, 89.

SECT. 113 revised, 1934, 255; amended, 1955, 426; 1968, 158; revised, 1969, 114; revised, 1973, 388.

SECT. 117 revised, 1935, 208; 1961, 222.

SECT. 118 amended, 1961, 438.

SECT. 126 revised, 1945, 528; first sentence revised, 1954, 349; amended, 1972, 802 § 60; second and third sentences revised, 1963, 38. (See 1972, 802 § 60.)

SECT. 127 revised, 1951, 38.

SECT. 129 revised, 1963, 36.

SECT. 129A added, 1949, 305 (requiring the shoring of certain excavations); revised, 1956, 431.

SECT. 129B added, 1964, 233 (prohibiting certain employers from requiring or knowingly permitting employees to use devices, commonly known as stilts, in the performance of their work); revised, 1967, 261.

SECT. 129C added, 1969, 680 (providing penalties for permitting certain linemen to work on certain live wires without certain help).

SECT. 130 revised, 1954, 59.

SECT. 133, sentence added at end, 1955, 373 § 2; section revised, 1955, 669 § 1. (See 1955, 669 § 2.)

SECT. 135 amended, 1933, 64; revised, 1961, 225.

SECT. 139 amended, 1955, 92.

SECT. 140 repealed, 1953, 57.

SECT. 141A added, 1949, 255 (limiting the weight to be lifted by hand by certain employees in textile factories).

SECTS. 142A-142F added, under caption, 1933, 304 (regulating the sale, distribution, storage and use of benzol and its compounds).

SECT. 142A amended, 1935, 463 § 1; revised, 1949, 591 § 1; 1955, 469 § 1. (See 1955, 469 § 7.)

SECT. 142B revised, 1935, 463 § 2; 1949, 591 § 2; 1955, 469 § 2. (See 1955, 469 § 7.)

SECT. 142C revised, 1955, 469 § 3. (See 1955, 469 § 7.)

SECT. 142D amended, 1949, 591 § 3; revised, 1955, 469 § 4. (See 1955, 469 § 7.)

SECT. 142E revised, 1949, 591 § 4; 1955, 469 § 5. (See 1955, 469 § 7.)

SECT. 142F amended, 1949, 591 § 5; revised, 1955, 469 § 6. (See 1955, 469 § 7.)

SECT. 142G added, 1955, 469 § 6 (providing for the enforcement of cer-

tain rules and regulations relative to the use, storage and sale of certain materials and substances hazardous to health).

SECT. 147A added, 1932, 234 (requiring the furnishing of certain information to the department of labor and industries with respect to the performance of certain industrial work in tenements and dwelling houses).

SECTS. 143-147A, and the heading above section 143, stricken out, and new sections 143-147H inserted, under the heading "INDUSTRIAL HOMEWORK", 1937, 429.

SECT. 143 revised, 1945, 600 § 1; 1955, 764 § 1. (See 1955, 764 § 13.)

SECT. 143A added, 1955, 764 § 2 (relative to protection of health and well being of industrial home workers). (See 1955, 764 § 13.)

SECT. 144 amended, 1945, 600 § 2; 1955, 764 § 3; 1962, 253. (See 1955, 764 § 13.)

SECT. 145 amended, 1955, 764 § 4. (See 1955, 764 § 13.)

SECT. 146A added, 1955, 764 § 5 (relative to the distribution of industrial homework). (See 1955, 764 § 13.)

SECT. 147 amended, 1941, 539; first paragraph amended, 1945, 600 § 3; 1955, 764 § 6; 1958, 666 § 1; second paragraph amended, 1953, 247; revised, 1955, 764 § 7. (See 1955, 764 § 13.)

SECT. 147A amended, 1939, 461 § 12; paragraph added at end, 1955, 764 § 8; revised, 1958, 666 § 2. (See 1955, 764 § 13.)

SECT. 147B amended, 1945, 600 § 4.

SECT. 147C amended, 1945, 600 § 5; 1955, 764 § 9. (See 1955, 764 § 13.)

SECT. 147D amended, 1945, 600 § 6; 1955, 764 § 10. (See 1955, 764 § 13.)

SECT. 147E amended, 1955, 764 § 11. (See 1955, 764 § 13.)

SECT. 147G amended, 1945, 600 § 7; 1955, 764 § 12. (See 1955, 764 § 13.)

SECT. 147H amended, 1966, 535 § 12.

SECT. 148, last sentence amended, 1932, 101 § 1; section revised, 1935, 350; 1936, 160; first paragraph revised, 1955, 506; paragraph inserted after first paragraph, 1943, 467; paragraph inserted after third paragraph, 1943, 378; same paragraph amended, 1943, 563; revised, 1946, 414; last paragraph amended, 1951, 28; section revised, 1956, 259; first paragraph revised, 1960, 416; amended, 1966, 319; 1970, 760 § 12; 1971, 387; sixth paragraph revised, 1971, 590.

SECT. 150, sentence added at end, 1932, 101 § 2.

SECT. 150A added, 1938, 403 (requiring employers to furnish certain information to employees relative to deductions from wages for social security and unemployment compensation benefits); revised, 1960, 246; 1961, 400.

SECT. 150B added, 1943, 385 (prohibiting labor unions from requiring payment of certain fees as a condition of securing or continuing employment).

SECT. 152A added, 1952, 490 (prohibiting the payment by an employee to an employer of tips or gratuities received during the course of employment); sentence added, 1966, 350.

SECT. 156 amended, 1935, 363 § 1; 1941, 164. (See 1935, 363 § 2.)

SECT. 157A added, 1933, 268 (insuring to piece or job workers in factories and workshops information relative to their compensation).

SECT. 159A added, 1937, 342 § 1 (to prevent the misleading of patrons

of certain places as to the beneficiaries of tips given to hat-check and cigarette girls and the like); revised, 1973, 370.

SECT. 159B added, 1949, 241 (requiring payment by employers for medical examinations of present or prospective employees in certain cases).

SECT. 168A added, 1969, 883 (requiring employers entering into certain farm labor contracts to give notice thereof to the department of labor and industries).

SECT. 170 amended, 1945, 580 § 8. (See 1945, 580 § 9.)

SECT. 171 revised, 1948, 487.

SECT. 178A added, 1932, 175 (authorizing the payment of small amounts of wages or salary of intestate employees to certain next of kin without administration); sentence added at end, 1953, 436 § 4; section revised, 1954, 562 § 4.

SECT. 178B added, 1947, 189 § 1 (to authorize deductions from wages of employees of districts and municipalities for making certain payments to credit unions of such employees); revised, 1956, 144; 1966, 458; first sentence revised, 1968, 558; 1969, 785; 1970, 292. [For prior legislation, see G. L. chapter 171 § 6A (1946, 184) repealed by 1947, 189 § 2.]

SECT. 178C added, 1953, 436 § 5 (relative to the payment of salaries, wages or other sums owing by the commonwealth or certain political subdivisions thereof upon the death of their officers or employees); revised, 1954, 562 § 5. (See 1953, 436 § 7.)

SECT. 178D added, 1958, 460 (protecting the right of public employees to join vocational or labor organizations); third sentence revised, 1969, 171; stricken out, 1972, 792; sentence added at end, 1962, 504; section repealed, 1973, 1078 § 1. (See 1973, 1078 § 7.)

SECT. 178E added, 1959, 552 (providing that a certain portion of a dividend or rate reduction under a group insurance policy should be applied for the sole benefit of certain insured employees).

SECT. 178F added, 1964, 637 (authorizing state employees to join and to act on behalf of certain organizations representing employees of the commonwealth and to enter into certain agreements with state departments or agencies relative to working conditions); revised, 1967, 774; subsection (10), first paragraph amended, 1972, 713 § 1; second paragraph revised, 1972, 713 § 2.

SECTS. 178G-178N added, 1965, 763 § 2 (providing for the election of representative bargaining agents with political subdivisions of the commonwealth).

SECTS. 178F-178N repealed, 1973, 1078 § 1. (See 1973, 1078 § 7.)

SECT. 178G, definition of "Employee" revised, 1966, 156.

SECT. 178H, subsection (2) amended, 1971, 410; subsection (4A) inserted, 1972, 713 § 3; subsection (5) added, 1967, 746.

SECT. 178I, first paragraph, third sentence revised, 1968, 633; two sentences stricken out and one sentence inserted, 1969, 128 § 2; sentence added, 1967, 514 § 1; second paragraph amended, 1967, 514 § 2; second sentence amended, 1969, 341; revised, 1970, 340.

SECT. 178J, subsection (b) amended, 1972, 490.

SECT. 178K amended, 1970, 445; sentence added, 1972, 375.

SECT. 178L amended, 1970, 463 § 1; third paragraph, last sentence stricken out and paragraph inserted, 1972, 713 § 4.

SECT. 178O added, 1972, 353 (requiring employer to notify employee whose employment is being terminated of employee's group insurance coverage termination date).

SECT. 179B added, 1941, 642 (requiring the giving of notice to the Commissioner of Labor and Industries of the commencement or a change of location of operations by industries in this commonwealth).

Chapter 150. — Conciliation and Arbitration of Industrial Disputes.

SECT. 3 amended, 1938, 364 § 1; 1939, 111.

SECT. 5 revised, 1938, 364 § 2.

SECT. 7, fifth sentence amended, 1946, 590 § 1; 1957, 481.

SECT. 9, last sentence amended, 1946, 590 § 2.

SECT. 10 revised, 1973, 1192 § 3.

SECT. 11 added, 1949, 548 (providing that certain agreements for the arbitration and conciliation of labor disputes shall be valid); repealed, 1959, 546 § 3. (See 1959, 546 § 4.)

Chapter 150A. — Labor Relations.

New chapter inserted, 1938, 345 § 2 (incorporating the provisions of 1937, 436, relative to labor relations as an addition to the General Laws). (See 1938, 345 §§ 3, 4.)

SECT. 1, paragraph added at end, 1964, 576 § 1; amended, 1968, 513 § 1; paragraph added at end, 1968, 513 § 2. (See 1964, 576 § 10.)

SECT. 2, subsections (2) and (3) revised, 1964, 576 § 2; subsection (2) amended, 1968, 513 § 3; subsection (3) amended, 1968, 513 § 4; 1970, 760 § 12A; revised, 1970, 882 § 1; subsection (9) added, 1951, 615 § 1; subsections (10) and (11) added, 1964, 576 § 3. (See 1964, 576 § 10.)

SECT. 3 revised, 1951, 615 § 2.

SECT. 3A added, 1970, 760 § 12B (further defining "employee" and his rights).

SECT. 4, subsection (2) amended, 1956, 286; subsection (3) revised, 1947, 657 § 1; subsection (6) added, 1947, 657 § 2.

SECT. 4A revised, 1947, 657 § 3.

SECT. 4B added, 1947, 657 § 3 (making it an unfair labor practice for a labor organization to refuse to bargain collectively in certain cases).

SECT. 4C added, 1964, 576 § 4 (relative to unfair labor practices of health care facilities or of nurse employees of health care facilities); amended, 1968, 513 § 5; revised, 1969, 133 § 1. (See 1964, 576 § 10.)

SECT. 5, subsection (a) revised, 1951, 615 § 3; subsection (b) amended, 1939, 318; revised, 1951, 615 § 4; 1964, 576 § 5; subsection (c) amended, 1947, 657 § 4; 1964, 576 § 6. (See 1964, 576 § 10.)

SECT. 5A added, 1970, 882 § 2 (relative to agricultural workers).

SECT. 6, subsection (a) amended, 1947, 657 § 5; revised, 1964, 576 § 7; subsection (e) amended, 1954, 681 § 10; subsection (f) amended, 1954, 681 § 11; 1973, 382; subsections (e) and (f) revised, 1973, 1114 § 15; subsection (h) amended, 1941, 261; subsections (h) and (i) revised, 1973, 1114 § 16. (See 1964, 576 § 10; 1973, 1114 § 351.)

SECTS. 6A-6C added, 1947, 657 § 6 (relative to membership in labor organizations where such membership is required as a condition of employment).

SECT. 7, first paragraph amended, 1947, 657 § 7.

SECT. 9 amended, 1947, 657 § 8; revised, 1964, 576 § 8. (See 1964, 576 § 10.)

SECT. 9A added, 1964, 576 § 9 (providing for the submission to arbitration of certain grievances or disputes between a health care facility and its nurse employees); amended, 1968, 513 § 6; revised, 1969, 133 § 2. (See 1964, 576 § 10.)

SECT. 10, subsection (b) revised, 1945, 354; 1947, 657 § 9.

Chapter 150B. — Peaceful Settlement of Industrial Disputes Dangerous to Public Health and Safety.

New chapter inserted, 1947, 596.

SECTS. 3 and 4 revised, 1954, 557 § 1.

SECT. 5, subsection (b) revised, 1973, 1114 § 17. (See 1973, 1114 § 351.)

SECT. 8 added, 1954, 557 § 2 (relative to compensation for persons appointed as moderators, commissioners or board members in matters relating to peaceful settlement of industrial disputes).

Chapter 150C. — Collective Bargaining Agreements to Arbitrate.

New chapter inserted, 1959, 546 § 1. (See 1959, 546 § 4.)

Chapter 150D. — Registration of Labor Replacements or Strike Breakers.

New chapter inserted, 1960, 738.

SECT. 1 revised, 1962, 443 § 1.

SECT. 3 revised, 1962, 443 § 2.

SECT. 5, first paragraph revised, 1962, 443 § 3.

Chapter repealed, 1969, 448 § 2.

Chapter 150E. — Labor Relations: Public Employees.

New chapter inserted, 1973, 1078 § 2. (See 1973, 1078 § 7.)

Chapter 151. — Minimum Fair Wages (former title, Minimum Fair Wages for Women and Minors).

Chapter stricken out, and new chapter 151 inserted, 1934, 308 § 1. (See 1934, 308 §§ 2, 3; 1935, 267. See also 1933, Res. 44; 1934, 383 Res. 25.)

Chapter stricken out, and new chapter 151 (with new title) inserted, 1937, 401 § 1. (See 1937, 401 §§ 2, 3.)

Chapter stricken out, and new chapter 151 (with new title) inserted, 1947, 432 § 1 (incorporating as part of the General Laws, 1946, 545 which extended the minimum wage law, so called, to adult male persons). (See 1947, 432 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 151, as so inserted:

SECT. 1, sentence added at end, 1949, 777 § 1; amended, 1952, 558 § 1; 1955, 762 § 1; revised, 1956, 740 § 1; amended, 1958, 620 § 1; revised, 1962, 134 § 1; amended, 1962, 134 § 4; revised, 1964, 644 § 1; amended, 1964, 644 § 4; revised, 1966, 679 § 1; amended, 1966, 679 § 4; revised, 1971, 892 § 1; amended, 1972, 752 § 1; section revised, 1973, 1192 § 4. (See 1949, 777 §§ 2, 4; 1955, 762 § 4; 1956, 740 § 4; 1958, 620 § 3; 1962, 134 §§ 7, 8, 9; 1964, 644 §§ 7-11; 1966, 679 §§ 9, 10; 1971, 892 § 3; 1972, 752 § 3.)

SECT. 1A added, 1960, 813 (establishing a minimum rate for hours worked in excess of forty hours in a work week); revised, 1961, 431; clause (9) revised, 1962, 155; clause (11) amended, 1961, 576 § 1; clause (15) revised, 1965, 416; clause (16) revised, 1969, 108; clause (18) added, 1962, 153; clause (19) added, 1967, 718 § 1. (See 1961, 576 § 2; 1967, 718 § 2.)

SECT. 1B added, 1962, 371 (providing criminal and other penalties for failure to pay statutory overtime rates of compensation).

SECT. 2, definition of "A directory order" stricken out, 1952, 558 § 2; paragraph defining "Agricultural and farm work" inserted, 1967, 718 § 2A; definitions of "Commission" and "Wage board" stricken out, 1973, 1192 § 5; definition of "Occupation" revised, 1948, 362; amended, 1952, 558 § 3; revised, 1954, 174; amended, 1959, 190; revised, 1967, 718 § 2; amended, 1970, 760 § 13. (See 1967, 718 § 10.)

SECT. 2A added, 1967, 718 § 3 (establishing a minimum wage for farm workers); amended, 1967, 718 §§ 6 and 8; 1970, 509 § 1. (See 1967, 718 § 10; 1970, 509 § 2.)

SECT. 2B added, 1971, 695 § 1 (providing compulsory health insurance for migrant workers). (See 1971, 695 § 2.)

SECT. 3, clause 2 amended, 1970, 760 § 14.

SECT. 5, last sentence amended, 1962, 479.

SECTS. 4-6 repealed, 1973, 1192 § 6.

SECT. 7, first two sentences stricken out and three sentences inserted, 1957, 202; fifth sentence amended, 1969, 397 § 1; paragraph added at end, 1952, 558 § 4; revised, 1953, 515; amended, 1955, 762 § 2; revised, 1956, 740 § 2; 1958, 616 § 1; 1959, 551 § 1; 1962, 134 § 2; amended, 1962, 134 § 5; 1963, 586 § 1; 1963, 586 § 2; revised, 1964, 644 § 2; amended, 1964, 644 § 5; 1965, 334 §§ 1, 2; second paragraph revised, 1966, 679 § 2; amended, 1966, 679 § 5; 1969, 397 § 2; 1970, § 307; revised, 1971, 892 § 2; 1972, 752 § 2; paragraph added at end, 1956, 681; section revised, 1973, 1192 § 7. (See 1952, 558 § 5; 1955, 762 § 4; 1956, 185, 740 § 4; 1958, 616 § 2; 1959, 551 § 2; 1962, 134 §§ 7, 8, 9; 1963, 586 §§ 3, 4; 1964, 644 §§ 7-11; 1965, 334 §§ 3, 4; 1966, 679 §§ 9, 10; 1971, 892 § 3; 1972, 752 § 3.)

SECT. 8, last sentence revised, 1952, 558 § 6; section repealed, 1973, 1192 § 8.

SECT. 9 revised, 1957, 225; 1958, 27; amended, 1961, 272; revised, 1973, 1192 § 9.

SECT. 10, first sentence revised, 1952, 558 § 7; section revised, 1973, 1192 § 10.

SECT. 11, first sentence amended, 1952, 558 § 8; section revised, 1973, 1192 § 11.

SECT. 12 revised, 1952, 558 § 9.

SECT. 13 amended, 1952, 558 § 10.

SECTS. 12-13 repealed, 1973, 1192 § 12.

SECT. 14, paragraph added at end, 1959, 123; section revised, 1973, 1192 § 13.

SECT. 15 amended, 1950, 349 § 1.

SECT. 16 amended, 1952, 558 § 11; 1970, 760 § 15; 1973, 1192 § 14.

SECT. 17 amended, 1970, 760 § 16.

SECT. 18 repealed, 1973, 1192 § 15.

SECT. 19, paragraph (1) revised, 1962, 86; paragraph (2) revised, 1949, 777 § 3; 1952, 558 § 12; amended, 1955, 762 § 3; revised, 1956, 740 § 3; amended, 1958, 620 § 2; revised, 1962, 134 § 3; amended, 1962, 341, 134 § 6; revised, 1964, 644 § 3; amended, 1964, 644 § 6; revised, 1966, 679 § 3; amended, 1966, 679 § 6; paragraph (2A) added, 1967, 718 § 4; amended, 1967, 718 §§ 7 and 9; paragraph (3) amended, 1970, 760 § 17; paragraph (5) added, 1965, 335; revised, 1966, 22; section revised, 1973, 1192 § 16. (See 1949, 777 §§ 2, 4; 1955, 762 § 4; 1956, 740 § 4; 1958, 620 § 3; 1962, 134 §§ 7, 8, 9; 1964, 644 §§ 7-11; 1966, 679 §§ 9, 10; 1967, 718 § 10.)

SECT. 20, first sentence amended, 1962, 399 §§ 1, 2; section revised, 1973, 1192 § 17. (See 1962, 399 § 3.)

SECT. 20A added, 1950, 349 § 2 (establishing a time during which certain actions may be brought under the minimum wage law); revised, 1967, 329.

Chapter 151A. — Employment Security (former title, Unemployment Compensation).

For legislation providing for the payment of unemployment compensation benefits to persons upon termination of service in the military or naval forces of the United States during the present national emergency, see 1941, 701; 1943, 319; 1946, 168.

New chapter inserted, 1935, 479 § 5. (See 1935, 479 §§ 6, 7; 1936, 12 § 3, 249 § 16.)

Chapter stricken out, and new chapter 151A (with same title) inserted, 1937, 421 § 1. (See 1937, 421 §§ 2-4.)

Chapter stricken out, and new chapter 151A (with new title) inserted, 1941, 685 § 1. (See 1941, 685 §§ 7-11; 1941, 686.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 151A, as so inserted:

SECT. 1, definition of "Base period" revised, 1951, 763 § 1; 1953, 560 § 1; 1956, 719 § 1; 1970, 703 § 1; (affected, 1957, 626); definition of "Benefit year" revised, 1951, 763 § 1; definition of "Employment" revised, 1971, 940 § 1; definition of "Payroll" revised, 1971, 940 § 1; definition of "Quarter" amended, 1956, 719 § 3; revised, 1969, 614 § 1; definition of "Partial unemployment" revised, 1951, 763 § 1; amended, 1956, 719 § 2; definition of "Total unemployment" amended, 1949, 476; revised,

1951, 763 § 1; definition of "Remuneration" added, 1953, 635 § 1; revised, 1957, 632; definition of "Wages" amended, 1948, 603 § 1; revised, 1951, 763 § 1; amended, 1954, 279 § 1; definition of "American vessel" added, 1949, 639 § 2; definition of "Remuneration" added, 1951, 763 § 2; repealed, 1953, 635 § 2; definition of "Average weekly wage" added, 1951, 763 § 2; definition of "American aircraft" added, 1962, 414 § 1. (See 1949, 639 § 3; 1951, 763 § 22; 1953, 560 § 3; 1954, 279 § 2; 1956, 719 § 8; 1969, 614 § 6; 1970, 703 § 2; 1971, 940 § 22.)

SECTS. 2-3 revised, 1971, 940 § 2. (See 1971, 940 § 22.)

SECT. 4 repealed, 1971, 940 § 3. (See 1971, 940 § 22.)

SECTS. 4A-4B added, 1971, 940 § 4 (providing for coverage of public employees of hospitals and institutions of higher education). (See 1971, 940 § 22.)

SECT. 6, subsection (c) revised, 1949, 639 § 1; subsection (d) revised, 1951, 763 § 3; 1954, 280 § 1; subsection (f) amended, 1954, 431 § 1; subsection (h) revised, 1951, 763 § 3; subsection (j) revised, 1951, 763 § 3; subsection (n) revised, 1951, 763 § 3; subsection (q) amended, 1947, 433; section revised, 1961, 393 § 1; subsection (a) amended, 1971, 940 § 5; subsection (c) stricken out, 1971, 940 § 9; subsection (d) revised, 1973, 925 § 56; subsection (e) revised, 1966, 560 § 1; subsection (f) amended, 1971, 940 § 6; subsection (g) amended, 1962, 414 § 2; revised, 1964, 454; stricken out, 1971, 940 § 9; subsection (j) revised, 1962, 414 § 3; subsection (k) amended, 1971, 940 § 7; subsection (p) added, 1964, 358; subsection (q) added, 1968, 239 subsections (r-w) added, 1971, 940 § 8. (See 1949, 639 § 3; 1951, 763 § 22; 1954, 280 § 2; 1961, 393 § 2; 1971, 940 § 22; 1973, 925 § 84.)

SECT. 7 repealed, 1971, 940 § 10. (See 1971, 940 § 22.)

SECT. 8, subsection (a) amended, 1950, 535; revised, 1970, 828; subsections (g) and (h) added at end, 1943, 534 § 2.

SECT. 10 repealed, 1971, 940 § 10. (See 1971, 940 § 22.)

SECT. 11 revised, 1941, 685 § 2; 1951, 763 § 4; amended, 1971, 940 § 11. (See 1951, 763 § 22; 1971, 940 § 22.)

SECT. 12, second paragraph amended, 1959, 507 § 1; last paragraph amended, 1959, 507 § 2.

SECT. 14, first paragraph revised, 1948, 603 § 2; subsection (a) amended, 1948, 603 § 3; subsection (b) (2) revised, 1943, 534 § 1; amended, 1945, 484 § 2; 1946, 170 § 2; 1948, 537 § 1; subsection (b) (4), sentence added at end, 1947, 602 § 1; subsection (b) revised, 1949, 740 § 1; subsection (c) added, 1943, 534 § 1A; designations of subsections (c) and (d) changed to (d) and (e), respectively, 1943, 534 § 1B; subsection (c) revised, 1945, 516; paragraph in lines 48-72 revised, 1946, 360; subsection (c) revised, 1947, 440 § 1; 1949, 740 § 2; subsection (e) amended, 1948, 537 § 2; section revised, 1951, 763 § 5; 1953, 397; first paragraph revised, 1961, 614 § 1; sentence added at end of same paragraph, 1962, 468 § 1; first paragraph revised, 1971, 940 § 12; subsection (a) revised, 1972, 594 § 1; subsection (b) (1) revised, 1956, 719 § 7; subsection (d), paragraph (2) revised, 1966, 560 § 2; paragraph (4) stricken out, 1970, 866 § 2; subsection (e), paragraph (3) amended, 1970, 866 § 3; paragraph (6) revised, 1961,

614 § 2; subsection (j) revised, 1961, 614 § 3; 1973, 829 § 1; subsection (h), paragraph (3) added, 1966, 362; revised, 1973, 829 § 2; subsection (i) revised, 1961, 614 § 4; paragraph (9) amended, 1973, 742; paragraph (10) added, 1972, 594 § 2; subsections (k) and (l) revised, 1972, 796; subsection (j) revised, 1961, 614 § 5; 1970, 866 § 4; subsection (n), paragraph (1) revised, 1958, 643 § 1; 1959, 508; amended, 1972, 480 § 1; paragraph (4) revised, 1972, 480 § 2; paragraph (5) stricken out, 1958, 643 § 2; subsection (o) added, 1954, 431 § 2; amended, 1965, 631. (See 1947, 440 § 2, 602 § 2; 1948, 537 § 3; 1949, 740 § 3; 1951, 763 § 22; 1956, 719 § 8; 1957, 643 § 3; 1962, 468 § 2; 1970, 866 § 5; 1971, 940 § 22; 1972, 594 § 3.)

SECT. 14A added, 1971, 940 § 13 (relative to the financing of benefits paid to employees of nonprofit organizations); subsection (a) amended, 1973, 960 § 1; subsection (b) amended, 1973, 960 § 2; subsection (f) amended, 1973, 960 § 3; subsection (h) revised, 1973, 960 § 4. (See 1971, 940 § 22.)

SECT. 15, subsection (a) amended, 1950, 232; 1972, 465 § 1; subsection (b) revised, 1948, 603 § 6; subsection (c) revised, 1943, 373; subsection (e) added, 1968, 533; amended, 1969, 174. (See 1972, 465 § 2.)

SECT. 18, first paragraph revised, 1966, 560 § 3.

SECT. 22, sentence added at end, 1945, 625 § 2.

SECT. 23, subsection (a) revised, 1941, 685 § 3; 1951, 763 § 6; amended, 1955, 530; subsections (b) and (c) revised, 1951, 763 § 6; subsection (e) stricken out, 1943, 534 § 3; subsection (f) added, 1951, 763 § 7. (See 1951, 763 § 22.)

SECT. 24 revised, 1951, 763 § 8; first paragraph amended, 1959, 587 § 1; 1963, 447 § 1; clause (a) amended, 1967, 480 §§ 1 and 2; revised, 1973, 899 § 1; paragraph added, 1958, 437 § 1; 1965, 636; revised, 1966, 528; amended, 1968, 576. (See 1951, 763 § 22; 1963, 447 § 3; 1973, 899 § 5.)

SECT. 25, subsection (a) amended, 1948, 421; revised, 1951, 763 § 9; amended, 1961 § 3; subsection (b) amended, 1953, 464; revised, 1959, 554; amended, 1961, 247; 1963, 447 § 2; 1964, 355; 1966, 382; clause (4) amended, 1967, 480 § 3; subsection (c) amended, 1959, 533; clause (4) amended, 1968, 323 § 5; first paragraph revised, 1968, 625; paragraph added, 1971, 940 § 14; subsection (d) amended, 1945, 356; revised, 1951, 763 § 9; subsection (e) revised, 1951, 763 § 9; 1953, 401; amended, 1956, 719 § 4; revised, 1958, 677; amended, 1969, 614 § 2; revised, 1973, 899 § 2; subsection (f) added, 1951, 763 § 10. (See 1951, 763 § 22; 1956, 719 § 8; 1963, 447 § 3; 1969, 614 § 6; 1971, 940 § 22; 1973, 899 § 5.)

SECT. 27 amended, 1945, 625 § 3; revised, 1948, 630; 1951, 763 § 11; 1965, 634; repealed, 1973, 1042. (See 1951, 763 § 22.)

SECT. 28, paragraph added at end, 1954, 431 § 3.

SECT. 28A added, 1971, 940 § 15 (relative to benefits based on service in institutions of higher education). (See 1971, 940 § 22.)

SECT. 29, subsection (a) revised, 1943, 534 § 5; 1945, 484 § 1; 1946, 170 § 1; 1956, 719 § 5; 1959, 587 § 2; 1963, 438 § 1; 1965, 649 § 1; 1967, 480 §§ 4 and 5; 1969, 614 §§ 3 and 4; 1970, 657 § 1; amended, 1971, 1083 §§ 1, 2; 1973, 899 §§ 3, 3A; subsection (b) revised, 1951, 763 § 12; 1954, 673; subsection (c) added, 1946, 611; revised, 1949, 501; 1951, 763 § 12;

1954, 635; amended, 1957, 542; revised, 1958, 385; 1959, 589; 1960, 603; 1962, 476; amended, 1969, 614 § 5; amended, 1971, 940 § 16; revised, 1973, 906; subsection (d) added, 1971, 940 § 17; amended, 1973, 558 § 1, 899 § 4. (See 1951, 763 § 22; 1956, 719 § 8; 1963, 438 § 2; 1965, 649 § 2; 1969, 614 § 6; 1970, 657 § 2; 1971, 940 § 22, 1083 § 3; 1973, 558 § 3, 899 § 5.)

SECT. 29A added, 1949, 421 (providing that benefits under this chapter shall not be reduced by reason of the receipt of holiday pay, so called).

SECT. 30 amended, 1945, 484 § 3; revised, 1949, 559; 1953, 410 § 1; 1956, 719 § 6; 1958, 437 § 2; first paragraph revised, 1959, 588. (See 1953, 410 § 2; 1956, 719 § 8.)

SECT. 30A added, 1970, 866 § 1 (establishing an extended benefits program under the employment security law); subsection (1), paragraph (e) amended, 1972, 483 § 1; paragraph added, 1971, 756 § 1. (See 1970, 866 § 5; 1971, 756 § 3.)

SECT. 30B added, 1971, 756 § 2 (extending benefits under the employment security act). (See 1971, 756 § 3.)

SECT. 30C added, 1972, 483 § 2 (regulating eligibility for emergency state supplementary unemployment benefits).

SECT. 31 revised, 1951, 763 § 13; 1971, 940 § 18. (See 1951, 763 § 22; 1971, 940 § 22.)

SECT. 32 repealed, 1951, 763 § 14. (See 1951, 763 § 22.)

SECT. 33 repealed, 1943, 534 § 4.

SECT. 34 repealed, 1951, 763 § 14. (See 1951, 763 § 22.)

SECT. 37 revised, 1959, 506.

SECT. 38 revised, 1951, 763 § 15; subsection (a), paragraph added at end, 1953, 560 § 2. (See 1951, 763 § 22; 1953, 560 § 3.)

SECT. 39 revised, 1949, 659; 1951, 763 § 16; amended, 1971, 957 § 1. (See 1951, 763 § 22.)

SECT. 40 revised, 1951, 763 § 17; amended, 1970, 421. (See 1951, 763 § 22.)

SECT. 41 amended, 1971, 957 § 2.

SECT. 42 revised, 1943, 534 § 6; fifth sentence stricken out and three sentences inserted, 1951, 763 § 18; eighth sentence revised, 1954, 681 § 12; next to last sentence stricken out and six sentences inserted, 1947, 434; sentence inserted before last sentence, 1971, 957 § 3; section revised, 1973, 1114 § 18. (See 1951, 763 § 22; 1954, 681 §§ 20, 22; 1973, 1114 § 351.)

SECT. 42B added, 1971, 957 § 4 (providing for recovery of benefits erroneously paid to a claimant).

SECT. 44, subsection (b) revised, 1948, 603 § 4.

SECT. 45A added, 1954, 655 (requiring an employer to furnish an employee with a wage report).

SECT. 46, second sentence amended, 1954, 512; revised, 1964, 302; subsection (a) added, 1948, 603 § 5; section revised, 1973, 91, 875.

SECT. 47 revised, 1951, 763 § 19; first paragraph revised, 1972, 321; fourth paragraph amended, 1966, 560 § 4. (See 1951, 763 § 22.)

SECT. 48, second paragraph revised, 1966, 560 § 5.

SECT. 53A added, 1957, 512 (relative to the expenditure of certain moneys credited the commonwealth under the federal social security act); first paragraph revised, 1969, 602; 1972, 586 § 1.

SECT. 54 revised, 1966, 560 § 6.

SECT. 58, subsection (d) revised, 1966, 560 § 7.

SECT. 58A added, 1966, 560 § 8 (establishing a contingent fund for the administration of the division of employment security).

SECT. 62 amended, 1952, 394.

SECT. 66, subsection (g) added, 1971, 940 § 19. (See 1971, 940 § 22.)

SECT. 66A added, 1949, 646 (authorizing the director of employment security to enter into reciprocal agreements with foreign countries relative to the administration of the employment security law).

SECT. 69, paragraph added at end, 1949, 555; section revised, 1951, 763 § 20. (See 1951, 763 § 22.)

SECT. 71 revised, 1951, 763 § 21. (See 1951, 763 § 22.)

SECT. 74 revised, 1949, 290.

Chapter 151B. — Unlawful Discrimination against Race, Color, Religious Creed, National Origin or Ancestry.

New chapter inserted, 1946, 368 § 4.

SECT. 1, subsection 4 amended, 1957, 426 § 6; subsection 5 amended 1950, 697 § 1; revised, 1962, 627; 1969, 216; subsection 7 revised, 1963, 469; subsection 8 added, 1950, 697 § 2; amended, 1966, 405; subsections 9, 10, 11 added, 1957, 426 § 1; subsection 9 revised, 1963, 613 § 1; subsection 12 added, 1959, 239 § 1; subsection 13 added, 1963, 197 § 1; subsection 14 added, 1965, 213 § 1.

SECT. 3, subsection 1 amended, 1969, 877; subsection 6 amended, 1950, 697 § 3; revised, 1960, 163 § 1; amended, 1965, 397 § 1; 1971, 923; subsection 8 amended, 1950, 697 § 4; 1965, 397 § 2; subsection 9 amended, 1950, 697 § 5; 1965, 397 § 3; subsection 12 added, 1966, 410; second sentence revised, 1968, 218; subsection 13 added, 1972, 786 § 1.

SECT. 4, first sentence amended, 1957, 426 § 2; subsection 1 amended, 1950, 697 § 6; 1965, 397 § 4; subsection 1A inserted, 1973, 929; subsection 2 amended, 1950, 697 § 7; 1965, 397 § 5; subsection 3 amended, 1950, 697 § 8; 1965, 397 § 6; subsection 3A added, 1955, 274; amended, 1971, 874 § 1; subsection 3B added, 1960, 163 § 2; amended, 1971, 874 § 2; subsection 6 added, 1957, 426 § 2; amended, 1959, 239 § 2; revised, 1961, 128; 1969, 90; subsection 7 added, 1963, 197 § 2; subsection 8 added, 1965, 213 § 2; subsections (6)-(8) revised, 1971, 661; subsection 6 revised, 1972, 185; amended, 1973, 187 § 1, 1015 § 1; subsection 7 amended, 1973, 187 § 2, 1015 § 2; subsection 8 amended, 1973, 187 § 3, 1015 § 3; subsection 9 added, 1969, 314; revised, 1972, 428; subsection 9A inserted, 1973, 701 § 1; subsection (10) added, 1971, 726; subsection (11) added, 1971, 874 § 3; subsection 11A inserted, 1972, 790 § 2; subsection 12 inserted, 1972, 542; subsection 13 inserted, 1972, 786 § 2; subsection 14 added, 1973, 168; amended, 1973, 325; paragraph added, 1947, 424; 1957, 426 § 3; two paragraphs added, 1966, 361. (See 1973, 701 § 2.)

SECT. 4A added, 1969, 523 § 1 (invalidating and prohibiting certain restrictive covenants and conditions relating to real property).

SECT. 5 revised, 1950, 479 § 4; amended, 1957, 426 § 4; first paragraph amended, 1969, 751 § 10; second paragraph amended, 1961, 570; revised, 1963, 613 § 2; first sentence stricken out and three sentences inserted, 1967, 483; second and third sentences amended, 1968, 719; fifth sentence amended, 1967, 525; six sentences inserted after tenth sentence, 1968, 727; ninth sentence amended, 1972, 212; paragraph amended, 1969, 751 § 11; paragraph added, 1965, 569; amended, 1969, 751 § 12.

SECT. 6 amended, 1957, 426 § 5; seventh sentence revised, 1954, 681 § 13. (See 1954, 681 §§ 20, 22.)

SECT. 7 amended, 1963, 613 § 3.

SECT. 9 amended, 1950, 697 § 9; first sentence revised, 1965, 397 § 7; last sentence amended, 1963, 613 § 4.

Chapter 151C. — Fair Educational Practices.

New chapter inserted, 1949, 726 § 2.

SECT. 1, paragraph (a) revised, 1956, 334 § 1; paragraph (b) amended, 1972, 101 § 1; paragraph (c) amended, 1956, 334 § 2; paragraph (d) added, 1972, 101 § 2.

SECT. 2, first paragraph, clause (c) amended, 1956, 334 § 3; clause (d) added, 1972, 175 § 1; clause (e) added, 1972, 369; clause (f) added, 1973, 865; second paragraph revised, 1972, 175 § 2.

SECT. 2A added, 1972, 101 § 3 (regulating unfair educational practices at vocational training institutions).

SECT. 3, paragraph (a) amended, 1956, 334 § 4; 1972, 101 § 4; paragraph (b) amended, 1956, 334 § 5; 1972, 101 § 5; paragraph (c) amended, 1956, 334 § 6; paragraph (d) amended, 1956, 334 § 7; paragraph (e) amended, 1956, 334 § 8; 1971, 106; paragraph (g) amended, 1956, 334 § 9; paragraph (h) amended, 1956, 334 § 10; paragraph (i) amended, 1956, 334 § 11; paragraph (j) amended, 1956, 334 § 12.

SECT. 4, paragraph (a) amended, 1956, 334 § 13; paragraph (b) amended, 1956, 334 § 14; paragraph (c) revised, 1954, 681 § 14; amended, 1956, 334 § 15; paragraph (d) amended, 1956, 334 § 16. (See 1954, 681 §§ 20, 22.)

SECT. 5 amended, 1956, 334 § 17.

Chapter 151D. — Health, Welfare and Retirement Funds.

New chapter inserted, 1957, 778 § 2; repealed, 1958, 655 § 2. (See 1957, 778 § 3.)

New chapter 151D (with same title) inserted, 1958, 655 § 4. (See 1958, 655 § 5.)

Chapter stricken out and new chapter 151D (with same title) inserted, 1973, 1169 § 1. (See 1973, 1169 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1972.

Chapter 152. — Workmen's Compensation.

For legislation requiring manufacturers to insure under the workmen's compensation act where employees work on machinery, see 1936, 426; repealed, 1948, 156.

SECT. 1, two sentences added at end of paragraph (1), 1935, 332 § 1; paragraph (1) revised, 1943, 529 § 1; paragraph (2) revised, 1953, 314 § 2; paragraph (3) amended, 1950, 738 § 1; paragraph (4) revised, 1935, 406; 1943, 529 § 3; 1945, 369; first paragraph of paragraph (4) amended, 1947, 215; paragraph inserted, 1951, 109 § 1; amended, 1953, 139; third paragraph of paragraph (4) revised, 1953, 656 § 1; amended, 1955, 366; revised, 1955, 755; 1956, 680; 1960, 306; amended, 1971, 811; revised, 1972, 374 § 1; paragraph (5) revised, 1943, 529 § 1A; 1954, 265; amended, 1958, 429; 1969, 755 § 1; paragraph (6) amended, 1943, 529 § 2; paragraph (7) revised, 1950, 277 § 2; paragraph (7A) added, 1941, 437; paragraph (7B) added, 1947, 488 § 9; same paragraph repealed, 1950, 277 § 1; paragraph (8) revised, 1953, 314 § 3. (See 1943, 529 § 14; 1951, 109 § 2; 1972, 374 § 3.)

SECT. 2 amended, 1953, 314 § 4.

SECT. 2A added, 1946, 386 § 3 (limiting the application of certain acts in amendment of G. L. 152 increasing the amounts of compensation payable thereunder).

SECT. 4 revised, 1939, 83; 1953, 314 § 5; 1961, 611 § 7.

SECT. 5, first paragraph, sixth sentence revised, 1963, 407; paragraph added, 1943, 359; section amended, 1953, 314 § 6; paragraph added, 1971, 882; amended, 1972, 233.

SECT. 6 amended, 1945, 347; 1953, 314 § 6.

SECT. 7 amended, 1953, 314 § 6; 1971, 974; revised, 1972, 742 § 1. (See 1971, 892 § 3.)

SECT. 7A added, 1947, 380 (relative to procedure in certain claims under the workmen's compensation law where employees are unable to testify); revised, 1971, 702.

SECT. 7B added, 1947, 455 (regulating the admissibility of certain evidence in workmen's compensation cases); revised, 1968, 235.

SECT. 7C added, 1966, 443 (requiring preliminary conferences in workmen's compensation cases).

SECT. 7D added, 1968, 21 (permitting admission of medical reports of certain deceased physicians in workmen's compensation cases).

SECT. 7E added, 1968, 468 § 1 (providing for award increases to claimants whose compensation payments have been unreasonably delayed); amended, 1972, 188. (See 1968, 468 § 2.)

SECT. 8 amended, 1953, 314 § 6; revised, 1961, 611 § 8; fourth sentence revised, 1972, 742 § 2.

SECT. 8A amended, 1953, 314 § 6; 1957, 693 § 1; revised, 1972, 742 § 3; 1973, 381.

SECT. 9 revised, 1949, 442; amended, 1953, 314 § 6.

SECT. 9A added, 1938, 381; amended, 1953, 314 § 6.

SECT. 9B added, 1935, 424 (providing for the reference of certain cases under the workmen's compensation law to industrial disease referees); revised, 1938, 462; repealed, 1947, 286.

SECT. 10 revised, 1947, 546; first sentence revised, 1972, 742 § 4.

SECT. 11 amended, 1932, 129 § 1; first paragraph amended, 1956, 301; paragraph added at end, 1935, 484; 1939, 213 § 1; 1949, 61; 1950, 634

§ 1; 1953, 288; section amended, 1953, 314 § 6; revised, 1957, 693 § 2; first paragraph revised, 1972, 742 § 5. (See 1939, 213 § 2.)

SECT. 11A added, 1945, 444 (relieving employees and their dependents of the expenses of certain appeals in workmen's compensation cases); sentence added at end, 1949, 372; section revised, 1957, 693 § 3.

SECT. 12, last paragraph amended, 1932, 117 § 1; section amended, 1953, 314 § 6. (See 1932, 117 § 2; 1935, 351.)

SECT. 12A added, 1959, 585 (compensating an injured employee for reasonable costs resulting from proceedings to discontinue compensation); revised, 1972, 742 § 6.

SECT. 13, sentence added at end, 1933, 68; section amended, 1953, 314 § 6; revised, 1968, 492 § 18; amended, 1973, 1229 § 4M. (See 1973, 1229 § 13.)

SECT. 14 amended, 1953, 314 § 6.

SECT. 15 revised, 1939, 401; 1943, 432; second sentence amended, 1965, 487 § 1A; section revised, 1971, 888 § 1; sentence added, 1971, 941 § 1. (See 1965, 487 § 2.)

SECT. 15A amended, 1934, 252; 1955, 174 § 5.

SECTS. 16 and 17 amended, 1953, 314 § 6.

SECT. 18, sentence added at end, 1938, 102; section amended, 1939, 93; paragraph added at end, 1969, 755 § 2.

SECT. 19, third paragraph revised, 1935, 339; revised, 1939, 245; amended, 1973, 438; fourth paragraph revised, 1955, 174 § 1; sixth paragraph added, 1941, 379 § 11; section amended, 1953, 314 § 6; sixth paragraph revised, 1955, 174 § 2.

SECT. 19A added, 1935, 359 (requiring certain notices from employers not insured under the workmen's compensation law); repealed, 1948, 158.

SECT. 19B added, 1941, 410 (requiring the posting of notices by certain employers not covering their employees by workmen's compensation insurance); repealed, 1948, 157.

SECT. 20 revised, 1935, 340; amended, 1945, 464; last two sentences revised, 1946, 390; section revised, 1949, 276; amended, 1953, 314 § 6.

SECT. 20A added, 1945, 468 (requiring employers and certain insurers who maintain clinics, etc., for the treatment of injured employees, to furnish such employees with copies of all medical examinations); revised, 1954, 194.

SECT. 21 amended, 1943, 529 § 4. (See 1943, 529 § 14.)

SECT. 22 amended, 1943, 529 § 13; 1953, 314 § 6. (See 1943, 529 § 14.)

SECT. 23 revised, 1943, 529 § 5; amended, 1953, 314 § 6. (See 1943, 529 § 14.)

SECT. 24 amended, 1943, 529 § 6; 1955, 174 § 5. (See 1943, 529 § 14.)

SECTS. 25A-25D added, 1943, 529 § 7, under caption "COMPULSORY COMPENSATION AND SELF-INSURANCE." (See 1943, 529 § 14.)

SECT. 25A, paragraph (2) amended, 1949, 441 § 1; paragraph (2) (a) amended, 1945, 316; sixth sentence revised, 1946, 472 § 1; paragraph (2) (a) revised, 1949, 441 § 2; sentence added at end, 1969, 567; amended, 1972, 764; paragraph (2) (b), first sentence revised, 1945, 518; 1946, 472 § 2; paragraph (2) (b) revised, 1949, 441 § 3; paragraph (2) (c) revised,

1945, 344; 1948, 176; 1949, 441 § 4; amended, 1950, 351; revised, 1955, 174 § 3.

SECT. 25C, two sentences added at end, 1951, 689; next to last sentence revised, 1953, 330; section amended, 1955, 174 § 5.

SECT. 25D amended, 1955, 174 § 5.

SECT. 26 amended, 1937, 370 § 1; revised, 1943, 302, 529 § 8; paragraph added, 1945, 623 § 1; section amended, 1955, 174 § 5; second paragraph amended, 1973, 855 § 1. (See 1943, 529 § 14.)

SECT. 26A added, 1937, 370 § 2 (providing for payment of workmen's compensation in certain cases of suicide).

SECT. 26B added, 1957, 276 (apportioning liability under the workmen's compensation act when the injured employee is in the concurrent service of two or more employers).

SECT. 27 revised, 1935, 331.

SECT. 28 amended, 1934, 292 § 2; revised, 1943, 529 § 9. (See 1943, 529 § 14.)

SECT. 29 revised, 1935, 372; 1937, 382; amended, 1949, 471; 1951, 135; 1953, 314 § 6; first two sentences revised, 1966, 578; fourth sentence revised, 1966, 442.

SECT. 30 revised, 1936, 164; 1943, 181; 1946, 233 § 1; first sentence revised, 1972, 403; sentence added at end, 1948, 159; section amended, 1953, 314 § 6. (See 1946, 233 § 2.)

SECTS. 30A-30C added, 1950, 767 § 2 (prescribing duties of the rehabilitation commission in the department of industrial accidents).

SECT. 30A amended, 1952, 630 § 11; first sentence revised, 1956, 602 § 14. (See 1956, 602 §§ 17-20.)

SECT. 30B amended, 1953, 314 § 6; revised, 1956, 602 § 15; third paragraph amended, 1971, 773. (See 1956, 602 §§ 17-20.)

SECT. 30D added, 1956, 602 § 16 (relative to the furnishing of certain information to the industrial accident rehabilitation board by self insurers and insurers).

SECT. 31, first paragraph amended, 1934, 250; 1950, 738 § 2; paragraph contained in the sixth to the forty-fourth lines revised, 1937, 325; same paragraph amended, 1943, 368; revised, 1945, 572; 1948, 666; 1950, 357; 1956, 588; 1959, 530; 1961, 541; 1964, 446; amended, 1970, 860; last paragraph revised, 1943, 400; amended, 1950, 738 § 3; revised, 1951, 98; 1961, 503; section amended, 1955, 174 § 5.

SECT. 32, paragraph (c) amended, 1950, 282 § 2; paragraph (d) revised, 1947, 450; amended, 1949, 281; 1950, 282 § 3; new paragraph added, 1935, 361 (relative to payments under the workmen's compensation law to dependents of deceased minor employees); amended, 1950, 738 § 4.

SECT. 33 revised, 1939, 81; 1941, 495; amended, 1948, 155; 1949, 258; revised, 1957, 270; 1960, 287.

SECT. 34 revised, 1935, 332 § 2; 1941, 624; 1945, 717; 1946, 321 § 1; amended, 1947, 665; 1949, 520 § 1; revised, 1955, 777 § 1; amended, 1956, 735 § 1; revised, 1958, 665 § 1; 1959, 566 § 1; 1961, 602 § 1; 1963, 460 § 1; amended, 1965, 644 § 1; revised, 1967, 482 §§ 1 and 4; 1969, 529 § 1; 1971, 879 §§ 1 and 4; 1973, 978 §§ 1 and 4. (See 1946, 321 § 4;

1956, 735 § 4; 1963, 460 § 4; 1967, 482 § 7; 1969, 529 § 4; 1971, 879 § 7; 1973, 978 § 7.)

SECT. 34A added, 1935, 364 (providing for payments for total and permanent disability under the workmen's compensation law, and establishing methods of determining the same); amended, 1943, 276; revised, 1945, 717; first paragraph revised, 1946, 321 § 2; amended, 1949, 520 § 2; revised, 1955, 777 § 2; first sentence amended, 1956, 735 § 2; revised, 1958, 665 § 2; 1959, 566 § 2; 1961, 602 § 2; 1963, 460 § 2; amended, 1965, 644 § 2; revised, 1967, 482 §§ 2 and 5; 1969, 529 § 2; 1971, 879 §§ 2 and 5; 1973, 978 §§ 2 and 5. (See 1946, 321 § 4; 1956, 735 § 4; 1963, 460 § 4; 1967, 482 § 7; 1969, 529 § 4; 1971, 879 § 7; 1973, 978 § 7.)

SECT. 35 amended, 1943, 299; revised, 1945, 717; 1946, 321 § 3; amended, 1949, 520 § 3; revised, 1955, 777 § 3; 1958, 665 § 3; 1959, 566 § 3; 1961, 602 § 3; 1963, 460 § 3; amended, 1965, 644 § 3; revised, 1967, 482 §§ 3 and 6; 1969, 529 § 3; 1971, 879 §§ 3 and 6; 1973, 978 §§ 3 and 6. (See 1946, 321 § 4; 1963, 460 § 4; 1967, 482 § 7; 1969, 529 § 4; 1971, 879 § 7; 1973, 978 § 7.)

SECT. 35A added, 1945, 717 (providing for an increase in certain weekly benefits under the workmen's compensation law in certain cases); revised, 1946, 553; paragraph (c) revised, 1950, 282 § 1; section amended, 1953, 314 § 6; 1956, 735 § 3; revised, 1957, 641; amended, 1959, 566 § 4. (See 1956, 735 § 4.)

SECT. 35B added, 1970, 667 § 1 (relative to workmen's compensation benefit payments for a subsequent injury). (See 1970, 667 § 2.)

SECT. 36, paragraph (f) revised, 1933, 257; section revised, 1935, 333; paragraph (b) amended, 1947, 664 § 1; paragraph (d) amended, 1947, 634 § 1; paragraph (e) amended, 1947, 634 § 2; paragraph (f) amended, 1946, 386 § 1; paragraph added at end of section, 1947, 634 § 3; section revised, 1972, 741 § 1. (See 1946, 386 § 2; 1947, 664 § 2; 1972, 741 § 2.)

SECT. 36 stricken out and sections 36 and 36A inserted, 1949, 519 (increasing the benefits payable under the workmen's compensation law for certain injuries).

SECT. 36, paragraph (d) revised, 1959, 230; paragraph (f) revised, 1959, 545 § 1; paragraphs (h) and (i) revised, 1952, 60; paragraphs (n) and (o) revised, 1959, 545 § 2; paragraph (q) revised, 1952, 84; paragraphs (s) and (t) inserted, 1959, 545 § 3; paragraph added at end, 1953, 64; amended 1959, 199; section revised, 1962, 471 § 1; amended, 1966, 584. (See 1962, 471 § 2.)

SECT. 36A revised, 1950, 445; 1951, 494.

SECT. 37 amended, 1937, 321; revised, 1950, 527; amended, 1957, 287; revised, 1973, 855 § 2.

SECT. 37A added, 1945, 623 § 2 (relative to payments to disabled war veterans subsequently injured in industry); second sentence revised, 1965, 891; 1973, 855 § 3.

SECT. 39 amended, 1937, 317.

SECT. 41 revised, 1965, 487 § 1. (See 1965, 487 § 2.)

SECT. 45; paragraph added at end, 1951, 662; section amended, 1955, 174 § 5.

SECT. 46 amended, 1941, 378; 1945, 623 § 2A; 1953, 314 § 6; revised, 1973, 855 § 4.

SECT. 47 revised, 1960, 792.

SECTS. 48 and 49 amended, 1953, 314 § 6.

SECT. 50 revised, 1953, 670; 1965, 616.

SECT. 51A added, 1969, 833 § 1 (fixing rate of compensation as of date of final decision in certain cases).

SECT. 52 revised, 1947, 619 § 1. (See 1947, 619 § 3.)

SECT. 52A added, 1939, 465 § 2 (relative to insuring against silicosis and other occupational pulmonary dust diseases); repealed, 1957, 301. (See 1939, 465 § 4.)

SECT. 52B added, 1945, 581 (relative to the payment of premiums for workmen's compensation insurance in certain cases).

SECTS. 52C-52G added, 1947, 619 § 2 (relative to rates for workmen's compensation insurance). (See 1947, 619 § 3.)

SECT. 52D, paragraph added at end, 1962, 342.

SECT. 52F, paragraph (c) amended, 1954, 681 § 15. (See 1954, 681 §§ 20, 22.)

SECT. 54A added, 1935, 425 (relative to safeguarding and extending the workmen's compensation law by making void certain contracts or agreements in the nature of insurance which do not insure the payment of the compensation provided for by said law); revised, 1957, 275; second sentence stricken out, 1972, 374 § 2. (See 1972, 374 § 3.)

SECT. 55, second paragraph revised, 1934, 137 § 1.

SECT. 57 amended, 1955, 174 § 5.

SECT. 58 amended, 1955, 174 § 5.

SECT. 59 amended, 1953, 314 § 6.

SECTS. 62 and 63 amended, 1953, 314 § 6.

SECT. 63 amended, 1973, 403.

SECT. 65 amended, 1935, 395; 1936, 162; 1937, 394; revised, 1939, 465 § 3; amended, 1943, 367; second sentence amended, 1950, 634 § 2; section amended, 1955, 174 § 5; 234 § 2; third sentence revised, 1967, 513; section revised, 1973, 855 § 5. (See 1939, 465 § 4.)

SECTS. 65A-65M added, under caption, 1939, 489 (providing for the equitable distribution of rejected risks among insurers of workmen's compensation, and the pooling of losses in connection with such risks).

SECTS. 65A and 65B amended, 1953, 314 § 6.

SECT. 65M amended, 1953, 314 § 6.

SECT. 65N added, 1945, 623 § 3 (establishing a special fund to encourage the employment in industry of disabled war veterans); amended, 1949, 689; 1955, 174 § 5; sentence added, 1967, 512; section repealed, 1973, 855 § 6. (See 1965, 642.)

SECT. 66 revised, 1943, 529 § 9A; 1959, 478; amended, 1971, 700 § 1. (See 1943, 529 § 14; 1971, 700 § 2.)

SECT. 67 revised, 1943, 529 § 10; first sentence revised, 1953, 656 § 2. (See 1943, 529 § 14.)

SECT. 68 revised, 1943, 529 § 11; amended, 1947, 506 § 4; revised, 1949, 427 § 8. (See 1943, 529 § 14; 1949, 427 § 11.)

SECT. 69 revised, 1933, 318 § 7; 1936, 260; amended, 1936, 403; revised, 1939, 435; last sentence revised, 1939, 468; section amended, 1941, 614; 1945, 729; 1946, 422; second sentence revised, 1947, 590; paragraph added at end, 1951, 610 § 2; section revised, 1959, 555; first paragraph amended, 1966, 401; first sentence revised, 1971, 1059; second sentence amended, 1969, 863; paragraph added at end, 1960, 655.

SECT. 69A added, 1933, 315 (regulating workmen's compensation payments by the commonwealth); amended, 1953, 314 § 6.

SECT. 69B added, 1936, 427 (further regulating workmen's compensation payments by the commonwealth); amended, 1955, 174 § 5.

SECT. 70 amended, 1953, 314 § 6.

SECT. 73, first sentence amended, 1936, 318 § 4; 1937, 336 § 23; first sentence stricken out and paragraph inserted, 1941, 379 § 12; first two sentences revised, 1950, 209; first sentence revised, 1967, 597 § 23; amended, 1971, 1012 § 15.

SECT. 73A added, 1941, 649 (to provide for the employment of partially disabled public employees and temporary filling of their original positions).

SECT. 74 amended, 1939, 451 § 57; 1941, 344 § 26; sentence added at end, 1953, 501.

SECT. 74A added, 1955, 681 (extending workmen's compensation to employees furnishing aid to other governmental units).

SECT. 75 revised, 1932, 19; amended, 1951, 610 § 1; 1954, 680 § 8; 1955, 174 § 4, 643 § 11. (See 1955, 643 § 12.)

SECTS. 76-85 added, 1939, 465 § 1 (providing workmen's compensation benefits for employees in the granite industry contracting silicosis and other occupational pulmonary dust diseases). (See 1939, 465 § 4; 1950, 220.)

SECTS. 76-85 stricken out and section 76 inserted, 1950, 220.

For prior changes see Table of Changes contained in Acts and Resolves of 1954.

SECT. 76 repealed, 1955, 234 § 1.

Chapter 153. — Liability of Employers to Employees for Injuries not resulting in Death.

SECT. 6 amended, 1935, 387; first sentence revised, 1947, 506 § 5; 1949, 427 § 9. (See 1949, 427 § 11.)

Chapter 154. — Assignment of Wages.

SECT. 2 revised, 1948, 550 § 31; first sentence amended, 1956, 689 § 6; revised, 1963, 305. (See 1956, 689 § 9.)

SECT. 8 added, 1933, 96 (exempting orders for payment of labor or trade union or craft dues or obligations from the operation of the laws regulating assignments of wages); amended, 1939, 125; 1948, 117; revised, 1950, 204; 1951, 239; amended, 1955, 631; 1956, 244 § 3; revised, 1958, 52 § 1; amended, 1962, 162; paragraph added at end, 1970, 324; sentence added, 1972, 254. (See 1958, 52 § 2.)

Chapter 155. — General Provisions relative to Corporations.

SECT. 1 revised, 1935, 297 § 1; 1962, 750 § 5; 1964, 723 § 4; amended.

1969, 392 § 27; revised, 1971, 819 § 1; 1973, 860 § 22. (See 1935, 297 § 3; 1962, 750 §§ 73, 74; 1964, 723 §§ 6, 7; 1971, 819 § 12; 1973, 860 § 27.)

SECT. 2 amended, 1962, 750 § 6.

SECT. 2A added, 1955, 490 (to provide for the certification and recording of evidence of the incorporation of church or cemetery corporations); amended, 1962, 750 § 7; revised, 1964, 476; repealed, 1971, 819 § 2. (See 1971, 819 § 12.)

SECT. 2B added, 1958, 441 (relative to the approval of certain proposed corporations); revised, 1962, 750 § 8; sentence added at end, 1970, 451.

SECT. 3A amended, 1965, 310.

SECT. 6, sentence added at end, 1949, 105.

SECT. 8, sentence added, 1969, 245 § 1; 1971, 111; section revised, 1972, 103 § 1. (See 1969, 245 § 3.)

SECT. 9 amended, 1938, 327 § 1; revised, 1943, 295; first sentence revised, 1953, 32; section revised, 1962, 750 § 9; first paragraph amended, 1963, 59; section revised, 1964, 484 § 1; first paragraph, first sentence amended, 1969, 142 § 1; paragraph added at end, 1969, 142 § 2. (See 1938, 327 § 2.)

SECT. 9A added, 1964, 484 § 2 (providing for the reservation of a corporate name).

SECT. 10 amended, 1933, 11; third sentence revised, 1943, 549 § 4; fifth sentence revised, 1957, 698 § 2; section revised, 1962, 750 § 10.

SECT. 12A added, 1938, 164 § 1 (making permanent certain provisions of law authorizing domestic corporations to contribute to certain funds for the benefit of social and economic conditions); amended, 1946, 278. (See 1938, 164 § 2.)

SECT. 12B added, 1947, 488 § 5 (empowering corporations to participate as subscribers in the exchanging of reciprocal or inter-insurance contracts).

SECT. 12C added, 1953, 415 (authorizing corporations to make contributions for charitable, scientific or educational purposes).

SECT. 13, sentence added at end, 1949, 695.

SECT. 15 revised, 1939, 14.

SECT. 18 revised, 1962, 133.

SECT. 22, paragraph added at end, 1953, 185; same paragraph revised, 1954, 50.

SECT. 23 amended, 1962, 750 § 11.

SECT. 23A added, 1935, 297 § 2 (regulating sales of stocks, bonds and other securities of corporations to their employees); repealed, 1938, 445 § 13. (See 1935, 297 § 3; G. L. chapter 110A, § 11A, inserted by 1938, 445 § 9.)

SECTS. 24-44 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 46, first sentence stricken out, 1957, 765 § 7. (See 1957, 765 § 21.)

SECT. 50 amended, 1933, 66.

SECT. 50A added, 1939, 456 § 1 (relative to the dissolution of domestic corporations); amended, 1943, 383; revised, 1962, 750 § 12.

SECT. 51A added, 1958, 204 (providing for the distribution of the assets of certain corporations upon petition to the supreme judicial or superior courts); amended, 1962, 750 § 13.

SECT. 56, first sentence revised, 1939, 456 § 2; 1953, 31; section revised, 1962, 750 § 14.

Chapter 156. — Business Corporations.

SECT. 1 revised, 1962, 750 § 15.

SECT. 2, first sentence revised, 1964, 723 § 5; amended, 1965, 685 § 55; 1969, 392 § 28. (See 1964, 723 §§ 6, 7; 1965, 685 § 57.)

SECT. 3 amended, 1962, 750 § 16.

SECT. 5 amended, 1939, 301 § 1.

SECT. 6, clause (e) amended, 1939, 15 § 1.

SECT. 10, clauses (e) and (f) added, 1961, 97 § 1; paragraph added at end, 1961, 97 § 2.

SECT. 11, first sentence revised, 1961, 97 § 3; 1962, 750 § 17.

SECT. 12, form of certificate revised, 1932, 67; section revised, 1959, 327 § 1; 1962, 750 § 18. (See 1959, 327 § 2.)

SECT. 16 amended, 1962, 750 § 19.

SECT. 17 amended, 1962, 750 § 20; 1972, 684 § 74. (See 1972, 684 § 136.)

SECT. 24 revised, 1961, 211 § 1; 1962, 750 § 21. (See 1961, 211 § 3.)

SECT. 29 revised, 1961, 211 § 2; 1962, 750 § 22. (See 1961, 211 § 3.)

SECT. 30 amended, 1937, 52.

SECT. 32 revised, 1955, 173; 1956, 375.

SECT. 36 revised, 1941, 514 § 1.

SECT. 41 revised, 1932, 136.

SECT. 41B added, 1951, 498 (authorizing changes of shares of par value stock into a greater number or the exchange thereof for a greater number).

SECT. 41C added, 1951, 565 § 1 (authorizing changes of stock without par value to shares with par value).

SECT. 42 amended, 1943, 38 § 1.

SECT. 43 amended, 1962, 750 § 23.

SECT. 44 amended, 1951, 565 § 2.

SECT. 45 amended, 1951, 565 § 3.

SECT. 46, sentence added at end, 1943, 38 § 2.

SECTS. 46A-46E added, under the heading "MERGER AND CONSOLIDATION", 1941, 514 § 2.

SECT. 46A revised, 1948, 524; amended, 1962, 750 § 24; last paragraph amended, 1959, 180 § 1.

SECT. 46B, third paragraph amended, 1962, 750 § 25; paragraph contained in lines 102-108 revised, 1943, 405 § 1; 1947, 543 § 1; sixth paragraph amended, 1959, 180 § 2.

SECT. 46D amended, 1962, 750 § 26; subsection 2 of paragraph (b) amended, 1954, 57; 1958, 2; paragraph contained in lines 64-73 revised, 1943, 405 § 2; 1947, 543 § 2; fifth paragraph amended, 1959, 180 § 3. (See 1963, 141.)

SECT. 46F added, 1959, 180 § 4 (providing for the issuance of certain certificates by the secretary of state for filing in registries of deeds and town clerks' offices as evidence of mergers and consolidations of corporations).

SECT. 47 revised, 1962, 467 § 1; amended, 1962, 750 § 27. (See 1962, 467 § 3.)

SECT. 48 revised, 1961, 202; amended, 1962, 750 § 28.

SECT. 49 revised, 1941, 276; first sentence revised, 1948, 118; section revised, 1962, 467 § 2. (See 1962, 467 § 3.)

SECT. 50 amended, 1962, 750 § 29.

SECT. 52 amended, 1962, 750 § 30.

SECT. 53 amended, 1957, 698 § 3; 1972, 684 § 75. (See 1972, 684 § 136.)

SECT. 54 amended, 1932, 180 § 30; second paragraph amended, 1972, 684 § 76; third paragraph amended, 1972, 684 § 77; fourth paragraph amended, 1972, 684 § 78; paragraph added at end, 1951, 565 § 4; amended, 1972, 684 § 79. (See 1972, 684 § 136.)

SECT. 55 amended, 1952, 314; revised, 1955, 338; amended, 1957, 698 § 4; 1972, 684 § 80. (See 1972, 684 § 136.)

Chapter 156A. — Professional Corporations.

New chapter inserted, 1963, 654 § 1.

SECT. 1, paragraph (b) amended, 1970, 443 § 32; revised, 1971, 113; amended, 1972, 81; revised, 1972, 142; amended, 1973, 367; revised, 1073, 478.

SECT. 2 amended, 1969, 829 § 1. (See 1969, 829 § 2.)

SECT. 3 amended, 1969, 392 § 29.

SECT. 5 revised, 1973, 366.

SECT. 6 revised, 1964, 459.

SECT. 8, second sentence revised, 1971, 259; sentence added, 1970, 444 § 1; 1972, 316 § 1.

SECT. 9 revised, 1972, 693 § 6.

SECT. 14, second sentence revised, 1972, 316 § 2.

Chapter 156B. — Certain Business Corporations.

New chapter inserted, 1964, 723 § 1. (See 1964, 723 §§ 6, 7.)

SECT. 2, clause (b) revised, 1965, 685 § 1. (See 1965, 685 § 57.)

SECT. 3 amended, 1965, 685 § 1A; revised, 1969, 392 § 1. (See 1965, 685 § 57.)

SECT. 4 amended, 1965, 685 § 1B. (See 1965, 685 § 57.)

SECT. 5 amended, 1969, 392 § 2.

SECT. 6, last sentence stricken out, 1965, 685 § 2. (See 1965, 685 § 57.)

SECT. 7 amended, 1969, 392 § 3.

SECT. 8 revised, 1965, 685 § 3. (See 1965, 685 § 57.)

SECT. 9, clause (f) revised, 1969, 392 § 4; section amended, 1969, 329 § 5; clause (o) stricken out and clauses (o) and (p) inserted, 1969, 392 § 6.

SECT. 9A added, 1969, 392 § 7 (specifying when a corporation may be a partner).

SECT. 11, subsection (b) amended, 1965, 685 § 4; subsection (c) amended, 1965, 685 § 5; subsection (d) amended, 1965, 685 § 6. (See 1965, 685 § 57.)

SECT. 12, first paragraph amended, 1965, 685 § 7; second paragraph amended, 1965, 685 § 8; section revised, 1969, 392 § 8; first paragraph amended, 1973, 925 § 57. (See 1965, 685 § 57; 1973, 925 § 84.)

- SECT. 13, subsection (c) amended, 1965, 685 § 9. (See 1965, 685 § 57.)
- SECT. 17, sentence inserted after first sentence, 1965, 685 § 10. (See 1965, 685 § 57.)
- SECT. 23 revised, 1965, 685 § 11. (See 1965, 685 § 57.)
- SECT. 24 amended, 1969, 392 § 9.
- SECT. 25 amended, 1969, 392 § 10.
- SECT. 26, first paragraph revised, 1965, 685 § 12; amended, 1969, 392 § 11. (See 1965, 685 § 57.)
- SECT. 27 revised, 1965, 685 § 13. (See 1965, 685 § 57.)
- SECT. 29 amended, 1965, 685 § 13A. (See 1965, 685 § 57.)
- SECT. 31 revised, 1965, 685 § 14. (See 1965, 685 § 57.)
- SECT. 32, first and second sentences revised, 1965, 685 § 15. (See 1965, 685 § 57.)
- SECT. 36 amended, 1965, 685 § 16. (See 1965, 685 § 57.)
- SECT. 37 revised, 1969, 392 § 12.
- SECT. 39 revised, 1965, 685 § 17. (See 1965, 685 § 57.)
- SECT. 41 amended, 1965, 685 § 18. (See 1965, 685 § 57.)
- SECT. 42, paragraph added at end, 1969, 392 § 13.
- SECT. 43 amended, 1965, 685 § 19; revised, 1969, 392 § 14. (See 1965, 685 § 57.)
- SECTS. 47-49 revised, 1965, 685 § 20. (See 1965, 685 § 57.)
- SECT. 47 amended, 1971, 929 § 2.
- SECT. 50 amended, 1965, 685 § 20A. (See 1965, 685 § 57.)
- SECT. 51, clause (a) amended, 1965, 685 § 21. (See 1965, 685 § 57.)
- SECT. 53, last sentence revised, 1965, 685 § 22. (See 1965, 685 § 57.)
- SECT. 55 amended, 1965, 685 § 22A. (See 1965, 685 § 57.)
- SECT. 59 revised, 1965, 685 § 23; 1969, 392 § 15. (See 1965, 685 § 57.)
- SECT. 61 amended, 1965, 685 § 24. (See 1965, 685 § 57.)
- SECT. 62 amended, 1965, 685 § 25. (See 1965, 685 § 57.)
- SECT. 63 amended, 1965, 685 § 26; revised, 1971, 929 § 3; 1972, 316 § 3. (See 1965, 685 § 57.)
- SECT. 65, sentence added at end, 1969, 392 § 16.
- SECT. 67, two paragraphs added, 1965, 685 § 27; first paragraph revised, 1969, 392 § 17; first sentence revised, 1971, 929 § 4; paragraph added at end, 1969, 392 § 18. (See 1965, 685 § 57.)
- SECT. 71 revised, 1965, 685 § 28. (See 1965, 685 § 57.)
- SECT. 72, first sentence amended, 1967, 198.
- SECT. 74, first paragraph amended, 1965, 685 § 29. (See 1965, 685 § 57.)
- SECT. 75, sentence added, 1965, 685 § 30. (See 1965, 685 § 57.)
- SECT. 78, subsection (b) amended, 1965, 685 § 31; subsection (c) amended, 1965, 685 § 32; revised, 1969, 392 § 19; subsection (d) amended, 1965, 685 § 32A; 1969, 392 § 20; subsection (e) amended, 1965, 685 § 33. (See 1965, 685 § 57.)
- SECT. 79, subsection (c) amended, 1965, 685 § 33A; 1969, 392 § 21; subsection (d) amended, 1965, 685 § 34. (See 1965, 685 § 57.)
- SECT. 80 amended, 1965, 685 § 35. (See 1965, 685 § 57.)
- SECT. 81 amended, 1965, 685 § 36. (See 1965, 685 § 57.)
- SECT. 82, subsection (b) amended, 1965, 685 § 37; subsection (e) amended, 1965, 685 § 38. (See 1965, 685 § 57.)

SECT. 83, subsection (d) amended, 1965, 685 § 38A; subsection (f) amended, 1965, 685 § 39. (See 1965, 685 § 57.)

SECT. 84 amended, 1972, 684 § 81. (See 1972, 684 § 136.)

SECT. 85, sentence added at end, 1969, 392 § 22.

SECT. 86 amended, 1965, 685 § 40; 1973, 749 § 1. (See 1965, 685 § 57.)

SECT. 87 amended, 1973, 749 § 2.

SECT. 88 amended, 1973, 749 § 3.

SECT. 89 revised, 1973, 749 § 4.

SECT. 95 amended, 1965, 685 § 41. (See 1965, 685 § 57.)

SECT. 97 amended, 1965, 685 § 42. (See 1965, 685 § 57.)

SECT. 98 amended, 1965, 685 § 43. (See 1965, 685 § 57.)

SECTS. 99-102 revised, 1965, 685 § 44. (See 1965, 685 § 57.)

SECT. 99, paragraph (b) amended, 1969, 392 § 23.

SECT. 100, clause (b) amended, 1967, 197.

SECT. 103 amended, 1965, 685 § 45. (See 1965, 685 § 57.)

SECT. 104 amended, 1965, 685 § 46. (See 1965, 685 § 57.)

SECT. 107 amended, 1965, 685 § 47; last sentence revised, 1966, 347 § 1. (See 1965, 685 § 57.)

SECT. 108 amended, 1965, 685 § 48; first sentence revised, 1969, 392 § 24. (See 1965, 685 § 57.)

SECT. 109 amended, 1965, 685 § 49. (See 1965, 685 § 57.)

SECT. 109A added, 1969, 392 § 25 (relating to further requirements for certain annual reports); first sentence revised, 1971, 929 § 5.

SECT. 110 repealed, 1965, 685 § 50. (See 1965, 685 § 57.)

SECT. 111, first three sentences stricken out, 1969, 392 § 26.

SECT. 112, last sentence stricken out, 1965, 685 § 51. (See 1965, 685 § 57.)

SECT. 113 amended, 1965, 685 § 52. (See 1965, 685 § 57.)

SECT. 114, subsection (a) amended, 1972, 684 § 82; subsection (b), paragraph (1) amended, 1972, 684 § 83; paragraph (2) amended, 1972, 684 § 84; paragraph (3) amended, 1972, 684 § 85; paragraph (4) amended, 1972, 684 § 86; paragraph (5) revised, 1965, 685 § 53; 1966, 347 § 2; amended, 1972, 684 § 87; subsection (c) amended, 1972, 684 § 88; subsection (d), paragraph (1) amended, 1972, 684 § 89; paragraph (2) amended, 1972, 684 § 90; paragraph (3) amended, 1972, 684 § 91; paragraph (4) amended, 1972, 684 § 92; paragraph (5) amended, 1972, 684 § 93; subsection (e) amended, 1972, 684 § 94; subsections (f), (g) and (h) inserted, 1965, 685 § 54; subsection (f) amended, 1972, 684 § 95; subsection (g) amended, 1972, 684 § 96. (See 1965, 685 § 57; 1972, 684 § 136.)

SECT. 115 added, 1969, 245 § 2 (relating to the authority of corporate officers with respect to real estate); revised, 1972, 103 § 2. (See 1969, 245 § 3.)

Chapter 157. — Co-operative Corporations.

SECT. 3, second sentence revised, 1949, 378 § 1.

SECT. 3A added, 1949, 378 § 2 (authorizing the forming of corporations to conduct a housing business on the co-operative plan).

SECT. 3B added, 1971, 317 § 1 (authorizing direct charge cooperatives).

SECT. 4 revised, 1949, 378 § 3; first sentence revised, 1958, 26; amended, 1971, 317 § 2; second paragraph amended, 1971, 317 § 2A.

SECT. 6 amended, 1949, 378 § 4; paragraph 2 revised, 1964, 290; paragraph 4 revised, 1949, 378 § 5.

SECT. 7 amended, 1962, 750 § 31; 1957, 698 § 5; 1972, 684 § 97. (See 1972, 684 § 136.)

SECT. 8 amended, 1962, 750 § 32.

SECT. 9 amended, 1949, 378 § 6; 1957, 698 § 6; 1971, 317 § 3; 1972, 684 § 98. (See 1972, 684 § 136.)

SECT. 13 amended, 1954, 23.

SECT. 16, last sentence amended, 1932, 180 § 31.

Chapter 158. — Certain Miscellaneous Corporations.

SECT. 1 amended, 1962, 750 § 33; revised, 1973, 860 § 23. (See 1973, 860 § 27.)

SECT. 9 revised, 1962, 750 § 34.

SECT. 16, first sentence revised, 1969, 644.

SECT. 17 revised, 1966, 526.

SECT. 33 amended, 1962, 750 § 35.

SECT. 36 amended, 1962, 750 § 36.

SECT. 37 amended, 1962, 750 § 37.

SECT. 38 amended, 1962, 750 § 38.

SECT. 39 amended, 1962, 750 § 39.

SECT. 41 amended, 1962, 750 § 40.

SECT. 42 amended, 1962, 750 § 41.

SECT. 43, last paragraph amended, 1953, 282; section revised, 1957, 698 § 7; amended, 1972, 684 § 99. (See 1972, 684 § 136.)

Chapter 159. — Common Carriers.

SECT. 12 amended, 1964, 563 § 9; paragraph (a) revised, 1945, 175.

SECTS. 12A-12D added, 1973, 936 § 1 (placing mobile radio telephone utility companies under the jurisdiction of the department of public utilities).

SECT. 14A added, 1941, 713 (authorizing the department of public utilities to regulate rates for the transportation of persons or property within the commonwealth by common carriers by aircraft).

SECT. 15, paragraph added at end, 1937, 247; same paragraph stricken out, 1938, 155 § 2; clause added, 1951, 681; revised, 1951, 726; amended, 1966, 535 § 13.

SECT. 16, two sentences added at end, 1970, 137.

SECT. 16A added, 1938, 243 (relative to the discontinuance of service by railroads).

SECT. 20 amended, 1939, 18; 1973, 816 § 1.

SECT. 21, sentence inserted after first sentence, 1946, 214.

SECT. 24, second sentence revised, 1945, 647 § 1.

SECT. 27 revised, 1945, 647 § 2.

SECT. 28 revised, 1945, 647 § 3.

SECT. 29 revised, 1945, 647 § 4.

SECT. 30 revised, 1945, 647 § 5.

SECT. 32, first sentence revised, 1945, 199.

SECT. 34A added, 1945, 577 (relative to affiliated companies of common carriers).

SECTS. 55-56 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 59 revised, 1933, 326 § 1.

SECT. 60 amended, 1933, 326 § 2; 1941, 233.

SECT. 61 amended, 1933, 326 § 3; 1946, 437 § 1.

SECT. 62 amended, 1933, 326 § 4; 1946, 437 § 2.

SECT. 63 amended, 1946, 437 § 3.

SECT. 65 amended, 1937, 270.

SECT. 70 revised, 1934, 357 § 1.

SECT. 80 amended, 1934, 357 § 2.

SECT. 83 amended, 1970, 284.

SECT. 89 revised, 1936, 363 § 1; amended, 1951, 24 § 1; 1953, 42 § 1; repealed, 1964, 400 § 2. (See 1953, 42 § 4.)

SECT. 90 revised, 1936, 363 § 2; amended, 1951, 24 § 2; repealed, 1964, 400 § 2.

SECT. 91 revised, 1936, 363 § 3; repealed, 1964, 400 § 2.

SECT. 92 amended, 1936, 363 § 4; 1951, 24 § 3; revised, 1964, 400 § 3.

SECT. 93, first sentence amended, 1936, 363 § 5; 1951, 24 § 4; 1971, 1076 § 13; sentence added at end, 1962, 362. (See 1971, 1076 § 22.)

SECT. 94 amended, 1936, 363 § 6; 1951, 24 § 5; 1953, 319 § 23. (See 1953, 319 §§ 39, 40.)

SECT. 95 amended, 1951, 24 § 6.

SECT. 98 amended, 1948, 550 § 32.

SECT. 99 amended, 1948, 550 § 33.

SECT. 101 revised, 1950, 116.

SECT. 103 amended, 1933, 10; 1941, 54; 1943, 322 § 1.

SECT. 104, first sentence revised, 1950, 117 § 1; 1959, 234; amended, 1960, 156; section revised, 1967, 684. (See 1950, 117 § 2.)

Chapter 159A. — Common Carriers of Passengers by Motor Vehicle.

Title amended, and headings, "PART I", "CARRIERS OF PASSENGERS BY MOTOR VEHICLE"; inserted before section 1, 1933, 372 § 1; repealed, 1934, 264 § 5.

SECT. 1 revised, 1948, 550 § 34; 1949, 297 § 11; amended, 1956, 99.

SECT. 2 revised, 1947, 258 § 1. (See 1947, 258 § 2.)

SECT. 4, first sentence stricken out and three sentences inserted, 1945, 318 § 1. (See 1945, 318 § 2.)

SECT. 7, paragraph added at end, 1956, 329; amended, 1966, 97.

SECT. 7A added, 1949, 449 (relative to the transfer of certificates, licenses and permits issued for certain common carriers); first sentence revised, 1952, 355; first paragraph revised, 1961, 268 § 1; second paragraph amended, 1951, 160; two sentences added at end, 1954, 281.

SECT. 8, first sentence revised, 1973, 236 § 1; third sentence revised, 1968, 456; paragraph added, 1973, 236 § 2.

SECT. 9, first sentence revised, 1969, 349; second sentence revised, 1969, 669; 1971, 540; 1972, 197; third sentence revised, 1968, 325.

SECT. 10, paragraph added at end, 1945, 585.

SECT. 11A added, 1939, 404 § 1 (placing special and chartered buses, so called, under the supervision of the department of public utilities); amended, 1941, 480; revised, 1947, 482 § 1; first sentence revised, 1953, 268 § 1; first paragraph revised, 1954, 319 § 1; second paragraph revised, 1954, 319 § 2; third paragraph amended, 1948, 484; 1950, 501; 1951, 161; 1954, 307; 1964, 41; paragraph added at end, 1961, 268 § 2; section revised, 1965, 537; first paragraph amended, 1966, 531; second paragraph, first sentence revised, 1969, 97; sentence inserted after second sentence, 1971, 560; fifth sentence revised, 1970, 335; 1972, 561; third paragraph, second sentence revised, 1969, 96. (See 1939, 404 § 1; 1947, 482 § 2; 1953, 268 § 2; 1954, 319 § 3.)

SECT. 11B added, 1972, 704 (authorizing cities and towns to enter contracts to provide public transportation).

SECT. 15 revised, 1949, 609; first paragraph revised, 1964, 116.

SECTS. 17-30 added, under captions, 1933, 372 § 2 (regulating carriers of property by motor vehicle); repealed, 1934, 264 § 5.

Chapter 159B. — Carriers of Property by Motor Vehicle.

New chapter inserted, 1934, 264 § 1.

Chapter stricken out and new chapter 159B (with same title) inserted, 1938, 483 § 1. (See 1938, 483 §§ 2-5.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 159B, as so inserted:

SECT. 2, definition of "Interstate license" stricken out and definition of "Interstate license or registration" inserted, 1968, 106; definition of "Irregular route common carrier" revised, 1941, 653 § 2; definition of "Regular route common carrier" revised and paragraph defining "Regular routes" added, 1941, 653 § 3; definition of "Agricultural carrier by motor vehicle" inserted, 1941, 704 § 1; definitions of "Contract carrier by motor vehicle", "Motor carrier" and "Permit" revised, 1941, 704 § 2; definition of "Motor Carrier" revised, 1951, 664 § 3; definition of "Property" inserted, 1949, 346 § 1; revised, 1954, 87; 1956, 266; definition of "Motor Vehicle" stricken out and definition of "Commercial Motor Vehicle" inserted, 1951, 664 § 1; definition of "Private Carrier" inserted, 1951, 664 § 2; revised, 1952, 483; 1955, 569. (See 1941, 704 § 4.)

SECT. 3, introductory paragraph amended, 1945, 400 § 1; paragraph (b) revised, 1941, 592 § 1; paragraph (c) revised, 1945, 400 § 2; amended, 1946, 420 § 1; revised, 1947, 52 § 1; amended, 1959, 543 § 1; paragraph (d) revised, 1950, 189. (See 1945, 400 § 8; 1946, 420 § 2; 1947, 52 § 2.)

SECT. 4, second paragraph revised, 1945, 400 § 3; 1966, 196 § 1; third paragraph revised, 1941, 592 § 2; fifth paragraph revised, 1966, 196 § 2; paragraph added at end, 1951, 384 § 1. (See 1951, 384 § 2.)

SECT. 5, third paragraph amended, 1959, 543 § 2; revised, 1966, 424.

SECT. 6, fifth paragraph amended, 1951, 664 § 4; stricken out, 1955, 353 § 1; sixth paragraph revised, 1967, 516.

SECT. 6A added, 1955, 353 § 2 (relative to the responsibility for illegal rate practices by common carriers by motor vehicle); second paragraph amended, 1956, 217; third paragraph amended, 1968, 769.

SECT. 6B added, 1962, 626 (establishing a maximum charge for towing away motor vehicles during snow removal operations); amended, 1970, 310; paragraph added at end, 1970, 469.

SECT. 6C added, 1968, 177 (requiring regulation of maximum charges for towing motor vehicles).

SECT. 6D added, 1969, 238 (relating to the purchase by common or contract carriers of certain commodities for immediate resale).

SECT. 7, paragraph (a) revised, 1939, 171; amended, 1950, 187; paragraph (b) amended, 1945, 343.

SECT. 9 amended, 1941, 483 § 1; 1946, 376 § 1; sentence added at end, 1947, 52 § 3; section revised, 1954, 553; amended, 1972, 684 § 100. (See 1972, 684 § 136.)

SECT. 10, paragraph added at end, 1939, 306; amended, 1941, 483 § 2; paragraph added at end, 1945, 379; section amended, 1946, 376 § 2; first paragraph amended, 1954, 481; revised, 1968, 289 § 1; second paragraph revised, 1953, 423; section revised, 1972, 798.

SECT. 10A added, 1939, 322 (relative to replacing lost or mutilated plates and lost or destroyed certificates, permits and licenses issued to carriers of property by motor vehicle); sentence added at end, 1945, 644 § 1; section revised, 1953, 309; sentence inserted before first sentence, 1954, 288; paragraph added, 1967, 43; paragraph added at end, 1968, 289 § 2.

SECT. 10B added, 1946, 376 § 3 (relative to the issuance of certain distinguishing plates to carriers of property by motor vehicle and to the use of such plates); revised, 1954, 440.

SECT. 11 amended, 1941, 483 § 3; first sentence of first paragraph revised, 1948, 616 § 1; amended, 1950, 186; first paragraph revised, 1969, 598; second sentence of last paragraph revised, 1945, 644 § 2; same sentence revised, 1948, 616 § 2; paragraph added at end, 1951, 158; sentence added at end, 1961, 266; last paragraph, first sentence stricken out and two sentences inserted, 1967, 42.

SECT. 11A added, 1956, 601 (to authorize a conditional transfer of a certificate, permit or license to a temporary vendee or lessee of interstate motor carriers duly approved by the interstate commerce commission).

SECT. 12, first paragraph revised, 1941, 653 § 4; second sentence amended, 1945, 400 § 4; second paragraph revised, 1954, 293.

SECT. 12A added, 1957, 165 (authorizing the director of the commercial motor vehicle division of the department of public utilities to destroy or dispose of certain obsolete records and plates).

SECT. 13 amended, 1941, 692; 1945, 400 § 5; first sentence revised, 1951, 262; 1959, 543 § 3.

SECT. 14 amended, 1941, 653 § 5; 1945, 400 § 6; 1949, 346 § 2.

SECT. 14 stricken out and sections 14-14B inserted, 1951, 664 § 5 (relative to the powers and duties of investigators and examiners of the commercial motor vehicle division of the department of public utilities).

SECT. 14B amended, 1952, 255.

SECT. 15A added, 1941, 704 § 3 (relative to agricultural carriers of property by motor vehicles). (See 1941, 704 § 4.)

SECT. 16A added, 1939, 307 (giving the department of public utilities authority to obtain certain information of persons engaged in leasing motor vehicles for the transportation of property for hire).

SECT. 17 revised, 1951, 664 § 6.

SECT. 19 amended, 1949, 187.

SECT. 19A added, 1967, 499 (prohibiting common carriers from engaging in transportation except on a cash basis under certain conditions).

SECT. 21, first paragraph amended, 1951, 664 § 7; second paragraph amended, 1950, 194; revised, 1967, 515.

Chapter 160. — Railroads.

SECT. 38 revised, 1946, 226.

SECT. 65A added, 1958, 562 (authorizing railroad corporations to hold stock in railroad car and equipment companies).

SECT. 65B added, 1959, 222 (authorizing railroad corporations to hold stock in certain companies).

SECT. 68 revised, 1943, 33.

SECT. 70 amended, 1932, 238.

SECT. 70A revised, 1932, 236; amended, 1934, 264 § 3.

SECT. 85 amended, 1941, 53.

For temporary act providing tax relief for certain railroads, notwithstanding the provisions of section 87 of this chapter, see 1961, 464.

SECT. 93A added, 1971, 724 (authorizing a city or town to require a railroad to erect a fence along its tracks for the public safety).

SECT. 98 amended, 1970, 429 § 1.

SECT. 102 amended, 1941, 496 § 1.

SECT. 104 revised, 1933, 176; two sentences inserted after second sentence, 1955, 231.

SECT. 104A added, 1963, 264 (regulating the disconnecting, removal or displacement of wires over railroad crossings, and providing for the reimbursement of a railroad for certain expenses in connection therewith).

SECT. 106 revised, 1953, 332.

SECT. 127A added, 1957, 156 (authorizing the department of public utilities to exempt railroads from certain provisions of law relating to drawbridges if such drawbridges have not been opened for five years).

SECT. 128A added, 1957, 159 (to prohibit railroad corporations from eliminating passenger train service without a prior public hearing).

SECT. 131A added, 1948, 639 (authorizing certain corporations to own and operate railroad terminal facilities).

SECT. 133A added, 1955, 491 (relative to switch stands on railroad tracks).

SECT. 134 amended, 1941, 273 § 1; revised, 1953, 216.

SECT. 134A added, 1950, 815 § 1 (relative to the proper clearance of tracks in railroad yards); amended, 1953, 667; sentence added at end, 1954, 239; section revised, 1956, 240 § 1; first paragraph revised, 1971, 205 § 1; second paragraph amended, 1971, 205 § 2. (See 1956, 240 § 2.)

SECT. 138 amended, 1941, 273 § 2.

SECT. 138A added, 1967, 843 (requiring manual warning devices at certain railroad crossings).

SECT. 142 amended, 1938, 29; revised, 1947, 584 § 1; second and third sentences revised, 1951, 461 § 1; section revised, 1964, 346 § 1; last sentence revised, 1967, 691. (See 1947, 584 § 2; 1951, 461 § 2; 1964, 346 § 2.)

SECT. 144 revised, 1945, 301.

SECT. 147 revised, 1947, 498; first sentence revised, 1973, 282; third sentence revised, 1968, 196; last sentence stricken out and two sentences inserted, 1965, 886.

SECT. 147A added, 1967, 700 (providing for luminous paint on railroad crossing signs).

SECT. 151 amended, 1971, 303.

SECT. 155, two sentences inserted after first sentence, 1967, 692.

SECT. 163 revised, 1967, 701.

SECT. 163A added, 1952, 430 § 1 (requiring track motor cars operated by railroads to be equipped with windshields and tops). (See 1952, 430 § 2.)

SECT. 167 amended, 1941, 273 § 3.

SECT. 168 amended, 1970, 627.

SECT. 176A added, 1951, 174 § 1 (requiring lights on track motor cars operated by railroads). (See 1951, 174 § 2.)

SECT. 185A added, 1943, 333 (providing that railroad and terminal corporations shall provide reasonable lavatory and sanitary facilities for their employees); repealed, 1955, 669 § 3.

SECT. 198A. See 1936, 267.

SECT. 198B added, 1936, 267 (prohibiting the scalping, so called, of tickets issued by railroad corporations).

SECT. 219 amended, 1953, 42 § 2. (See 1953, 42 § 4.)

SECT. 220 amended, 1953, 42 § 3. (See 1953, 42 § 4.)

SECT. 225 revised, 1973, 435.

SECT. 232 amended, 1947, 506 § 6; revised, 1949, 427 § 10; 1958, 238 § 9. (See 1949, 427 § 11; 1958, 238 § 10.)

SECT. 235 amended, 1941, 490 § 38.

SECT. 235 stricken out and sections 235 and 235A inserted, 1963, 794 § 1. (See 1963, 794 § 2.)

SECT. 241A added, 1970, 201 (relative to the removal of wreckage and debris caused by railroad derailments).

SECT. 245 amended, 1941, 273 § 4, 496 § 2.

Chapter 161. — Street Railways.

Name of Metropolitan Transit District changed to Boston Metropolitan District, and authority to issue notes and bonds defined, 1932, 147.

Temporary act, extending to January 15, 1939, the period of public control and management of the Eastern Massachusetts Street Railway Company, 1933, 108; further extension of five years, 1938, 173; further extension of five years, 1943, 98.

Temporary acts relative to the purchase of bonds of the Boston Elevated Railway Company by the Boston Metropolitan District, 1933, 235; 1934, 334; 1935, 451; 1936, 308; 1937, 357; 1941, 567; 1947, 92.

Act providing for the creation of the Metropolitan Transit Authority and the acquisition and operation by it of the entire assets, property and franchises of the Boston Elevated Railway Company, 1947, 544.

SECT. 20A amended, 1939, 28.

SECT. 35 amended, 1943, 342.

SECT. 42, third sentence amended, 1934, 328 § 20.

SECT. 44 amended, 1934, 264 § 4.

SECT. 69A added, 1954, 576 (authorizing the merger of certain associations or trusts with street railway companies).

SECT. 77 revised, 1934, 310 § 1.

SECT. 86 revised, 1934, 310 § 2.

SECT. 91A added, 1935, 101 (relative to the number of guards on passenger trains operated by street railway companies).

SECT. 94 revised, 1950, 118.

SECT. 94A added, 1968, 284 (providing penalties for throwing litter on premises of public transportation facilities).

SECT. 95 revised, 1967, 685.

SECT. 107, first paragraph amended, 1946, 253.

SECT. 143 amended, 1964, 563 § 10.

SECT. 147 revised, 1964, 563 § 11.

SECT. 150 amended, 1964, 563 § 12.

SECT. 151, sentence added, 1964, 563 § 13.

SECT. 152 amended, 1964, 563 § 14; 1968, 23 § 12.

SECT. 152A added, 1964, 563 § 15 (authorizing the executive office for administration and finance to enter into a contract with the trustees of certain transportation areas whereby the commonwealth agrees to reimburse the cities and towns comprising the area for an amount equal to ninety per cent of the debt service on certain bonds); revised, 1973, 1141 § 7. (See 1964, 563 § 25.)

SECT. 159 revised, 1964, 563 § 16.

Chapter 161A. — Massachusetts Bay Transportation Authority.

New chapter inserted, 1964, 563 § 18. (See 1964, 563 §§ 19-22, 24-29.)

SECT. 1, definition of "Commuters" revised, 1969, 578 § 3; definitions of "Department" and "Secretary" inserted, 1973, 1140 § 2; definition of "Sixty-four cities and towns" amended, 1967, 87 § 1. (See 1973, 1140 § 30.)

SECT. 3, paragraph (d) amended, 1973, 1140 § 4; revised, 1973, 1140 § 3; paragraph (i) revised, 1965, 882; paragraphs (k)-(l) revised, 1973, 1140 § 5; paragraph (r) added, 1973, 1140 § 6. (See 1973, 1140 § 30.)

SECT. 5, subsection (b) revised, 1966, 636; subsection (e $\frac{1}{2}$) inserted after subsection (e), 1969, 574 § 1; subsection (e $\frac{3}{4}$) inserted, 1971, 1100; subsections (g)-(h) revised, 1973, 1140 § 7; subsection (i) amended, 1967, 81 § 1; revised, 1973, 1140 § 8; subsection (l) added, 1973, 1140 § 9. (See 1969, 574 § 2; 1973, 1140 § 30.)

SECT. 6, second sentence stricken out and two sentences inserted, 1968, 282; sentence added, 1965, 323 § 1; section revised, 1973, 1140 § 10. (See 1965, 323 § 2; 1973, 1140 § 30.)

SECT. 7, second paragraph revised, 1967, 81 § 2; amended, 1973, 1140

§ 11; paragraph added, 1965, 509 § 1; revised, 1973, 1140 § 12. (See 1973, 1140 § 30.)

SECT. 8 amended, 1969, 897; paragraph added, 1973, 1140 § 13. (See 1973, 1140 § 30.)

SECT. 8A added, 1967, 24 § 1 (increasing amount of financial assistance to railroads providing passenger service to Boston); amended, 1968, 445 § 1.

SECT. 12, second paragraph revised, 1965, 650 § 1; fifth paragraph amended, 1971, 1075 § 2.

SECT. 13, last paragraph stricken out, 1965, 650 § 2.

SECT. 19A added, 1970, 514 (providing that the Massachusetts Bay Transportation Authority and its employees be subject to certain provisions of the state labor relations law).

SECT. 19B added, 1973, 857 (providing for payment to the spouse or named beneficiary or next of kin of any monies owed by Massachusetts Bay Transportation Authority to its deceased employees).

SECT. 23, first paragraph amended, 1971, 1075 § 3; third paragraph revised, 1971, 1075 § 4; stricken out and two sentences inserted, 1973, 1140 § 14; fourth paragraph amended, 1965, 650 § 3; fifth paragraph amended, 1971, 1075 § 5; seventh paragraph amended, 1973, 1140 § 15. (See 1973, 1140 § 30.)

SECT. 28, first paragraph amended, 1971, 1075 § 6; second paragraph revised, 1971, 1075 § 7; paragraph added at end, 1970, 513 § 5.

SECT. 28A added, 1967, 24 § 2 (relative to further financial assistance to railroads providing passenger service to Boston); first sentence revised, 1968, 445 § 2.

Chapter 161B. — Transportation Facilities, Highway Systems and Urban Development Plans.

New chapter inserted, 1973, 1141 § 1.

Chapter 163. — Trackless Trolley Companies.

SECT. 12 added, 1932, 185 (requiring trackless trolley companies to furnish security for civil liability on account of personal injuries or property damage caused by their vehicles).

SECT. 13 added, 1943, 141 (providing a penalty for the improper operation of trackless trolley vehicles, so called).

Chapter 164. — Manufacture and Sale of Gas and Electricity.

For legislation authorizing compacts relative to the interstate transmission of electricity and gas, see 1933, 294.

SECT. 1, definitions of "Articles of organization" and "Corporation" inserted, 1973, 860 § 1. (See 1973, 860 § 27.)

SECT. 4 amended, 1938, 44; revised, 1967, 58; 1973, 502 § 1, 860 § 2. (See 1973, 860 § 27.)

SECT. 4A added, 1973, 860 § 2A (regulating the duties of the state secretary relative to certain utility corporations). (See 1973, 860 § 27.)

SECT. 5 revised, 1973, 860 § 3. (See 1973, 860 § 27.)

SECT. 5A added, 1973, 860 § 4 (regulating the names of certain utility corporations). (See 1973, 860 § 27.)

SECT. 6, paragraph (e) revised, 1947, 48; 1964, 331; section revised, 1973; 860 § 5. (See 1973, 860 § 27.)

SECT. 7 repealed, 1973, 860 § 6. (See 1973, 860 § 27.)

SECT. 8 revised, 1973, 860 § 7. (See 1973, 860 § 27.)

SECTS. 8A-8D added, 1973, 860 § 8 (further regulating certain utility corporations). (See 1973, 860 § 27.)

SECT. 9A revised, 1972, 502.

SECT. 10 revised, 1973, 860 § 9. (See 1973, 860 § 27.)

SECT. 12A added, 1971, 308 § 1 (authorizing gas and electric companies to issue convertible debentures).

SECT. 13 revised, 1950, 237; 1953, 85; 1967, 681.

SECT. 14 amended, 1935, 222; 1961, 296.

SECT. 15 revised, 1950, 393; first sentence revised, 1955, 188.

SECT. 16A added, 1973, 860 § 10 (authorizing a departmental order to certain corporations to set aside depreciation allowances from earnings). (See 1973, 860 § 27.)

SECT. 17A added, 1932, 132 (regulating the lending of money by gas and electric companies); revised, 1954, 95 § 1; 1966, 340. (See 1954, 95 § 2.)

SECT. 18 revised, 1973, 502 § 2.

SECT. 19, sentence inserted after first sentence, 1953, 328; sentence inserted after second sentence, 1971, 308 § 2; section revised, 1973, 502 § 3.

SECT. 20 revised, 1973, 860 § 11. (See 1973, 860 § 27.)

SECT. 22 revised, 1973, 860 § 12. (See 1973, 860 § 27.)

SECT. 23 revised, 1973, 860 § 13. (See 1973, 860 § 27.)

SECT. 24 revised, 1973, 860 § 14. (See 1973, 860 § 27.)

SECT. 25 revised, 1973, 860 § 15. (See 1973, 860 § 27.)

SECTS. 26-28 repealed, 1973, 860 § 16. (See 1973, 860 § 27.)

SECT. 29 amended, 1962, 750 § 42; revised, 1973, 860 § 17. (See 1973, 860 § 27.)

SECT. 31 amended, 1939, 301 § 2.

SECT. 32 repealed, 1973, 860 § 18. (See 1973, 860 § 27.)

SECT. 33 amended, 1932, 180 § 32; 1953, 283; revised, 1973, 860 § 19. (See 1973, 860 § 27.)

SECT. 34 amended, 1937, 235 § 1; revised, 1966, 146; revised, 1973, 933 § 1. (See 1937, 235 § 2.)

SECT. 40 revised, 1963, 347 § 2.

SECT. 41 revised, 1965, 180.

SECT. 56, first sentence amended, 1958, 160.

SECT. 56A-56E added, 1960, 643 (relative to municipal light commissions).

SECT. 56D amended, 1968, 16.

SECT. 57, sentence inserted after seventh sentence, 1963, 347 § 3.

SECT. 58, sentence added, 1964, 401.

SECT. 58A amended, 1971, 452.

SECT. 59 revised, 1953, 502.

SECT. 69A added, 1950, 419 (authorizing the purchase, sale and distribution of natural gas by certain cities and towns).

SECTS. 69A-69E added, 1958, 311, under caption "TRAINING AND EMPLOYMENT OF CADET ENGINEERS IN MUNICIPAL GAS AND LIGHT PLANTS".

SECT. 69A, as appearing in 1958, 311, amended, 1958, 564 § 1.

SECT. 69B amended, 1958, 564 § 2.

SECT. 69C amended, 1958, 564 § 3.

SECT. 69E amended, 1958, 564 § 4.

SECTS. 69A-69E, inclusive, added by 1958, 311, renumbered sections 69B-69F, inclusive, 1958, 564 § 5.

SECT. 69D, fourth paragraph revised, 1959, 58.

SECT. 69E revised, 1964, 94.

SECTS. 69G-69R added, 1973, 1232 § 1 (establishing an Electric Power Facilities Siting Council for the preservation of the environment in conjunction with the promotion of an adequate energy supply). (See 1973, 1232 § 7.)

SECT. 70A revised, 1948, 550 § 35.

SECT. 72, sentence inserted after first sentence, 1965, 457.

SECT. 72A revised, 1968, 152.

SECT. 75A revised, 1965, 199; second sentence revised, 1971, 274.

SECTS. 75B-75D added, under caption, 1950, 462 (relative to natural gas pipe line companies).

SECT. 75E added, 1951, 574 § 1 (providing for rules and regulations relative to the transmission, distribution and use of natural gas). (See 1951, 574 § 2.)

SECT. 75F added, 1952, 192 (providing a penalty for failure of natural gas pipe line companies to restore properties to reasonable condition).

SECT. 75G added, 1953, 132 § 1 (requiring natural gas pipe line companies to mark location of underground pipes, equipment and structures on certain land). (See 1953, 132 § 2.)

SECT. 76A added, 1935, 335 § 1 (giving to the department of public utilities supervision over certain affiliates of gas and electric companies).

SECT. 76B added, 1958, 552 (regulating the construction of ways over, across or along high pressure gas mains).

SECT. 76C added, 1969, 645 (authorizing the department of public utilities to establish rules and regulations).

SECT. 84A added, 1934, 202 § 1 (requiring gas and electric companies to make additional annual returns).

SECT. 85, second paragraph amended, 1935, 335 § 2.

SECT. 85A added, 1933, 202 § 1 (requiring the filing with the department of public utilities of certain contracts of gas and electric companies with affiliated companies).

SECT. 93 revised, 1963, 615 § 4.

SECT. 94, first paragraph amended, 1948, 471; 1973, 816 § 2; second paragraph amended, 1939, 178 § 1; 1973, 816 § 3; third paragraph amended, 1948, 471; 1963, 615 § 1. (See 1939, 178 § 2.)

SECT. 94A amended, 1941, 400 § 1.

SECT. 94B amended, 1941, 400 § 2.

SECT. 94C added, 1935, 227 (relative to payments, charges, contracts, purchases, sales or obligations or other arrangement between gas or electric companies and affiliated companies, and the burden of proving the reasonableness thereof).

SECT. 94D added, 1936, 243 (prohibiting gas and electric companies from collecting penalty charges for delinquency in the payment of bills for gas or electricity used for domestic purposes).

SECT. 94E added, 1941, 400 § 3 (relative to notice of the termination of certain contracts of gas and electric companies).

SECT. 94F added, 1953, 331 (providing for refunds by gas companies in certain cases).

SECT. 96 revised, 1939, 229 § 1.

SECT. 97 amended, 1943, 55.

SECT. 99A added, 1966, 240 (relative to the rights in property held as tenants in common by electric companies).

SECT. 100 revised, 1950, 94.

SECT. 102 revised, 1939, 229 § 2.

SECTS. 102A-102B added, 1973, 860 § 20 (further regulating certain corporate consolidations or mergers). (See 1973, 860 § 27.)

SECT. 104 revised, 1957, 696.

SECT. 105 repealed, 1956, 28.

SECT. 105A added, 1932, 119 (regulating the storage, transportation and distribution of gas).

SECT. 115A added, 1936, 259 § 1 (requiring the periodic replacement of meters for measuring gas); amended, 1937, 40 § 1; paragraph added at end, 1952, 520 § 1. (See 1936, 259 §§ 2, 3; 1937, 40 §§ 2, 3; 1952, 520 § 2.)

SECT. 116 amended, 1961, 305 § 1.

SECT. 116A added, 1966, 351 (facilitating the disconnection of gas and electric services at the scene of fire, explosion or other disaster).

SECT. 119 revised, 1934, 365.

SECT. 119A added, 1936, 76 § 1 (requiring bills for gas or electricity used for domestic purposes to be itemized); revised, 1939, 145 § 1. (See 1936, 76 § 2; 1939, 145 § 2.)

SECT. 120, fifth sentence revised, 1953, 154.

SECT. 124 amended, 1935, 237, 376 § 2; 1952, 102; revised, 1965, 118 § 1; amended, 1971, 824; 1973, 858 § 1.

SECT. 124A added, 1935, 376 § 1 (relative to the shutting off of gas or electric service in homes where there is serious illness); revised, 1965, 118 § 2.

SECT. 124B added, 1965, 130 (prohibiting the curtailment of service by a utility company because of failure to pay for an appliance purchased from it).

SECT. 124C added, 1971, 767 (regulating the discontinuance of service by a gas or electric utility to a hospital, nursing home or similar facility).

SECT. 124D added, 1973, 858 § 2 (further regulating the shutting off of gas or electric service by gas or electric companies).

SECT. 125A revised, 1963, 615 § 5.

SECT. 126 revised, 1961, 284.

SECT. 127 revised, 1961, 290.

SECT. 128 added, 1973, 860 § 21 (regulating the holding of advance payments by customers of certain utility companies). (See 1973, 860 § 27.)

Chapter 164A. — New England Power Pool.

New chapter inserted, 1973, 571 § 2.

Chapter 165. — Water and Aqueduct Companies.

SECT. 1 revised, 1962, 154.

SECT. 1A added, 1965, 385 § 2 (prohibiting the establishment of water companies unless their proposed distribution systems have been approved by the department of public utilities). (See 1965, 385 § 3.)

SECT. 1B added, 1971, 243 (authorizing the department of public utilities to regulate certain water companies).

SECT. 2 amended, 1955, 187; 1958, 527 § 2; revised, 1973, 860 § 24. (See 1973, 860 § 27.)

SECT. 2A added, 1954, 610 (relative to the filing of schedules of water rates, prices and charges of water districts with the department of public utilities).

SECT. 4A added, 1933, 202 § 2 (requiring the filing with the department of public utilities of certain contracts of water companies with affiliated companies).

SECT. 4B added, 1958, 353 (authorizing certain water companies or corporations to take by eminent domain certain property, rights and easements).

SECT. 10 amended, 1958, 527 § 3.

SECTS. 11A-11C added, 1957, 220 (relative to the authority of water companies to discontinue or shut off or refuse to furnish water service).

SECT. 11D added, 1961, 305 § 2 (requiring certain employees of corporations supplying water to display a badge and photograph before entering upon the premises of a customer).

SECT. 12 amended, 1962, 750 § 43.

SECT. 13 amended, 1962, 750 § 44.

SECT. 14 amended, 1962, 750 § 45.

SECT. 19 repealed, 1941, 275 § 1.

SECT. 28 added, under caption, 1941, 275 § 2 (further regulating the acquisition and holding of real estate by water and aqueduct companies).

Chapter 166. — Telephone and Telegraph Companies, and Lines for the Transmission of Electricity.

SECT. 12A added, 1934, 202 § 2 (requiring telephone and telegraph companies to make additional annual returns).

SECT. 14A added, 1969, 192 (requiring telephone companies to issue a uniform emergency telephone number to certain public safety agencies).

SECT. 15A added, 1935, 242 (regulating charges by telephone companies for the use of hand sets, so called).

SECT. 15B added, 1939, 162 (authorizing the sale and transfer of property and the transfer of locations by domestic telephone and telegraph

companies to domestic or foreign telephone and telegraph companies and validating certain locations so transferred).

SECT. 15C added, 1955, 120 (relating to priority of emergency calls on party line telephones).

SECT. 15D added, 1970, 173 (prohibiting telephone company employees from working in excavations or trenches where there may be energized cables).

SECT. 21 amended, 1939, 161; revised, 1951, 476 § 1.

SECTS. 21A-21G added, 1969, 882 (requiring certain precautions by those working in proximity of overhead high voltage lines).

SECT. 22, second paragraph amended, 1932, 36; third paragraph revised, 1948, 550 § 36.

SECT. 22A added, 1932, 266 (relative to the placing underground of certain wires); revised, 1933, 251; stricken out, 1969, 884 § 1.

SECTS. 22A-22N added, 1969, 884 § 1 (relative to poles and overhead wires and associated structures).

SECT. 25 revised, 1951, 476 § 2.

SECT. 28 revised, 1948, 550 § 37; 1961, 466.

SECT. 29 revised, 1951, 476 § 3.

SECT. 32 revised, 1949, 529.

SECT. 35 revised, 1951, 476 § 4.

SECT. 36 amended, 1951, 476 § 5.

SECT. 39 revised, 1958, 130.

SECT. 42A added, 1961, 153 (establishing a penalty for obtaining telecommunications service fraudulently).

SECT. 42B added, 1973, 1157 (imposing certain penalties for fraudulently avoiding charges for telecommunication services and authorizing the seizure of contraband).

SECT. 44 added, 1968, 738 § 2 (regulating service observing by telephone companies).

Chapter 166A. — Community Antenna Television Systems.

New chapter inserted, 1971, 1103 § 1.

SECT. 2, second paragraph, first sentence amended, 1972, 96 § 1.

SECT. 2A, third sentence amended, 1972, 96 § 2.

SECT. 8, first sentence revised, 1972, 402 § 1.

SECT. 14, first paragraph amended, 1972, 96 § 3.

SECT. 21 added, 1972, 402 § 2 (providing a penalty for certain tampering with a duly licensed community antenna television system).

Chapter 167. — Banks and Banking.

For temporary act, providing for the establishment of a fund for the insurance of deposits in certain savings banks, see 1934, 43; amended, 1936, 149 §§ 2-4; 1938, 125 §§ 1, 2; 1939, 149 §§ 2, 3; 1941, 78 § 2; 1956, 324 §§ 5-10; 1960, 477 § 1; 1961, 175 §§ 1, 2.

For temporary act, providing for the establishment of a fund for the insurance of shares in co-operative banks, see 1934, 73; amended, 1935, 76, 80; 1936, 155; 1938, 244 §§ 2-5; 1939, 227 §§ 2-5.

For temporary act providing for the liquidation of certain trust companies, see 1939, 515; 1941, 143; 1943, 122.

For temporary act to enable certain banking institutions to co-operate in the distribution of United States defense savings bonds and defense postal savings stamps, see 1941, 221, 575.

For temporary legislation authorizing banking institutions to make loans to veterans of World War II guaranteed or insured by the administrator of veterans' affairs, see 1945, 46; 1946, 126; 1947, 110.

For temporary legislation suspending the law authorizing banks to verify deposit or passbooks of depositors or shareholders, see 1943, 30; 1948, 19; repealed, 1949, 357 § 4.

For temporary legislation authorizing banks and other lending institutions to offer relief to certain mortgagors whose taxes have been increased as a result of a general re-assessment of real estate, see 1962, 332 §§ 1, 2.

SECT. 1 amended, 1935, 452 § 1.

SECT. 2 revised, 1934, 251; first paragraph amended, 1935, 452 § 2; revised, 1948, 527 § 1; amended, 1956, 171; last sentence revised, 1951, 566; paragraph stricken out and two paragraphs inserted, 1958, 654 § 1; first paragraph amended, 1966, 296; second paragraph, second sentence revised, 1969, 791; stricken out and two sentences inserted, 1973, 1149 § 4; third paragraph revised, 1950, 428; fourth paragraph, last sentence revised, 1972, 24. (See 1948, 527 § 5; 1958, 654 § 4; 1973, 1149 § 33.)

SECT. 2A added, 1933, 310 (improving the method of examination of banks); first sentence revised, 1958, 47.

SECT. 4 amended, 1934, 270 § 1.

SECT. 5 revised, 1933, 337; first paragraph amended, 1961, 226; second paragraph amended, 1954, 681 § 16. (See 1954, 681 §§ 20, 22.)

SECT. 6 revised, 1945, 164.

SECT. 6A added, 1960, 27 (relative to the safekeeping of certain securities and passbooks of depositors in banks).

SECT. 7 revised, 1960, 58 § 2.

SECT. 8 revised, 1959, 341.

SECT. 9 revised, 1939, 499 § 8; 1945, 292 § 11; 1949, 592 § 1; third sentence revised, 1970, 94 § 1; 1973, 17 § 1.

SECT. 11 revised, 1934, 270 § 2; amended, 1950, 480 § 1; 1961, 493 § 9; 1955, 432 § 6. (See 1955, 432 § 4.)

SECT. 11A added, 1938, 266 § 1 (placing all corporations conducted on the Morris plan under the supervision of the commissioner of banks and further regulating the business of banking companies).

SECTS. 11B and 11C added, 1950, 368 (providing that certain violations of laws relating to banks shall be reported to the commissioner of banks and to the district attorney).

SECT. 11D added, 1971, 394 § 1 (requiring the commissioner of banks to promulgate rules and regulations establishing minimum security and protection standards for banks and credit unions).

SECT. 12 revised, 1935, 452 § 3; first two sentences stricken out and three sentences inserted, 1965, 154; two sentences added at end, 1951, 765; section revised, 1854, 250; paragraph added, 1967, 220.

SECT. 13 paragraph added at end, 1948, 527 § 2. (See 1948, 527 § 5.)

SECT. 14 revised, 1933, 334 § 1; 1949, 289 § 1.

SECT. 16 revised, 1949, 370; amended, 1961, 493 § 10; first sentence revised, 1968, 265; 1971, 582; sentence inserted after first sentence, 1969, 116.

SECT. 16A added, 1973, 914 (authorizing cooperative banks to offer negotiable order of withdrawal accounts).

SECT. 17 repealed, 1933, 334 § 2.

SECT. 18 amended, 1943, 110 § 1; 1955, 432 § 7; revised, 1961, 493 § 11; 1968, 224 § 6. (See 1955, 532 § 4.)

SECT. 18A added, 1961, 269 (regulating the advertising by banks of anticipated interest or dividend rates); amended, 1968, 224 § 7.

SECT. 18B added, 1970, 587 (authorizing regulation of payment and advertising interest on deposits in non-federally-insured banks).

SECT. 20, first paragraph amended, 1933, 190; 1943, 22; 1961, 493 § 12; 1971, 177 § 1; paragraph added, 1958, 109; revised, 1971, 177 § 2.

SECT. 20A added, under caption, 1933, 292 (permitting certain public officers to participate in certain bank reorganizations).

SECTS. 22-36. See 1934, 43 § 11.

SECT. 22, second paragraph amended, 1943, 121. (See 1933, 59 § 5, 112 § 9.)

SECT. 23. See 1933, 112 § 6.

SECT. 24 amended, 1932, 294; 1933, 41 § 4; 1961, 493 § 13; 1955, 432 § 8; paragraph added at end, 1960, 477 § 2. (See 1955, 432 § 4.)

SECT. 26, two paragraphs added, 1972, 301.

SECT. 31A added, 1933, 277 (authorizing payment of dividends on small deposits in closed banks to certain minors and to the next of kin of certain deceased persons without probate proceedings); revised, 1937, 170.

SECT. 35. See 1936, 428.

SECT. 35A added, 1933, 302 (authorizing the destruction of certain books, records and papers relating to closed banks).

SECT. 35B added, 1934, 241 (providing for semi-annual reports by the commissioner of banks as to progress of liquidation of certain banks).

SECT. 36 amended, 1939, 451 § 58.

SECT. 37, third sentence amended, 1949, 592 § 2.

SECT. 37A added, 1949, 640 (relative to the establishing of branches of financial institutions).

SECT. 45A amended, 1961, 493 § 14.

SECT. 46 amended, 1943, 110 § 2.

SECT. 47 amended, 1943, 110 § 3.

SECT. 48 added, 1939, 244 § 6 (relative to payments of moneys on deposit in the name of a minor); revised, 1961, 105; paragraph added, 1965, 197.

SECT. 48A added, 1961, 271 (relative to trust savings accounts in federal savings and loan associations); revised, 1964, 352; amended, 1965, 301.

SECT. 48B added, 1972, 711 (removing requirement of notice by executors or administrators of deceased depositors of special notice accounts).

SECT. 49 added, 1941, 444 (relative to adverse claims to certain bank deposits and to certain securities held by banks for the account of others).

SECT. 50 added, 1945, 37 § 1 (making permanent the law authorizing certain banking institutions to take certain first mortgages on real estate). (See 1945, 37 § 2.) For prior temporary legislation see 1936, 191, 405 § 2; 1939, 98; 1941, 40.

SECT. 51 added, 1945, 66 § 1 (making permanent the law relative to the making by certain banking institutions of loans insured by the federal housing administrator); amended, 1948, 101; last sentence revised, 1947, 89; amended, 1950, 480 § 3; section revised, 1950, 598; clause (b) of the first sentence revised, 1960, 422; 1964, 220; 1965, 263 § 3, 705 § 1; sentence inserted after said sentence, 1963, 277; revised, 1965, 263 § 4, 705 § 2; second sentence (as appearing in 1950, 598) stricken out and two sentences inserted, 1962, 46; last sentence revised, 1955, 432 § 9; 1961, 493 § 15. (See 1943, 339; 1945, 66 § 2; 1950, 480 § 4; 1955, 432 § 4.) For prior temporary legislation see 1935, 162; 1937, 240; 1939, 241; 1941, 260; 1943, 126.

SECT. 51A added, 1956, 204 (authorizing certain banking institutions to sell or assign mortgages to the Federal National Mortgage Association and to purchase stock therein).

SECT. 51B added, 1962, 460 (authorizing banks to invest in corporations or associations formed for the purpose of furnishing information to them).

SECT. 51C added, 1964, 731 § 2 (authorizing certain banking institutions to make and acquire or participate in making and acquiring loans secured by first mortgages on condominium units); amended, 1973, 79.

SECT. 52 added, 1946, 284 (permitting banks to close on Saturdays during June, July, August and September); amended, 1947, 9; revised, 1964, 93; 1970, 135.

SECT. 53 added, 1947, 169 (relative to the liability of banks to their depositors for non-payment of checks); repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 53A added, 1958, 213 § 1 (declaring void exculpatory provisions contained in a pass book issued by a bank). (See 1958, 213 § 2.)

SECT. 54 added, 1949, 428 (relative to the registration of trust securities in the names of nominees by banks doing a trust business); amended, 1951, 76.

SECT. 54A added, 1970, 125 (authorizing the registration of securities of banks in the name of a nominee); second sentence amended, 1972, 378.

SECT. 54B added, 1971, 454 (authorizing certain associations and corporations acting as fiduciaries to file securities by issue).

SECT. 55 added, 1950, 287 § 1 (relative to presentment of certain demand instruments payable by, at or through banks); repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 56 added, 1957, 400 § 1 (relative to the insurance of loans in banks).

SECT. 56A added, 1962, 339 (authorizing banks to accept and disburse insurance premiums relating to educational savings programs).

SECT. 56B added, 1964, 236 § 1 (authorizing the purchase by a bank or group of banks of group accident and health insurance).

SECT. 57 added, 1961, 465 (authorizing certain banking institutions to provide certain group insurance and benefits for certain employees); first sentence revised, 1964, 237; 1972, 110.

SECT. 57A added, 1973, 80 (providing indemnification for bank directors, trustees, officers and employees).

SECT. 58 added, 1961, 533 (authorizing the inclusion in certain real estate notes of provisions for periodic payments of premiums for fire insurance or mortgage credit insurance); second sentence revised, 1967, 809; sentence added, 1967, 348.

SECT. 59 added, 1961, 607 (relative to the sale of negotiable checks, drafts and money orders).

SECT. 60 added, 1966, 245 (authorizing mobile branch banking).

SECT. 61 added, 1966, 348 (relative to the making by certain banking institutions of student loans insured by the federal commissioner of education).

SECT. 62 added, 1968, 357 (providing that certain contracts for financing education entered into by minor students not voidable); amended, 1973, 925 § 58. (See 1973, 925 § 84.)

SECT. 63 added, 1973, 297 (prohibiting banks from requiring a borrower to execute a payroll services contract).

SECT. 64 added, 1973, 1058 (authorizing deposits of retirement and pension payments in certain banks or credit unions upon the request of the recipients).

SECT. 64 added, 1973, 1147 (authorizing banks to utilize certain facilities of other banks for customer convenience); stricken out and sections 64-65 added, 1974, 222 (regulating common trust funds of corporate fiduciaries).

Chapter 167A. — Bank Holding Companies.

New chapter inserted, 1957, 751 § 1. (See 1957, 751 §§ 2-5.)

SECT. 1, paragraph (d) revised, 1966, 633 § 1.

SECT. 2, clause (2) revised, 1966, 633 § 2; clause (5) revised, 1966, 633 § 3.

SECT. 4 amended, 1972, 684 § 101. (See 1972, 684 § 136.)

SECT. 4A added, 1969, 899 (relative to plans of acquisition in respect of stock of trust companies); paragraph 1 amended, 1973, 1149 § 5; paragraph 5 revised, 1971, 1087 § 1; paragraph 6 amended, 1971, 313 § 4. (See 1973, 1149 § 33.)

SECT. 5, paragraph (a) amended, 1966, 633 § 4.

Chapter 168. — Savings Banks.

For temporary act, establishing the Mutual Savings Central Fund, Inc., for the term of five years, see 1932, 44; term extended to ten years, 1936, 149 § 1; term extended to twenty-five years, 1939, 149 § 1; act amended, 1941, 78 § 1; 1956, 324.

For temporary act, providing that the Mutual Savings Central Fund, Inc., establish a fund for the insurance of deposits in certain savings banks, see 1934, 43; amended, 1936, 149 §§ 2-4; 1938, 125 §§ 1, 2; 1939, 149 §§ 2, 3; 1941, 78 § 2; 1952, 31, 534; 1955, 432 §§ 18-22; 1956, 324; 1957, 528; 1958, 134; 1960, 477; 1961, 175.

For temporary act modifying the requirements for making certain railroad bonds legal investments for savings banks, institutions for savings

and trust companies in their savings departments, see 1939, 87; 1941, 115; temporary act repealed, 1941, 413 § 11.

For temporary act to enable certain banking institutions to co-operate in the distribution of United States Defense Savings Bonds and Defense Postal Savings Stamps, see 1941, 221, 575.

For an act creating the Savings Bank Investment Fund as an additional means of investment for savings banks, see 1945, 283 §§ 1-11; 1955, 432 § 23, see 1955, 432 §§ 2-4, 624; 1957, 663; 1960, 219.

Chapter stricken out and new chapter 168 inserted, 1955, 432 § 1. (See 1955, 432 §§ 2-4.)

For prior changes see Table of Changes contained in Acts and Resolves of 1954.

The following references are to chapter 168, as so inserted:

SECT. 1, definition of "deposit book" revised, 1962, 169 § 1.

SECT. 4 amended, 1973, 1149 § 6. (See 1973, 1149 § 33.)

SECT. 5, first two paragraphs revised, 1957, 1 § 1; first paragraph revised, 1966, 341 § 1; amended, 1972, 684 § 102; 1973, 1149 §§ 7, 8. (See 1957, 1 § 7; 1972, 684 § 136; 1973, 1149 § 33.)

SECT. 8, first paragraph amended, 1973, 997.

SECT. 10, first paragraph, provision 2 revised, 1962, 163 § 1; 1966, 225; provision 3 amended, 1965, 852; 1972, 520 § 1; second paragraph, first sentence revised, 1962, 163 § 2. (See 1962, 163 § 3.)

SECT. 11, fourth sentence revised, 1959, 61.

SECT. 12, first sentence revised, 1962, 74.

SECT. 15, first paragraph revised, 1958, 83.

SECT. 21, paragraph 1 revised, 1959, 177 § 1; 1963, 253 § 1; amended, 1969, 337 § 1; 1970, 305 § 1; revised, 1972, 84 § 1; paragraph 2 amended, 1956, 175; 1963, 253 § 2; 1969, 751 § 13.

SECT. 22, first paragraph revised, 1959, 177 § 2; 1963, 253 § 3; amended, 1969, 337 § 2; 1970, 305 § 2; revised, 1972, 84 § 2; second paragraph amended, 1963, 253 § 4.

SECTS. 22A and 22B added, 1962, 169 § 2 (authorizing the establishment of new types of deposit accounts).

SECT. 22A amended, 1966, 206 § 1.

SECT. 22C added, 1971, 354 § 1 (authorizing co-operative and savings banks to pay supplemental or variable rates of dividends or interest on certain share and deposit accounts).

SECT. 23 revised, 1956, 244 § 1.

SECT. 25, last sentence of paragraph 1 revised, 1960, 232.

SECT. 26, first sentence revised, 1962, 169 § 3; amended, 1971, 354 § 2; paragraph 1 amended, 1962, 169 § 4.

SECT. 27 amended, 1962, 169 § 5.

SECT. 31, first paragraph, sentence added, 1972, 541.

SECT. 34, paragraph 3, first sentence revised, 1958, 131; amended, 1962, 50 § 1; revised, 1971, 455 § 1; 1973, 48; last sentence revised, 1960, 804 § 2; 1971, 92 § 1; sentence added, 1967, 312; stricken out, 1971, 455 § 2.

SECT. 35, first paragraph, first sentence amended, 1960, 804 § 3; 1964, 206 § 1; 1971, 352 § 1; paragraph 3, first sentence amended, 1962, 50 § 2;

1973, 42 § 1; paragraph 4 amended, 1956, 194 § 1; first two sentences revised, 1962, 50 § 3; first sentence amended, 1964, 206 § 2; 1971, 352 § 2; revised, 1973, 42 § 2; paragraph 5 amended, 1956, 194 § 2; third sentence amended, 1962, 50 § 4; 1966, 218 § 1; paragraph 6, fifth sentence amended, 1962, 50 § 5; 1966, 218 § 2; paragraphs 4, 5 and 6 stricken out and one paragraph inserted, 1969, 278 § 1; amended, 1973, 1144 § 1; paragraph 6A inserted, 1964, 219; first sentence revised, 1966, 218 § 3; amended, 1973, 78 § 1; fifth sentence revised, 1969, 278 § 2; 1971, 52 § 1; 1973, 78 § 2; paragraph 6B inserted, 1972, 336; amended, 1973, 78 § 3; paragraph 7 revised, 1961, 327; first two sentences revised, 1966, 218 § 4; second sentence revised, 1973, 40; third sentence revised, 1969, 278 § 3; paragraph 8, first sentence revised, 1963, 341 § 1; 1965, 263 § 1; 1972, 129 § 1; second sentence amended, 1972, 129 § 2; third sentence amended, 1960, 256; revised, 1969, 278 § 4; amended, 1971, 455 § 3; paragraph 9 revised, 1969, 278 § 5; paragraph 10, second and third sentences revised, 1963, 269; second sentence amended, 1968, 182; 1970, 303; fifth sentence revised, 1969, 322; paragraph 11 revised, 1960, 289; amended, 1963, 301; paragraph 13 added, 1960, 804 § 3; paragraph 14 added, 1971, 352 § 3.

SECT. 36, paragraph 4, first two sentences revised, 1962, 50 § 6; paragraph 6, clause (b) amended, 1963, 273; paragraph 8 revised, 1965, 265; amended, 1969, 278 § 6.

SECT. 37, first sentence revised, 1956, 689 § 7; section revised, 1960, 272; 1965, 810 § 1; fourth sentence revised, 1969, 169; first four sentences stricken out and four sentences inserted, 1970, 877; fourth sentence amended, 1973, 332 § 1; sentence inserted after fourth sentence, 1971, 505. (See 1956, 689 § 9.)

SECT. 37A added, 1962, 67 (authorizing savings banks to make certain loans guaranteed by the Massachusetts Higher Education Assistance Corporation).

SECT. 37B added, under caption, 1972, 381 § 1 (authorizing savings banks to issue credit cards).

SECT. 38, paragraph 3 amended, 1961, 493 § 16; 1962, 169 § 6; 1969, 321; paragraph 6, first two paragraphs revised, 1963, 272; first paragraph amended, 1966, 218 § 5; 1973, 42 § 3; third paragraph amended, 1966, 218 § 6; paragraph 7 added, 1960, 257; first sentence revised, 1963, 341 § 2; 1965, 263 § 2; 1972, 129 § 3; second paragraph, first sentence amended, 1972, 129 § 4; third sentence revised, 1968, 183; paragraph 8 added, 1963, 353; paragraph 9 added, 1970, 126.

SECT. 40, first sentence amended, 1962, 169 § 7; same sentence stricken out and two sentences inserted, 1963, 268; second sentence (as appearing in 1955, 432 § 1) revised, 1956, 88; 1966, 206 § 2; paragraph added at end, 1962, 169 § 8.

SECT. 41, first paragraph amended, 1972, 381 § 2; paragraph 1 revised, 1962, 44; paragraph 2 revised, 1965, 42; paragraph 3 amended, 1972, 381 § 3.

SECT. 42, paragraph 5 revised, 1961, 174; 1972, 204; 1968, 465 § 2; paragraph 6 added, 1966, 295 § 1; clause (a) revised, 1967, 271 § 1; clause (f) added, 1967, 271 § 2; clause (g) added, 1969, 338 § 3; clause (h) added, 1971, 155.

SECT. 44, subdivision B, paragraph 5 revised, 1964, 280.

SECT. 47, caption preceding said section revised, 1964, 232 § 1; first sentence revised, 1964, 232 § 2; paragraph 2 revised, 1968, 430 § 1; 1973, 336 § 1; paragraph 3, clause (a) revised, 1965, 268 § 2; amended, 1969, 218 § 1; paragraph 3 amended, 1966, 227 § 1, 288 § 1; paragraph 4 added at end, 1964, 232 § 3; revised, 1966, 227 § 2; subdivision (b) revised, 1968, 204; paragraph revised, 1973, 336 § 2; paragraph 5 added, 1969, 824; revised, 1973, 336 § 3.

SECT. 48, paragraph 1 revised, 1958, 100 § 1; paragraphs 3-5 revised, 1958, 100 § 2; section revised, 1964, 98; paragraph 7, clause (b) revised, 1965, 268 § 3; amended, 1969, 218 § 2.

SECT. 49, paragraph 1 revised, 1965, 268 § 4; amended, 1969, 218 § 3; paragraph 1A inserted, 1965, 268 § 5; revised, 1969, 218 § 4; amended, 1971, 857; 1973, 41; paragraphs 3 and 4 stricken out, 1966, 295 § 2; paragraphs 6 and 7 inserted, 1966, 288 § 2; paragraph 6 revised, 1968, 430 § 2; 1969, 338 § 1; clause (a) revised, 1972, 698 § 1; 1973, 165 § 1; paragraph 7 revised, 1967, 433 § 1; 1968, 430 § 3; amended, 1973, 735 § 1; paragraph 8 added, 1969, 338 § 2.

SECT. 50, paragraph 1 revised, 1969, 218 § 5; paragraph 2 amended, 1969, 218 § 6; paragraph 3 amended, 1969, 218 § 7; paragraph 7 revised, 1969, 218 § 8.

SECT. 51 amended, 1961, 493 § 17; first paragraph amended, 1966, 288 § 3; first sentence revised, 1969, 130.

SECT. 51A added, 1970, 363 (relative to savings banks investments not otherwise authorized).

SECT. 53, paragraph 2, first sentence revised, 1972, 94; sentence added at end, 1962, 80 § 1.

SECT. 56A added, 1969, 99 (authorizing savings banks to execute and deliver guaranties incidental to investment securities transfers).

SECT. 58, paragraph 1 amended, 1965, 74.

SECT. 59 revised, 1968, 224 § 1; amended, 1973, 59.

SECT. 60, paragraph 1 amended, 1962, 169 § 9; third sentence revised, 1968, 224 § 2; paragraph 2 revised, 1959, 89; 1967, 283; 1970, 124 § 1; paragraph 4, last sentence revised, 1968, 224 § 3.

SECT. 60A added, 1962, 169 § 10 (relative to the payment of dividends on special notice account deposits and on systematic savings account deposits); paragraph 1, second sentence amended, 1968, 224 § 4; paragraph 2, two sentences added at end, 1970, 124 § 2.

SECT. 60B added, 1971, 354 § 3 (providing for the manner of payment of dividends on term deposits).

SECT. 61, paragraph 3 revised, 1967, 301; 1968, 224 § 5.

SECT. 65, first sentence amended, 1960, 58 § 1.

SECT. 66, second sentence stricken out and two sentences inserted, 1972, 418.

SECT. 66A added, 1971, 92 § 2 (authorizing the issuance by savings and co-operative banks of certain mortgage-backed securities).

SECT. 66B added, 1972, 116 (authorizing savings banks to act as trustees under certain retirement plans).

SECT. 67A added, under caption, 1956, 324 § 1 (relative to membership in the Federal Deposit Insurance Corporation). (See 1956, 324 §§ 2-12.)

SECT. 68, paragraph 4 revised, 1958, 66.

SECT. 71, subparagraph 1 revised, 1957, 1 § 2. (See 1957, 1 § 7.)

SECT. 72 amended, 1957, 1 § 3; 1958, 106; 1973, 1149 § 9. (See 1973, 1149 § 33.)

SECT. 73, first sentence revised, 1957, 1 § 4; amended, 1961, 493 § 18; first paragraph amended, 1961, 493 § 18A; 1973, 1149 § 10; second paragraph amended, 1961, 493 § 18B. (See 1973, 1149 § 33.)

SECT. 73A added, 1959, 202 § 1 (relative to the conversion of savings banks or savings and loan associations).

SECT. 74 revised, 1959, 197 § 1; first paragraph amended, 1963, 155; third paragraph, second sentence revised, 1971, 401 § 1; fourth sentence amended, 1971, 401 § 2; sixth paragraph revised, 1971, 401 § 3; paragraph added, 1969, 235.

SECT. 78 amended, 1973, 1149 § 11. (See 1973, 1149 § 33.)

SECT. 80 amended, 1957, 698 § 8; 1972, 684 § 103. (See 1972, 684 § 136.)

Chapter 169. — Deposits with Others than Banks.

SECT. 1 amended, 1949, 64 § 1; 1950, 95.

SECT. 3 amended, 1961, 493 § 19; last sentence revised, 1949, 64 § 2.

SECT. 6 amended, 1949, 64 § 3; 592 § 3.

SECT. 7 amended, 1949, 64 § 4.

SECT. 8 revised, 1949, 64 § 5.

Chapter 170. — Co-operative Banks.

For temporary act, establishing the Co-operative Central Bank for the term of five years, see 1932, 45; term extended to ten years, 1935, 82; amount which a member bank may borrow without collateral further regulated, 1935, 136; 1941, 86; term further extended to twenty-five years, 1938, 244 § 1; refunds to member banks regulated, 1939, 227 § 1; act further amended, 1943, 219.

For temporary act, providing for the establishment of a fund for the insurance of shares in co-operative banks, see 1934, 73; amended, 1935, 76, 80; 1936, 155; 1938, 244 §§ 2-5; 1939, 227 §§ 2-5; 1945, 116.

For temporary act to enable certain banking institutions to co-operate in the distribution of United States Defense Savings Bonds and Defense Postal Savings Stamps, see 1941, 221, 575.

For temporary act to enable certain co-operative banks to invest funds in certain securities, see 1948, 50.

Chapter stricken out, and new chapter 170 inserted, 1933, 144.

Chapter stricken out, and new chapter 170 inserted, 1950, 371 § 1. (See 1950, 371 §§ 2-4; 1952, 148.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 170, as so inserted:

SECT. 1, definition of "Share capital" or "share liability" revised, 1952, 168 § 1; definition of "Shareholder" or "member" revised, 1952, 168 § 1A; "Net profits" defined, 1953, 87 § 1.

SECT. 3 amended, 1973, 1149 § 12. (See 1973, 1149 § 33.)

SECT. 5 amended, 1962, 750 § 46; 1957, 698 § 9; 1972, 684 § 104. (See 1972, 684 § 136.)

SECT. 7, first paragraph revised, 1952, 168 § 2.

SECT. 8, second sentence revised, 1969, 178 § 1; fifth sentence stricken out and three sentences inserted, 1964, 225 § 1; last paragraph revised, 1964, 225 § 2.

SECT. 8A added, 1957, 102 (prohibiting directors and officers of co-operative banks from serving as officers in certain other banks and savings and loan associations); revised, 1972, 520 § 2.

SECT. 9, first paragraph amended, 1965, 308 § 1; paragraph added, 1964, 611 § 1.

SECT. 11, third sentence stricken out, 1967, 179.

SECT. 12, second sentence revised, 1957, 1 § 5; 195, 326; 1967, 157 § 1; amended, 1972, 684 § 105; 1973, 1149 §§ 13, 14; paragraph added, 1967, 157 § 2. (See 1972, 684 § 136; 1973, 1149 § 33.)

SECT. 12A added, 1956, 244 § 2 (relative to the collection and receipt of deposits by payroll deduction by savings and co-operative banks).

SECT. 12B added, 1958, 264 (relative to the collection by co-operative banks of utility company bills).

SECT. 13, first sentence revised, 1952, 168 § 3; second sentence revised, 1961, 333 § 1; subsection 1, paragraph (a) amended, 1961, 333 § 2; paragraph (c) amended, 1961, 333 § 3; paragraph (d) amended, 1952, 257 § 1; subsection 2 amended, 1957, 204; 1961, 333 § 4; subsection 3, paragraph (b) amended, 1961, 333 § 5; revised, 1973 § 1012; paragraph (c) revised, 1959, 195; amended, 1965, 373 § 2; stricken out and paragraphs (c) and (d) inserted, 1968, 267; paragraph (c) amended, 1971, 354 § 5; paragraph (d), amended, 1970, 123; paragraph (e) added, 1971, 501; subsection 3A added, 1968, 184 § 1; subsection 3B added, 1971, 354 § 4; subsection 4, paragraph (a) amended, 1965, 373 § 3. (See 1952, 257 § 3.) See 1950, 480 § 2.

SECT. 16, first two paragraphs revised, 1954, 108; 1959, 181; first sentence revised, 1961, 333 § 6; first paragraph revised, 1963, 255; first two paragraphs revised, 1964, 210; first paragraph, first sentence revised, 1970, 304 § 1; 1972, 41; second paragraph amended, 1970, 304 § 2; third paragraph amended, 1961, 333 § 7.

SECT. 17 revised, 1952, 257 § 2; last paragraph amended, 1968, 184 § 2; 1971, 354 § 6. (See 1952, 257 § 3.)

SECT. 19 revised, 1963, 327; amended, 1968, 184 § 3.

SECT. 23, subsection 4 revised, 1963, 126; 1964, 221; first sentence revised, 1973, 96 § 1; last sentence revised, 1968, 186; 1970, 122; 1973, 96 § 2; subsection 5 added at end, 1957, 198 § 1; revised, 1963, 91; amended, 1972, 27.

SECT. 24, subsection 1 stricken out, 1959, 179; subsection 1A inserted, 1960, 122; subsection 2 amended, 1955, 118 § 1; 1965, 308 § 2; 1970,

308 § 1; subsection 3 amended, 1955, 118 § 2; revised, 1959, 108 § 1; 1963, 101; 1967, 227 § 1; 1970, 308 § 2; 1973, 77 § 1; subsection 3A inserted, 1959, 174; revised, 1963, 146; amended, 1965, 306; first sentence, clause (a) revised, 1968, 185; 1971, 52 § 2; 1973, 78 § 4; clause (b) revised, 1973, 78 § 5; clause (e) revised, 1973, 78 § 6; third sentence stricken out, 1973, 260 § 1; last sentence revised, 1966, 169; subsection 3B inserted, 1972, 315; first sentence amended, 1973, 78 § 7; third sentence stricken out, 1973, 260 § 2; subsection 3 inserted, 1973, 260 § 3; subsection 4 revised, 1955, 146; 1958, 96; 1959, 108 § 2; 1960, 54; 1962, 125 § 1; amended, 1964, 227; revised, 1967, 227 § 2; amended, 1970, 223 § 1; revised, 1973, 77 § 2; subsection 4A inserted, 1965, 307; revised, 1967, 227 § 3; subsection 5 amended, 1956, 34; 1962, 125 § 2; revised, 1963, 124; 1965, 266; amended, 1970, 223 § 2; subsection 8, sentence inserted after first sentence, 1952, 137; stricken out, 1957, 198 § 2; first paragraph amended, 1961, 333 § 8; subsection 10 amended, 1961, 333 § 9; subsection 14 added, 1973, 96 § 3.

SECT. 24A added; 1959, 342 (authorizing co-operative banks to make or acquire loans guaranteed by the Federal Housing Administrator); revised, 1962, 124.

SECT. 25 amended, 1968, 184 § 4.

SECT. 25A added, 1960, 24 § 1 (authorizing co-operative banks to make loans to depositors in anticipation of dividends); amended, 1968, 184 § 5; sentence inserted after first sentence, 1970, 159; paragraph added at end, 1968, 184 § 6.

SECT. 26, first paragraph revised, 1966, 167 § 1; 1968, 163; 1970, 158; subsections 1 and 2 revised, 1955, 432 § 10; subsection 1A inserted, 1973, 350 § 1; subsection 2, first sentence revised, 1962, 218; subsection 2A inserted, 1971, 389; subsection 2B inserted, 1971, 446; subsection 3 revised, 1960, 111; 1967, 280 § 1; subsection 3A added, 1967, 280 § 2; subsection 4A inserted, 1971, 461 § 1; paragraph (e) amended, 1972, 698 § 2; 1973, 165 § 2; paragraph (f) amended, 1973, 735 § 2; subsection 5 amended, 1961, 493 § 20; subsection 6 revised, 1963, 100; amended, 1968, 187; 1970, 311; subsection 7, first sentence revised, 1972, 206; 1973, 350 § 2; subsection 8 added, 1963, 279; second sentence amended, 1970, 302 § 1; fourth sentence revised, 1965, 814; 1968, 236; amended, 1970, 302 § 2; subsection 8 revised, 1971, 400; amended, 1973, 332 § 2; subsections 9 and 10 added, 1969, 220; subsection 11 added, 1971, 404; subsection 12 added, 1971, 436; subsection 13 added, 1973, 96 § 4. (See 1955, 432 § 4.)

SECT. 27A added, 1971, 92 § 3 (authorizing certain corporations to issue certain mortgage-backed securities).

SECT. 30, first paragraph amended, 1957, 197 § 1; 1964, 209; second paragraph amended, 1957, 197 § 2; sentence added at end, 1962, 80 § 2; first two paragraphs revised, 1972, 345; 1973, 82.

SECT. 31, first paragraph amended, 1956, 38; 1962, 110; revised, 1964, 211.

SECT. 32A added, 1967, 228 (authorizing co-operative banks to rent safe deposit boxes).

SECT. 32B added, 1972, 214 (authorizing co-operative banks to execute and deliver certain guarantees in the transfer of investment securities).

SECT. 32C added, 1973, 258 (authorizing co-operative banks to issue credit cards).

SECT. 34A added, under caption, 1956, 323 § 1 (relative to membership in the Federal Savings and Loan Insurance Corporation). (See 1956, 323 §§ 2-11.)

SECT. 35 revised, 1957, 348.

SECT. 37 revised, 1953, 87 § 2; amended, 1963, 122; paragraph (b) amended, 1965, 373 § 1; paragraph (c) amended, 1964, 212.

SECT. 37A added, under caption, 1973, 270 (relative to the computation of dividends and interest by co-operative banks).

SECT. 38, second paragraph amended, 1955, 257 § 2. (See 1952, 149; 1953, 72; 1954, 463 § 1; 1955, 257 § 1.)

SECT. 40, first sentence stricken out and two sentences inserted, 1957, 98; first two sentences stricken out and one sentence inserted, 1960, 195; first sentence amended, 1969, 752; second sentence amended, 1966, 167 § 2; section revised, 1970, 290; amended, 1971, 461 § 2.

SECT. 41, second paragraph amended, 1956, 10; stricken out, 1958, 654 § 2; section revised, 1964, 611 § 2. (See 1954, 658 § 4.)

SECT. 42, second paragraph stricken out, 1962, 109.

SECT. 47 amended, 1973, 1149 § 15. (See 1973, 1149 § 33.)

SECT. 48, first paragraph amended, 1973, 1149 § 16; last paragraph revised, 1958, 105. (See 1973, 1149 § 33.)

SECT. 49, first and second paragraphs revised, 1956, 246; first three paragraphs stricken out and subsection (A) and (B) inserted, 1965, 430 § 1; fourth paragraph stricken out and subsection (C) inserted, 1965, 430 § 2; fifth paragraph amended (changed to subsection (D)), 1965, 430 § 3. (See 1965, 430 § 5.)

SECT. 50, fourth and fifth paragraphs revised, 1962, 750 § 47.

SECT. 51, third paragraph amended, 1954, 109 § 1; last paragraph amended, 1954, 109 § 2; section revised, 1959, 196 § 1; first paragraph amended, 1963, 156; third paragraph, second sentence revised, 1971, 401 § 4; fourth sentence amended, 1971, 401 § 5; sixth paragraph revised, 1971, 401 § 6; paragraph added at end, 1970, 121.

Chapter 171. — Credit Unions.

For temporary act, establishing the Central Credit Union Fund, Inc., for the term of five years, see 1932, 216; amended, 1934, 221; 1939, 112 § 2; 1950, 266; 1961, 227 § 1. Term extended to ten years, 1936, 70. Term extended to twenty years, 1941, 177. Term extended to thirty years, 1950, 464. Made permanent, 1961, 227 § 2.

For temporary act to enable certain banking institutions to co-operate in the distribution of United States Defense Savings Bonds and Defense Postal Savings Stamps, see 1941, 221, 575.

For act establishing the Massachusetts Credit Union Share Insurance Corporation and providing for the establishment of a fund for the insurance of shares in credit unions, see 1961, 294.

SECT. 2, first two sentences revised, 1964, 258 § 1; paragraph added, 1965, 321.

SECT. 3, first sentence amended, 1957, 698 § 10; revised, 1961, 493 § 21; 1962, 536; stricken out and two sentences inserted, 1964, 258 § 2; second sentence amended, 1972, 684 § 106; second paragraph revised, 1936, 323; 1948, 527 § 4; 1957, 328; stricken out, 1958, 654 § 3. (See 1948, 527 § 5; 1958, 654 § 4; 1972, 684 § 136.)

SECT. 5 amended, 1939, 112 § 1; revised, 1965, 251; 1973, 18.

SECT. 6, paragraph added at end, 1952, 162.

SECT. 6A added, 1946, 184 (to authorize deductions from wages of employees of districts and municipalities for making certain payments to credit unions of such employees); repealed, 1947, 189 § 2. (See G. L. chapter 149 § 178B, inserted by 1947, 189 § 1.)

SECT. 8 revised, 1946, 49 § 1.

SECT. 9 revised, 1946, 49 § 2.

SECT. 10, two sentences inserted after fifth sentence, 1945, 81; section revised, 1947, 87; third sentence revised, 1971, 122; fourth sentence revised, 1949, 287; 1957, 192; 1963, 416; two sentences inserted after fourth sentence, 1964, 226; fifth sentence revised, 1968, 173; 1970, 196; 1972, 85; sentence inserted after fifth sentence, 1971, 420 § 1; sentence inserted after fourth sentence, 1960, 162; revised, 1963, 416; 1965, 313; ninth, tenth and eleventh sentences stricken out and four sentences inserted, 1970, 103.

SECT. 10A added, 1970, 200 § 1 (authorizing the establishment of special notice accounts and further regulating payments of dividends in credit unions); amended, 1971, 420 § 2.

SECT. 10B added, 1973, 909 (authorizing credit unions to accept term share and deposit accounts).

SECT. 11A added, 1958, 45 (authorizing certain officers of credit unions to pay certain deposits or shares to the surviving spouse or next of kin upon the death of a depositor or shareholder).

SECT. 13, third paragraph revised, 1962, 268 § 1.

SECT. 15, first sentence revised, 1952, 94; last sentence stricken out, 1933, 163 § 1; sentence added at end of first paragraph, 1958, 63; paragraph added at end, 1933, 163 § 1; second paragraph amended, 1955, 432 § 11; revised, 1970, 95; new paragraph added, 1935, 272; paragraph added by 1935, 722 revised, 1936, 329. (See 1955, 432 § 4.)

SECT. 16, two sentences inserted after first sentence, 1963, 104; second sentence amended, 1949, 286 § 1; revised, 1962, 268 § 2; third sentence revised, 1963, 227; sentence inserted after fourth sentence, 1960, 60; amended, 1965, 312; revised, 1972, 314; two sentences added at end, 1956, 126; sentence added at end, 1963, 227.

SECT. 17, second sentence revised, 1956, 33; sentence added at end, 1952, 95; section revised, 1960, 55. (See 1943, 30.)

SECT. 18 revised, 1955, 147; last sentence revised, 1965, 311.

SECT. 19, first sentence revised, 1972, 68; sentence inserted after first sentence, 1963, 324; revised, 1964, 208 § 1; amended, 1971, 420 § 3.

SECT. 19A added, 1938, 239 (relative to the liability of certain endorsers upon notes held by credit unions and authorizing the establishment of contingent funds by credit unions); revised, 1941, 79.

SECT. 20 amended, 1969, 319.

SECT. 20A added, 1936, 119 (relative to the impairment of the capital of credit unions); sentence added at end, 1961, 294 § 2; revised, 1971, 420 § 4.

SECT. 21 amended, 1933, 163 § 2; 1937, 228; revised, 1943, 118; sentence added at end, 1946, 76; section revised, 1949, 341; first sentence revised, 1951, 246; amended, 1951, 654; section revised, 1953, 121, 210; amended, 1954, 179 § 1; revised, 1957, 151 § 1; first sentence revised, 1964, 222; amended, 1967, 433 § 2, 641; sentence inserted after first sentence, 1962, 73; last sentence stricken out and two sentences inserted, 1960, 25; sentence added at end, 1969, 395; section revised, 1971, 525; first sentence revised, 1972, 205; 1973, 25; two sentences inserted after fourth sentence, 1973, 98. (See 1957, 151 § 2.)

SECT. 21A added, 1960, 26 (authorizing a credit union to change the location of its banking office).

SECT. 22, paragraph added at end, 1952, 88; section revised, 1962, 344; third paragraph revised, 1968, 144; amended, 1971, 420 § 5.

SECT. 24, paragraph added at end of subdivision (A), 1933, 163 § 3; first four paragraphs and subdivision (A) revised, 1941, 102; first paragraph amended, 1960, 57; 1963, 318 § 1; same paragraph, clause (b) revised, 1967, 334 § 1; clause (d) added, 1967, 231 § 1; clause (e) added, 1970, 275 § 1; paragraph 4 of subdivision (A) revised, 1947, 85; paragraph 5 of subdivision (A) amended, 1946, 47; paragraph 7 of subdivision (A) added, 1948, 65; subdivision (A) revised, 1950, 84; 1951, 117; first paragraph of subdivision (A) amended, 1959, 158 § 1; revised, 1963, 318 § 2; first sentence revised, 1967, 208; second paragraph of subdivision (A) revised, 1958, 133; 1959, 158 § 2; 1962, 275 § 1; paragraph 1 of subdivision (A) revised, 1954, 122 § 1; amended, 1960, 151 § 1; revised, 1965, 241; amended, 1968, 411 § 1; paragraph 2 of subdivision (A) revised, 1954, 122 § 2; 1960, 151 § 2; 1964, 223; amended, 1968, 411 § 2; paragraph 3 of subdivision (A) revised, 1962, 275 § 2; paragraph 3A of subdivision (A) inserted, 1965, 784; amended, 1968, 411 § 3; paragraph 5 of subdivision (A) amended, 1952, 91; 1953, 159 § 1; 1961, 493 § 22; 1964, 242; 1966, 194; paragraph 6 of subdivision (A) amended, 1953, 159 § 2; revised, 1954, 122 § 3; amended, 1956, 91; 1966, 203; 1969, 236; paragraph 7 of subdivision (A) added, 1960, 24 § 2; paragraph 8 of subdivision (A) added, 1970, 200 § 2; subdivision (B) revised, 1945, 82; 1947, 178; second sentence revised, 1952, 163; sentence inserted after second sentence, 1955, 122; revised, 1959, 92; 1964, 213 § 1; paragraph 3 of subdivision (B) revised, 1952, 105 § 1; first sentence revised, 1954, 213 § 2; sentence added at end, 1959, 102; paragraph 3A of subdivision (B) added, 1953, 159 § 3; paragraph 3B of subdivision (B) added, 1965, 333; stricken out, 1967, 231 § 2; paragraph 4 of subdivision (B) stricken out, 1952, 105 § 2; subdivision (B) revised, 1967, 334 § 2; subsection (b), paragraph (7) revised, 1970, 306; subdivision (C) added, 1963, 318 § 3; subdivision (D) added, 1967, 231 § 3; revised, 1970, 197; subdivision (E) added, 1970, 275 § 2; section revised, 1971, 420 § 6; subdivision (A), paragraph 5 revised, 1972, 232; subdivision (B), subsection (a), paragraph 4 amended, 1972,

146; 1973, 95; subsection (b), paragraph 8 amended, 1972, 356; paragraph 12 added, 1971, 522; paragraph 13 added, 1972, 156; subdivision (D), fifth sentence revised, 1971, 573.

SECT. 25, first paragraph revised, 1949, 286 § 2; 1962, 268 § 3; section revised, 1965, 331; 1970, 200 § 3; fifth paragraph amended, 1971, 420 § 7.

SECT. 26A added, 1962, 127 (requiring the preservation of credit union records for a period of six years).

SECT. 27, first sentence amended, 1949, 592 § 5; revised, 1960, 53; amended, 1970, 94 § 2; 1973, 17 § 2; last sentence stricken out, 1961, 223.

SECT. 29, first paragraph revised, 1936, 139; amended, 1973, 101; second paragraph amended, 1950, 162 § 7; 1954, 179 § 2; paragraph added at end, 1961, 294 § 3; revised, 1971, 420 § 8.

SECT. 30 added, 1946, 90 (relative to the consolidation of credit unions and the conversion of foreign credit unions); first two paragraphs revised, 1973, 26; last paragraph amended, 1964, 258 § 3.

SECTS. 31-33 added, 1948, 509 § 1 (providing for the establishment of a contributory credit union employees retirement association). (See 1948, 509 § 2.)

SECT. 31, second paragraph amended, 1961, 294 § 4; fifth paragraph revised, 1954, 121 § 1; paragraph added at end, 1954, 121 § 2; section revised, 1965, 449; third paragraph amended, 1969, 324; 1970, 293 § 1; revised, 1972, 327 § 1; sixth paragraph revised, 1972, 327 § 2; paragraph added at end, 1970, 293 § 2.

SECT. 32, third sentence revised, 1973, 334.

SECTS. 34-35 added, 1971, 420 § 9 (further regulating credit unions).

Chapter 172. — Trust Companies.

For temporary act providing for the liquidation of certain trust companies, see 1939, 515; 1941, 143; 1943, 122.

Chapter stricken out, and new chapter 172 (with same title) inserted, 1961, 493 § 1.

For prior changes see Table of Changes contained in Acts and Resolves of 1960.

The following references are to chapter 172, as so inserted:

SECT. 1, definition of "Deposit book" or "pass book" revised, 1962, 151.

SECT. 7 amended, 1966, 200 § 1; 1973, 1149 § 17. (See 1973, 1149 § 33.)

SECT. 9 amended, 1962, 750 § 48; 1972, 684 § 107. (See 1972, 684 § 136.)

SECT. 11, paragraph (a) revised, 1966, 200 § 2; amended, 1972, 684 § 108; revised, 1973, 1149 § 18. (See 1972, 684 § 136; 1973, 1149 § 33.)

SECT. 12A added, 1966, 173 § 1 (relative to voting rights of a stockholder of a trust company).

SECT. 13, first paragraph, third sentence revised, 1967, 233.

SECT. 16, second sentence revised, 1972, 520 § 3.

SECT. 17 revised, 1964, 300; amended, 1966, 177 § 1; paragraph added, 1966, 177 § 2.

SECT. 18 revised, 1966, 186.

SECT. 21, subsection D amended, 1965, 279.

SECT. 22A added, 1966, 173 § 2 (relative to the date for determining stockholders having right to notice of meetings).

SECT. 23, sentence inserted after first sentence, 1965, 41.

SECT. 24, paragraph D amended, 1970, 648 § 3. (See 1970, 648 § 8.)

SECT. 25A added, 1965, 299 (authorizing trust companies to issue and sell capital notes and debentures).

SECT. 27, subsection B amended, 1963, 225; 1971, 362; clause 2 revised, 1973, 68; clause 3 revised, 1972, 40.

SECT. 30, first sentence amended, 1970, 648 § 4; revised, 1971, 316. (See 1970, 648 § 8.)

SECT. 38, subsection A, clause (1) amended, 1968, 610 § 1; revised, 1973, 1149 § 19; clause (2) amended, 1968, 610 § 2; revised, 1973, 1149 § 20; subsection C revised, 1968, 610 § 3; subsection F added, 1968, 610 § 4. (See 1973, 1149 § 33.)

SECT. 48, clause 8 amended, 1962, 238; 1971, 313 § 1; revised, 1972, 526; clause 16 revised, 1972, 337; clause 18 added, 1963, 143; 1971, 313 § 2; clause 19 added, 1971, 386; clause 20 added, 1972, 238.

SECT. 48A added, 1972, 437 (authorizing trust companies to take second mortgages as collateral security for loans).

SECT. 50 revised, 1968, 350.

SECT. 51 revised, 1963, 376; first paragraph revised, 1969, 337 § 3; 1970, 305 § 3; amended, 1972, 84 § 3; second paragraph revised, 1964, 279.

SECT. 54 revised, 1970, 648 § 5; subsection C added, 1971, 519. (See 1970, 648 § 8.)

SECT. 55, subsection A, paragraph (4) revised, 1965, 262 § 1; paragraph added, 1965, 262 § 2; amended, 1966, 220 § 1; subsection C revised, 1966, 220 § 2; 1969, 100; amended, 1970, 648 § 6. (See 1970, 648 § 8.)

SECT. 58, first paragraph amended, 1971, 313 § 3; paragraph added, 1966, 633 § 5.

SECT. 59, second paragraph revised, 1971, 1087 § 2.

SECT. 61 revised, 1962, 105; first paragraph revised, 1970, 832.

SECT. 64, first paragraph amended, 1964, 304; section revised, 1970, 648 § 2. (See 1970, 648 § 8.)

SECT. 76 revised, 1966, 168; 1968, 441.

Chapter 172A. — Banking Companies.

New chapter inserted, 1935, 452 § 4.

For temporary act to enable certain banking institutions to co-operate in the distribution of United States Defense Savings Bonds and Defense Postal Savings Stamps, see 1941, 221, 575.

SECT. 1 revised, 1938, 266 § 2; amended, 1941, 391 § 1. (See 1941, 391 §§ 2, 3.)

SECT. 1A added, 1938, 266 § 3 (authorizing certain existing corporations to vote to carry on the business of a banking company on certain conditions).

SECT. 2 amended, 1938, 266 § 4; 1973, 1149 § 21. (See 1973, 1149 § 33.)

SECT. 3 revised, 1938, 266 § 5; fifth sentence amended, 1952, 97; sentence added at end, 1948, 285.

SECT. 4 amended, 1938, 266 § 6; 1949, 268 § 1.

SECT. 5, first paragraph revised, 1938, 266 § 7; section revised, 1948, 148 § 1; fourth sentence amended, 1953, 122; last paragraph revised, 1950, 92 § 1.

SECT. 5A added, 1948, 148 § 2 (relative to the limitations on the amount of deposits on certificate funds in banking companies).

SECT. 6 revised, 1938, 266 § 9.

SECT. 6A added, 1946, 115 § 1 (authorizing certain banking companies to receive deposits subject to withdrawal by check); first sentence revised, 1961, 493 § 23; second sentence amended, 1948, 150; 1953, 123; 1955, 163; last sentence revised, 1950, 92 § 2.

SECT. 7, preliminary sentence revised, 1946, 115 § 2; clause First, last sentence stricken out, 1945, 192 § 1; clause Second revised, 1943, 208; 1948, 35; amended, 1952, 96; revised, 1955, 432 § 16; clause Fourth added, 1945, 192 § 2; revised, 1948, 100.

SECT. 7A added, 1938, 266 § 8 (relative to the carrying and disposition by certain existing corporations of certain assets not authorized as investments after they become subject to this chapter).

SECT. 7B added, 1948, 36 (prohibiting the making of loans by banking companies on the security of their own shares and regulating the acquisition or holding by them of such shares).

SECT. 8 amended, 1947, 39.

SECT. 8A added, 1948, 34 (prohibiting the making of loans or extensions of credit by banking companies to their own executive officers).

SECT. 10, first sentence amended, 1946, 115 § 3; second sentence revised, 1961, 41; two sentences added at end, 1949, 268 § 2.

SECT. 12 amended, 1948 § 37; revised, 1957, 1 § 6; 1973, 1149 § 22. (See 1973, 1149 § 33.)

SECT. 12A added, 1948, 281 (relative to the merger, consolidation or purchase and sale of assets of banking companies); revised, 1955, 275 § 2; amended, 1961, 493 § 24; 1973, 1149 § 23. (See 1973, 1149 § 33.)

SECT. 15 added, 1941, 438 (authorizing banking companies to sell certain negotiable checks).

Chapter 173. — Mortgage Loan Investment Companies.

SECT. 15 amended, 1949, 592 § 6.

SECT. 16 revised, 1949, 592 § 7.

Chapter 174. — Bond and Investment Companies.

Chapter stricken out, 1950, 822 § 1.

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

Chapter 174A. — Regulation of Rates for Fire, Marine and Inland Marine Insurance, and Rating Organizations.

New chapter inserted, 1947, 614 § 1. (See 1947, 614 § 3.)

SECT. 4, first paragraph revised, 1955, 384 § 1.

SECT. 6, subsection (f) added, 1955, 384 § 2.

SECT. 11, paragraph added at end, 1969, 424 § 1.

SECT. 18, paragraph (c) amended, 1954, 681 § 17. (See 1954, 681 §§ 20, 22.)

Chapter 174B. — Regulation of Automobile Clubs.

New chapter inserted, 1972, 754.

SECT. 4 revised, 1973, 713.

Chapter 175. — Insurance.

For legislation authorizing domestic insurance companies to invest in real estate mortgages insured under the National Housing Act, see 1939, 359. (See also 1943, 339.) [For other legislation, see 1935, 162; 1937, 240; 1939, 241; 1941, 260; 1943, 126; 1946, 125.]

For temporary act, modifying the requirements for investments in real estate mortgages, see 1936, 191; amended, 1936, 405 § 2; extended, 1939, 98; 1941, 40.

For temporary legislation authorizing insurance companies to make loans to veterans of World War II guaranteed or insured by the administrator of veterans' affairs, see 1945, 46; 1946, 126; 1947, 110.

For temporary legislation confirming the power and authority of domestic insurance companies, their officers, directors, employees and agents, to pay certain taxes and fees, and relating to liability therefor, see 1945, 57; 1947, 80.

SECT. 1, definition of "Company" revised, 1947, 488 § 10; amended, 1963, 848 § 1; 1968, 391 § 1; paragraph added (after definition of "Foreign company") defining "Industrial life insurance policy" or "policy of industrial life insurance", 1943, 227 § 11; paragraph added after word "law" in the fifty-second line, 1938, 306 (defining "resident" with respect to the incorporators, officers and directors of insurance companies); paragraph added at end, 1963, 848 § 2; revised, 1968, 391 § 2; 1970, 642 § 1. (See 1943, 227 §§ 13, 14.)

SECT. 3 amended, 1963, 848 § 3; revised, 1968, 391 § 3; amended, 1970, 642 § 2.

SECT. 3A, first sentence revised, 1970, 876 § 1. (See 1970, 876 § 28.)

SECT. 3B added, 1956, 325 (relative to the powers and duties of the commissioner of insurance).

SECT. 4, first paragraph revised, 1938, 357 § 1; fourth paragraph amended, 1939, 472 § 4; revised, 1941, 324.

SECT. 5 amended, 1933, 107 § 2.

SECT. 6, first paragraph amended, 1933, 107 § 3; section amended, 1939, 472 § 1; first paragraph amended, 1939, 488 § 2; last sentence of same paragraph revised, 1949, 242 § 1. (See 1939, 488 § 9.)

SECT. 9, clause Second revised, 1941, 326 § 1; clause Fourth revised, 1941, 326 § 2; section revised, 1943, 227 § 1; subdivision 1, paragraph Third amended, 1961, 368 § 1; paragraph Fourth revised, 1973, 1145 § 1; paragraph Sixth added, 1961, 368 § 2; subdivision 2, paragraph First revised, 1960, 323 § 1; paragraph Second revised, 1963, 130 § 1; amended,

1973, 1145 § 2; paragraphs Third, Fourth, Fifth and Sixth stricken out and five paragraphs inserted, 1961, 368 § 3; paragraph added, 1973, 1145 § 3; subdivision 3, Second paragraph revised, 1961, 368 § 4; subdivision 4, last paragraph stricken out, 1961, 368 § 5; subdivisions 5-11, inclusive, stricken out and subdivisions 5-13, inclusive, inserted, 1961, 368 § 6. (See 1943, 227 §§ 13, 14; 1963, 130 § 3.)

SECT. 9A added, 1963, 249 (requiring life insurance companies to establish claim fluctuation reserves).

SECT. 10 revised, 1947, 217; second sentence revised, 1968, 327.

SECT. 11, first paragraph amended, 1934, 92 § 1; revised, 1943, 207 § 3; 1945, 605 § 2; 1947, 539; 1959, 447; third paragraph amended, 1933, 5. (See 1943, 207 § 4; 1945, 605 § 3.)

SECT. 12 amended, 1943, 183 § 1. (See 1943, 183 § 2.)

SECT. 12A added, 1943, 183 § 2 (relating to the computation of reserves required of certain domestic liability insurance companies with respect to certain policies of liability insurance).

SECT. 14 amended, 1939, 395 § 2; revised, 1941, 635 § 3, 693; third paragraph revised, 1956, 522; paragraph inserted after paragraph contained in line 14, 1943, 54 § 1; revised, 1945, 593 § 1; paragraph contained in lines 22-26 revised, 1943, 288; seventeenth paragraph revised, 1943, 54 § 2; 227 § 2; twenty-first and twenty-second paragraphs revised, 1971, 968 § 1. (See 1945, 593 § 2; 1971, 968 § 8.)

SECT. 14A added, 1949, 735 § 2 (relative to contributions to the expenses of the Committee on Valuation of Securities of the National Association of Insurance Commissioners, and the assessment upon domestic life insurance companies therefor).

SECT. 15 revised, 1960, 202.

SECT. 16, second paragraph amended, 1939, 395 § 3.

SECT. 17, second paragraph revised, 1956, 285.

SECT. 18, first paragraph amended, 1957, 453 § 1; revised, 1962, 392 § 2; amended, 1963, 259 § 2; revised, 1964, 154.

SECT. 19A amended, 1934, 137 § 2; revised, 1941, 364 § 1; sentence inserted after third sentence, 1966, 95 § 1; fourth sentence revised, 1968, 252; sentence inserted after sixth sentence, 1970, 876 § 2. (See 1970, 876 § 28.)

SECT. 19B added, 1939, 375 (authorizing domestic insurance companies to merge or consolidate with foreign insurance companies in certain cases); revised, 1941, 364 § 2; second paragraph, sentence added at end, 1970, 876 § 3. (See 1970, 876 § 28.)

SECT. 19C added, 1941, 364 § 3 (relative to rights of stockholders of merging or consolidating corporations); revised, 1970, 876 § 4. (See 1970, 876 § 28.)

SECT. 19D added, 1961, 606 (providing that domestic stock life insurance companies and certain other domestic stock insurance companies may be converted into mutual companies); subparagraph (3) revised, 1970, 876 § 5; subparagraph (7) revised, 1970, 876 § 6. (See 1970, 876 § 28.)

SECT. 20, first sentence of second paragraph amended, 1946, 508; second sentence of second paragraph revised, 1948, 571; new paragraph inserted after fifth paragraph, 1941, 343.

SECT. 22, paragraph added at end, 1960, 339.

SECT. 22A revised, 1935, 234; first paragraph amended, 1946, 158; last paragraph amended, 1938, 181; section revised, 1951, 327; second paragraph stricken out, 1955, 384 § 3; section revised, 1965, 383.

SECTS. 22C and 22D added, 1968, 640 § 1 (regulating the cancellation of certain insurance policies). (See 1968, 640 § 2.)

SECT. 22C revised, 1970, 387; first paragraph amended, 1973, 408; revised, 1973, 551 § 1. (See 1973, 551 § 7.)

SECT. 22E added, 1970, 670 § 8 (relative to automatic renewal of motor vehicle insurance policies).

SECT. 22E stricken out and sections 22E-22H added, 1970, 744 § 1 (providing for renewal of certain motor vehicle insurance policies and for penalties for refusals to issue or renew same by insurance companies).

SECT. 22E revised, 1973, 551 § 2. (See 1973, 551 § 7.)

SECTS. 22F-22G repealed, 1973, 551 § 3. (See 1973, 551 § 7.)

SECT. 24, sentence added at end of first paragraph, 1946, 244.

SECT. 25, first paragraph revised, 1950, 396 § 1; second paragraph revised, 1945, 159; amended, 1950, 396 § 2; third paragraph amended, 1950, 225; last paragraph of Form A stricken out, 1934, 12; Forms B and C revised, 1947, 488 § 2; first paragraph following line 42, as appearing in Tercentenary Edition, revised, 1958, 177; last paragraph of section amended, 1934, 92 § 2; section revised, 1970, 787.

SECT. 29 revised, 1939, 167; 1955, 636.

SECT. 30 revised, 1970, 876 § 7. (See 1970, 876 § 28.)

SECT. 32 revised, 1938, 357 § 2; amended, 1941, 342 § 1.

SECT. 33 revised, 1946, 186.

SECT. 34 revised, 1970, 876 § 8. (See 1970, 876 § 28.)

SECT. 35 revised, 1950, 63; first sentence revised, 1961, 126; 1973, 549; second sentence revised, 1964, 31.

SECT. 36, second paragraph revised, 1935, 140; 1936, 61; first two paragraphs revised, 1951, 125; two paragraphs added at end, 1938, 218 § 1; third paragraph revised, 1954, 75; amended, 1966, 337; second, third and fourth paragraphs revised, 1969, 311 § 1.

SECT. 36A added, 1948, 496 (relative to payment of retirement or insurance benefits to agents and agency employees of certain domestic insurance corporations); first sentence revised, 1959, 261; amended, 1969, 311 § 2.

SECT. 36B added, 1954, 247 (to permit accident and health insurance companies to cover their employees for accident and health insurance); amended, 1969, 311 § 3.

SECT. 37A added, 1970, 876 § 9 (authorizing contributions by domestic insurance companies). (See 1970, 876 § 28.)

SECT. 44, three paragraphs added, 1965, 499 § 1. (See 1965, 499 § 2.)

SECT. 47, clause First revised, 1938, 176; clause Fourth revised, 1938, 307; clause Fifth revised, 1954, 266; clause Sixth amended, 1941, 243; 1945, 436; 1951, 73; clause Seventh amended, 1937, 261; clause Twelfth

revised, 1935, 204; clause Seventeenth added, 1946, 471 § 1; clause Eighteenth added, 1963, 848 § 4; stricken out, 1968, 391 § 4.

SECT. 47A added, 1970, 484 § 1 (relative to certain permissible direct businesses in which domestic insurance companies may engage).

SECT. 47B added, 1973, 1174 §§ 1, 2 (providing for certain insurance coverage for mental illness). (See 1973, 1174 § 7.)

SECT. 48, first paragraph revised, 1946, 471 § 2; amended, 1965, 260 § 2; revised, 1968, 391 § 5; lines 15-17, inclusive, stricken out and two paragraphs inserted, 1961, 168 § 1; lines 22 and 23 stricken out and paragraph inserted, 1946, 471 § 3; paragraph in lines 37-41, inclusive, revised, 1961, 168 § 2; 1962, 202 § 1; paragraph added, 1963, 848 § 5; stricken out, 1968, 391 § 6; three paragraphs added, 1966, 95 § 2; eleventh paragraph, first sentence stricken out and two sentences inserted, 1970, 876 § 10. (See 1970, 876 § 28.)

SECT. 48A revised, 1946, 471 § 4.

SECTS. 48B and 48C added, 1963, 848 § 6 (relative to the investment of the assets of domestic variable annuity contracts).

SECT. 48B, paragraph inserted after first paragraph, 1966, 84.

SECTS. 48B and 48C stricken out, 1968, 391 § 7.

SECT. 49, first paragraph revised, 1954, 320 § 1; 1970, 876 § 11; second paragraph amended, 1963, 848 § 7; 1968, 391 § 8; paragraph inserted after second paragraph, 1939, 15 § 2; same paragraph stricken out, 1954, 320 § 2; paragraph contained in the twenty-second to the twenty-eighth lines revised, 1941, 342 § 2; revised, 1966, 95 § 3; 1970, 876 § 12; last paragraph stricken out, 1941, 342 § 3; sixth and seventh paragraphs stricken out and one paragraph inserted, 1970, 876 § 13; sixth paragraph amended, 1972, 684 § 109. (See 1970, 876 § 28; 1972, 684 § 136.)

SECT. 50, first sentence revised, 1945, 609 § 1; 1954, 320 § 3; third sentence amended, 1932, 180 § 33; 1957, 698 § 12.

SECT. 50 stricken out and sections 50-50B added, 1970, 876 § 14 (relative to articles of amendment of stock and mutual companies). (See 1970, 876 § 28.)

SECT. 51, clause (a) revised, 1946, 471 § 5; clause (d) revised, 1961, 168 § 3; 1962, 202 § 2; clause (h) added, 1965, 260 § 3; revised, 1967, 676 § 1; stricken out, 1968, 391 § 9.

SECT. 54, clause (a½) added, 1946, 471 § 6; clause (c) revised, 1961, 168 § 4; 1962, 202 § 5; clause (e) revised, 1939, 488 § 3. (See 1939, 488 § 9.)

SECT. 54A added, 1932, 165 (permitting certain insurance companies to make outside the commonwealth contracts insuring personal property against all risks or hazards); amended, 1938, 198.

SECTS. 54B-54D added, 1945, 384 § 2 (authorizing multiple line underwriting, so called, by certain domestic and foreign stock and mutual insurance companies). (See 1945, 384 § 3.)

SECT. 54B revised, 1946, 285; 1950, 475 § 1.

SECT. 54C revised, 1961, 168 § 5.

SECT. 54E added, 1951, 510 (to afford more complete insurance coverage for dwelling houses); revised, 1955, 339.

SECT. 54F added, 1957, 170 (extending the authorization of insurance companies to include other coverage of commercial property in a fire insurance policy).

SECT. 54G added, 1973, 600 § 1 (further regulating reinsurances by life companies).

SECT. 57 revised, 1970, 876 § 15. (See 1970, 876 § 28.)

SECT. 58, second paragraph stricken out, 1970, 876 § 16. (See 1970, 876 § 28.)

SECT. 59, sentence added at end, 1948, 286; revised, 1970, 876 § 17. (See 1970, 876 § 28.)

SECT. 60, third paragraph, sentence added at end, 1970, 876 § 18. (See 1970, 876 § 28.)

SECT. 61, sentence inserted after first sentence, 1965, 260 § 1; stricken out, 1968, 391 § 10; section repealed, 1970, 876 § 19. (See 1970, 876 § 28.)

SECT. 63, paragraph 1 revised, 1959, 128; paragraph 2 amended, 1968, 391 § 11; clause (d) added, 1947, 266 § 1; paragraph 3 amended, 1947, 266 § 2; paragraph 3A added, 1948, 70; revised, 1961, 129; 1968, 465 § 1; paragraph 4 revised, 1947, 266 § 3; paragraph 5A added, 1947, 266 § 4; paragraph 6 revised, 1947, 266 § 5; 1968, 246 § 1; paragraph 7 revised, 1945, 188; first sentence amended, 1951, 129; second sentence revised, 1969, 459 § 1; fifth sentence revised, 1954, 65; sentence added at end, 1946, 438 § 2; paragraph 7 revised, 1957, 183; amended, 1960, 294; 1964, 95; paragraph 7A added, 1950, 207; revised, 1956, 137; paragraph 9 revised, 1947, 266 § 6; paragraph 11 revised, 1947, 266 § 7; paragraph 14A added, 1947, 266 § 8; revised, 1954, 111 § 1; amended, 1965, 269 § 1; first two sentences revised, 1967, 201; paragraph 14B added, 1951, 154; revised, 1970, 580; paragraph 14C added, 1956, 373; clause (b) revised, 1965, 269 § 2; 1968, 384 § 1; paragraph revised, 1969, 266; paragraphs 14D and 14E added, 1958, 296; paragraph 14F added, 1965, 300; clause (a), subdivision (2) revised, 1968, 384 § 2; section amended, 1967, 676 § 2.

SECT. 64, first paragraph revised, 1953, 110; first sentence revised, 1969, 279; second paragraph amended, 1936, 213; second paragraph revised, 1969, 459 § 2; third paragraph revised, 1943, 207 § 2; 1947, 269 § 2; 1952, 395; last sentence revised, 1967, 583 § 1; fourth paragraph revised, 1967, 583 § 2; paragraph added at end, 1941, 548. (See 1943, 207 § 4; 1945, 605 § 3.)

SECT. 65 amended, 1946, 125; 1947, 41; revised, 1954, 176; 1955, 208; amended, 1967, 254 § 1; 1968, 246 § 2.

SECT. 66, first paragraph amended, 1963, 848 § 8; 1966, 451; first two sentences revised, 1967, 419 § 1; second sentence revised, 1967, 530 § 3; amended, 1968, 391 § 12; revised, 1970, 484 § 2; sentence added, 1967, 254 § 2; third sentence revised, 1968, 246 § 3; second paragraph amended, 1947, 650; second paragraph stricken out and two paragraphs inserted, 1954, 111 § 2.

SECT. 66A added, 1943, 207 § 1 (relative to the construction, operation and maintenance of low rental housing projects by domestic life insurance companies); revised, 1945, 605 § 1; 1947, 504; first sentence re-

vised, 1968, 133 § 1; fourth sentence revised, 1968, 561 § 1. (See 1943, 207 § 4; 1945, 605 § 3.)

SECT. 66B added, 1947, 269 § 1 (authorizing domestic life insurance companies to invest in certain land and buildings); first sentence revised, 1963, 128; fourth sentence amended, 1953, 94; 1967, 254 § 3; fifth sentence stricken out and two sentences inserted, 1954, 68; sixth sentence revised, 1957, 152; section revised, 1968, 133 § 2; first sentence revised, 1970, 538; third sentence revised, 1968, 561 § 2.

SECT. 66C added, 1967, 419 § 2 (regulating investments of life insurance companies); first paragraph amended, 1968, 391 § 13; fourth paragraph revised, 1973, 1026; fifth paragraph amended, 1968, 391 § 14.

SECT. 66D added, 1967, 530 § 2 (regulating the acquisition of capital stock by life insurance companies).

SECT. 66E added, 1971, 218 (authorizing a domestic life company to invest in a limited partnership).

SECT. 70, second sentence revised, 1954, 320 § 4; section amended, 1957, 698 § 13; revised, 1958, 155; 1970, 876 § 20. (See 1970, 876 § 28.)

SECT. 71, first sentence stricken out and four sentences inserted, 1954, 320 § 5; section revised, 1970, 876 § 21. (See 1970, 876 § 28.)

SECT. 72 amended, 1936, 212.

SECT. 73, first paragraph revised, 1939, 300 § 1.

SECT. 77, first paragraph amended, 1941, 365 § 1; second paragraph amended, 1962, 57; section revised, 1970, 876 § 22. (See 1941, 365 § 2; 1970, 876 § 28.)

SECT. 78 revised, 1970, 876 § 23. (See 1970, 876 § 28.)

SECT. 79 revised, 1933, 23 § 1; 1953, 220 § 1.

SECT. 80, first sentence revised, 1947, 196; paragraph inserted after the word "classified" in the twenty-third line, 1936, 315; section revised, 1947, 317; first sentence amended, 1951, 297; first paragraph revised, 1955, 384 § 4; paragraph inserted after first paragraph, 1962, 397; paragraph inserted after first paragraph, 1956, 315; revised, 1957, 453 § 2; amended, 1962, 392 § 3; next to last paragraph amended, 1961, 493 § 25.

SECT. 81, first sentence amended, 1952, 34.

SECT. 83, paragraph added at end, 1941, 716 § 5. (See 1941, 723.)

SECT. 85A added, 1941, 716 § 1 (providing that the commissioner of insurance may authorize certain domestic mutual insurance companies to issue non-assessable policies); sentence added at end, 1943, 247 § 1; sentence added at end, 1947, 197 § 1. (See 1941, 723; 1943, 247 § 4.)

SECT. 87 repealed, 1934, 22.

SECT. 90, first paragraph amended, 1941, 716 § 2; 1945, 403 § 2. (See 1941, 723.)

SECT. 90A amended, 1939, 300 § 2.

SECT. 90B revised, 1933, 23 § 2; 1945, 726.

SECT. 90C, first paragraph revised, 1953, 220 § 2.

SECT. 93, first paragraph revised, 1939, 488 § 1; 1941, 654 § 1; amended, 1961, 168 § 6. (See 1939, 488 § 9.)

SECT. 93B revised, 1939, 488 § 4. (See 1939, 488 § 9.)

SECT. 93C revised, 1939, 488 § 5. (See 1939, 488 § 9.)

SECT. 93D revised, 1939, 488 § 6. (See 1939, 488 § 9.)

SECT. 93E, first sentence revised, 1962, 202 § 3.

SECT. 93F added, 1941, 716 § 3 (permitting certain domestic mutual insurance companies to issue non-assessable policies); sentence added at end, 1943, 247 § 2; sentence added at end, 1947, 197 § 2. (See 1941, 723; 1943, 247 § 4.)

SECT. 94, first two paragraphs stricken out, and two new paragraphs inserted, 1933, 81; first paragraph amended, 1938, 218 § 2; 1943, 532 § 2; revised, 1945, 313 § 2; amended, 1968, 391 § 15; revised, 1970, 642 § 3; third paragraph revised, 1952, 51; 1970, 876 § 24; fourth paragraph revised, 1970, 876 § 25. (See 1945, 313 § 5; 1970, 876 § 28.)

SECTS. 94A-94M added, under caption, 1947, 488 § 1 (authorizing and regulating the exchange of reciprocal or inter-insurance contracts in the commonwealth).

SECT. 94B revised, 1955, 384 § 5; 1957, 177.

SECT. 94E, clause (a) revised, 1955, 384 § 6.

SECT. 95A added, 1973, 316 (prohibiting insurance companies from requiring owners of residential property to renew or continue fire insurance policies in excess of outstanding mortgage amount).

SECT. 96A added, 1946, 471 § 7 (providing that insurance against expenses actually incurred in repairing or replacing property damaged or destroyed by fire or other causes shall not be subject to certain limitations as to value).

SECT. 97 amended, 1933, 31; two sentences added at end, 1945, 399 § 1. (See 1945, 399 § 2.)

SECT. 99, clause Ninth revised, 1934, 95; paragraph of the standard form appearing in lines 14-23 revised, 1943, 462; clause Tenth added, 1947, 488 § 3; section revised, 1951, 478 § 1; clause Twelfth amended, 1969, 425 § 1; 1973, 378 § 1, 349 § 1, 1064 § 1. (See 1951, 478 § 2; 1969, 425 § 2; 1973, 349 § 2, 1064 § 2.)

SECT. 99A added, 1962, 418 (relating to fire insurance policies).

SECT. 102 amended, 1932, 174 § 1; revised, 1934, 110 § 1. (See 1932, 174 § 2; 1934, 110 § 2.)

SECT. 102A, first paragraph amended, 1966, 80.

SECT. 102C added, 1957, 453 § 3 (relative to the issuance of insurance policies against loss by radioactive contamination).

SECT. 102D added, 1970, 598 (authorizing certain insurance companies to issue "association" policies).

SECT. 104 repealed, 1947, 614 § 2. (See 1947, 614 § 3.)

SECT. 105 amended, 1955, 432 § 17. (See 1955, 432 § 4.)

SECT. 106 revised, 1932, 150 § 1; amended, 1939, 400 § 1. (See 1932, 150 § 4.)

SECT. 108, paragraph added at end, 1945, 341; paragraphs A-C added at end, 1947, 607; section revised, 1954, 275 § 1; subdivision 2, paragraph (a) amended, 1962, 634 § 1; 1965, 112; subdivision 3, paragraph (a), provision (2) amended, 1958, 277; provision (2A) inserted, 1972, 714; provision (3) amended, 1958, 294 § 1; paragraph (b), provision (8) stricken out, 1958, 294 § 2; provision (11) stricken out, 1971, 1076 § 15; paragraph

(b½) inserted, 1958, 294 § 3; subdivision 4 amended, 1973, 344 § 1; subdivision 8, second paragraph revised, 1966, 96; paragraph C amended, 1954, 681 § 18; paragraph D added, 1966, 386 § 1. (See 1954, 275 §§ 4, 5, 681 §§ 20, 22.)

SECT. 109 repealed, 1954, 275 § 2. (See 1954, 275 §§ 4, 5.)

SECT. 110, sentence added at end, 1939, 133; section amended, 1941, 118; revised, 1943, 424 § 3, 532 § 1; subdivision (1) of second paragraph amended, 1945, 403 § 1; section revised, 1949, 676 § 3; amended, 1950, 392; subdivisions (A) and (B) revised, 1952, 532 § 1; subdivision (A) amended, 1954, 275 § 3, 327; 1953, 229 § 1; 1964, 236 § 2; 1965, 309 § 1; 1968, 264; subdivision (B) revised, 1963, 254 § 1; amended, 1964, 236 § 3; 1965, 309 § 2; subdivision (C) amended, 1952, 532 § 1A; subdivision (D) revised, 1952, 532 § 2; amended, 1955, 207; 1962, 634 § 2; subdivision (D) stricken out and subdivisions (D) and (E) inserted, 1963, 254 § 2; subdivision (F) added, 1966, 386 § 2; subdivision (G) added, 1973, 344 § 2; subdivision (H) added, 1973, 1221 §§ 1, 2. (See 1954, 275 §§ 4, 5; 1973, 1221 § 7.)

SECT. 110A added, 1938, 401 (relative to exemption of the benefits of disability insurance from attachment and execution); amended, 1973, 550.

SECT. 110B added, 1939, 209 (relative to the termination or lapsing of certain accident and health policies for non-payment of premiums); revised, 1955, 263.

SECT. 110C added, 1962, 392 § 1 (authorizing joint action by insurance companies in underwriting a single group policy of health insurance insuring persons sixty-five years of age and over and their spouses).

SECT. 110D added, 1967, 593 (providing for extension of coverage in accident and health policies after insured leaves group).

SECT. 110E added, 1973, 1081 (further regulating the advertising and contents of accident and sickness policies).

SECT. 111A, first paragraph revised, 1973, 828 § 1; second paragraph amended, 1973, 828 § 2; paragraph inserted after provision (4), 1957, 453 § 4.

SECT. 111C added, 1943, 375 § 1 (providing for the inclusion of accident benefits in certain liability insurance policies); revised, 1948, 287; 1959, 438 § 1.

SECT. 111D added, 1959, 438 § 2 (authorizing the inclusion in motor vehicle liability policies of death and disability benefits and coverage for damages caused by the operation of uninsured motor vehicles).

SECT. 111E added, 1963, 760 (authorizing the issuance of certain liability policies to certain organizations); amended, 1971, 849.

SECT. 111F added, 1965, 369 (requiring certain insurance companies to furnish copies of medical reports of persons injured in an accident).

SECT. 111G added, 1969, 143 (authorizing the inclusion of the spouse and certain dependent children in certain policies providing medical expense benefits).

SECT. 113 amended, 1973, 1114 § 19. (See 1973, 1114 § 351.)

SECT. 113A, first paragraph, provision (2) amended, 1933, 119 § 1;

revised, 1933, 145 § 1; 1949, 570; amended, 1951, 648 § 2; revised, 1956, 191 § 1; amended, 1971, 939 § 3; 1973, 341 § 1, 405; provision (2)A added, 1933, 145 § 2; amended, 1935, 296 § 1; provision (5) amended, 1973, 1114 § 20; provision (6) revised, 1936, 272; 1949, 693 § 1; amended, 1955, 283 § 2; paragraph inserted after said provision, 1961, 568 § 2; revised, 1969, 147; stricken out and two paragraphs inserted, 1973, 905 § 2. (See 1933, 145 § 3; 1935, 296 § 2; 1949, 693 § 2; 1951, 648 § 3; 1955, 283 § 3; 1961, 568 § 3; 1971, 939 § 7; 1973, 341 § 3; 1114 § 351.)

SECT. 113B, first paragraph amended, 1964, 391; first two paragraphs revised, 1968, 643 § 2; first paragraph amended, 1972, 366; 1973, 341 § 2; paragraph inserted after first paragraph, 1972, 451; stricken out, 1973, 599 § 1; paragraph inserted after first paragraph, 1935, 459 § 4; second paragraph, sentence added at end, 1970, 785; paragraph inserted after first paragraph, 1970, 670 § 7; 1971, 977 § 1A; paragraph inserted, 1972, 423; third paragraph amended, 1951, 251; 1962, 509; 1963, 430; revised, 1963, 828; 1964, 292; amended, 1971, 977 § 1; fourth paragraph amended, 1973, 338; paragraph added, 1968, 660. (See 1935, 459 § 5; 1970, 670 § 10; 1973, 341 § 3; 599 § 3.)

SECT. 113C, second paragraph amended, 1971, 520 § 1, 896 § 1; paragraph added at end, 1968, 643 § 3; revised, 1970, 670 § 9. (See 1970, 670 § 10; 1971, 520 § 2.)

SECT. 113D, first paragraph revised, 1933, 119 § 2; first sentence of same paragraph revised, 1962, 178 § 1; third paragraph revised, 1971, 939 § 4; fourth paragraph revised, 1933, 146 § 1; amended, 1960, 264; fifth paragraph revised, 1971, 939 § 5; sixth paragraph revised, 1933, 146 § 2; amended, 1934, 46; first sentence of sixth paragraph amended, 1938, 311; paragraph revised, 1971, 939 § 6; paragraph added at end, 1933, 119 § 3; paragraph added at end, 1934, 379; revised, 1951, 648 § 1; stricken out, 1956, 191 § 2; paragraph added at end, 1955, 412 § 1. (See 1933, 119 § 6, 146 § 3; 1951, 648 § 3; 1955, 412 § 2; 1962, 178 § 2; 1971, 939 § 7.)

SECT. 113E added, 1934, 61 (prohibiting certain discrimination in the issuance or execution of motor vehicle liability policies or bonds); amended, 1941, 401; revised, 1973, 551 § 4. (See 1973, 551 § 7.)

SECT. 113F added, 1937, 390 (relative to the renewal of motor vehicle liability policies or bonds, so called, in certain cases); first paragraph amended, 1938, 351; section revised, 1970, 545; fourth paragraph revised, 1973, 333.

SECT. 113G added, 1939, 406 § 1 (relative to the relations of officers, directors and employees of certain domestic insurance companies with certain insurance agencies and finance companies). (See 1939, 406 § 2.)

SECT. 113H added, 1953, 570 § 5 (relative to co-operation by insurance companies in the apportionment of certain motor vehicle liability risks); first paragraph revised, 1968, 643 § 4; amended, 1971, 656; 1972, 264; section revised, 1973, 551 § 5. (See 1973, 551 § 7.)

SECT. 113I added, 1954, 274 (relative to the service charges for securing motor vehicle liability insurance for certain persons); revised, 1973, 551 § 6. (See 1973, 551 § 7.)

SECT. 113J added, 1954, 334 (requiring insurers under compulsory motor vehicle insurance law to furnish reports of medical examinations).

SECT. 113K added, 1965, 403 (providing that certain minors shall be competent to contract for motor vehicle liability insurance); amended, 1973, 925 § 59. (See 1973, 925 § 84.)

SECT. 113L added, 1968, 643 § 5 (requiring compulsory insurance coverage for damages caused by uninsured motorists); paragraph (1) amended, 1973, 380.

SECT. 113M added, 1971, 1078 § 1 (requiring the licensing of motor vehicle damage appraisers); amended, 1973, 712. (See 1971, 1078 § 3.)

SECT. 113N added, 1972, 299 (prohibiting insurance companies from requiring a physical examination of an applicant for motor vehicle liability insurance).

SECT. 113O added, 1973, 630 § 1 (regulating lessor damage payments under certain motor vehicle insurance policies). (See 1973, 630 § 2.)

SECT. 114 amended, 1932, 180 § 34; 1939, 225.

SECT. 116A amended, 1932, 180 § 35.

SECT. 117, sentence added at end, 1955, 384 § 7.

SECT. 117A, first paragraph amended, 1938, 216 § 1; heading before section 117A stricken out and "MARINE AND AUTOMOBILE AND SPRINKLER LEAKAGE INSURANCE" inserted, 1938, 216 § 2.

SECT. 117B added, under caption, 1963, 259 § 1 (authorizing the issuance of combination policies of credit insurance).

SECT. 118, paragraph added at end, 1968, 391 § 16.

SECT. 120A added, 1972, 804 § 1 (relative to the issuance of life insurance policies for certain mentally retarded persons). (See 1972, 804 § 2.)

SECT. 123 revised, 1943, 186; first paragraph revised, 1958, 114; second paragraph stricken out, 1952, 14.

SECT. 125. See 1933, 42.

SECT. 126 amended, 1943, 227 § 5. (See 1933, 42; 1943, 227 §§ 13, 14.)

SECT. 128 revised, 1953, 97.

SECT. 128A added, 1958, 410 (making a minor who has attained the age of eighteen competent to give a valid discharge for certain payments made to him under certain insurance policies).

SECT. 130 revised, 1954, 66.

SECT. 132, first paragraph revised, 1933, 101 § 1; first paragraph amended, 1943, 227 § 6; provisions numbered 6, 7, 8, 9, revised, 1943, 227 § 7; provision numbered 10 revised, 1951, 131; provision numbered 12 added, 1955, 119; four paragraphs added at end of section, 1943, 227 § 6; paragraph added at end, 1970, 642 § 4. (See 1943, 227 §§ 13, 14.)

SECTS. 132A-132E added, 1945, 313 § 1 (relative to group annuity contracts). (See 1945, 313 § 5; 1947, 188 §§ 1, 2.)

SECT. 132A, clause (a) amended, 1967, 769 § 5; clause (b) stricken out and clauses (b), (c) and (d) inserted, 1951, 249 § 1; second paragraph revised, 1951, 249 § 2; last paragraph revised, 1951, 249 § 3.

SECT. 132B, provision 4, sentence added at end, 1968, 391 § 17; revised, 1970, 642 § 5.

SECT. 132F added, 1960, 562 (authorizing life insurance companies to assign certain life policies and annuity contracts to a separate account, for the purpose of allocating thereto investment returns and asset gains and losses); revised, 1965, 296; second and third paragraphs revised, 1967, 161 § 1; sixth paragraph revised, 1967, 161 § 2; amended, 1970, 642 § 6; three paragraphs added after ninth paragraph, 1967, 161 § 3; seventh and eleventh paragraphs stricken out, 1968, 391 § 18.

SECTS. 132G and 132H added, 1968, 391 § 21 (permitting life insurance companies to do variable annuity business and to grant life company powers to variable annuity companies).

SECT. 132G, first paragraph amended, 1970, 642 § 7; second paragraph amended, 1970, 642 § 8; paragraph inserted after seventh paragraph, 1970, 642 § 9; paragraph inserted after eighth paragraph, 1970, 642 § 10.

SECT. 133, clause (a) amended, 1946, 346; 1948, 54; revised, 1951, 404 § 1; amended, 1955, 171; 1962, 119 § 1; clause (b) amended, 1938, 362 § 2; 1943, 424 § 1; revised, 1951, 404 § 2; clause (c) added, 1938, 362 § 1; revised, 1957, 400 § 2; amended, 1958, 188; revised, 1959, 209 § 1; amended, 1961, 350; clause (d) added, 1943, 424 § 2; amended, 1962, 119 § 2; clause (e) added, 1949, 676 § 1; amended, 1951, 195; revised, 1951, 404 § 3; amended, 1953, 229 § 2; clause (f) added, 1956, 533 § 1; paragraph inserted after first paragraph, 1961, 193.

SECT. 134, sentence added at end of provision numbered 4, 1938, 362 § 3; said provision revised, 1939, 170; 1941, 456; last paragraph stricken out and three new paragraphs inserted, 1938, 362 § 4; first of said paragraphs revised, 1949, 676 § 2; amended, 1950, 463 § 1; paragraph inserted after second of said paragraphs, 1950, 463 § 2; section revised, 1951, 404 § 4; provision numbered 1 revised, 1954, 285; provision numbered 4 amended, 1956, 533 § 2; provision numbered 4A inserted, 1955, 169; revised, 1959, 209 § 2; provision numbered 7 amended, 1956, 533 § 3; third paragraph revised, 1956, 533 § 4; fifth paragraph amended, 1960, 361; last paragraph revised, 1958, 574; stricken out, 1968, 164 § 2.

SECT. 134A added, 1949, 676 § 4 (relative to the time of notice required in the conversion of group life insurance policies).

SECT. 134B added, 1963, 848 § 9 (relative to the form of variable annuity contracts); paragraph added, 1966, 604; section repealed, 1968, 391 § 19.

SECT. 134C added, 1969, 156 § 1 (providing for assignment of interests under group life insurance).

SECT. 138A added, 1943, 424 § 4 (relative to deductions from salaries of state, county and municipal employees for payment of premiums on certain group life insurance policies).

SECT. 139, two sentences added at end, 1945, 335; section revised, 1946, 313; 1960, 657; second sentence amended, 1963, 135.

SECT. 140, first two sentences revised, 1960, 568 § 1; third sentence revised, 1963, 211; second paragraph revised, 1943, 227 § 12; 1960, 708; 1965, 567 § 1; third paragraph amended, 1933, 101 § 2; first sentence revised, 1970, 642 § 11. (See 1943, 227 §§ 13, 14; 1965, 567 § 2.)

SECT. 141 revised, 1960, 568 § 2; 1970, 484 § 3.

SECT. 142 revised, 1943, 227 § 8; first sentence revised, 1950, 345 § 1; amended, 1969, 747 § 1; second paragraph revised, 1970, 642 § 12. (See 1943, 227 §§ 13, 14; 1950, 345 § 2.)

SECT. 143 revised, 1943, 227 § 9. (See 1943, 227 §§ 13, 14.)

SECT. 144, last paragraph revised, 1933, 101 § 3; first three paragraphs stricken out and four new paragraphs inserted, 1938, 209 § 1; section revised, 1943, 227 § 3; subdivision 5 revised, 1961, 368 § 7; subdivision 6 revised, 1960, 323 § 2; amended, 1973, 1145 § 4; subdivision 7 revised, 1961, 368 § 8; subdivision 11 added, 1945, 313 § 3; amended, 1968, 391 § 20; revised, 1970, 642 § 13. (See 1938, 209 § 3; 1943, 227 §§ 13, 14; 1945, 313 §§ 4, 5; 1960, 323 § 3.)

SECT. 146 revised, 1943, 227 § 4; third paragraph revised, 1963, 130 § 2. (See 1943, 227 §§ 13, 14; 1963, 130 § 3.)

SECT. 146A added, 1945, 298 (providing for giving notice to holders of lapsed industrial life insurance policies of non-forfeiture benefits).

SECT. 147 amended, 1938, 209 § 2; repealed, 1943, 227 § 10. (See 1943, 227 §§ 13, 14.)

SECT. 147A repealed, 1943, 227 § 10. (See 1943, 227 §§ 13, 14.)

SECT. 147B added, 1935, 232 (requiring foreign life insurance companies to provide for paid-up and extended term insurance and cash surrender values on policies of industrial life insurance issued in the commonwealth); repealed, 1943, 227 § 10. (See 1943, 227 §§ 13, 14.)

SECT. 149, first paragraph amended, 1954, 318; section revised, 1960, 568 § 3; fourth paragraph revised, 1966, 83.

SECTS. 149A-149D added, 1946, 455 (providing that certain unclaimed funds held by domestic life insurance companies be paid into the state treasury).

SECT. 149A revised, 1950, 523 § 1.

SECT. 149B amended, 1950, 523 § 2; sentence inserted after first sentence, 1962, 474 § 1.

SECT. 149C amended, 1950, 523 § 3.

SECT. 149D, last sentence revised, 1949, 694 § 1; stricken out and two sentences inserted, 1950, 523 § 4; section revised, 1957, 372 § 4; two sentences added at end, 1962, 474 § 2. (See 1949, 694 § 2; 1957, 372 § 5.)

SECT. 150 revised, 1945, 609 § 2; amended, 1946, 250.

SECT. 151, clause Second amended, 1933, 107 § 1; clause Second, subdivision (3) (c) revised, 1939, 488 § 7; 1950, 475 § 2; 1961, 168 § 7; clause Second, subdivision (3) (f) revised, 1939, 488 § 8; 1950, 475 § 3. (See 1939, 488 § 9.)

SECT. 152, fourth sentence revised, 1973, 600 § 2.

SECT. 152A added, 1941, 716 § 4 (relative to the issue by certain foreign mutual insurance companies of non-assessable policies); sentence added at end, 1943, 247 § 3; same sentence amended, 1947, 257; sentence added at end, 1947, 197 § 3. (See 1941, 723; 1943, 247 § 4.)

SECT. 153 revised, 1962, 202 § 4. (See 1962, 202 § 6.)

SECT. 155, clause First revised, 1932, 150 § 2; amended, 1939, 400 § 2. (See 1932, 150 § 4.)

SECT. 156A amended, 1933, 30.

SECT. 157, paragraph added at end, 1939, 315; section revised, 1941, 451; first paragraph amended, 1952, 146; revised, 1961, 134.

SECT. 160 amended, 1973, 683 § 1.

SECT. 160A added, 1933, 25 § 1 (prohibiting the printing or publication of certain advertisements for or on behalf of unlicensed insurance companies).

SECT. 160B added, 1934, 14 § 1 (authorizing the commissioner of insurance to publish certain information relative to unlicensed foreign insurance companies or societies).

SECTS. 160C and 160D added, 1967, 560 (authorizing insurance companies and agents to do business with companies authorized to do business in Mexico).

SECTS. 160A-160E added, under caption, 1968, 129 (providing for domestication of certain foreign insurance companies); amended, 1968, 696 §§ 1-5; section numbers corrected, 1968, 696 § 6, so as to read "SECTS. 161A to 161E added, under caption, 1968, 129." (See 1968, 696 §§ 6, 7.)

SECT. 162, third paragraph revised, 1941, 286.

SECT. 162A added, 1947, 629 (authorizing insurance companies and their agents to compensate duly licensed insurance brokers for certain services); revised, 1971, 968 § 2. (See 1971, 968 § 8.)

SECT. 162B added, 1954, 464 (authorizing agents and brokers to accept payment of insurance premiums in installments and to finance insurance payments).

SECT. 163, first paragraph, first sentence revised, 1971, 968 § 3; paragraph added at end, 1941, 502; same paragraph revised, 1943, 85; six paragraphs added, 1971, 961; seven paragraphs added, 1973, 1056. (See 1971, 968 § 8.)

SECT. 163A added, 1971, 968 § 4 (relative to educational requirements for certain appointed insurance agents and brokers); first paragraph revised, 1972, 162 § 1. (See 1971, 968 § 8.)

SECT. 164A added, 1938, 225 (providing that no insurance agent shall be charged with a decrease or deduction from his commission or salary on account of industrial life insurance policies lapsed or surrendered after being paid on for three years); revised, 1943, 226.

SECT. 166, fifth sentence revised, 1971, 968 § 5. (See 1971, 968 § 8.)

SECT. 166A added, 1971, 968 § 6 (relative to educational requirements for an insurance agent or broker license); first paragraph revised, 1972, 162 § 2. (See 1971, 968 § 8.)

SECT. 166B added, 1971, 968 § 7 (relative to revocation of insurance agent or broker licenses). (See 1971, 968 § 8.)

SECT. 167A amended, 1934, 137 § 3; 1937, 260; 1945, 368; revised, 1954, 627 § 33. (See 1954, 627 §§ 65, 67.)

SECT. 168, first sentence revised, 1950, 347 § 1; fourth sentence stricken out and two sentences inserted, 1950, 347 § 2; fourth sentence amended, 1951, 130; fourth sentence stricken out and two sentences inserted, 1960, 597; fourth sentence stricken out and three sentences inserted, 1961, 413 § 1.

SECT. 172, last sentence revised, 1941, 703.

SECT. 173 revised, 1946, 299; paragraph added at end, 1968, 108.

SECT. 174, first paragraph amended, 1965, 125; fourth paragraph amended, 1954, 294.

SECT. 174C added, 1941, 493 (relative to the qualifications and licensing of insurance agents, insurance brokers and special insurance brokers).

SECT. 174D added, 1955, 155 (authorizing the continuance of the business of an insurance agency by the widow of the owner under certain circumstances); revised, 1957, 161.

SECT. 174E added, 1972, 718 § 1 (further regulating the licensing of insurance brokers and agents).

SECT. 176A added, 1966, 423 § 1 (relative to return premiums received by or credited to insurance agents and brokers).

SECT. 177, sentence inserted after first sentence, 1961, 413 § 2; sentence inserted after third sentence, 1964, 236 § 4.

SECTS. 177A-177D added, under caption, 1939, 395 § 1 (defining and providing for the licensing of insurance advisers).

SECT. 177B, first paragraph amended, 1973, 925 § 61; second and third paragraphs stricken out and new paragraph inserted, 1941, 635 § 1; paragraph inserted after first paragraph, 1969, 144; paragraph added, 1941, 635 § 2. (See 1973, 925 § 84.)

SECT. 178 amended, 1941, 450 § 2.

SECT. 179, sentence added at end, 1939, 472 § 2; section revised, 1941, 452.

SECT. 180A stricken out, and new sections 180A-180L inserted, under caption, 1939, 472 § 3 (relative to the rehabilitation, conservation and liquidation of certain domestic and foreign insurers).

SECT. 180B, first sentence revised, 1949, 242 § 2.

SECTS. 180M-180Q added, under caption, 1963, 521 § 1 (relative to facilitating the continued operation of domestic insurance companies and fraternal benefit societies in the event of certain national emergencies).

SECT. 181 revised, 1934, 160; amended, 1939, 395 § 4.

SECT. 184 amended, 1937, 103; first sentence revised, 1947, 531; second sentence amended, 1948, 98; revised, 1961, 206; amended, 1964, 236 § 5.

SECT. 185, first paragraph amended, 1939, 400 § 3; second paragraph revised, 1932, 150 § 3; first and second paragraphs revised, 1941, 654 § 2; section revised, 1943, 238 § 2.

SECT. 186A added, 1949, 237 (relative to certain presumptions created by the delivery of endowment policies or annuity contracts).

SECT. 186B added, 1959, 168 § 1 (providing that the effect of the lack of a sworn statement of loss shall be the same under all policies of insurance as it is under fire insurance policies). (See 1959, 168 § 2.)

SECT. 187B, four sentences added at end, 1970, 504.

SECT. 187C, first paragraph amended, 1934, 34; 1936, 215 § 1. (See 1936, 215 § 2.)

SECT. 187E added, 1947, 104 (to facilitate payment by insurance companies of amounts not exceeding five hundred dollars due to estates of deceased persons); amended, 1973, 925 § 60. (See 1973, 925 § 84.)

SECT. 187F added, 1963, 796 (regulating the cancellation of certain insurance during a period of strike of insurance agents).

SECT. 187G added, 1973, 454 (providing for reinstatement of certain life insurance policies lapsing during insurance agents' authorized strike).

SECT. 191A added, 1960, 793 (providing for an arbitration provision in policies insuring against physical damage to motor vehicles of the assured); revised, 1961, 92 § 1; 1964, 171. (See 1961, 92 § 2.)

SECT. 192, sentence added at end, 1943, 375 § 2.

SECT. 192A added, 1960, 259 (relative to the filing of loose leaf insurance policies).

SECT. 193B added, 1937, 314 (authorizing the payment of motor vehicle insurance premiums in installments).

SECT. 193C added, 1948, 617 (authorizing interlocking directorates of domestic insurance companies).

SECT. 193D added, 1948, 621 (regulating the acquisition by domestic insurance companies of stock guaranty capital or other share capital of insurance companies).

SECT. 193E added, 1950, 520 (prohibiting coercion in the placing of insurance on real or personal property); first paragraph, sentence added at end, 1969, 248 § 1; second paragraph amended, 1969, 248 § 2.

SECTS. 193F-193H added, 1962, 426 (relative to the filing of policy forms for the approval of the commissioner of insurance).

SECTS. 193I and 193J added, 1965, 354 (relative to disclosure of investments of officers, directors and principal stockholders of domestic stock insurance companies and regulating the solicitation of proxies of shareholders of certain domestic stock insurance companies).

SECT. 193J, paragraph (d) added, 1966, 98.

SECT. 193K added, 1968, 314 (prohibiting discrimination under provisions of any policy of insurance, certificate or service contract).

SECTS. 193L-193N added, 1970, 484 § 4 (relative to insurance companies and regulating insurance holding companies).

SECT. 193O added, 1971, 1077 § 1 (prohibiting certain unfair claim settlement practices by insurers); first paragraph amended, 1972, 420 § 1; second paragraph amended, 1972, 420 § 2; repealed, 1972, 543 § 2.

SECT. 193P added, 1973, 378 § 2 (requiring certain notice of an insurer's intent not to renew or reissue a fire protection policy).

SECT. 193P added, 1973, 553 (providing for acquisition of minority interests in subsidiary domestic insurance companies); stricken out, 1973, 1098.

SECTS. 193Q-193R added, 1973, 1098 (authorizing the acquisition of minority interests in subsidiary domestic insurance companies and the group marketing of automobile and homeowner insurance).

SECT. 195 added, 1973, 966 (requiring contributions from fire insurance companies to certain fire protection costs).

Chapter 175A. — Regulation of Rates for Certain Casualty Insurance, including Fidelity, Surety and Guaranty Bonds, and for all other Forms of Motor Vehicle Insurance, and Regulation of Rating Organizations.

New chapter inserted, 1947, 641 § 1. (See 1947, 641 § 3.)

SECT. 4, first paragraph amended, 1951, 138; revised, 1955, 384 § 8; second sentence revised, 1971, 896 § 2.

SECT. 5, subdivision (a), paragraph (1) revised, 1970, 784.

SECT. 6, subsection (f) added, 1955, 384 § 9.

SECT. 11, paragraph added at end, 1969, 424 § 2.

SECT. 19, paragraph (c) amended, 1954, 681 § 19. (See 1954, 681 §§ 20-22.)

Chapter 175B. — Unauthorized Insurer's Process Act.

New chapter inserted, 1950, 781.

SECT. 3A amended, 1973, 683 § 2.

Chapter 175C. — Urban Area Insurance Placement Facility.

New chapter inserted, 1968, 731 § 1.

SECT. 1, definition of "Basic property insurance" revised, 1969, 528 § 1.

SECT. 2, subsection (1) revised, 1969, 528 § 2.

SECT. 3, paragraph added at end, 1969, 528 § 3. (See 1969, 528 § 6.)

SECT. 4, second paragraph amended, 1969, 528 § 4. (See 1969, 528 § 7.)

SECT. 8 added, 1969, 528 § 5 (authorizing the commissioner to make certain assessments).

Chapter 175D. — Massachusetts Insurers Insolvency Fund.

New chapter inserted, 1970, 261 § 1. (See 1970, 261 § 2.)

Chapter 176. — Fraternal Benefit Societies.

Chapter stricken out and new chapter inserted, 1958, 540 § 1. (See 1958, 540 §§ 2, 3.)

For prior changes see Table of Changes contained in Acts and Resolves of 1956.

The following references are to chapter 176, as so inserted:

SECT. 9, second paragraph amended, 1973, 925 § 62. (See 1973, 925 § 84.)

SECT. 18, first paragraph amended, 1973, 925 § 63; second paragraph stricken out, 1960, 321 § 1. (See 1973, 925 § 84.)

SECT. 20 revised, 1960, 321 § 2.

SECT. 22A added, 1959, 256 § 1 (further regulating fraternal benefit societies and cemetery corporations). (See 1959, 256 § 3.)

SECT. 24, paragraph (j) of subsection (1) revised, 1960, 321 § 3.

SECT. 35, subsection (1) amended, 1971, 538.

SECT. 40, first sentence amended, 1960, 238; 1961, 493 § 26; 1968, 328 § 1; 1970, 446 § 1; two sentences added, 1966, 229.

SECT. 41, paragraph (a) of subsection (6) revised, 1960, 321 § 4.

SECT. 44, last sentence stricken out, 1960, 468.

SECT. 50 amended, 1963, 521 § 2.

Chapter 176A. — Non-Profit Hospital Service Corporations.

New chapter inserted, 1936, 409.

Chapter stricken out and new chapter 176A (with new title) inserted, 1950, 766 § 1. (See 1950, 766 §§ 2-4.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 176A, as so inserted:

SECT. 1, paragraph added at end, 1951, 687; section revised, 1953, 287 § 1; second paragraph revised, 1972, 703; paragraph inserted after third paragraph, 1955, 499; same paragraph revised, 1967, 53; last paragraph stricken out, 1968, 432 § 1.

SECT. 2, second paragraph revised, 1956, 147 § 1; first sentence revised, 1972, 309. (See 1956, 147 § 2.)

SECT. 3, first sentence revised, 1953, 287 § 2.

SECT. 5, first paragraph revised, 1953, 287 § 3; amended, 1954, 513; paragraph inserted after first paragraph, 1968, 432 § 10; fourth paragraph amended, 1953, 636 § 4; stricken out and two paragraphs inserted, 1956, 406; six paragraphs added at end, 1968, 432 § 2; fifth and sixth paragraphs revised, 1968, 492 § 19; section amended, striking out all after the third paragraph and twelve paragraphs added at end, 1969, 874 § 1. (See 1953, 636 § 9.)

SECT. 6, first two sentences revised, 1953, 287 § 4.

SECT. 8, first paragraph, sentence inserted before first sentence, 1969, 874 § 2; paragraph (c) (2) revised, 1953, 287 § 5; paragraph (c) (5) added, 1955, 404; revised, 1956, 192 § 1. (See 1956, 192 § 2.)

SECT. 8A added, 1973, 1174 §§ 3, 4. (See 1973, 1174 § 7.)

SECT. 10, first paragraph revised, 1953, 287 § 6; paragraph inserted after first paragraph, 1973, 1221 §§ 3, 4. (See 1973, 1221 § 7.)

SECT. 11, fourth paragraph amended, 1968, 432 § 3.

SECT. 13 revised, 1953, 287 § 7.

SECT. 16, first paragraph stricken out and three paragraphs inserted, 1968, 432 § 4; stricken out and paragraph inserted, 1972, 663 § 1.

SECT. 17 revised, 1953, 636 § 5; amended, 1968, 492 § 20. (See 1953, 636 § 9.)

SECT. 18A added, 1973, 455 § 1 (regulating the assets includable in a non-profit hospital's financial accounting).

SECT. 26 revised, 1968, 432 § 5.

SECT. 27A added, 1951, 516 (relative to a system of general accident, hospitalization, medical and surgical insurance for state employees); repealed, 1955, 628 § 3.

Chapter 176B. — Medical Service Corporations.

New chapter inserted, 1941, 306.

For legislation relative to payments to certain soldiers' homes for certain services rendered to subscribers, see 1952, 296.

SECT. 1, definition of "Non-profit medical service plan" revised, 1968, 432 § 8; 1971, 543 § 1; definition of "Participating optometrist" inserted, 1965, 442 § 1; definition of "Participating physician" amended, 1969, 880 § 1; definition of "Visual service" inserted, 1965, 442 § 1.

SECT. 2, second paragraph amended, 1957, 698 § 14.

SECT. 3, paragraph added at end, 1948, 359; amended, 1953, 143; para-

graph added at end, 1953, 142; 1955, 186; revised, 1971, 543 § 2; third paragraph amended, 1968, 432 § 11.

SECT. 4 revised, 1950, 472; 1959, 130; 1960, 307 § 1; first paragraph revised, 1965, 442 § 2; amended, 1968, 432 § 9; first sentence amended, 1970, 443 § 33; second sentence amended, 1970, 443 § 34; first paragraph revised, 1971, 543 § 3.

SECT. 4A added, 1973, 1174 §§ 5, 6 (providing for the inclusion of expenses arising from nervous and mental conditions in certain medical service agreements). (See 1973, 1174 § 7.)

SECT. 4A added, 1973, 1221 §§ 5, 6 (providing for the inclusion of alcoholism treatment in certain medical service agreements). (See 1973, 1221 § 7.)

SECT. 6, first sentence revised, 1960, 307 § 2; paragraph (d) added, 1957, 115 § 1. (See 1957, 115 § 2.)

SECT. 7 amended, 1971, 434 § 1.

SECT. 8A added, 1973, 455 § 2 (regulating the assets includable in medical service corporation's account of financial condition).

SECT. 10 revised, 1950, 394 § 1; first sentence amended, 1954, 276 § 1; revised, 1961, 493 § 27; section revised, 1968, 432 § 6; second, third and fourth paragraphs stricken out and paragraph inserted, 1972, 663 § 2.

SECT. 11 revised, 1968, 432 § 7.

SECT. 13, second sentence stricken out and two paragraphs inserted, 1971, 434 § 2.

SECT. 15 repealed, 1951, 797.

SECT. 16A added, 1943, 424 § 6 (relative to deductions from salaries of state, county and municipal employees of amounts payable under certificates issued by certain medical service corporations).

SECT. 17 amended, 1971, 434 § 3.

Chapter 176C. — Non-Profit Medical Service Plans.

New chapter inserted, 1941, 334.

For legislation relative to payments to certain soldiers' homes for certain services rendered to subscribers, see 1952, 296.

SECT. 1, definition of "Associated physician" amended, 1969, 880 § 2.

SECT. 11 revised, 1950, 394 § 2; amended, 1954, 276 § 2.

SECT. 16A added, 1943, 424 § 7 (relative to deductions from salaries of state, county and municipal employees of amounts payable under contracts issued by certain medical service corporations).

Chapter 176D. — Unfair Methods of Competition and Unfair and Deceptive Acts and Practices in the Business of Insurance.

New chapter inserted, 1947, 659.

Chapter stricken out and new chapter 176D inserted, 1972, 543 § 1.

Chapter 176E. — Dental Service Corporations.

New chapter inserted, 1962, 714.

SECT. 4, first paragraph revised, 1968, 241.

SECT. 8A added, 1973, 455 § 3 (regulating assets includable in dental service corporation's account of financial condition).

Chapter 176F. — Optometric Service Corporations.

New chapter inserted, 1962, 774.

SECT. 4A added, 1970, 327 (authorizing optometric service corporations to enter into certain contracts).

Chapter 178. — Savings Bank Life Insurance.

For legislation relative to the computation of the reserve liability with respect to life insurance policies issued by savings and insurance banks and to the non-forfeiture benefits under such policies, see 1943, 227.

SECT. 9 amended, 1965, 810 § 2.

SECT. 10 amended, 1935, 330 § 1; 1946, 112 § 1; revised, 1951, 264; 1958, 117. (See 1946, 112 § 2.)

SECT. 11 amended, 1935, 330 § 2.

SECT. 11A added, 1935, 330 § 3 (relative to non-payment of premiums on annuity and certain other contracts).

SECT. 14 amended, 1947, 260 § 3.

SECT. 15 amended, 1935, 330 § 4; 1936, 285 § 1; first sentence amended, 1972, 421 § 4. (See 1972, 421 § 8.)

SECT. 16 revised, 1947, 260 § 4; amended, 1972, 421 § 5. (See 1972, 421 § 8.)

SECT. 17 revised, 1935, 330 § 5; 1939, 391 § 1; 1972, 421 § 6. (See 1939, 391 § 2; 1972, 421 § 8.)

SECT. 18 amended, 1943, 210 § 1.

SECT. 18A added, 1943, 210 § 2 (relative to payments to the general insurance guaranty fund).

SECT. 19 amended, 1935, 330 § 6.

SECT. 21 revised, 1935, 330 § 7; amended, 1936, 285 § 2; 1961, 341 § 1.

SECT. 25, last sentence revised, 1961, 341 § 2.

SECT. 26 revised, 1932, 103.

SECT. 29 amended, 1936, 285 § 3; revised, 1941, 108 § 1.

SECT. 30 amended, 1936, 285 § 4.

SECT. 31 revised, 1941, 108 § 2.

SECTS. 32 and 33 added, 1947, 143 (creating the savings bank life insurance council and defining its powers and the powers of savings and insurance banks relative thereto).

Chapter 179. — Proprietors of Wharves, Real Estate lying in Common, and General Fields.

SECT. 3 revised, 1943, 130 § 1; amended, 1962, 750 § 49. (See 1943, 130 § 2.)

SECT. 15 revised, 1948, 550 § 38.

Chapter 180. — Corporations for Charitable and Certain Other Purposes.

SECT. 2 amended, 1969, 421 § 2.

SECTS. 2A-2B added, 1969, 421 § 3 (providing for the establishment of credit counseling corporations).

SECT. 3 amended, 1943, 549 § 5; revised, 1947, 559 § 1. (See 1947, 559 § 7.)

SECT. 5 amended, 1934, 328 § 21; second sentence revised, 1947, 559 § 2; section revised, 1964, 432.

SECT. 6 revised, 1947, 461; 1949, 692 § 1; 1952, 602 § 13; amended, 1962, 750 § 50; 1969, 421 § 4.

SECT. 6A added, 1949, 692 § 2 (relative to the approval of certain proposed corporations organized for the purpose of caring for minors and aged persons); repealed, 1952, 602 § 14.

SECTS. 1-6 stricken out and sections 1-6A inserted, 1971, 819 § 3. (See 1971, 819 § 12.)

SECT. 6 amended, 1973, 658 § 1.

SECT. 6A amended, 1973, 658 § 2. (See 1973, 658 § 5.)

SECT. 7 amended, 1955, 170; revised, 1960, 19; sentence inserted after first sentence, 1962, 77; sentence added at end, 1969, 421 § 5; section stricken out and sections 7 and 7A inserted, 1971, 819 § 4. (See 1971, 819 § 12.)

SECT. 8 repealed, 1947, 559 § 3.

SECT. 10 amended, 1932, 180 § 37; revised, 1937, 151 § 1; 1943, 549 § 6; 1947, 559 § 4; amended, 1962, 750 § 51; last sentence revised, 1957, 698 § 15; section revised, 1964, 435.

SECT. 10A revised, 1973, 658 § 3.

SECT. 11 revised, 1937, 151 § 2; 1947, 559 § 5; amended, 1962, 750 § 52; seventh sentence revised, 1957, 698 § 16; amended, 1962, 750 § 52; section revised, 1964, 433.

SECTS. 11A and 11B added, 1962, 472 (providing for the dissolution of corporations constituting public charities).

SECTS. 9-11B stricken out and sections 9-11C inserted, 1971, 819 § 5. (See 1971, 819 § 12.)

SECT. 11C, paragraph (a) amended, 1972, 684 § 110; paragraph (b) amended, 1972, 684 § 111; paragraph (c) amended, 1972, 684 § 112; paragraph (d) revised, 1972, 316 § 4, 684 § 113; paragraph (e) amended, 1972, 684 § 114; paragraph (f) amended, 1972, 684 § 115; paragraph (g) amended, 1972, 684 § 116. (See 1972, 684 § 136.)

SECT. 12 amended, 1946, 24; last sentence revised, 1948, 354 § 2; section repealed, 1954, 529 § 4.

SECT. 12A amended, 1935, 246; 1946, 25; repealed, 1954, 529 § 5.

SECT. 16 amended, 1962, 750 § 53.

SECT. 17, first sentence revised, 1947, 559 § 6; amended, 1971, 819 § 6; sentence inserted after first sentence, 1971, 819 § 7; second sentence amended, 1962, 750 § 54. (See 1971, 819 § 12.)

SECT. 17A added, 1950, 740 § 1 (authorizing pay-roll deductions for union dues in case of certain governmental employees); revised, 1954, 678; 1964, 343 § 1; first two paragraphs revised, 1964, 431; first paragraph amended, 1966, 39 § 1; second paragraph amended, 1966, 39 § 2; 1969, 472; revised, 1973, 1078 § 2C. (See 1973, 1078 § 8.)

SECT. 17B added, 1956, 489 § 1 (authorizing pay-roll deductions on account of contributions to community chests or united funds in the case of certain town employees); revised, 1959, 452. (See 1956, 489 § 2.)

SECT. 17C added, 1962, 175 (authorizing pay-roll deductions on account of dues to associations of public school teachers); amended, 1973, 113.

SECT. 17D added, 1967, 324 (authorizing payroll deductions for income protection insurance for teachers).

SECT. 17E added, 1968, 180 (authorizing certain payroll deductions for school nurses).

SECT. 17F added, 1968, 433 (authorizing certain payroll deductions for state employees).

SECT. 17G added, 1970, 463 § 2 (authorizing certain cities and towns to make and pay over payroll deductions to collective bargaining agencies); third paragraph amended, 1971, 281; section revised, 1973, 1078 § 3. (See 1973, 1078 § 8.)

SECT. 17H added, 1973, 1140 § 17 (providing for certain payroll deductions for public transportation). (See 1973, 1140 § 30.)

SECT. 20, paragraph added at end, 1961, 301 § 2.

SECT. 26 revised, 1963, 711.

SECT. 26A added, 1933, 236 § 1 (requiring the filing of annual returns by certain incorporated clubs and other corporations); amended, 1945, 225; revised, 1955, 290; 1956, 390; first paragraph amended, 1957, 245; 1963, 832 § 1; 1971, 819 § 8; paragraph inserted after first paragraph, 1963, 832 § 2; second paragraph amended, 1957, 698 § 17; 1972, 684 § 117; last paragraph revised, 1964, 434. (See 1933, 236 § 2; 1971, 819 § 12; 1972, 684 § 136.)

SECT. 27 amended, 1934, 328 § 22; 1971, 819 § 9. (See 1971, 819 § 12.)

SECT. 28 amended, 1971, 819 § 10. (See 1971, 819 § 12.)

Chapter 181. — Foreign Corporations.

Chapter stricken out and new chapter inserted 1973, 844 § 1. (See 1973, 844 § 4.)

For prior changes see Table of Changes contained in Acts and Resolves of 1972.

The following references are to chapter 181, as so inserted:

SECT. 3 revised, 1973, 1209 § 1. (See 1973, 1209 § 2.)

SECT. 8 amended, 1973, 1114 § 21. (See 1973, 1114 § 351.)

Chapter 182. — Voluntary Associations and Certain Trusts.

SECT. 1 amended, 1954, 254 § 1; 1962, 750 § 67.

SECT. 2 revised, 1948, 550 § 39; amended, 1962, 750 § 68; second sentence amended, 1972, 684 § 119. (See 1972, 684 § 136.)

SECT. 2A amended, 1962, 750 § 69.

SECT. 3 amended, 1945, 649 § 1.

SECT. 4 amended, 1945, 649 § 2; 1962, 750 § 70.

SECT. 7 amended, 1945, 649 § 3.

SECT. 8 amended, 1945, 649 § 4.

SECT. 9 amended, 1945, 649 § 5.

SECTS. 12-14 added, 1954, 254 § 2 (relative to filing reports by voluntary associations and certain trusts).

SECT. 12 amended, 1963, 420 § 1.

SECT. 13 revised, 1963, 420 § 2; amended, 1972, 684 § 120. (See 1972, 684 § 136.)

SECT. 14 amended, 1963, 420 § 3.

Chapter 183. — Alienation of Land.

SECT. 4 revised, 1941, 85; 1973, 205.

SECT. 5B added, 1966, 574 (providing for the recording of certain affidavits relating to the titles to real estate).

SECT. 6 revised, 1967, 381; 1969, 497.

SECT. 6A added, 1970, 222 (requiring plans to be filed with certain deeds).

SECT. 28A added, 1946, 438 § 1 (extending the security of real estate mortgages to cover expenses of repairs or replacements of mortgaged property and taxes and other assessments); revised, 1956, 92.

SECT. 43 amended, 1937, 101 § 1.

SECT. 44 amended, 1937, 101 § 2.

SECT. 54, first two sentences stricken out and one sentence inserted, 1951, 698; sentence added at end, 1959, 580 § 18.

SECT. 54A added, 1961, 275 § 1 (protecting land titles from defective discharges of mortgages held by the entirety). (See 1961, 275 § 2.)

SECT. 56 added, 1962, 551 § 1 (relative to the anticipatory repayment of certain notes secured by a mortgage of real estate); revised, 1966, 664; amended, 1967, 210. (See 1962, 551 § 2.)

SECT. 57 added, 1970, 294 § 1 (prohibiting mortgagees from imposing a penalty for prepayment of a mortgage due to an eminent domain taking). (See 1970, 294 § 2.)

SECT. 58 added, 1971, 684 § 1 (further regulating the construction of instruments passing title to real estate bounded on a way, watercourse or monument); amended, 1973, 185 § 1. (See 1971, 684 § 2; 1973, 185 § 2.)

SECT. 59 added, 1972, 412 § 1 (regulating the imposition of late charges in mortgage transactions). (See 1972, 412 § 2.)

SECT. 60 added, 1973, 115 (regulating interest rate increases on certain mortgage loans).

SECT. 61 added, 1973, 299 § 1 (requiring mortgagees to pay interest on certain real estate tax deposits). (See 1973, 299 § 2.)

Chapter 183A. — Condominiums.

New chapter inserted, 1963, 493 § 1.

SECT. 1, definition of "Bank or insurance company" stricken out, 1927, 709 § 2; definition of "Building" revised, 1967, 868; 1969, 564; 1970, 139 § 1; 1972, 595, 709 § 1.

SECT. 3 amended, 1970, 139 § 2.

SECT. 6, paragraph (c) amended, 1964, 731 § 1.

SECT. 8, clause (c) amended, 1970, 139 § 3; clause (f) amended, 1965, 56 § 1.

SECT. 9, last paragraph amended, 1965, 56 § 2.

SECT. 16 revised, 1970, 139 § 4; 1973, 554.

SECTS. 20-21 added, 1972, 709 § 3 (authorizing cities and towns to participate in the ownership of condominiums).

Chapter 184. — General Provisions relative to Real Property.

SECT. 6A added, 1964, 307 § 1 (relative to the construction of the words "heirs" and "next of kin" as used in certain instruments). (See 1964, 307 §§ 2, 3.)

SECT. 7, sentence added, 1954, 395 § 1; paragraph added, 1973, 210 § 1. (See 1973, 210 § 2.)

SECT. 8 revised, 1954, 395 § 2.

SECT. 8A added, 1967, 611 (providing that grantee of real estate notify assessor of name and address of purchaser).

SECT. 13 amended, 1937, 112; revised, 1937, 245 § 1; first paragraph amended, 1943, 52 § 1; revised, 1956, 160; section repealed, 1957, 765 § 2. (See 1937, 245 § 2; 1943, 52 § 2; 1957, 765 § 21.)

SECT. 15 amended, 1941, 88 § 1. (See 1941, 88 § 2.)

SECT. 17A added, 1939, 270 (relative to the effect of agreements for the purchase and sale of real estate).

SECT. 17B added, 1969, 423 (further regulating the hiring of attorneys in certain mortgage transactions); paragraph inserted after first paragraph, 1970, 313; section revised, 1970, 824 § 1; 1972, 547 § 2. (See 1970, 824 § 3.)

SECT. 18, paragraph added, 1973, 778 § 1.

SECT. 19 amended, 1956, 258 § 1; three paragraphs added at end, 1956, 305.

SECT. 23, second sentence revised, 1969, 666 § 1.

SECT. 23A added, 1963, 523 § 1 (establishing limitations on proceedings relating to building restrictions). (See 1963, 523 § 2.)

SECT. 23B added, 1969, 523 § 2 (invalidating exclusive provisions in real property instruments based on race, creed, color, religion or national origin).

SECT. 24 added, 1956, 348 § 1 (protecting certain titles to land against certain defects in deeds or instruments after ten years from the recording thereof); revised, 1964, 311 § 1. (See 1956, 348 §§ 2, 3; 1964, 311 §§ 2, 3.)

SECT. 25 added, 1959, 294 § 1 (protecting land titles against the effects of indefinite references). (See 1959, 294 § 2.)

SECTS. 26-30 added, 1961, 448 § 1 (protecting land titles from uncertain and obsolete restrictions and providing proceedings in equity with respect thereto).

SECT. 26, first paragraph revised, 1969, 666 § 2; second paragraph amended, 1969, 666 § 3.

SECT. 27 amended, 1969, 666 § 4.

SECTS. 31-33 added, 1969, 666 § 5 (protecting conservation and preservation restrictions and providing for public restriction tract indexes at the registries).

SECT. 31, second paragraph amended, 1973, 1155 § 11.

SECT. 33, fifth paragraph amended, 1973, 602 § 2. (See 1973, 602 § 3.)

SECTS. 33A-33B added, 1973, 226 (abolishing the doctrine of worthier title to property).

SECT. 34 added, 1973, 199 (protecting purchasers of real estate from trustees).

Chapter 184A. — The Rule against Perpetuities.

New chapter inserted, 1954, 641 § 1. (See 1954, 641 § 2.)

SECT. 3, third and fourth sentences stricken out, 1961, 448 § 2. (See 1961, 448 § 4.)

Chapter 185. — The Land Court and Registration of Title to Land.

SECT. 1, clause (b) revised, 1935, 318 § 3; clause (c) revised, 1935, 318 § 4; 1973, 1114 § 22; clause (j½) added, 1934, 263 § 1 (granting to land court exclusive original jurisdiction to determine by declaratory judgment the validity and extent of municipal zoning ordinances, by-laws and regulations); clause (k) revised, 1934, 67 § 1; 1973, 1114 § 23; clauses (l) and (m) added, 1935, 318 § 5 (granting to said court original jurisdiction concurrent with supreme judicial and superior courts of certain suits in equity); revised, 1973, 1114 § 24; clause (n) added, 1962, 722 § 1 (relative to the causes and matters transferred from the supreme judicial court); paragraph in lines 44-50, inclusive, revised, 1937, 183 § 1; paragraph in lines 51-55 revised, 1947, 449 § 3. (See 1934, 67 § 2; 1935, 318 § 8; 1937, 183 § 2; 1947, 449 § 7; 1973, 1114 § 351.)

SECT. 2 amended, 1937, 409 § 3. (See 1937, 409 § 7.)

SECT. 2A repealed, 1937, 409 § 4. (See 1937, 409 § 7.)

SECT. 6, first sentence stricken out and two sentences inserted, 1953, 449 § 1; last sentence amended, 1949, 447. (See 1953, 449 § 2.)

SECT. 7 amended, 1973, 705 § 1.

SECT. 10A revised, 1948, 664 § 3; 1953, 601.

SECT. 11 amended, 1954, 308; 1956, 519.

SECT. 12, sentence added at end, 1941, 27; section revised, 1943, 29; 1949, 47.

SECT. 13 revised, 1956, 553.

SECT. 14, sentence in lines 10-12 stricken out, 1946, 427 § 2; section revised, 1946, 544 § 3; first sentence amended, 1949, 696; section revised, 1951, 742 § 3; 1955, 733 § 3; 1963, 742 § 1; first sentence revised, 1966, 699 § 1; 1969, 845 § 1; 1973, 428 § 2, 856 § 1. (See 1946, 427 § 3, 544 § 5; 1951, 742 §§ 4, 5; 1953, 567; 1955, 733 §§ 4, 5; 1963, 742 § 2; 1966, 699 § 1; 1969, 845 § 12; 1973, 428 § 19, 856 § 17.)

SECT. 15 revised, 1973, 1114 § 25. (See 1973, 1114 § 351.)

SECT. 15A added, 1963, 74 § 1 (relative to equity practice in the land court); repealed, 1973, 1114 § 26. (See 1973, 1114 § 351.)

SECTS. 18-19 repealed, 1973, 1114 § 27. (See 1973, 1114 § 351.)

SECT. 21 revised, 1973, 1114 § 28. (See 1973, 1114 § 351.)

SECT. 23 revised, 1973, 1114 § 29. (See 1973, 1114 § 351.)

SECT. 25 revised, 1973, 1114 § 30. (See 1973, 1114 § 351.)

SECT. 25A added, 1933, 55 (relative to the power of the land court to enforce its orders and decrees, and relative to service of its processes); amended, 1973, 1114 § 31. (See 1973, 1114 § 351.)

- SECT. 26 amended, 1971, 423 § 2.
 SECT. 28, second sentence revised, 1971, 423 § 3.
 SECT. 40 amended, 1937, 118.
 SECT. 46, clause Sixth added at end, 1963, 242 § 2.
 SECT. 47, second and third sentences stricken out and sentence inserted, 1971, 423 § 4.
 SECT. 48, paragraph added at end, 1949, 48.
 SECT. 59 revised, 1962, 389; 1970, 336.
 SECT. 61, first sentence revised, 1971, 423 § 5.
 SECT. 71 revised, 1965, 37.
 SECT. 78 amended, 1937, 144 § 1; revised, 1955, 306 § 1; amended, 1963, 242 § 3. (See 1937, 144 § 2; 1963, 242 § 6.)
 SECT. 80 amended, 1963, 242 § 4. (See 1963, 242 § 6.)
 SECT. 86 amended, 1973, 1114 § 32. (See 1973, 1114 § 351.)
 SECT. 89 revised, 1973, 1114 § 33. (See 1973, 1114 § 351.)
 SECT. 97 revised, 1973, 1114 § 34. (See 1973, 1114 § 351.)
 SECT. 99 amended, 1973, 137.

**Chapter 185A. — Housing Court of the City of Boston,
Jurisdiction and Powers.**

New chapter inserted, 1971, 843 § 1. (See 1971, 843 § 27.)

- SECT. 3, second paragraph revised, 1973, 1114 § 35. (See 1973, 1114 § 351.)
 SECT. 20 revised, 1973, 1114 § 36. (See 1973, 1114 § 351.)
 SECT. 21 repealed, 1973, 1114 § 37. (See 1973, 1114 § 351.)
 SECT. 22, first paragraph amended, 1973, 1114 § 38. (See 1973, 1114 § 351.)
 SECTS. 23-24 revised, 1973, 1114 § 39. (See 1973, 1114 § 351.)
 SECT. 25 repealed, 1973, 1114 § 40. (See 1973, 1114 § 351.)
 SECT. 26 revised, 1973, 1114 § 41. (See 1973, 1114 § 351.)
 SECT. 27 repealed, 1973, 1114 § 42. (See 1973, 1114 § 351.)
 SECTS. 28-29 revised, 1973, 1114 § 43. (See 1973, 1114 § 351.)

**Chapter 185B. — Housing Court of the County of Hampden.
Jurisdiction and Powers.**

New chapter inserted, 1973, 591 § 1. (See 1973, 591 § 22.)

Chapter 186. — Estates for Years and at Will.

- SECT. 12 revised, 1946, 202; amended, 1973, 256 § 1.
 SECT. 13 amended, 1973, 256 § 2, 416.
 SECT. 14 revised, 1950, 495; amended, 1957, 114; revised, 1973, 778 § 2.
 SECT. 15 added, 1945, 445 § 1 (making void certain provisions of leases and rental agreements pertaining to real property). (See 1945, 445 § 2.)
 SECT. 15A added, 1969, 115 § 1 (invalidating waiver of notice provisions in leases and agreements pertaining to residential properties).
 SECT. 15B added, 1969, 244 § 1 (invalidating certain provisions in leases of residential properties); paragraph inserted after first paragraph, 1970, 666 § 1; stricken out and three paragraphs inserted, 1972, 639 § 1; second paragraph amended, 1973, 430 § 11. (See 1970, 666 § 2; 1972, 639 § 2.)

SECT. 15C added, 1971, 445 § 1 (regulating the inclusion of tax escalation provisions in leases of residential property). (See 1971, 445 § 2.)

SECT. 15D added, 1971, 658 (requiring a lessor to execute and deliver a copy of a lease to lessee within a specified period of time).

SECT. 15E added, 1972, 157 (precluding a certain defense in actions by lessees, tenants or occupants against property owners).

SECT. 16 added, 1947, 118 § 1 (making void so much of any real estate or rental agreement as provides for its termination in the event tenants have children). (See 1947, 118 § 2.)

SECT. 17 added, 1967, 420 § 2 (further regulating the recovery of possession of leased premises in cases of violation of standards of fitness for human habitation).

SECT. 18 added, 1969, 701 § 1 (prohibiting retaliatory action against tenants for reporting suspected sanitary violations); revised, 1972, 99 § 1; amended, 1973, 858 § 3.

SECT. 19 added, 1972, 665 (requiring landlords to correct an unsafe condition following receipt of notice thereof from a tenant).

Chapter 187. — Easements.

SECT. 5 added, 1973, 918 (providing for public utility services in certain easements).

Chapter 188. — Homesteads.

SECT. 1 amended, 1939, 32 § 1; 1970, 119 § 1; 1973, 487 § 1. (See 1939, 32 § 5; 1970, 119 § 5; 1973, 487 § 5.)

SECT. 4 amended, 1973, 925 § 64. (See 1973, 925 § 84.)

SECT. 7 revised, 1971, 423 § 6.

SECT. 7A repealed, 1971, 423 § 7.

SECT. 9 amended, 1939, 32 § 2; 1970, 119 § 2; 1973, 487 § 2. (See 1939, 32 § 5; 1970, 119 § 5; 1973, 487 § 5.)

Chapter 189. — Dower and Curtesy.

SECT. 1, paragraph (1) amended, 1945, 238 § 1; revised, 1956, 316 § 1; amended, 1970, 637 § 1. (See 1970, 637 § 2.)

SECTS. 1A and 2 repealed, 1971, 423 § 8.

SECT. 3 revised, 1936, 91 § 1; 1971, 423 § 9. (See 1936, 91 § 2.)

SECT. 4 revised, 1971, 423 § 10.

SECT. 5 repealed, 1971, 423 § 11.

SECT. 6 revised, 1973, 925 § 65. (See 1973, 925 § 84.)

SECT. 14 amended, 1973, 925 § 66. (See 1973, 925 § 84.)

SECT. 16 added, 1959, 68 § 1 (protecting land titles from certain claims for dower and curtesy). (See 1959, 68 § 2.)

Chapter 190. — Descent and Distribution of Real and Personal Property.

SECT. 1, paragraph (1) amended, 1945, 238 § 1; revised, 1956, 316 § 1; amended, 1970, 637 § 1. (See 1945, 238 § 2; 1956, 316 § 3; 1970, 637 § 2.)

SECT. 3, clause (7) amended, 1959, 149.

SECT. 7 amended, 1943, 72 § 1.

Chapter 190A. — Effect of Apparently Simultaneous Deaths upon Devolution and Disposition of Property, including Proceeds of Insurance.

New chapter inserted, 1941, 549 § 1. (See 1941, 549 § 2.)

SECT. 2 revised, 1961, 253 § 1.

SECT. 5 amended, 1961, 253 § 2.

Chapter 191. — Wills.

SECT. 1 amended, 1971, 291.

SECT. 10 amended, 1960, 118.

SECT. 15 revised, 1956, 316 § 2; 1964, 288 § 1. (See 1956, 316 § 3; 1964, 288 § 2.)

SECT. 20 amended, 1969, 479 § 2. (See 1969, 479 § 3.)

SECT. 22, sentence added at end, 1962, 273; revised, 1970, 462; 1971, 411.

Chapter 192. — Probate of Wills and Appointment of Executors.

SECT. 1A added, 1934, 113 (requiring that the attorney general be made a party in certain proceedings relative to the probate of wills).

SECT. 1B added, 1945, 338 § 1 (providing for a guardian ad litem when the surviving spouse of the deceased is under disability).

SECTS. 1C-1D added, 1969, 479 § 1 (exempting real estate from operation of the omitted child statute and providing for certain safeguards pertaining thereto). (See 1969, 479 § 3.)

SECT. 1D repealed, 1972, 574.

SECT. 7. See 1937, 408 § 3.

SECT. 9 amended, 1950, 390.

SECT. 12 added, 1954, 465 § 1 (requiring executors to notify devisees and legatees of devises and bequests). (See 1954, 465 § 4.)

Chapter 193. — Appointment of Administrators.

SECT. 3 amended, 1938, 328.

SECT. 4 amended, 1951, 163 § 1, 684 § 1. (See 1951, 684 § 2.)

SECT. 5 amended, 1951, 163 § 2.

SECT. 8 revised, 1973, 925 § 67. (See 1973, 925 § 84.)

SECT. 12 amended, 1945, 349 § 1.

Chapter 194. — Public Administrators.

SECT. 5 amended, 1961, 493 § 28.

SECT. 5A added, 1953, 333 (relative to the granting of administration to public administrators).

SECT. 7 revised, 1933, 100.

SECT. 9, last sentence amended, 1932, 180 § 38; section affected, 1932, 180 § 45.

SECT. 10. See 1936, 428.

SECT. 17 revised, 1973, 495.

Chapter 195. — General Provisions relative to Executors and Administrators.

SECTS. 1-4 repealed, 1933, 221 § 1. (See 1933, 221 § 8.)

SECT. 6 revised, 1970, 317 § 1.

SECT. 7 revised, 1945, 349 § 2.

SECT. 8 amended, 1933, 221 § 2. (See 1933, 221 § 8.)

SECT. 11, sentence added at end, 1954, 478 § 1.

SECT. 16 added, 1954, 562 § 1 (providing for the informal administration of certain small estates of deceased persons); first paragraph revised, 1956, 317 § 1; amended, 1958, 163 § 1; revised, 1966, 325; amended, 1970, 111; revised, 1970, 888 § 12A; amended, 1972, 405; 1973, 1210 § 30; paragraph added at end, 1955, 413 § 1. (See 1955, 413 § 2; 1956, 317 § 3; 1958, 163 § 2; 1970, 888 § 31; 1973, 1210 § 39.)

Chapter 196. — Allowances to Widows and Children, and Advancements.

SECT. 2 amended, 1933, 36; revised, 1936, 214.

Chapter 197. — Payment of Debts, Legacies and Distributive Shares.

SECT. 1 revised, 1969, 493 § 1. (See 1969, 493 § 2.)

SECT. 2 amended, 1933, 221 § 3. (See 1933, 221 § 8.)

SECT. 2A added, 1939, 298 (establishing limitations applicable to suits against, and regulating the payments of debts by, administrators de bonis non).

SECT. 9 amended, 1933, 221 § 4; 1954, 552 § 1; revised, 1971, 548 § 1; 1972, 256. (See 1933, 221 § 8; 1971, 548 § 2.)

SECT. 9A added, 1972, 298 (further regulating the limitation of actions against executors and administrators); amended, 1973, 430 § 11A. (See 1973, 430 § 14.)

SECT. 10 revised, 1954, 552 § 2.

SECT. 19 revised, 1954, 465 § 2; amended, 1972, 750 § 1. (See 1954, 465 §§ 3, 4; 1972, 750 § 2.)

SECT. 20 revised, 1971, 448 § 1. (See 1971, 448 § 2.)

Chapter 200. — Settlement of Estates of Absentees.

SECT. 8 amended, 1961, 493 § 29.

SECT. 12 revised, 1941, 399 § 1.

SECTS. 13 and 14 stricken out and new section 13 inserted, 1941, 399 § 2.

SECT. 13 revised, 1946, 395.

Chapter 200A. — Abandoned Property.

New chapter inserted, 1950, 801.

SECT. 1, definition of "Person" revised, 1959, 470 § 1; definition of "Date prescribed for payment or delivery" added, 1959, 470 § 2; definitions of "Commissioner" and "Department" stricken out, 1969, 377 § 1. (See 1969, 377 § 19.)

SECT. 5 revised, 1958, 283; 1959, 470 § 3; amended, 1962, 248 § 1.

SECT. 6A added, 1962, 248 § 2 (providing that certain unclaimed dividends or distributions due in liquidations shall be presumed abandoned).

SECT. 7, paragraph (b) amended, 1957, 359 § 1; section revised, 1969, 377 § 2. (See 1969, 377 § 19.)

SECT. 8, paragraph (b) revised, 1957, 359 § 2; amended, 1969, 377 § 3; paragraph (c) amended, 1969, 377 § 4; paragraph (c) (1) revised, 1957,

359 § 3; 1959, 470 § 4; amended, 1969, 377 § 5; paragraph (d) amended, 1969, 377 § 6. (See 1969, 377 § 19.)

SECT. 9 paragraph (a) amended, 1969, 377 § 7; paragraph (b) amended, 1969, 377 § 8; paragraph (c) revised, 1957, 359 § 4; amended, 1969, 377 § 9; paragraph (d) revised, 1969, 377 § 10; paragraph (e) revised, 1957, 554 § 1; paragraph (f) amended, 1969, 377 § 11. (See 1957, 554 § 2; 1969, 377 § 19.)

SECT. 10 amended, 1953, 654 § 98; paragraph (e) revised, 1957, 359 § 5; paragraph (f) added, 1966, 555; section revised, 1969, 377 § 12. (See 1969, 377 § 19.)

SECT. 11, paragraph (a) amended, 1969, 377 § 13. (See 1969, 377 § 19.)

SECT. 12, paragraph (a) amended, 1969, 377 § 14; paragraph (b) amended, 1969, 377 § 15. (See 1969, 377 § 19.)

SECT. 13, first sentence stricken out, 1953, 654 § 99; section revised, 1969, 377 § 16. (See 1969, 377 § 19.)

SECT. 14 amended, 1959, 236 § 2; 1970, 888 § 22. (See 1970, 888 § 31.)

SECT. 15 amended, 1969, 377 § 17. (See 1969, 377 § 19.)

Chapter 201. — Guardians and Conservators.

SECT. 1 amended, 1945, 728 § 1; revised, 1956, 314 § 1. (See 1945, 728 § 4.)

SECT. 2 revised, 1958, 120 § 1. (See 1958, 120 § 2.)

SECT. 4 revised, 1973, 925 § 68. (See 1973, 925 § 84.)

SECT. 5, last sentence stricken out, 1961, 171.

SECT. 6 amended, 1941, 194 § 13; revised, 1956, 314 § 2.

SECT. 7 amended, 1941, 194 § 14; revised, 1956, 314 § 3.

SECT. 12 revised, 1956, 314 § 4.

SECT. 13, sentence added at end, 1934, 204 § 1; section amended, 1941, 194 § 15; revised, 1956, 314 § 5.

SECT. 13A added, 1941, 325 (providing for the removal of a permanent guardian of an insane person); revised, 1956, 314 § 6.

SECT. 14 amended, 1941, 194 § 16; revised, 1956, 314 § 7.

SECT. 16 revised, 1945, 728 § 2. (See 1945, 728 § 4.)

SECT. 16A added, 1972, 269 (authorizing the appointment of conservators of property of persons declared missing in action or prisoners of war).

SECT. 18, new sentence added at end, 1934, 204 § 2.

SECT. 20, see 1945, 338 § 3; section revised, 1956, 314 § 8.

SECT. 21 revised, 1945, 728 § 3; amended, 1953, 571 § 3; second sentence revised, 1954, 330. (See 1945, 728 § 4.)

SECT. 22 revised, 1956, 314 § 9.

SECT. 24 revised, 1956, 314 § 10; 1963, 350.

SECT. 25 amended, 1970, 888 § 23. (See 1970, 888 § 31.)

SECT. 26 revised, 1956, 314 § 11; amended, 1971, 423 § 12.

SECT. 30 amended, 1939, 57.

SECT. 32 repealed, 1970, 120 § 3.

SECT. 33 amended, 1950, 420; sentence inserted after first sentence, 1954, 478 § 2; section revised, 1956, 314 § 12.

SECT. 38, three paragraphs added at end, 1969, 422.

SECT. 38A added, 1958, 44 (authorizing a guardian or conservator to expend funds from his ward's estate for or towards the funeral and burial expenses of a deceased member of the ward's family).

SECT. 39A added, 1936, 270 (authorizing payments from estates of minors under guardianship for expenses for the funerals of the parents in certain cases); revised, 1971, 263.

SECT. 42 revised, 1956, 314 § 13.

SECT. 43 revised, 1956, 314 § 14.

SECT. 43A revised, 1956, 314 § 15.

SECT. 44 amended, 1971, 423 § 13.

SECT. 45, sentence added at end, 1945, 338 § 2; section revised, 1956, 314 § 16.

SECT. 47A added, 1937, 312 § 1 (permitting guardians and conservators to invest funds in certain insurance policies and annuity contracts).

SECT. 48A revised, 1941, 241; 1949, 14; 1950, 66 § 1; first sentence amended, 1952, 174 § 1; revised, 1954, 311 § 1; sentence added at end, 1952, 174 § 2; section revised, 1956, 314 § 17; first sentence amended, 1961, 493 § 30; section revised, 1972, 442.

Chapter 201A. — Uniform Gifts to Minors Act.

New chapter inserted, 1957, 724.

SECT. 1, clause (a) revised, 1959, 22; 1964, 324; clause (c) amended, 1962, 271 § 1; clause (h) added, 1962, 271 § 2.

SECT. 2, subsection (a) amended, 1962, 271 § 3.

SECT. 3 amended, 1962, 271 § 4.

SECT. 4, subsection (d) revised, 1973, 925 § 69; subsection (e) amended, 1962, 271 § 5; subsection (h) amended, 1973, 925 § 70; subsection (j) added, 1962, 271 § 6. (See 1973, 925 § 84.)

SECT. 7, subsection (d) amended, 1973, 925 § 71. (See 1973, 925 § 84.)

SECT. 8, subsection (a) revised, 1973, 925 § 72. (See 1973, 925 § 84.)

Chapter 202. — Sales, Mortgages and Leases of Real Estate by Executors, Administrators, Guardians and Conservators.

SECT. 4A added, 1933, 129 (relative to the use and management of real estate of a decedent by his executor or administrator for the purpose of the payment of debts from the rents thereof).

SECT. 12 amended, 1941, 194 § 17.

SECT. 14 amended, 1934, 157 § 1.

SECT. 19 amended, 1941, 341 § 1. (See 1941, 341 § 2.)

SECT. 20 revised, 1933, 221 § 5. (See 1933, 221 § 8.)

SECT. 20A added, 1972, 491 § 1 (limiting the time for taking or selling interests in real estate of a deceased person to pay expenses or charges of administration). (See 1972, 491 § 2.)

SECT. 32, first sentence amended, 1952, 445 § 2.

SECT. 36 added, under caption, 1945, 418 § 1 (relative to sales, mortgages and leases by guardians and conservators of wards holding real estate under tenancies by the entirety); section and caption revised, 1959, 125 § 1. (See 1945, 418 § 2; 1959, 125 § 2.)

SECT. 37 added, 1973, 677 (providing that a probate court decree to sell real or personal property also authorizes other action).

Chapter 203. — Trusts.

SECT. 3A added, 1946, 287 § 1 (exempting trusts created by employers in connection with stock bonus, pension, disability, death benefit or profit sharing plans from the rule against perpetuities). (See 1946, 287 §§ 2, 3.)

SECT. 3B added, 1963, 418 § 1 (relative to testamentary addition to trusts). (See 1963, 418 § 2.)

SECTS. 4A-4B added, 1973, 652 (regulating fiduciaries in the conduct of their trust business).

SECT. 12, sentence added at end, 1954, 478 § 3.

SECT. 13 revised, 1943, 201 § 1. (See 1943, 201 § 3.)

SECT. 16 amended, 1934, 157 § 2.

SECT. 17A added, 1932, 50 (relative to the sale of real estate by foreign testamentary trustees).

SECT. 21A added, 1962, 481 § 1 (further defining trust income); revised, 1966, 465; amended, 1967, 442. (See 1962, 481 §§ 2, 3.)

SECT. 22 amended, 1936, 184 § 1. (See 1936, 184 § 2.)

SECTS. 24A and 24B added, under caption "SALVAGE OPERATIONS OF TRUSTEES", 1943, 389 § 1. (See 1943, 389 § 2.)

SECT. 25A added, under caption, 1937, 312 § 2 (permitting trustees to invest funds in certain insurance policies and annuity contracts).

SECT. 41 revised, 1948, 550 § 40; two paragraphs added at end, 1962, 52.

Chapter 203A. — Uniform Common Trust Fund Act (former title, Collective Investment of Small Trust Funds).

Chapter stricken out and new chapter 203A inserted, 1969, 417 § 1. (See 1969, 417 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1968.

Chapter 204. — General Provisions relative to Sales, Mortgages, Releases, Compromises, etc., by Executors, etc.

SECT. 3 amended, 1970, 120 § 2.

SECT. 3A added, 1970, 120 § 1 (facilitating distributions to foreign fiduciaries).

SECT. 26 amended, 1933, 221 § 6. (See 1933, 221 § 8.)

SECTS. 27-36 added, 1943, 152 (authorizing releases and disclaimers of powers of appointment and providing for the methods of releasing and disclaiming the same).

SECT. 37 added, 1943, 201 § 2 (authorizing the resignation of fiduciaries by their guardians, conservators or committees, or other like officers, acting in their behalf).

Chapter 205. — Bonds of Executors, Administrators, Guardians, Conservators, Trustees and Receivers.

SECT. 4 amended, 1941, 45 § 1

SECT. 5 amended, 1941, 45 § 2.

SECT. 19A revised, 1950, 65; 1954, 309; amended, 1970, 172.

Chapter 206. — Accounts and Settlements of Executors, Administrators, Guardians, Conservators, Trustees and Receivers.

SECT. 2 revised, 1973, 669 § 1. (See 1973, 669 § 3.)

SECTS. 5-6 revised, 1973, 669 § 2. (See 1973, 669 § 3.)

SECT. 7 amended, 1941, 194 § 18; revised, 1956, 314 § 18.

SECT. 16 amended, 1941, 36; revised, 1949, 140.

SECT. 17 amended, 1936, 208.

SECT. 19 repealed, 1938, 154 § 2.

SECT. 23 repealed, 1938, 154 § 2.

SECT. 24 revised, 1938, 154 § 1; 1950, 413; second paragraph amended, 1961, 254; paragraph added at end, 1963, 356.

SECT. 25 revised, 1950, 64 § 1; first sentence revised, 1954, 312 § 1; 1963, 168 § 1.

SECT. 27 revised, 1950, 66 § 2; 1954, 311 § 2; first sentence revised, 1963, 168 § 2.

SECT. 27A added, 1950, 265 (relative to the disposition of certain legacies or distributive shares of estates to persons entitled thereto but unavailable); first sentence revised, 1963, 168 § 3.

SECT. 27B added, 1956, 257 (relative to the disposition of certain legacies or distributive shares of estates of deceased persons wherein the legatees or distributees reside in countries under Communist control).

Chapter 207. — Marriage.

SECT. 5 amended, 1941, 194 § 18A.

SECT. 7 revised, 1941, 270 § 1; amended, 1971, 255 § 1.

SECT. 14, paragraph added at end, 1951, 469.

SECT. 17 amended, 1945, 185.

SECT. 19 revised, 1948, 550 § 41; 1959, 118 § 1; 1969, 80.

SECT. 20 amended, 1933, 127; sentence inserted after the word "residence" in line 18, 1943, 561 § 3.

SECT. 20A added, 1939, 269 § 3 (relative to the duties of city and town clerks in the case of the filing of notices of intention of marriage of pregnant females).

SECT. 20B added, 1941, 601 § 1 (requiring pre-marital physical examination); first paragraph amended, 1941, 697 § 1; second paragraph stricken out and three paragraphs inserted, 1941, 697 § 2; repealed, 1943, 561 § 2. (See 1941, 697 § 3.)

SECT. 21, first paragraph amended, 1956, 9; paragraph added at end, 1943, 168 § 2; stricken out, 1970, 127; paragraph added at end, 1970, 157.

SECT. 22 revised, 1956, 7 § 1.

SECT. 28 amended, 1941, 601 § 2; 1959, 118 § 2. (See 1941, 601 § 4.)

SECT. 28A added, 1943, 561 § 1 (further regulating pre-marital examinations); revised, 1950, 113; first paragraph, last sentence revised, 1970, 152.

SECT. 30 amended, 1937, 11 § 1; 1945, 214 § 1; 1946, 197 § 1; 1968, 81 § 1. (See 1937, 11 § 2; 1945, 214 § 2.)

SECT. 33 amended, 1941, 270 § 2; 1971, 255 § 2.

SECT. 33A amended, 1971, 255 § 3.

SECT. 36 revised, 1946, 273 § 1; second paragraph revised, 1965, 12 § 4.

SECT. 38 revised, 1932, 162; amended, 1946, 197 § 2; 1949, 249; revised, 1965, 11 § 1; amended, 1968, 81 § 2; revised, 1970, 668; amended, 1972, 186 § 5; 1973, 1201.

SECT. 39 revised, 1958, 438; third and fourth sentences stricken out and sentence inserted, 1965, 54; third sentence amended, 1968, 81 § 3.

SECT. 40 revised, 1946, 197 § 3; amended, 1965, 11 § 2; revised, 1968, 81 § 4.

SECT. 42 amended, 1946, 197 § 4; revised, 1965, 11 § 3; amended, 1968, 81 § 5.

SECT. 47A added, under caption, 1938, 350 § 1 (abolishing causes of action for breach of contract to marry). (See 1938, 350 § 3.)

SECT. 52 revised, 1943, 312 § 1. (See 1943, 312 § 2.)

SECT. 55 repealed, 1946, 273 § 2.

SECT. 57 amended, 1941, 601 § 3. (See 1941, 601 § 4.)

Chapter 208. — Divorce.

For temporary act establishing conciliation divisions in the probate courts for Norfolk and Worcester counties, see 1961, 620.

SECT. 1 amended, 1967, 585 § 1; 1973, 740. (See 1967, 585 § 2.)

SECT. 2 revised, 1937, 76 § 1. (See 1937, 76 § 2.)

SECT. 5 revised, 1964, 344; 1969, 162.

SECT. 6 revised, 1973, 415.

SECT. 6B added, 1958, 162 § 1 (prohibiting the filing of a libel for divorce unless the parties have been living apart for at least three months); revised, 1967, 674 § 1. (See 1958, 162 § 2; 1967, 674 § 2.)

SECT. 8A added, 1971, 290 (permitting the entry of a new libel for divorce during a contested hearing upon a libel).

SECTS. 9-11 revised, 1943, 196 § 1. (See 1943, 196 § 2.)

SECT. 19 revised, 1932, 3.

SECT. 20A added, 1953, 213 § 1 (authorizing a decree for living apart for justifiable cause in certain cases where a divorce decree has been denied). (See 1953, 213 § 2.)

SECT. 21, sentence added at end, 1934, 181 § 1. (See 1934, 181 § 2.)

SECT. 22, sentence added at end, 1962, 433.

SECT. 23 revised, 1973, 379.

SECT. 24 amended, 1943, 168 § 1; revised, 1965, 640. (See 1965, 809 §§ 1, 2.)

SECT. 24A added, 1948, 66 (providing that copies of or certificates relating to decrees of divorce shall contain certain information relative to decrees nisi and to rights to remarry).

SECT. 26 repealed, 1949, 76 § 1.

SECT. 27 revised, 1949, 76 § 2.

SECT. 33 revised, 1936, 221 § 1. (See 1936, 221 § 2.)

SECT. 34A added, 1963, 415 (providing that a decree for alimony ordering a conveyance of real property shall, under certain circumstances, constitute a conveyance).

SECT. 34B added, 1970, 472 (permitting a judge of probate to order a husband or wife to vacate the marital home).

SECT. 35 amended, 1950, 57.

SECT. 38 revised, 1933, 288.

SECT. 44 amended, 1955, 770 § 77. (See 1955, 770 §§ 117, 123.)

SECT. 45 amended, 1948, 279.

SECT. 46 amended, 1952, 86.

SECT. 47 revised, 1971, 544 § 2.

Chapter 209. — Husband and Wife.

SECT. 1, second sentence stricken out, 1971, 423 § 14.

SECT. 2 revised, 1963, 765 § 1.

SECT. 6 revised, 1963, 765 § 2.

SECT. 10 revised, 1948, 550 § 42.

SECT. 14 amended, 1971, 423 § 15.

SECT. 16 amended, 1971, 423 § 16.

SECT. 18 revised, 1971, 423 § 17.

SECTS. 19-20 repealed, 1971, 423 § 18.

SECT. 21 amended, 1939, 32 § 3; 1970, 119 § 3; 1973, 487 § 3. (See 1939, 32 § 5; 1970, 119 § 5; 1973, 487 § 5.)

SECTS. 22-23 repealed, 1971, 423 § 18.

SECT. 24 revised, 1971, 423 § 19.

SECT. 32, sentence added at end, 1938, 136; section revised, 1968, 370.

SECT. 32D added, 1970, 450 (providing that a decree for separate support may require one of the parties to convey real property).

SECT. 33 revised, 1933, 360.

Chapter 210. — Adoption of Children and Change of Names.

SECT. 1, sentence inserted after first sentence, 1941, 44; revised, 1966, 370.

SECT. 2 revised, 1950, 737 § 1; (affected, 1951, 148); fourth sentence amended, 1970, 216; section revised, 1972, 800 § 1; (affected, 1973, 560).

SECT. 2A added, 1954, 649 § 1 (providing certain requirements relative to petitions for adoption); paragraph (E) revised, 1957, 184. Affected, 1955, 117.

SECT. 3 amended, 1941, 61; 1945, 239; revised, 1945, 300; amended, 1951, 674; revised, 1952, 352; 1953, 61; amended, 1955, 89; second sentence revised, 1963, 71 § 1; section revised, 1972, 800 § 2. (See 1963, 71 § 2.)

SECT. 3A added, 1953, 593 § 1 (relative to consent to the adoption of children in certain cases); revised, 1964, 425; repealed, 1972, 800 § 3.

SECT. 4 revised, 1953, 593 § 2; 1972, 800 § 4.

SECT. 5A revised, 1950, 737 § 2; first paragraph, first sentence revised, 1970, 404 § 2; fifth sentence amended, 1972, 800 § 5; sixth sentence amended, 1972, 800 § 5A; paragraph added at end, 1954, 649 § 2; 1962, 83.

SECT. 5B added, 1950, 737 § 3 (providing that adoptive parents shall be of the same religion as the child when practicable); revised, 1970, 404 § 3.

SECT. 5C added, 1951, 173 (relative to the segregation and inspection of adoption papers); amended, 1957, 187 § 1; revised, 1958, 59; first sen-

tence revised, 1972, 800 § 6; last sentence revised, 1960, 44. (See 1957, 187 § 2.)

SECT. 6, paragraph added at end, 1943, 155 § 1; same paragraph revised, 1955, 107 § 1; paragraph added at end, 1950, 737 § 4; first sentence stricken out and two sentences inserted, 1971, 388.

SECT. 6A added, 1955, 107 § 2 (providing for the issuance of certificates of adoption and the correction of birth records to conform to such certificates); paragraph added at end, 1957, 274.

SECT. 6B added, 1969, 249 (permitting a decree of adoption *hunc pro tunc* under certain circumstances).

SECT. 7, first sentence revised, 1965, 252; sentence added at end, 1950, 737 § 5; section revised, 1967, 114.

SECT. 8 revised, 1958, 121 § 1; 1969, 27 § 1. (See 1958, 121 §§ 2, 3; 1969, 27 § 3.)

SECT. 9 revised, 1967, 113; 1972, 592.

SECT. 11 revised, 1972, 800 § 7.

SECT. 11A revised, 1950, 737 § 6.

SECT. 13, first paragraph amended, 1948, 247; revised, 1966, 342 § 1; paragraph added at end, 1943, 155 § 2.

SECT. 14 revised, 1966, 342 § 2.

Chapter 211. — The Supreme Judicial Court.

SECT. 3, first paragraph revised, 1973, 1114 § 44; paragraph added at end, 1956, 707 § 1. (See 1973, 1114 § 351.)

SECTS. 3A-3F added, 1956, 707 § 2 (providing for an executive secretary to the justices of the supreme judicial court).

SECT. 3A, second sentence revised, 1963, 755 § 1A; 1967, 650.

SECT. 3B revised, 1960, 424; first sentence revised, 1970, 567.

SECT. 4 amended, 1945, 465; 1973, 1114 § 45. (See 1973, 1114 § 351.)

SECT. 4A added, 1962, 722 § 2 (relative to the transfer of causes and matters between the supreme judicial and other courts); revised, 1972, 740 § 2; first paragraph revised, 1973, 1114 § 46. (See 1973, 1114 § 351.)

SECT. 5 revised, 1973, 1114 § 47. (See 1973, 1114 § 351.)

SECT. 8 revised, 1973, 1114 § 48. (See 1973, 1114 § 351.)

SECT. 10 revised, 1973, 1114 § 49. (See 1973, 1114 § 351.)

SECT. 11 revised, 1933, 300 § 1; 1960, 207 § 1; repealed, 1973, 1114 § 50. (See 1933, 300 § 4; 1973, 1114 § 351.)

SECT. 12 revised, 1958, 165 § 1; 1961, 106 § 1.

SECT. 13 revised, 1952, 416; 1958, 165 § 2; repealed, 1961, 106 § 2.

SECT. 17 revised, 1958, 65 § 1.

SECT. 19 revised, 1938, 115 § 1.

SECT. 22 revised, 1946, 544 § 1; 1951, 742 § 1; 1955, 733 § 1; 1963, 755 § 1; 1966, 699 § 2; 1969, 845 § 2; 1973, 428 § 3, 856 § 2. (See 1946, 544 § 5; 1951, 742 §§ 4, 5; 1955, 733 §§ 4, 5; 1956, 333; 1957, 246 §§ 1, 2; 755 § 2; 1966, 699 § 11; 1969, 845 § 12; 1973, 428 § 19, 856 § 17.)

Chapter 211A. — Appeals Court.

New chapter inserted, 1972, 740 § 1.

SECT. 2, first sentence revised, 1973, 428 § 4, 856 § 3. (See 1973, 428 § 19, 856 § 17.)

Chapter 212. — The Superior Court.

For act further extending to June 30, 1949, the operation of certain provisions of law (1923, 469, as amended) relative to the more prompt disposition of criminal cases in the superior court, see 1948, 230. (See 1949, 210 § 2.)

SECT. 1 amended, 1958, 370; 1962, 721; revised, 1967, 850.

SECT. 3 amended, 1973, 1114 § 51. (See 1973, 1114 § 351.)

SECT. 6 amended, 1953, 319 § 24. (See 1953, 319 §§ 39, 40.)

SECT. 8 revised, 1973, 1114 § 52. (See 1973, 1114 § 351.)

SECT. 10 repealed, 1973, 1114 § 53. (See 1973, 1114 § 351.)

SECT. 14 revised, 1932, 144 § 1. (For prior temporary legislation, see 1927, 306; 1948, 230.)

SECT. 14A added, 1932, 144 § 2 (regulating the establishing of sessions and sittings of the superior court); amended, 1973, 1114 § 54. (For prior temporary legislation, see 1927, 306; 1928, 228.) (See 1973, 1114 § 351.)

SECTS. 14B-14E added, 1949, 210 § 1 (making permanent the operation of certain provisions of law relative to the more prompt disposition of criminal cases by district court judges sitting in the superior court). (See 1949, 210 § 3.)

SECT. 14B revised, 1954, 668 § 1; 1956, 472 § 1; 1961, 535 § 1; second paragraph amended, 1963, 810 § 18; section revised, 1966, 695 § 1; amended, 1970, 452; first paragraph revised, 1971, 897; third paragraph revised, 1973, 1114 § 55. (See 1954, 668 § 2; 1956, 472 § 2; 1961, 535 §§ 2-6; 1966, 695 § 2; 1973, 1114 § 351.)

SECT. 14C repealed, 1973, 1114 § 56. (See 1973, 1114 § 351.)

SECT. 14E, first sentence amended, 1952, 477; revised, 1963, 772 § 1; amended, 1970, 728; 1973, 428 § 5, 856 § 4. (See 1963, 772 § 3; 1973, 428 § 19, 856 § 17.)

SECTS. 15-18 repealed, 1932, 144 § 3.

SECT. 20A added, 1949, 139 (relative to central pools of jurors summoned for attendance upon the superior court); second paragraph amended, 1967, 541.

SECT. 22 amended, 1934, 287; 1943, 135 § 1; sentence added at end, 1943, 244 § 3. (See 1943, 145 § 2.)

SECT. 24 amended, 1943, 244 § 4.

SECT. 25 amended, 1932, 144 § 4.

SECT. 26A added, 1935, 229 § 1 (providing for the transfer from the superior court to the land court of certain actions at law and suits in equity where any right, title or interest in land is involved); revised, 1973, 1114 § 57. (See 1935, 229 § 2; 1973, 1114 § 351.)

SECT. 27 revised, 1946, 544 § 2; 1951, 742 § 2; 1955, 733 § 2; 1963, 741 § 1; 1966, 699 § 3; 1969, 845 § 3; 1973, 428 § 6, 856 § 5. (See 1946, 544 § 5; 1951, 742 §§ 4, 5; 1953, 567; 1954, 651; 1955, 475, 733 §§ 4, 5; 1956, 423 §§ 1, 3; 1957, 246 § 3; 1963, 741 § 2; 1964, 360 § 1; 1966, 699 § 11; 1969, 845 § 12; 1973, 428 § 19, 856 § 17.)

SECT. 28 revised, 1963, 787.

SECT. 28A repealed, 1949, 654 § 2.

SECT. 30 added, 1959, 600 (providing for a panel of three associate justices of the superior court to act upon labor dispute cases); revised, 1973, 1114 § 58. (See 1973, 1114 § 351.)

Chapter 213. — Provisions Common to the Supreme Judicial and Superior Courts.

SECTS. 1A and 1B added, 1939, 257 § 1 (granting to the superior court jurisdiction of certain extraordinary writs and certain other matters, concurrently with the supreme judicial court). (See 1939, 257 § 2.)

SECT. 1A amended, 1941, 28, 180; revised, 1962, 722 § 3.

SECT. 1B amended, 1962, 722 § 4; revised, 1973, 1114 § 59. (See 1973, 1114 § 351.)

SECTS. 1C and 1D added, 1943, 374 § 4 (providing for changing a petition for certiorari into a petition for mandamus and vice versa and providing for appeals from judgments upon such petitions).

SECT. 1D, first sentence amended, 1957, 155.

SECTS. 1C-1D repealed, 1973, 1114 § 60. (See 1973, 1114 § 351.)

SECT. 3, clause Tenth A revised, 1945, 582 § 2 (see 1945, 582 §§ 4, 5); clause Tenth B added, 1943, 374 § 3 (providing for the presentation at hearings upon petitions for certiorari of evidence at proceedings complained of in such petitions); stricken out, 1973, 1114 § 61. (See 1973, 1114 § 351.)

SECT. 3A added, 1949, 654 § 1 (relative to the printing of rules of the supreme judicial and superior courts); last sentence revised, 1959, 302 § 1. (See 1959, 302 § 2.)

SECT. 4 revised, 1947, 449 § 5. (See 1947, 449 § 7.)

SECT. 6 amended, 1932, 144 § 5.

Chapter 214. — Equity Jurisdiction and Procedure in the Supreme Judicial and Superior Courts.

SECT. 1B added, 1973, 941 (establishing the right of privacy and the remedy to enforce that right).

SECT. 22 revised, 1973, 591 § 3. (See 1973, 591 § 22.)

Chapter 214. — Equity Jurisdiction (former title, Equity Jurisdiction and Procedure in the Supreme Judicial and Superior Courts).

Chapter stricken out, and new chapter 214 (with new title) inserted, 1973, 1114 § 62. (See 1973, 1114 § 351.)

For prior changes see Table of Changes contained in Acts and Resolves of 1972.

Chapter 215. — Probate Courts.

SECT. 3, first sentence amended, 1962, 567 § 2, 722 § 6; sentence added at end, 1949, 56.

SECT. 6 amended, 1933, 237 § 1; revised, 1937, 257; first sentence amended, 1939, 194 § 2; sentence inserted after second sentence, 1958, 223; sentence inserted before last sentence, 1950, 485 § 3; 1951, 657 § 2;

same sentence stricken out, 1954, 556 § 2; section revised, 1963, 820 § 1; second paragraph, last sentence amended, 1970, 888 § 24; section revised, 1973, 1114 § 63. (See 1954, 556 § 10; 1963, 820 § 2; 1970, 888 § 31; 1973, 1114 § 351.)

SECT. 6A revised, 1973, 1114 § 64. (See 1973, 1114 § 351.)

SECT. 6B added, 1935, 247 § 1 (providing for interpretive judgments in the probate courts as to the meaning of written instruments); repealed, 1945, 582 § 3. (See 1935, 247 § 2; 1945, 582 § 5.)

SECT. 9, sentence added at end, 1945, 469 § 1; same sentence stricken out, 1947, 360; section revised, 1973, 1114 § 65. (See 1945, 469 § 2; 1946, 88, 610 § 1; 1947, 97 § 1; 1973, 1114 § 351.)

SECT. 9A added, 1960, 179 (permitting certain fiduciaries to act during the appeal period); revised, 1973, 473.

SECT. 10 revised, 1973, 1114 § 66. (See 1973, 1114 § 351.)

SECT. 11 amended, 1947, 365 § 3.

SECT. 12, repealed, 1973, 1114 § 67. (See 1973, 1114 § 351.)

SECT. 13 amended, 1973, 1114 § 68. (See 1973, 1114 § 351.)

SECT. 15 revised, 1960, 207 § 3.

SECT. 16 amended, 1973, 1114 § 69. (See 1973, 1114 § 351.)

SECT. 18, two sentences added at end, 1964, 631 § 1. (See 1964, 631 § 2.)

SECT. 21 repealed, 1973, 1114 § 70. (See 1973, 1114 § 351.)

SECT. 30A amended, 1934, 330; revised, 1956, 664; 1963, 819 § 1.

SECT. 34, sentence added, 1971, 275; section amended, 1973, 1114 § 71. (See 1973, 1114 § 351.)

SECT. 34A added, 1967, 439 (providing that service of contempt citations for non support be served by certified mail); second and third sentences revised, 1968, 562; two sentences added at end, 1970, 602.

SECT. 36 revised, 1956, 187; 1957, 32; amended, 1958, 498; 1960, 331.

SECT. 39A added, 1947, 536 (relative to counsel fees in the probate courts); paragraph added at end, 1951, 80.

SECT. 39B added, 1951, 312 (relative to counsel fees and certain other expenses in probate courts).

SECT. 41 revised, 1950, 66 § 3; amended, 1954, 311 § 3; 1970, 105; revised, 1973, 728.

SECT. 42, sentence added at end, 1952, 184 § 2. (See 1952, 184 § 4.)

SECT. 44, last sentence revised, 1941, 323 § 1; section amended, 1943, 91. (See 1941, 323 § 2.)

SECT. 48 repealed, 1970, 317 § 2.

SECT. 51 repealed, 1955, 418 § 2. (See 1955, 418 § 3.)

SECT. 56B added, 1971, 947 (authorizing the appointment of a guardian ad litem to institute contempt proceedings involving minors).

SECT. 58 revised, 1947, 449 § 4. (See 1947, 449 § 7.)

SECT. 61 repealed, 1939, 65 § 1. (See 1939, 65 § 2.)

SECT. 62, paragraph in lines 4-6 revised, 1972, 489; paragraph in lines 11-16 revised, 1950, 108 § 1; 1969, 773; paragraph in lines 17-20 revised, 1932, 107; 1936, 241; 1956, 159; 1966, 300; sixth paragraph revised, 1967, 120; paragraph in lines 21-25 revised, 1964, 453; paragraph in lines 26-28 revised, 1951, 514; 1960, 388; paragraph in lines 29-33 revised, 1934, 24;

paragraph in lines 34-37 amended, 1934, 54; same paragraph revised, 1934, 175 § 1; 1949, 444; paragraph in lines 38-42 revised, 1950, 416; 1968, 484; paragraph in lines 45-51 revised, 1935, 132; 1973, 719; paragraph in lines 52 and 53 revised, 1965, 103; paragraph in lines 56 and 57 revised, 1933, 274; 1964, 370. (See 1934, 175 § 2; 1950, 108 § 2.)

Chapter 216. — Courts of Insolvency.

SECT. 14 amended, 1973, 705 § 2.

Chapter 217. — Judges and Registers of Probate and Insolvency.

For legislation relative to abolition of office of special judge of probate and insolvency on the death, resignation or removal of the incumbent, see 1937, 408 § 8.

For legislation providing special retirement rights for the judges of probate for the counties of Dukes and Nantucket, see 1951, 760.

SECT. 1 amended, 1935, 434 § 1; revised, 1949, 716 § 1, 738 § 1.

SECT. 2 amended, 1934, 290; 1935, 434 § 2; first sentence revised, 1949, 716 § 2; 717, 738 § 2; 1960, 817 § 1; 1964, 675; 1973, 1129.

SECT. 2A added, 1963, 819 § 2 (providing for the designation of a judge of probate as the chief judge); second sentence stricken out, 1967, 841 § 1. (See 1967, 841 § 3.)

SECT. 3, sentence added at end, 1949, 436 § 1; revised, 1951, 517; section revised, 1963, 756 § 1B.

SECTS. 5 and 6 stricken out and new sections 5, 5A, 6, 6A inserted, 1937, 408 § 3. (See 1937, 408 § 9.)

SECT. 6 revised, 1960, 97; 1963, 756 § 1A; 1971, 680 § 1.

SECT. 7, sentence added at end, 1937, 408 § 4. (See 1937, 408 §§ 3, 9.)

SECT. 8 revised, 1937, 408 § 5; 1963, 819 § 3. (See 1937, 408 § 9; 1963, 819 § 7.)

SECT. 8A added, 1967, 708 (providing for an executive clerk to chief judge of probate courts); revised, 1973, 812.

SECT. 15A added, 1952, 184 § 3 (relative to printing or typing names of persons whose signatures appear on certain instruments filed in probate courts). (See 1952, 184 § 4.)

SECT. 19 amended, 1948, 354 § 1; 1954, 529 § 2.

SECT. 24 amended, 1943, 464 § 1; revised, 1963, 387; 1971, 435 § 1. (See 1943, 464 § 2.)

SECT. 24A revised, 1939, 392; 1947, 348; amended, 1968, 669 § 1.

SECT. 24B added, 1971, 851 (providing a third assistant register of probate for Plymouth county); revised, 1973, 895.

SECT. 25 amended, 1947, 347; revised, 1957, 511; 1971, 852 § 1.

SECT. 25A added, 1945, 475 § 1 (providing for a permanent third assistant register of probate for the county of Essex); revised, 1946, 482; 1956, 440 § 1; 1961, 395; 1967, 820; 1968, 669 § 2; 1971, 792. (See 1945, 475 § 2.)

SECT. 29, sentence added at end, 1958, 539.

SECT. 30 revised, 1935, 143 § 1; * 1935, 313 § 1; 1936, 252 § 1; 1941, 226 § 1; paragraph added at end, 1951, 611 § 1; section revised, 1951,

700, 793 § 1; first sentence revised, 1955, 378; section revised, 1960, 575 § 1; first four sentences stricken out and three sentences inserted, 1965, 605; first sentence revised, 1965, 729; amended, 1962, 304; last sentence stricken out, 1970, 526 § 2; section revised, 1971, 1092; 1972, 642. (See 1935, 313 § 3; 1936, 252 § 2; 1941, 226 § 2; 1960, 575 § 2.)

SECT. 31 amended, 1951, 793 § 2.

SECT. 31A added,* 1935, 313 § 2 (providing for the appointment of a messenger for the probate court of Essex county). (See 1935, 313 § 3.)

SECT. 32A revised, 1952, 229 § 1; 1964, 630.

SECT. 32B added, 1971, 511 (providing for the appointment of two messengers for the probate court of Norfolk county).

SECT. 32C added, 1973, 904 (authorizing the appointment of a messenger in the probate court of Bristol county).

SECT. 34 revised, 1937, 408 § 1; 1946, 544 § 4; 1951, 745 § 1; 1955, 733 § 7; 1960, 736 § 1; 1963, 756 § 1; 1966, 699 § 4; amended, 1967, 841 § 2; revised, 1969, 845 § 4; 1971, 680 § 2; 1973, 428 § 7, 856 § 6. (See 1937, 408 § 9; 1946, 544 § 5; 1951, 745 §§ 1A, 1B; 1955, 395, 733 §§ 4, 5, 749 §§ 1, 2; 1956, 423 §§ 2, 3; 1963, 756 § 2; 1966, 699 § 11; 1967, 841 § 3; 1969, 845 § 12; 1973, 428 § 19, 856 § 17.)

SECTS. 35A and 35B added, 1947, 678 § 2 (establishing the salaries of registers of probate and assistant registers). (See 1947, 678 § 3.)

SECT. 35A amended, 1949, 714; revised, 1951, 713 § 1; 1955, 638 § 1; 1956, 671 § 1; 1960, 736 § 2; second sentence revised, 1963, 756 § 1C; 1966, 699 § 5; 1969, 845 § 5; 1971, 435 § 2; 1973, 428 § 8, 856 § 7. (See 1951, 713 § 3; 1955, 638 § 3; 1956, 671 § 3; 1969, 845 § 12; 1973, 428 § 19, 856 § 17.)

SECT. 35B revised, 1951, 713 § 2; amended, 1953, 564; revised, 1955, 638 § 2; amended, 1956, 440 § 2; revised, 1956, 671 § 2; amended, 1957, 508; revised, 1960, 736 § 3; last paragraph revised, 1971, 852 § 2. (See 1951, 713 § 3; 1955, 638 § 3; 1956, 671 § 3.)

SECT. 38 repealed, 1937, 408 § 2.

SECT. 40 revised, 1937, 408 § 6; 1963, 819 § 4; 1967, 644; 1971, 680 § 3. (See 1937, 408 § 9.)

SECT. 41 amended, 1937, 408 § 7; 1941, 503; revised, 1959, 286; section stricken out, 1963, 819 § 5. (See 1937, 408 §§ 8, 9.)

SECT. 42 amended, 1957, 575; sentence added at end, 1963, 819 § 6.

Chapter 218. — District Courts.

For act further extending to June 30, 1949, the operation of certain provisions of law (1923, 469, as amended) authorizing certain justices of district courts to sit in criminal cases in the superior court, see 1948, 230.

For legislation limiting the number of special justices of certain district courts, see 1941, 664.

SECT. 1, first paragraph under caption "*Franklin*" revised, 1932, 87 § 1; section amended, 1939, 451 § 59; first paragraph under caption "*Hampden*" revised, 1965, 440 § 1; 1971, 577 § 1; last paragraph under caption "*Hampden*" revised, 1965, 440 § 2; 1971, 577 § 2; second

*Void for non-acceptance.

paragraph under caption "*Middlesex*" revised, 1965, 624 § 1; eighth paragraph under caption "*Middlesex*" revised, 1965, 624 § 2; third paragraph under caption "*Norfolk*" revised, 1949, 590 § 1; paragraphs under said caption revised, 1960, 715 § 4; first paragraph under caption "*Plymouth*" revised, 1963, 198; first paragraph under caption "*Worcester*" revised, 1969, 859 § 13; second paragraph under caption "*Barnstable*" revised, 1969, 277 § 1; third paragraph under caption "*Berkshire*" revised, 1969, 181 § 1; fifth paragraph under caption "*Berkshire*" revised, 1969, 181 § 2; fifth paragraph under caption "*Hampden*" revised, 1969, 859 § 14; fifth paragraph under caption "*Suffolk*" revised, 1949, 273 § 1; first paragraph under caption "*Worcester*" revised, 1970, 713 § 1; 1971, 821 § 1; third paragraph under caption "*Worcester*" revised, 1971, 821 § 2; sixth paragraph under caption "*Worcester*" revised, 1968, 342 § 1; 1970, 713 § 2; seventh paragraph under caption "*Suffolk*" revised, 1965, 659 § 4; paragraph added under caption "*Bristol*", 1972, 731 § 13; first paragraph under caption "*Plymouth*" revised, 1972, 728 § 1; second paragraph under caption "*Plymouth*" amended, 1972, 728 § 2; fourth paragraph under caption "*Plymouth*" amended, 1972, 728 § 3; second paragraph under caption "*Worcester*" revised, 1972, 446 § 1. (See 1949, 590 §§ 2-4, 739; 1951, 758; 1965, 659 § 7; 1972, 446 § 7.)

SECT. 2A added, 1951, 325 (providing for the transfer of certain actions brought in district courts).

SECT. 6, first paragraph revised, 1941, 664 § 1; second paragraph revised, 1945, 611; section revised, 1947, 588 § 1; first and second paragraphs revised, 1949, 731; 1951, 762 § 1; 1952, 560; last sentence of third paragraph stricken out and two sentences inserted, 1949, 768; third paragraph revised, 1950, 575; section revised, 1956, 738 § 1; first sentence revised, 1963, 422, 552 § 1; second paragraph amended, 1963, 552 § 2; third paragraph revised, 1956, 744 § 1; section revised, 1963, 810 § 1; first paragraph revised, 1964, 638; 1965, 561; first sentence revised, 1967, 703 § 1; 1971, 1090 § 1; 1972, 728 § 4; amended, 1973, 356 § 1; revised, 1973, 959 § 1; second paragraph amended, 1966, 699 § 6; second sentence revised, 1969, 845 § 6; 1973, 428 § 9, 856 § 8; fourth paragraph revised, 1971, 688; amended, 1972, 702; first sentence revised, 1973, 428 § 10, 856 § 9. (See 1941, 664 §§ 2, 3; 1947, 588 §§ 2, 3; 1951, 762 § 4; 1956, 738 §§ 1A, 13, 14, 744 §§ 2, 3; 1963, 810 § 23; 1959, 845 § 12; 1973, 356 § 3, 428 § 19, 856 § 17.)

SECT. 8 revised, 1936, 282 § 1. (See 1936, 282 § 3; 1966, 699 § 11.)

SECT. 9, sentence added at end, 1934, 217 § 1; section revised, 1951, 604 § 1; first sentence amended, 1952, 156 § 1; revised, 1971, 717 § 1; second sentence revised, 1961, 526 § 1; third sentence revised, 1970, 594 § 1. (See 1961, 526 § 3.)

SECT. 10 amended, 1932, 160 § 1; 1937, 297 § 1; 1938, 193 § 1; first paragraph amended, 1946, 182; 1947, 335 § 1; 1949, 443; 1959, 559 § 1; second sentence revised, 1959, 596; 1960, 661 § 1; 1965, 813; amended, 1968, 192; revised, 1968, 578; third sentence revised, 1950, 444; amended, 1955, 723; revised, 1960, 504 § 1; amended, 1963, 286; revised, 1963, 567; 1965, 813; amended, 1966, 534, 597, 710 § 1; 1967, 812 § 1; 1968, 103,

130; revised, 1969, 901; second paragraph revised, 1938, 222 § 1; amended, 1949, 800; 1951, 541 § 1; revised, 1957, 601 § 2; 1964, 474; 1967, 548 § 1, 812 § 2; 1969, 860 § 1; paragraph inserted after second paragraph, 1963, 778; amended, 1965, 470; 1966, 533; revised, 1967, 548 § 2, 812 § 3; amended, 1968, 667; revised, 1969, 860 § 2; first three paragraphs stricken out and four paragraphs inserted, 1970, 585 § 1; first paragraph, second sentence revised, 1971, 18; amended, 1971, 56, 883; 1972, 446 § 2; 1973, 219; third sentence amended, 1971, 93; second paragraph revised, 1971, 765 § 1; fourth paragraph revised, 1971, 101, 765 § 2; paragraph inserted after third paragraph, 1964, 692; revised, 1965, 896; paragraph added at end, 1941, 309 § 1; revised, 1960, 772; 1962, 595; 1966, 241; 1968, 481; revised, 1969, 860 § 2A; another paragraph added at end, 1948, 642 § 1; two paragraphs added, 1967, 548 § 3; eighth paragraph revised, 1969, 860 § 3; 1970, 585 § 2; 1971, 765 § 3; paragraph added at end, 1969, 398 § 1; second sentence amended, 1969, 725; paragraph added, 1971, 100; section revised, 1973, 75 § 1; amended, 1973, 75 § 2; first paragraph amended, 1973, 1001, §§ 1, 1A; second paragraph amended, 1973, 796 § 1, 994 § 1, 1001 § 2; third paragraph amended, 1973, 796 § 2, 994 § 3, 1001 § 3; fourth paragraph amended, 1973, 796 § 3, 994 § 2, 1001 § 4; fifth paragraph amended, 1973, 796 § 4; revised, 1973, 1001 § 5; sixth paragraph amended, 1973, 796 § 5, 1001 § 6; seventh paragraph amended, 1973, 796 § 6; eighth paragraph stricken out, 1973, 1001 § 7; ninth paragraph amended, 1973, 1001 § 8; paragraph inserted after ninth paragraph, 1973, 1001 § 9; tenth paragraph amended, 1973, 436, section revised, 1973, 1223.

SECT. 10A added, 1956, 353 (authorizing the designation of deputy assistant clerks of the district courts).

SECT. 11 revised, 1951, 604 § 2; first sentence amended, 1952, 156 § 2; revised, 1973, 1125; 1971, 717 § 2; second sentence revised, 1961, 526 § 2; third sentence revised, 1970, 594 § 2. (See 1961, 526 § 3.)

SECT. 13 revised, 1937, 59; first paragraph stricken out, 1939, 157 § 1. (See 1939, 157 § 4.)

SECT. 14, paragraph added, 1965, 867.

SECT. 15 revised, 1939, 230 § 1, 347 § 1; first paragraph amended, 1947, 460 § 1; paragraph inserted after first paragraph, 1956, 738 § 5, section revised, 1963, 810 § 2. (See 1939, 230 § 2; 1947, 460 § 2; 1956, 738 §§ 13, 14.)

SECT. 16 revised, 1937, 219 § 3; 1939, 214 § 5.

SECT. 17, sentence added at end, 1956, 738 § 12. (See 1956, 738 §§ 13, 14.)

SECT. 19 amended, 1934, 387 § 1, 1943, 296 § 1; sentence added at end, 1954, 556 § 3; section revised, 1954, 616 § 1; 1958, 369 § 1; sentence added at end, 1962, 722 § 7. (See 1934, 387 § 5; 1943, 296 § 6, 437; 1954, 556 § 10, 616 § 5; 1956, 426; 1958, 369 § 4.)

SECT. 19A added, 1967, 549 § 1 (increasing number of assistant clerks in certain district courts).

SECT. 19B added, 1969, 419 § 1 (providing for trial by jury of six in the Central District Court of Northern Essex of any civil actions entered in any district court in Essex County). (See 1969, 419 § 2.)

SECT. 19C added, 1970, 582 (providing certain equity powers to district courts).

SECT. 20, first sentence revised, 1973, 1114 § 72. (See 1973, 1114 § 351.)

SECT. 21 amended, 1953, 168; revised, 1960, 160; 1963, 810 § 3; 1964, 496 § 1; amended, 1967, 21 § 1; revised, 1970, 106 § 1; amended, 1971, 271 § 1; 1973, 577, 748 § 1; sentence added, 1972, 452. (See 1964, 496 § 2; 1967, 21 § 2; 1970, 106 § 2; 1971, 271 § 2.)

SECT. 22 amended, 1937, 310; first sentence revised, 1954, 328 § 1; 1971, 858 § 2. (See 1954, 328 § 4.)

SECT. 23 amended, 1950, 500 § 1; revised, 1973, 748 § 2.

SECT. 26 revised, 1937, 301 § 1; 1938, 365 § 1; amended, 1958, 138; 1964, 140; sentence added at end, 1962, 722 § 8; section revised, 1969, 496; amended, 1973, 585. (See 1937, 301 § 2; 1938, 365 § 2.)

SECT. 27A added, 1972, 620 § 1 (providing for trial by a jury of six of certain criminal cases in certain district courts). (See 1972, 620 § 2.)

SECT. 29 amended, 1932, 55; repealed, 1964, 308 § 10.

SECT. 30 amended, 1941, 194 § 19; 1970, 888 § 25. (See 1970, 888 § 31.)

SECT. 32 amended, 1958, 48 § 1.

SECT. 35, sentence added at end, 1964, 201.

SECT. 35A added, 1943, 349 § 1 (providing that certain persons against whom complaints are made in district courts may be given an opportunity to be heard before issuance of process); revised, 1945, 293. (See 1943, 349 § 2.)

SECT. 36 revised, 1967, 350 § 1.

SECT. 37 amended, 1945, 250 § 1; 1958, 48 § 2; revised, 1967, 225.

SECT. 38, second sentence revised, 1939, 347 § 2.

SECT. 39 revised, 1963, 810 § 4.

SECT. 40, fourth sentence revised, 1948, 398 § 1; section revised, 1963, 810 § 5.

SECT. 43 amended, 1939, 347 § 3; revised, 1963, 810 § 6.

SECT. 43A, first paragraph amended, 1938, 324; section revised, 1941, 682 § 1; first paragraph amended, 1943, 101; 1956, 738 § 4; section revised, 1963, 810 § 7. (See 1941, 682 §§ 1A, 2; 1956, 738 §§ 13, 14.)

SECT. 43B added, 1950, 210 (prescribing the use of uniform official blanks in certain district courts); stricken out, 1963, 810 § 8.

SECT. 43B stricken out and new sections 43B and 43C inserted, 1963, 810 § 8 (relative to the powers and duties of the chief justice of the district courts and the administrative committee of the district courts).

SECT. 43C, first sentence amended, 1971, 867 § 1.

SECT. 43D added, 1967, 852 § 3 (providing that the chief justice of the district courts make rules relative to claims for compensation of victims of violent crimes). (See 1967, 852 § 4.)

SECT. 50 revised, 1963, 810 § 9. (See 1963, 810 § 20.)

SECT. 52, third sentence amended, 1948, 398 § 2, last sentence revised, 1949, 462; 1961, 534; 1970, 623.

SECT. 53, first sentence revised, 1950, 245; 1966, 697 § 1; first paragraph amended, 1948, 642 § 2; paragraph added after the first paragraph, 1936, 230; second paragraph (as appearing in the Tercentenary Edition) revised, 1961, 187 § 1.

SECT. 53A added, 1951, 604 § 3 (relative to the appointment and salaries to temporary assistant clerks in the Boston Municipal Court).

SECT. 55 amended, 1964, 533 § 1. (See 1964, 533 § 2.)

SECT. 57 revised, 1965, 659 § 5; caption preceding section revised, 1969, 859 § 14A; 1972, 731 § 14; two sentences added at end, 1969, 859 § 15; third sentence revised, 1972, 572; sentence added, 1972, 731 § 15. (See 1965, 659 § 7.)

SECT. 58 revised, 1936, 282 § 2; sentence added at end, 1955, 343; section revised, 1963, 810 § 10; 1969, 859 § 16; first paragraph, last sentence revised, 1969, 860 § 4; last sentence stricken out and two sentences inserted, 1971, 252; section revised, 1972, 731 § 16. (See 1936, 282 § 3; 1963, 810 § 21.)

SECT. 59, paragraph added at end, 1948, 248 § 1; section revised, 1969, 859 § 16A.

SECT. 60, first sentence amended, 1962, 722 § 9; section revised, 1964, 308 § 11; 1965, 659 § 6; 1969, 859 § 17. (See 1964, 308 § 13.)

SECT. 61, first sentence revised, 1971, 82 § 1; second sentence revised, 1971, 704.

SECT. 62 amended,* 1932, 235 § 1; revised,* 1932, 247 § 1; amended, 1935, 71 § 1; 1937, 298; revised, 1939, 305; amended, 1941, 309 § 3, 348; 1945, 294; 1946, 264 § 1, 300; 1949, 668; 1953, 138 § 1; 1955, 633 § 1; revised, 1957, 601 § 1; 1962, 455; revised, 1963, 564; 1964, 639, 699; 1965, 550, 802; amended, 1967, 441; revised, 1967, 604, 834; sentence added at end, 1968, 366; section amended, 1968, 475; revised, 1968, 585, 677, 764; 1969, 38, 841; amended, 1969, 881; 1970, 93 § 1; first sentence amended, 1971, 10, 58, revised, 1971, 114, 153, amended, 1971, 566 § 1; second sentence revised, 1971, 44, 82 § 2; section revised, 1971, 774; first sentence revised, 1971, 898; amended, 1971, 916; revised, 1972, 56; second sentence revised, 1971, 834; section revised and section 62A added, 1972, 211; clause (1) revised, 1972, 649 § 1; clause (3) amended, 1973, 1027 § 1; clause (4) stricken out, 1973, 1027 § 2; clause (5) amended, 1972, 443 § 1; 1973, 1027 § 3; clause (6) amended, 1972, 649 § 2; 1973, 1027 § 4; clause (7) amended, 1972, 443 § 2, 649 § 3; 1973, 1027 § 5; clause (8) amended, 1972, 649 § 4; 1973, 1027 § 6; second paragraph amended, 1972, 605 § 1. (See 1935, 71 § 2; 1946, 264 § 2; 1953, 138 § 2; 1955, 633 § 2; 1970, 93 § 2; 1971, 566 § 2; 1972, 605 § 2.)

SECT. 63, revised, 1935, 341; 1969, 81.

SECT. 65, last sentence stricken out, 1949, 621.

SECT. 70, sentence added at end, 1969, 859 § 18; revised, 1972, 731 § 17.

SECT. 74 revised, 1963, 810 § 11.

SECT. 75 revised, 1946, 609 § 1; 1951, 749 § 1; 1955, 748 § 1; 1962, 680 § 1; 1963, 810 § 12; 1966, 699 § 7; 1969, 845 § 7; 1973, 428 § 11, 856 § 10. (See 1946, 609 § 3; 1951, 749 § 2A; 1954, 347, 527; 1955, 748 §§ 1A, 1B, 2; 1962, 680 §§ 2, 3; 1963, 810 § 22; 1966, 699 § 11; 1969, 845 § 12; 1973, 428 § 19, 856 § 17.)

SECT. 75A added, 1946, 512 § 2 (relative to the compensation of clerks and assistant clerks of the municipal court of the city of Boston); re-

*Void for non-acceptance.

vised, 1946, 609 § 2; 1949, 261; 1951, 749 § 2; 1963, 774 § 1; 1966, 539 § 1; 1969, 854 § 1; second and third sentences stricken out, 1970, 245 § 1; section revised, 1971, 884 § 1; 1973, 887 § 1. (See 1946, 512 § 3, 609 § 3; 1963, 774 §§ 2, 3; 1964, 479 § 1; 1966, 539 § 2; 1969, 854 § 2; 1970, 245 § 4; 1971, 884 § 3; 1973, 887 § 2.)

SECT. 76 amended, 1932, 269 § 1; 1935, 366 § 1; 1937, 378 § 1; revised, 1939, 451 § 60; amended, 1945, 476 § 1; 1946, 453, 498 § 1; revised, 1946, 530, 578; amended, 1946, 600; revised, 1947, 576; 1948, 667 § 1; 1949, 461 § 1; 1951, 768 § 1A; 1959, 609 § 6; 1963, 810 § 13; 1964, 694 § 1; 1966, 699 § 8; revised, 1969, 845 § 8; 1973, 428 § 12, 856 § 11. (See 1935, 366 § 3; 1945, 476 § 2; 1948, 667 §§ 6, 7; 1949, 461 § 2; 1951, 768 § 3B; 1952, 114 § 1; 1963, 810 § 22; 1964, 694 § 2; 1966, 699 § 11; 1969, 845 § 12; 1973, 428 § 19, 856 § 17.)

SECT. 76A added, 1969, 859 § 19 (relative to the compensation of the justices of the Worcester and Springfield juvenile courts); revised, 1972, 731 § 18; 1973, 428 § 13, 856 § 12. (See 1973, 428 § 19, 856 § 17.)

SECT. 77 revised, 1937, 294; 1948, 667 § 2; 1951, 768 § 1; repealed 1955, 741 § 1A. (See 1948, 667 § 5A; 1949, 312 § 2; 1951, 768 § 3B; 1952 114 § 1; 1955, 741 §§ 2, 3.)

SECT. 77A added, 1948, 656 § 1 (relative to the salaries and retirement of justices and clerks in the district court of Springfield, the central district court of Worcester and the first and third district courts of eastern Middlesex); sentence inserted after first sentence, 1949, 805 § 1; amended, 1951, 762 § 2; revised, 1951, 768 § 2; amended, 1952, 603 § 1; 1955, 334; section revised, 1956, 738 § 2, 1958, 675 § 1; first paragraph amended, 1963, 538 § 1, 768 § 1; 1959, 568 § 1, 586 § 1; 1960, 745 § 1, 796 § 1, 705 § 1, 746 § 1; 1961, 379 § 1, 483 § 1, 612 § 1; 1963, 707 § 1; third paragraph amended, 1959, 77; section revised, 1963, 810 § 14; first paragraph amended, 1965, 900 § 1; 1966, 699 § 9, 703 § 1; 1967, 725 § 1, 782 § 1; 1969, 845 § 9; 1971, 863 § 1; 1972, 446 § 3; 1973, 219; revised, 1973, 428 § 14, 856 § 13; second paragraph, second sentence revised, 1970, 247. (See 1948, 656 §§ 2, 3; 1949, 805 § 3; 1951, 768 § 3B; 1952, 114; 1953, 298, 380; 1956, 738 §§ 13, 14; 1957, 125; 1958, 675 §§ 3, 4; 1960, 745 § 3, 746 § 3, 796 § 3; 1961, 379 §§ 2, 3, 612 § 5; 1963, 810 § 22; 1966, 699 § 11; 1969, 845 § 12; 1972, 446 § 7; 1973, 428 § 19, 856 § 17.)

SECT. 77B added, 1963, 810 § 15 (relative to the salaries of certain justices of district courts when sitting by order of the chief justice of the district courts in another court); second paragraph revised, 1969, 845 § 11; 1973, 428 § 15, 856 § 14. (See 1969, 845 § 12; 1973, 428 § 19, 856 § 17.)

SECT. 78 revised, 1948, 667 § 3; sentence inserted before first sentence, 1949, 710; section amended, 1949, 312 § 1, 805 § 2, 611, 482; 1951, 762 § 3; revised, 1951, 768 § 3; amended, 1952, 603 § 2; 1953, 453; revised, 1955, 741 § 1; 1956, 738 § 3; 1958, 675 § 2; amended, 1959, 568 § 2; 1963, 768 § 2; 1959, 586 § 2; 1963, 538 § 2, 683, 707 § 2; 1960, 745 § 2, 746 § 2, 796 § 2, 705 § 2; 1961, 483 § 2, 612 § 2; paragraph added at end, 1959, 583; section revised, 1963, 810 § 16; first paragraph amended, 1965, 900 § 2; revised, 1966, 699 § 10; amended, 1966, 703 § 2; 1967, 725 § 2, 782 § 2;

revised, 1969, 845 § 10; first paragraph amended, 1971, 863 § 2; revised, 1973, 428 § 16, 856 § 15. (See 1948, 667 §§ 6, 7; 1949, 312 § 2, 805 § 3; 1951, 768 § 3B; 1952, 114 § 1; 1955, 741 §§ 2, 3; 1956, 738 §§ 13, 14; 1958, 675 §§ 3, 4; 1960, 745 § 3; 746 § 3, 796 § 3; 1963, 810 § 22; 1966, 699 § 11; 1969, 845 § 12; 1973, 428 § 19, 856 § 17.)

SECT. 79 amended, 1941, 309 § 2; revised, 1941, 447 § 2; amended, 1943, 136 § 2; revised, 1948, 667 § 4; 1956, 738 § 6; amended, 1957, 735; revised, 1959, 609 § 1; 1963, 841 § 1A; definition of "Court class" revised, 1969, 859 § 20; 1971, 142 § 2; paragraph (1) amended, 1960, 801 § 1, 816; 1961, 362 § 1, 479, 480 § 1, 532, 612 § 3, 613 § 1; revised, 1962, 725; amended, 1962, 761 § 1; 1963, 549, 841 §§ 2, 3; 1964, 654, 664, 667, 676, 677, 678, 695 §§ 1, 2, 700, 701; 1965, 636, 781, 782, 789, 870, 900 § 3; 1966, 718 §§ 1, 2; 1967, 818 §§ 1, 2, 3, 833; 1968, 199 §§ 1, 2, 229 §§ 1, 2, 273 § 1, 613; 1969, 860 §§ 5, 6; 859 § 21, 902 §§ 1, 2; 1970, 675 §§ 1, 2, 815 §§ 1, 2; 1971, 5, §§ 1, 2, 17, 102 §§ 1, 2, 105 §§ 1, 2, 142 § 3; paragraph (2), salary schedule revised, 1962, 423 § 1; paragraph (2) amended, 1960, 801 § 2; revised, 1963, 841 § 4; salary schedule revised, 1966, 536 § 1; 1969, 853 § 1; section revised, 1971, 668 § 1; paragraph (1) amended, 1972, 446 § 4, 731 § 19, 332 §§ 1, 2; 1973, 219; section revised, 1973, 540 § 1; paragraph (1) amended, 1973, 813 §§ 1, 2, 894 §§ 1, 2. (See 1941, 447 §§ 4, 5; 1943, 136 § 3; 1948, 667 §§ 6, 7; 1953, 421; 1956, 738 §§ 11, 13, 14; 1959, 609 §§ 4, 5, 8, 9; 1961, 362 § 2, 612 § 4, 613 § 2; 1962, 423 §§ 4, 5, 761 § 2; 1963, 841 §§ 5, 6, 7; 1966, 536 § 2; 1969, 853 § 2; 1972, 332 § 3, 446 § 7.)

SECT. 80, sentence added at end, 1935, 366 § 2; section amended, 1936, 229 § 1; 1937, 378 § 2; revised, 1941, 447 § 3; amended, 1946, 498 § 2; revised, 1948, 667 § 5; 1949, 799; 1951, 768 § 3A; amended, 1957, 559 § 1; revised, 1959, 609 § 2; amended, 1960, 801 § 3; revised, 1963, 306 § 1; amended, 1963, 841 § 4A; two paragraphs added at end, 1969, 753 § 1; third paragraph revised, 1970, 115 § 2; section revised, 1971, 668 § 2. (See 1935, 366 § 3; 1936, 229 § 2; 1941, 447 §§ 4, 5; 1948, 667 §§ 6, 7; 1951, 768 § 3B; 1952, 114 § 1; 1957, 559 § 2; 1959, 609 §§ 4, 5, 8, 9; 1970, 115 § 3.)

SECT. 80A added, 1947, 400 § 2 (relative to the salaries of the secretary and assistant secretary to the justices of the municipal court of the city of Boston); revised, 1951, 288 § 1. (See 1947, 400 §§ 3, 4; 1951, 288 § 2.)

SECT. 81 revised, 1939, 296 § 1; amended, 1956, 738 § 7; revised, 1963, 810 § 17. (See 1939, 296 § 3; 1956, 738 §§ 13, 14.)

SECT. 82 repealed, 1956, 738 § 8. (See 1956, 738 §§ 13, 14.)

SECT. 82A added, 1945, 486 § 1 (relative to the salaries of court officers of the municipal court of the city of Boston); revised, 1949, 381; 1951, 788 § 1; 1969, 867 § 2. (See 1945, 486 § 3; 1951, 788 § 2; 1969, 867 § 3.)

Chapter 219. — Trial Justices.

Chapter repealed, 1953, 319 § 1. (See 1953, 319 §§ 39, 40.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

Chapter 220. — Courts and Naturalization.

SECT. 1 revised, 1968, 223.

SECT. 2 amended, 1953, 319 § 25. (See 1953, 319 §§ 39, 40.)

SECT. 6 revised, 1947, 449 § 6. (See 1947, 449 § 7.)

SECT. 13 amended, 1953, 319 § 26. (See 1953, 319 §§ 39, 40.)

SECTS. 13A and 13B added, 1935, 407 § 5 (regulating procedure in trials for contempt arising out of disobedience to decrees or process of courts in labor dispute cases). (See 1935, 407 § 6; 1937, 436 § 10; G. L. 150A § 6 (h) inserted by 1938, 345 § 2.)

SECT. 13A revised, 1973, 1114 § 73. (See 1973, 1114 § 351.)

SECT. 14A added, 1936, 206 § 1 (relative to the time within which certain justices shall render their decisions). (See 1936, 206 § 2.)

SECTS. 16 and 17 repealed, 1932, 144 § 3.

SECT. 19 repealed, 1932, 16.

Chapter 221. — Clerks, Attorneys and Other Officers of Judicial Court.

SECT. 4 amended, 1935, 89 § 1; 1937, 158 § 1; 1943, 336 § 1; revised, 1946, 248 § 1; amended, 1955, 354 § 1; revised, 1957, 634; 1961, 355 § 1; 1968, 459; 1972, 308 § 1; 1973, 1010. (See 1935, 89 § 2; 1937, 158 § 2; 1943, 336 § 3; 1955, 354 § 2; 1961, 355 § 2.)

SECT. 5 amended, 1932, 51; 1943, 336 § 2; second paragraph revised, 1958, 327 § 1; 1963, 746 § 1; fourth paragraph revised, 1957, 585 § 1; fifth paragraph revised, 1951, 228; 1959, 557; paragraph inserted after fifth paragraph, 1956, 432 § 1; revised, 1963, 502 § 1; sixth paragraph revised, 1949, 379; 1950, 324; section revised, 1965, 535; second paragraph revised, 1971, 99; third paragraph revised, 1966, 532 § 1; 1970, 511 § 1; 1972, 308 § 2; fourth paragraph revised, 1971, 78; 1973, 1094; fifth paragraph revised, 1971, 293; sixth paragraph revised, 1969, 31; paragraph inserted after sixth paragraph, 1967, 764 § 1; revised, 1973, 1055. (See 1943, 336 § 3; 1958, 327 § 2; 1963, 502 § 2, 746 § 2; 1966, 532 § 2; 1970, 511 § 2.)

SECT. 6 amended, 1954, 342 § 1; 1957, 555 § 1; 1964, 710 § 1; revised, 1973, 1114 § 74. (See 1964, 710 § 2; 1973, 1114 § 351.)

SECT. 6A added, 1947, 443 (providing for the appointment of an equity clerk of the superior court for the county of Middlesex); revised, 1949, 774 § 3; 1973, 1114 § 75. (See 1949, 774 § 5; 1973, 1114 § 351.)

SECT. 6B added, 1953, 300 (providing for the designation of an assistant clerk to perform duties of equity clerk in the superior court for the county of Essex); revised, 1973, 1114 § 76. (See 1973, 1114 § 351.)

SECT. 6C added, 1970, 593 (providing for the designation of an assistant clerk for criminal business in the Essex Superior Court).

SECT. 6D added, 1971, 31 § 1 (providing for the designation of an assistant clerk of Norfolk county to perform the duties of criminal clerk in the superior court for Norfolk county). (See 1971, 31 § 2.)

SECTS. 6E-6G added, 1971, 118 (providing for the designation of assistant clerks to perform certain duties of clerks in the superior court for Worcester and Middlesex counties).

SECT. 6H added, 1972, 635 (providing for the designation of a certain assistant clerk of courts for Bristol county).

SECT. 6I added, 1973, 384 (providing for the designation of a certain assistant clerk of courts for the county of Plymouth to perform certain equity duties).

SECT. 6J added, 1973, 710 (providing for the designation of a certain assistant clerk of courts for the county of Plymouth to perform certain criminal duties).

SECT. 12 revised, 1937, 219 § 4; 1939, 214 § 6.

SECT. 19 revised, 1973, 1114 § 77. (See 1973, 1114 § 351.)

SECT. 21 repealed, 1973, 1114 § 78. (See 1973, 1114 § 351.)

SECT. 22 revised, 1973, 1114 § 79. (See 1973, 1114 § 351.)

SECT. 24 revised, 1936, 31 § 3; repealed, 1956, 707 § 3.

SECT. 25 stricken out, 1953, 319 § 27. (See 1953, 319 §§ 39, 40.)

SECT. 27 revised, 1939, 157 § 2. (See 1939, 157 § 4.)

SECT. 27A added, 1939, 157 § 3 (relative to the disposal of certain obsolete and useless papers of courts); revised, 1945, 323 § 1; amended, 1946, 150; subdivision (1) of first paragraph revised, 1952, 276 § 1; paragraph added, 1973, 705 § 3. (See 1939, 157 § 4; 1945, 323 § 2.)

SECT. 34C amended, 1947, 601; last sentence revised, 1970, 755.

SECT. 34D added, under caption, 1960, 565 § 1 (establishing the Massachusetts defenders committee); revised, 1962, 366 § 1; second paragraph, sentence added at end, 1970, 369. (See 1960, 565 § 2; 1962, 366 § 2.)

SECT. 34E added, 1973, 893 (providing for legal assistance to the indigent mentally ill).

SECT. 35 amended, 1949, 574 § 1.

SECT. 36 amended, 1945, 157; last sentence revised, 1957, 748 § 1.

SECT. 36A added, 1945, 261 (relative to educational requirements for admission to the bar of persons serving in the armed forces in World War II).

SECT. 37, first sentence revised, 1973, 925 § 73; third sentence stricken out and two sentences inserted, 1957, 748 § 2; third sentence amended, 1972, 684 § 121; fourth sentence amended, 1972, 684 § 122. (See 1972, 684 § 136; 1973, 925 § 84.)

SECT. 43 revised, 1939, 197 § 1.

SECTS. 44A and 44B added, 1939, 197 § 2 (prohibiting employees and other persons connected with hospitals from furnishing certain information about certain personal injury cases to attorneys at law).

SECT. 44A amended, 1943, 293.

SECT. 46 revised; 1935, 346 § 1; paragraph added at end, 1963, 654 § 4.

SECTS. 46A and 46B added, 1935, 346 § 2 (prohibiting individuals not members of the bar from practicing law or attempting so to do and providing a means of restraining unauthorized practice of law).

SECT. 46B amended, 1947, 75; 1955, 697 § 2.

SECT. 46C added, 1955, 697 § 1 (relative to debt pooling plans).

SECT. 46D added, 1969, 421 § 1 (providing that credit counseling corporations shall not be deemed to be illegally practicing law).

SECT. 47 repealed, 1935, 346 § 3.

SECT. 49 repealed, 1935, 346 § 3.

SECT. 50 stricken out, and sections 50, 50A, 50B inserted, 1945, 397 § 1. (See 1945, 397 § 3.)

SECT. 53 amended, 1939, 151; 1954, 385 § 1. (See 1954, 385 § 2.)

SECT. 56, first sentence revised, 1973, 1114 § 80. (See 1973, 1114 § 351.)

SECT. 58 amended, 1932, 40 § 1; 1973, 1114 § 81.

SECT. 60 repealed, 1932, 40 § 2.

SECT. 61 revised, 1973, 1114 § 82. (See 1973, 1114 § 351.)

SECT. 62 revised, 1973, 1114 § 82. (See 1973, 1114 § 351.)

SECT. 62A revised, 1973, 1114 § 82. (See 1973, 1114 § 351.)

SECT. 63 amended, 1939, 6 § 1. (See 1939, 6 §§ 2, 3.)

SECT. 68 amended, 1946, 591 § 46A; 1952, 588.

SECT. 69, sentence added, 1972, 740 § 7; paragraph added, 1973, 363 § 1. (See 1973, 363 § 3.)

SECT. 70, first paragraph amended, 1954, 172 § 1; revised, 1957, 228 § 1; paragraph inserted after second paragraph, 1954, 172 § 1; paragraph inserted after paragraph so inserted, 1957, 228 § 1; section revised, 1957, 697; first paragraph amended, 1964, 570 § 1; second paragraph revised, 1970, 752 § 1; third paragraph revised, 1960, 719; fourth paragraph revised, 1968, 482; amended, 1972, 518; fifth paragraph revised, 1958, 676; paragraph inserted after fifth paragraph, 1964, 570 § 2; revised, 1971, 830; section revised, 1972, 740 § 8; 1057. (See 1970, 752 § 2.)

SECT. 71, second sentence amended, 1957, 228 § 2; revised, 1964, 570 § 3; sentence inserted after first sentence, 1972, 740 § 9.

SECT. 71A added, 1949, 177 (establishing the office of assistant chief deputy sheriff for attendance upon the superior court in Suffolk county); revised, 1971, 707 § 1; 1972, 152 § 1; sentence inserted after second sentence, 1972, 740 § 9A. (See 1971, 707 § 2; 1972, 152 § 2.)

SECT. 72, first sentence amended, 1957, 228 § 3; revised, 1964, 570 § 4; section revised, 1972, 740 § 10.

SECT. 73 revised, 1935, 182 § 2; 1938, 347 § 2; 1941, 448 § 1; 1945, 388 § 1; 1946, 427 § 1; amended, 1946, 593 § 1; revised, 1949, 718; first sentence revised, 1951, 792; 1961, 596; section revised, 1963, 766 § 1; sentence added, 1966, 463 § 3; amended, 1969, 525 § 1; stricken out, 1970, 20 § 2; section amended, 1972, 740 § 11; revised, 1973, 363 § 2. (See 1935, 182 §§ 5, 6; 1938, 347 § 3; 1941, 448 § 3; 1945, 388 § 3; 1946, 593 § 2; 1963, 766 §§ 2, 3; 1966, 463 § 5; 1970, 20 § 3; 1973, 363 § 3.)

SECT. 73A added, 1938, 347 § 2; amended, 1941, 448 § 2; repealed, 1945, 388 § 2. (See 1938, 347 § 3; 1941, 448 § 3.)

SECT. 75 revised, 1972, 740 § 12.

SECT. 76 revised, 1935, 182 § 3; first sentence stricken out and two new sentences added, 1939, 258 § 1; second and third sentences revised, 1939, 165 § 2; first two sentences revised, 1972, 466; two sentences inserted after second sentence, 1972, 740 § 13. (See 1935, 182 §§ 5, 6; 1939, 165 § 3, 258 § 2.)

SECT. 76A added, 1945, 179 § 1 (providing for the appointment of an assistant messenger of the superior court in Suffolk county).

SECT. 77 revised, 1951, 120; amended, 1954, 172 § 2; revised, 1957, 228 § 4; 1964, 570 § 5; amended, 1972, 740 § 14.

SECT. 80 amended, 1935, 182 § 4; 1954, 172 § 3; revised, 1957, 228 § 5; 1964, 570 § 6; 1972, 740 § 15. (See 1935, 182 § 6.)

SECT. 82, sentence added, 1973, 562.

SECT. 86 revised, 1967, 316.

SECT. 88 amended, 1947, 179; 1957, 85; revised, 1958, 56; 1969, 261.

SECT. 90A, last sentence revised, 1951, 82; 1962, 312.

SECT. 91 revised, 1947, 469 § 2; 1972, 492 § 2. (See 1947, 469 §§ 4, 5.)

SECT. 91A added, 1947, 469 § 3 (relative to establishing salaries of official stenographers and compensation of additional stenographers and temporary stenographers of the superior court in the county of Suffolk); repealed, 1972, 492 § 3. (See 1947, 469 §§ 4, 5.)

SECT. 91B added, 1965, 585 (authorizing defendants to employ a stenographer at certain hearings).

SECT. 91C added, 1967, 138 (relative to appointment of stenographer for auditors and masters' hearings).

SECT. 92A added, 1971, 459 (providing interpreters for the deaf in court proceedings).

SECT. 93 amended, 1945, 515; revised, 1951, 559; 1955, 733 § 6; amended, 1960, 743 § 1.

SECT. 94, first sentence amended, 1932, 180 § 39; section revised, 1946, 262 § 2; amended, 1947, 290 § 2; revised, 1948, 183 § 2; fourth sentence revised, 1949, 221; section revised, 1949, 774 § 2; amended, 1960, 743 § 2; 1962, 781 § 1; 1963, 790 § 1; 1962, 781 § 2; 1963, 790 § 2; 1966, 429, 653 § 1; 1967, 675, 879; section amended, 1968, 666 § 5, 692; 1969, 888 §§ 1, 2; 1970, 570; last paragraph revised, 1968, 209 § 1; 1970, 394 § 1; section revised, 1972, 503 § 1; first paragraph amended, 1973, 988 § 1; second paragraph amended, 1973, 988 § 2. (See 1946, 262 §§ 4, 5; 1949, 774 § 5; 1962, 781 § 3; 1963, 790 §§ 3, 4; 1968, 209 § 2; 1969, 888 § 3; 1970, 394 § 2; 1972, 503 § 2; 1973, 988 § 3.)

SECT. 94A added, 1946, 262 § 3 (relative to the salaries of the clerk and assistant clerks of the superior court for civil business in the county of Suffolk); repealed, 1949, 774 § 4. (See 1946, 262 §§ 4, 5; 1949, 774 § 5.)

Chapter 222. — Justices of the Peace, Notaries Public and Commissioners.

SECT. 3 amended, 1961, 18 § 2.

SECT. 8 amended, 1947, 256 § 1.

SECT. 8A added, 1952, 184 § 1 (relative to printing or typing names of persons whose signatures appear on certain instruments filed in probate courts). (See 1952, 184 § 4.)

SECT. 11 added, 1953, 191 (relative to the acknowledgment of written instruments by persons serving in or with the armed forces of the United States); revised, 1961, 207.

Chapter 223. — Commencement of Actions, Service of Process.

SECT. 1 revised, 1973, 1114 § 83. (See 1973, 1114 § 351.)

SECT. 2 revised, 1934, 387 § 2; last sentence of first paragraph revised, 1943, 296 § 2; 1954, 616 § 2; amended, 1955, 158; 1958, 369 § 1A; section revised, 1960, 210; first paragraph revised, 1965, 454, 752 § 1. (See 1934, 387 § 5; 1943, 296 § 6, 437; 1954, 616 § 5; 1958, 369 § 4; 1965, 752 § 2.)

SECT. 2A added, 1935, 483 § 1 (providing for trial together of two or more actions arising out of the same motor vehicle accident pending in

districts courts). (See 1935, 483 §§ 2, 3.) Section stricken out and new sections 2A-2C inserted, 1943, 369 § 1 (relative to the trial and disposition of certain actions and proceedings pending a different courts). (See 1943, 369 § 2.)

SECT. 2A revised 1952, 460; amended, 1967, 767 § 1. (See 1967, 767 § 4.)

SECT. 2B amended, 1945, 373 § 1. (See 1945, 373 § 2.)

SECT. 4 revised, 1973, 1114 § 84. (See 1973, 1114 § 351.)

SECT. 8A added, 1947, 488 § 6 (relative to transitory actions by or against subscribers to a reciprocal or inter-insurance exchange).

SECT. 15 revised, 1973, 1114 § 85. (See 1973, 1114 § 351.)

SECT. 16A added, 1969, 346 (requiring certain information to appear on certain summonses commencing actions at law).

SECT. 19A added, 1947, 488 § 7 (providing that actions by or against subscribers to a reciprocal or inter-insurance exchange shall be brought in the name under which the contracts are issued).

SECTS. 16-20, inclusive, stricken out and sections 16, 16A, 17, 18, 19, 20 inserted, 1973, 1114 § 86. (See 1973, 1114 § 351.)

SECTS. 21-22 repealed, 1973, 1114 § 87. (See 1973, 1114 § 351.)

SECT. 24 amended, 1938, 115 § 2; sentence inserted after second sentence, 1957, 312 § 1; repealed, 1973, 1114 § 87. (See 1973, 1114 § 351.)

SECT. 25, sentence inserted after first sentence, 1957, 312 § 2; section revised, 1961, 375 § 1. (See 1961, 375 § 2.)

SECTS. 26-27 revised, 1973, 1114 § 88. (See 1973, 1114 § 351.)

SECT. 28 amended, 1973, 1114 § 89. (See 1973, 1114 § 351.)

SECT. 31A added, 1973, 467 (prohibiting service of a writ or summons upon a defendant while he is exercising his right to vote).

SECTS. 29-32, inclusive, stricken out and sections 29, 30, 31, 31A, 32 inserted, 1973, 1114 § 90. (See 1973, 1114 § 351.)

SECT. 33 repealed, 1973, 1114 § 91. (See 1973, 1114 § 351.)

SECTS. 35-36 revised, 1973, 1114 § 92. (See 1973, 1114 § 351.)

SECT. 37, last sentence stricken out and new paragraph added at end, 1945, 306 § 1; fourth sentence of last paragraph amended, 1948, 308; revised, 1955, 611 § 7; last paragraph revised, 1962, 750 § 71; amended, 1965, 685 § 56. (See 1945, 306 § 2; 1962, 750 § 74; 1965, 685 § 57.)

SECT. 38 amended, 1939, 451 § 61.

SECT. 39B added, 1947, 488 § 8 (providing that, in actions against subscribers of a domestic reciprocal or inter-insurance exchange, service may be made upon the attorney in fact if a domestic exchange).

SECT. 41 repealed, 1973, 1114 § 93. (See 1973, 1114 § 351.)

SECT. 42 amended, 1937, 295 § 1; 1973, 1114 § 94. (See 1973, 1114 § 351.)

SECT. 42A added, 1943, 234 § 1 (relative to the amount for which attachments may be made on liquidated claims). (See 1943, 234 § 3.)

SECT. 43 amended, 1973, 1114 § 95. (See 1973, 1114 § 351.)

SECT. 44 revised, 1973, 1114 § 96. (See 1973, 1114 § 351.)

SECT. 44A added, 1937, 295 § 2 (further regulating the attachment of motor vehicles on mesne process in actions of contract); revised, 1973, 1114 § 97. (See 1973, 1114 § 351.)

- SECT. 45 amended, 1973, 1114 § 98. (See 1973, 1114 § 351.)
- SECT. 45A, sentence added at end, 1954, 181.
- SECT. 46 revised, 1973, 1114 § 99. (See 1973, 1114 § 351.)
- SECT. 48 revised, 1937, 308; amended, 1938, 348 § 1; sentence inserted after first sentence, 1959, 229. (See 1938, 348 § 2.)
- SECT. 50 amended, 1957, 765 § 8; revised, 1973, 1114 § 100. (See 1957, 765 §§ 18, 21; 1973, 1114 § 351.)
- SECT. 51 revised, 1948, 550 § 43.
- SECT. 56 revised, 1973, 1114 § 101. (See 1973, 1114 § 351.)
- SECT. 59 revised, 1973, 1114 § 102. (See 1973, 1114 § 351.)
- SECTS. 60-61 repealed, 1973, 1114 § 103. (See 1973, 1114 § 351.)
- SECT. 62, sentence added at end, 1947, 105.
- SECT. 63 revised, 1973, 1114 § 104. (See 1973, 1114 § 351.)
- SECT. 65 revised, 1953, 338 § 1; second sentence revised, 1961, 501. (See 1953, 338 § 5.)
- SECT. 67 amended, 1973, 673.
- SECT. 68 revised, 1973, 1114 § 105. (See 1973, 1114 § 351.)
- SECT. 71 revised, 1973, 1114 § 106. (See 1973, 1114 § 351.)
- SECT. 74 revised, 1943, 298 § 1. (See 1943, 298 § 10.)
- SECT. 75 revised, 1943, 298 § 2; 1959, 580 § 19. (See 1943, 298 § 10.)
- SECT. 76 revised, 1943, 298 § 3; 1973, 1114 § 107. (See 1943, 298 § 10; 1973, 1114 § 351.)
- SECT. 78 revised, 1943, 298 § 4. (See 1943, 298 § 10.)
- SECT. 79 revised, 1943, 298 § 5. (See 1943, 298 § 10.)
- SECT. 80 revised, 1943, 298 § 6. (See 1943, 298 § 10.)
- SECT. 81 revised, 1943, 298 § 7. (See 1943, 298 § 10.)
- SECT. 82 revised, 1943, 298 § 8. (See 1943, 298 § 10.)
- SECT. 83A added, 1943, 298 § 9 (providing that sections 74-83 shall not apply to conditional sales, notices of which are recordable under G. L. 184 § 13); revised, 1957, 765 § 9. (See 1943, 298 § 10; 1957, 765 §§ 18, 21.)
- SECTS. 84-85 revised, 1973, 1114 § 108. (See 1973, 1114 § 351.)
- SECT. 86A amended, 1971, 843 § 5; 1973, 591 § 4; revised, 1973, 1114 § 109. (See 1971, 843 § 27; 1973, 591 § 22, 1114 § 351.)
- SECTS. 94-95 revised, 1973, 1114 § 110. (See 1973, 1114 § 351.)
- SECT. 96 repealed, 1973, 1114 § 111. (See 1973, 1114 § 351.)
- SECT. 97 amended, 1973, 1114 § 112. (See 1973, 1114 § 351.)
- SECTS. 99-100 revised, 1973, 1114 § 113. (See 1973, 1114 § 351.)
- SECT. 109 amended, 1973, 1114 § 114. (See 1973, 1114 § 351.)
- SECT. 114 amended, 1938, 325 § 1; revised, 1943, 234 § 2; amended, 1973, 1114 § 115. (See 1938, 325 § 2; 1943, 234 § 3; 1973, 1114 § 351.)
- SECT. 114A added, 1945, 339 § 1 (relative to the dissolution of certain real estate attachments by operation of law); last sentence revised, 1953, 338 § 2. (See 1945, 339 § 2; 1952, 246; 1953, 338 § 5.)
- SECT. 115 revised, 1973, 1114 § 116. (See 1973, 1114 § 351.)
- SECT. 115A revised, 1972, 179 § 1; 1973, 1114 § 116. (See 1972, 179 § 3; 1973, 1114 § 351.)
- SECT. 115B added, 1972, 179 § 2 (further regulating the dissolution of attachments); amended, 1973, 1114 § 116A. (See 1972, 179 § 3; 1973, 1114 § 351.)

- SECT. 117 amended, 1973, 1114 § 117. (See 1973, 1114 § 351.)
SECT. 118 amended, 1973, 1114 § 118. (See 1973, 1114 § 351.)
SECTS. 119-121 revised, 1973, 1114 § 119. (See 1973, 1114 § 351.)
SECT. 125 revised, 1973, 1114 § 120. (See 1973, 1114 § 351.)
SECTS. 127-128 revised, 1973, 1114 § 121. (See 1973, 1114 § 351.)
SECT. 130 revised, 1973, 1114 § 122. (See 1973, 1114 § 351.)
SECT. 132 revised, 1953, 338 § 3. (See 1953, 338 § 5.)

Chapter 223A. — Jurisdiction of Courts of the Commonwealth over Persons in Other States and Countries.

New chapter inserted, 1968, 760.

SECT. 3 amended, 1969, 623.

Chapter 224. — Arrest on Mesne Process and Supplementary Proceedings in Civil Actions.

SECT. 1, paragraph added, 1973, 567.

SECT. 6, first sentence amended, 1971, 843 § 6; 1973, 591 § 5; fifth sentence amended, 1972, 255. (See 1971, 843 § 27; 1973, 591 § 22.)

SECT. 12 amended, 1945, 101 § 1.

SECT. 16 amended, 1943, 292 § 1. (See 1943, 292 § 2.)

SECT. 18, paragraph inserted after first paragraph, 1946, 177.

SECT. 27 repealed, 1970, 888 § 26. (See 1970, 888 § 31.)

Chapter 226. — Bail.

SECT. 18 repealed, 1973, 1114 § 123. (See 1973, 1114 § 351.)

SECT. 23 amended, 1945, 101 § 2.

Chapter 227. — Proceedings against Absent Defendants and upon Insufficient Service.

SECT. 1 amended, 1949, 612 § 1; revised, 1973, 1114 § 124. (See 1973, 1114 § 351.)

SECT. 3 revised, 1973, 1114 § 125. (See 1973, 1114 § 351.)

SECT. 5, last sentence stricken out and two sentences inserted, 1955, 360; same sentences revised, 1958, 444.

SECT. 5A added, 1949, 612 § 2 (relative to the service of process on certain non-residents doing business in the commonwealth); revised, 1964, 413; amended, 1973, 1114 § 126. (See 1973, 1114 § 351.)

SECT. 6 amended, 1973, 1114 § 127. (See 1973, 1114 § 351.)

SECT. 7 amended, 1971, 843 § 7; 1973, 591 § 6, 1114 § 128. (See 1971, 843 § 27; 1973, 591 § 22, 1114 § 351.)

SECT. 8 amended, 1971, 843 § 8; 1973, 591 § 7; revised, 1971, 1114 § 129. (See 1971, 843 § 27; 1973, 591 § 22, 1114 § 351.)

SECT. 9 amended, 1973, 1114 § 130. (See 1973, 1114 § 351.)

SECTS. 11-13 revised, 1973, 1114 § 131. (See 1973, 1114 § 351.)

SECTS. 16-17 revised, 1973, 1114 § 132. (See 1973, 1114 § 351.)

Chapter 228. — Survival of Actions and Death and Disabilities of Parties.

SECT. 1 revised, 1934, 300 § 1. (See 1934, 300 § 2.)

SECT. 4 amended, 1973, 1114 § 133. (See 1973, 1114 § 351.)

SECT. 4A added, 1973, 1114 § 134 (regulating the substitution of executors and administrators by certain courts). (See 1973, 1114 § 351.)

SECT. 5 amended, 1933, 221 § 7; revised, 1937, 406 § 1; amended, 1950, 391; revised, 1973, 1114 § 135. Affected, 1938, 16. (See 1933, 221 § 8; 1973, 1114 § 351.)

SECTS. 5A-5C added, 1973, 1114 § 136 (further regulating civil actions against executors and administrators of estates). (See 1973, 1114 § 351.)

SECT. 8 amended, 1973, 1114 § 137. (See 1973, 1114 § 351.)

SECT. 9 amended, 1973, 1114 § 138. (See 1973, 1114 § 351.)

SECT. 10 amended, 1973, 1114 § 139. (See 1973, 1114 § 351.)

SECTS. 11-12 revised, 1973, 1114 § 140. (See 1973, 1114 § 351.)

Chapter 229. — Actions for Death and Injuries Resulting in Death.

SECT. 1 revised, 1943, 444 § 1.

SECT. 2 amended, 1941, 460 § 1; 504 § 1; 1946, 614 § 1; 1947, 506 § 1A; 1949, 427 § 2; 1958, 238 § 1; 1965, 683 § 1; 1967, 666 § 1; 1971, 801 § 1; 1972, 440 § 1. (See 1971, 801 § 2; 1972, 440 § 2.)

SECT. 3, first sentence revised, 1941, 460 § 2; section amended, 1941, 504 § 2.

SECT. 5 amended, 1937, 406 § 3; 1941, 504 § 3.

SECTS. 1-5 stricken out and sections 1 and 2 inserted, 1946, 614 § 1. (See 1946, 614 § 7.)

SECT. 1 amended, 1947, 506 § 1; revised, 1949, 427 § 1; amended, 1961, 166. (See 1947, 506 §§ 3, 3A; 1949, 427 § 11.)

SECT. 2 revised, 1947, 506 § 1A; 1949, 427 § 2; 1958, 238 § 1; first paragraph amended, 1962, 306 § 1; first sentence revised, 1965, 683 § 1; last sentence revised, 1967, 666 § 1; section revised, 1973, 699 § 1; amended, 1973, 957 § 1. (See 1947, 506 §§ 3, 3A; 1949, 427 § 11; 1958, 238 § 10; 1962, 306 § 2; 1965, 683 § 2; 1967, 662 § 2; 1973, 699 § 2, 957 § 2.)

SECTS. 2A-2C added, 1949, 427 § 3 (relative to actions against certain corporations and others for death and injuries resulting in death). (See 1949, 427 § 11.)

SECT. 2A repealed, 1958, 238 § 2. (See 1958, 238 § 10.)

SECT. 2C amended, 1951, 250; repealed, 1958, 238 § 3. (See 1958, 238 § 10.)

SECT. 5A added, 1938, 278 § 1 (to permit recovery in certain death cases notwithstanding that the death of the tortfeasor occurred before that of the person whose death he caused); amended, 1946, 614 § 2; revised, 1949, 427 § 4; 1958, 238 § 4. (See 1938, 278 § 2; 1946, 614 § 7; 1949, 427 § 11; 1958, 238 § 10.)

SECT. 6 amended, 1939, 451 § 62; revised, 1946, 614 § 3; 1947, 506 § 2; 1949, 427 § 5; 1958, 238 § 5; 1973, 1114 § 141. (See 1946, 614 § 7; 1947, 506 §§ 3, 3A; 1949, 427 § 11; 1958, 238 § 10; 1973, 1114 § 351.)

SECTS. 6A and 6B added, 1943, 444 § 2 (relative to the disposition of money recovered in certain actions for death).

SECT. 6A revised, 1946, 614 § 4; 1949, 427 § 6; 1958, 238 § 6; 1962, 370. (See 1946, 614 § 7; 1949, 427 § 11; 1958, 238 § 10.)

SECT. 6B amended, 1946, 614 § 5; revised, 1949, 427 § 6; 1958, 238 § 6; 1963, 357. (See 1946, 614 § 7; 1949, 427 § 11; 1958, 238 § 10.)

SECTS. 6C-6F added, 1949, 427 § 7 (relative to actions against certain employers for death and injuries resulting in death). (See 1949, 427 § 11.)

SECT. 6E, second paragraph revised, 1958, 238 § 7. (See 1958, 238 § 10.)

SECT. 6F revised, 1958, 238 § 8. (See 1958, 238 § 10.)

SECTS. 7 and 8 repealed, 1946, 614 § 6. (See 1946, 614 § 7.)

SECT. 9 amended, 1941, 504 § 4; repealed, 1946, 614 § 6. (See 1946, 614 § 7.)

SECT. 10 repealed, 1946, 614 § 6. (See 1946, 614 § 7.)

SECT. 11 amended, 1960, 298 § 2; revised, 1973, 1114 § 142. (See 1973, 1114 § 351.)

Chapter 230. — Actions By and Against Executors and Administrators.

SECT. 3 amended, 1973, 1114 § 143. (See 1973, 1114 § 351.)

SECT. 4 amended, 1973, 1114 § 144. (See 1973, 1114 § 351.)

SECT. 5 amended, 1934, 116; revised, 1973, 1114 § 145. (See 1973, 1114 § 351.)

SECTS. 10-13 revised, 1973, 1114 § 146. (See 1973, 1114 § 351.)

Chapter 231. — Pleading and Practice.

Notice (in brackets) following title revised, 1973, 1114 § 146A. (See 1973, 1114 § 351.)

SECT. 1 revised, 1973, 1114 § 147. (See 1973, 1114 § 351.)

SECT. 1A added, 1951, 403 (relative to the commencement of actions arising out of tort and contract); revised, 1973, 1114 § 148. (See 1973, 1114 § 351.)

SECTS. 2-4 revised, 1973, 1114 § 149. (See 1973, 1114 § 351.)

SECT. 4A added, 1943, 350 § 1 (providing for the joinder of parties in one action in certain cases); first sentence revised, 1973, 1114 § 150; sentence inserted after first sentence, 1947, 408 § 1. (See 1943, 350 §§ 3, 4; 1947, 408 § 2; 1973, 1114 § 351.)

SECT. 4B added, 1964, 696 (permitting impleader in civil cases); amended, 1968, 324; revised, 1973, 494; amended, 1973, 1114 § 151. (See 1973, 1114 § 351.)

SECT. 5 amended, 1945, 141 § 2; revised, 1973, 1114 § 152. (See 1973, 1114 § 351.)

SECT. 6 revised, 1973, 1114 § 153. (See 1973, 1114 § 351.)

SECT. 6A added, 1939, 372 § 1 (relative to the recovery of certain medical expenses by the husband of a married woman or the parent or guardian of a minor, in actions to recover for personal injuries by married women and minors); revised, 1973, 1114 § 154. (See 1939, 372 § 2; 1973, 1114 § 351.)

SECT. 6B added, 1946, 212 § 1 (providing for interest from the date of the writ in certain civil actions); amended, 1951, 244; 1960, 298 § 3; revised, 1973, 1114 § 155. (See 1946, 212 § 3; 1973, 1114 § 351.)

SECT. 6C added, 1968, 763 (providing for the computation and addition of interest by the clerks of court to damages recovered in actions of contract); revised, 1973, 1114 § 156. (See 1973, 1114 § 351.)

SECT. 6D added, 1970, 670 § 5 (defining the right to recover damages for pain and suffering in certain tort actions). (See 1970, 670 § 10.)

SECT. 7, amended, 1939, 67 § 1; 1973, 1114 § 157. (See 1939, 67 § 2; 1973, 1114 § 351.)

SECT. 8 repealed, 1973, 1114 § 158. (See 1973, 1114 § 351.)

SECTS. 9-17 revised, 1973, 1114 § 159. (See 1973, 1114 § 351.)

SECT. 18 amended, 1973, 1114 § 160; (See 1973, 1114 § 351.)

SECTS. 19-28 revised, 1973, 1114 § 161. (See 1973, 1114 § 351.)

SECT. 29 revised, 1960, 263; 1973, 1114 § 162. (See 1973, 1114 § 351.)

SECT. 30 amended, 1949, 179; revised, 1973, 1114 § 163. (See 1973, 1114 § 351.)

SECTS. 31-39 revised, 1973, 1114 § 164. (See 1973, 1114 § 351.)

SECT. 40 amended, 1973, 1114 § 165. (See 1973, 1114 § 351.)

SECT. 41 amended, 1973, 1114 § 166. (See 1973, 1114 § 351.)

SECTS. 42-43 revised, 1973, 1114 § 167. (See 1973, 1114 § 351.)

SECT. 46 repealed, 1973, 1114 § 168. (See 1973, 1114 § 351.)

SECTS. 49-54 revised, 1973, 1114 § 169. (See 1973, 1114 § 351.)

SECT. 55 amended, 1935, 318 § 6; 1971, 843 § 9; 1973, 591 § 8; repealed, 1973, 1114 § 170. (See 1935, 318 § 8; 1971, 843 § 27; 1973, 591 § 22, 1114 § 351.)

SECTS. 56-58 revised, 1973, 1114 § 171. (See 1973, 1114 § 351.)

SECT. 58A amended, 1973, 1114 § 172. (See 1973, 1114 § 351.)

SECT. 59, sentence inserted after fourth sentence, 1955, 359; section and caption preceding it stricken out and new section under new caption inserted, 1955, 674 § 1; paragraph added, 1965, 491 § 1; section revised, 1973, 1114 § 173. (See 1973, 1114 § 351.)

SECT. 59A stricken out and new section under new caption inserted, 1955, 674 § 2; revised, 1973, 1114 § 174. (See 1973, 1114 § 351.)

SECT. 59B, first sentence revised, 1973, 1114 § 175. (See 1973, 1114 § 351.)

SECT. 59C added, under caption, 1935, 118 § 1 (relative to the advancement for speedy trial in the superior court of actions against physicians and others for malpractice, error or mistake); revised, 1960, 69; 1973, 1114 § 176. (See 1935, 118 § 2; 1973, 1114 § 351.)

SECT. 59D added, 1952, 139 (providing speedy trials of certain actions under election laws); amended, 1973, 1114 § 177. (See 1973, 1114 § 351.)

SECT. 59E added, 1961, 96 (providing for the speedy trial of proceedings contesting the validity of action taken by a housing or redevelopment authority).

SECT. 60 amended, 1971, 843 § 10; 1973, 591 § 9; repealed, 1973, 1114 § 178. (See 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)

SECT. 60A amended, 1971, 843 § 11; 1973, 591 § 10; repealed, 1973, 1114 § 178. (See 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)

SECT. 61, first sentence revised, 1973, 1114 § 179. (See 1973, 1114 § 351.)

SECT. 62, sentence added at end, 1958, 270.

SECT. 63 amended, 1932, 84 § 1.

SECT. 64 amended, 1966, 432.

SECT. 68 amended, 1973, 1114 § 180. (See 1973, 1114 § 351.)

SECT. 69 amended, 1932, 177 § 1; revised, 1946, 450; first sentence revised, 1973, 1114 § 181. (See 1932, 177 § 2; 1973, 1114 § 351.)

SECTS. 70 and 71 revised, 1973, 1114 § 182. (See 1973, 1114 § 351.)
SECT. 72 amended, 1958, 50; revised, 1973, 1114 § 183. (See 1973, 1114 § 351.)

SECT. 73 repealed, 1932, 180 § 40.

SECTS. 74-76 revised, 1973, 1114 § 184. (See 1973, 1114 § 351.)

SECT. 77 repealed, 1973, 1114 § 185. (See 1973, 1114 § 351.)

SECT. 78 repealed, 1932, 180 § 40.

SECT. 79 amended, 1973, 1114 § 186. (See 1973, 1114 § 351.)

SECT. 80 repealed, 1973, 1114 § 187. (See 1973, 1114 § 351.)

SECT. 82 revised, 1973, 1114 § 188. (See 1973, 1114 § 351.)

SECT. 84 repealed, 1973, 1114 § 189. (See 1973, 1114 § 351.)

SECT. 84A added, 1933, 247 § 1 (relative to the joint trial in the superior court of actions involving the same subject matter). (See 1933, 247 § 2.)

SECT. 85 revised, 1947, 386 § 1; 1952, 533 § 1; 1969, 761 § 1; 1973, 1123 § 1. (See 1947, 386 § 2; 1952, 533 § 2; 1969, 761 § 2; 1973, 1123 § 2.)

SECTS. 85B and 85C added, 1937, 439 § 1 (relative to procedure in certain actions to recover damages arising out of motor vehicle accidents and in suits by judgment creditors in actions to reach and apply the proceeds of motor vehicle liability policies and in actions to recover on motor vehicle liability bonds). (See 1937, 439 § 2.)

SECT. 85D added, 1945, 352 § 1 (providing that negligence of parent or custodian shall not be imputed to an infant because of such parenthood or custodianship). (See 1945, 352 §§ 3, 4.)

SECT. 85E added, 1959, 300 (relative to subrogated automobile property damage claims).

SECT. 85F added, 1966, 450 (providing that the negligence of an operator of a motor vehicle shall not be imputed to the owner for the sole reason that he was a passenger).

SECT. 85G added, 1969, 453 (providing civil liability of parents for injuries or damages resulting from wilful acts of their minor children between seven and sixteen years of age); revised, 1972, 552 § 1.

SECT. 85H added, 1969, 467 (providing that failure to return leased property creates presumption of conversion by lessee).

SECT. 85I added, 1970, 349 (exempting certain ski patrol members from civil liability for providing emergency care, treatment or transportation of certain injured persons).

SECT. 85J added, 1971, 450 (providing treble damages in certain fraud or deceit cases in personal property sales).

SECT. 85K added, 1971, 785 § 1 (limiting the liability of certain charitable organizations).

SECT. 85L added, 1971, 865 § 1 (providing for the recovery of damages against the operator of a motor vehicle by a guest on proof of ordinary negligence). (See 1971, 865 § 2.)

SECT. 85M added, 1972, 165 (providing that certain disclaimers of liability appearing on signs, tickets or receipts shall not constitute legal defenses in civil actions of contract or tort).

SECT. 85N added, 1972, 242 (granting immunity from damages to members of certain professional societies under certain circumstances).

SECT. 85O added, 1973, 925 § 74 (authorizing persons eighteen years of age or older to enter into contracts). (See 1973, 925 § 84.)

SECTS. 86-88 revised, 1973, 1114 § 190. (See 1973, 1114 § 351.)

SECT. 90 amended, 1973, 1114 § 191. (See 1973, 1114 § 351.)

SECT. 91 revised, 1943, 365 § 1; 1973, 1114 § 192. (See 1943, 365 § 2; 1973, 1114 § 351.)

SECT. 91A added, 1957, 378 (exempting radio and television stations from liability for damages on account of the utterance of defamatory matter by persons over whom such stations have no right of censorship or control).

SECT. 93 revised, 1943, 360.

SECT. 94 amended, 1943, 361.

SECT. 94A added, 1953, 169 (relative to defenses in actions for false arrest or imprisonment).

SECT. 94B added, 1958, 337 (relative to defenses in actions for false arrest brought by persons suspected of shop lifting); amended, 1971, 447.

SECTS. 95 and 96 revised, 1973, 1114 § 193. (See 1973, 1114 § 351.)

SECT. 96A added, 1945, 530 § 1 (relative to the filing of bills of exceptions in suits in equity); repealed, 1947, 361. (See 1945, 530 § 2; 1946, 94, 610 § 2; 1947, 97 § 2.)

SECT. 97 amended, 1973, 313; revised, 1973, 1114 § 193. (See 1973, 1114 § 351.)

SECT. 102A added, 1934, 387 § 3 (relative to the removal to the superior court of an action of tort arising out of the operation of a motor vehicle); amended, 1937, 133 § 1; revised, 1938, 338 § 1; first paragraph amended, 1941, 203 § 1; second paragraph amended, 1941, 203 § 2; section repealed, 1943, 296 § 3. (See 1934, 387 § 5; 1937, 133 § 2; 1938, 338 § 2; 1941, 203 § 3; 1943, 296 § 6.)

SECT. 102B added, 1954, 616 § 3 (relative to the removal to the superior court of an action of tort arising out of the operation of a motor vehicle); repealed, 1958, 369 § 2. (See 1954, 616 § 5; 1958, 369 § 4.)

SECT. 102C added, 1958, 369 § 3 (authorizing the transfer of certain actions at law from the superior court to a district court); first paragraph amended, 1962, 305; 1973, 1114 § 194; third and fourth paragraphs stricken out and two paragraphs inserted, 1960, 303; third paragraph, first sentence revised, 1967, 778; third, fourth and fifth sentences stricken out and four sentences inserted, 1967, 767 § 2; paragraph amended, 1973, 1114 § 195; fourth paragraph, sentence inserted after first sentence, 1967, 767 § 3. (See 1958, 369 § 4; 1967, 767 § 4; 1973, 1114 § 351.)

SECT. 104 amended, 1950, 500 § 2; revised, 1956, 302 § 1; 1960, 352 § 1; 1965, 377.

SECT. 104A added, 1960, 352 § 2 (relative to the removal of certain actions from the district courts to the superior court).

SECT. 105 repealed, 1956, 302 § 2.

SECT. 107 revised, 1943, 296 § 4; amended, 1965, 275; first sentence revised, 1970, 99; 1973, 472. (See 1943, 296 § 6.)

SECT. 108, first paragraph, first sentence revised, 1967, 852 § 2; paragraph amended, 1973, 568; sentence inserted after fifth sentence, 1958, 300; second paragraph revised, 1939, 382; amended, 1948, 322; revised,

1949, 683; 1973, 940; second sentence of third paragraph revised, 1933, 255 § 1; 1962, 287; first sentence amended, 1973, 1114 § 196; section amended, 1971, 867 § 2. (See 1933, 255 § 2; 1973, 1114 § 351.)

SECT. 109 amended, 1973, 1114 § 197. (See 1973, 1114 § 351.)

SECT. 110 revised, 1973, 1114 § 198. (See 1973, 1114 § 351.)

SECT. 111 amended, 1971, 843 § 12; 1973, 591 § 11; revised, 1973, 1114 § 199. (See 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)

SECT. 112 revised, 1973, 1114 § 200. (See 1973, 1114 § 351.)

SECTS. 112A and 112B added, 1973, 1114 § 201 (relative to proceedings before the appeals or supreme judicial court). (See 1973, 1114 § 351.)

SECT. 113, two sentences added at end, 1945, 328; section amended, 1971, 843 § 13; 1973, 591 § 12; revised, 1973, 1114 § 202. (See 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)

SECT. 114 revised, 1973, 1114 § 202. (See 1973, 1114 § 351.)

SECT. 115 amended, 1939, 451 § 63; revised, 1973, 1114 § 202. (See 1973, 1114 § 351.)

SECT. 116 revised, 1973, 1114 § 202. (See 1973, 1114 § 351.)

SECT. 117 revised, 1960, 207 § 4; 1973, 1114 § 202. (See 1973, 1114 § 351.)

SECT. 118 revised, 1960, 207 § 5; 1973, 1114 § 202. (See 1973, 1114 § 351.)

SECT. 119 amended, 1971, 843 § 14; 1973, 591 § 13; revised, 1973, 1114 § 202. (See 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)

SECTS. 120-123 repealed, 1973, 1114 § 203. (See 1973, 1114 § 351.)

SECTS. 124 and 125 revised, 1973, 1114 § 204. (See 1973, 1114 § 351.)

SECT. 125A added, 1949, 171 § 1 (relative to the further report of material facts in equity and probate appeals when evidence is not reported); revised, 1963, 74 § 2.

SECT. 126 repealed, 1973, 1114 § 205. (See 1973, 1114 § 351.)

SECT. 127, sentence added at end, 1945, 578 § 1; revised, 1967, 139. (See 1945, 578 § 3.)

SECT. 128 amended, 1945, 578 § 2; repealed, 1973, 1114 § 205. (See 1945, 578 § 3; 1973, 1114 § 351.)

SECT. 129 repealed, 1973, 1114 § 205. (See 1973, 1114 § 351.)

SECT. 131 repealed, 1973, 1114 § 205. (See 1973, 1114 § 351.)

SECT. 132 amended, 1973, 1114 § 206. (See 1973, 1114 § 351.)

SECT. 133 amended, 1933, 300 § 2; 1971, 843 § 15; 1973, 591 § 14; repealed, 1973, 1114 § 205. (See 1933, 300 § 4; 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)

SECT. 134 repealed, 1973, 1114 § 205. (See 1973, 1114 § 351.)

SECT. 135, first paragraph amended, 1971, 843 § 16; 1973, 591 § 15; two paragraphs inserted after first paragraph, 1941, 187 § 1; last paragraph amended, 1959, 109; 1960, 171; section repealed, 1973, 1114 § 205. (See 1941, 187 § 2; 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)

SECTS. 136 and 137 repealed, 1973, 1114 § 205. (See 1973, 1114 § 351.)

SECTS. 138-140 revised, 1973, 1114 § 207. (See 1973, 1114 § 351.)

SECT. 140A added, 1932, 130 § 1 (relative to the effect of a settlement by agreement of an action of tort growing out of a motor vehicle accident

upon the right of a defendant in such action to maintain a cross action); revised, 1947, 431 § 1. (See 1947, 431 § 2.)

SECTS. 140B-140C added, 1967, 259 (providing that payments by insurance companies be inadmissible at trial on issue of liability).

SECT. 140B, two paragraphs added, 1971, 141.

SECT. 141 amended, 1932, 130 § 2; 1933, 300 § 3; 1934, 387 § 4; 1943, 296 § 5, 350 § 2; 1945, 352 § 2; 1946, 212 § 2; 1954, 616 § 4; 1958, 369 § 3A; 1960, 352 § 3; 1956, 302 § 3; 1966, 88; 1967, 743; 1971, 785 § 1A; revised, 1973, 1114 § 208. (See 1933, 300 § 4; 1934, 387 § 5; 1943, 296 § 6, 350 §§ 3, 4; 1946, 212 § 3; 1954, 606 § 5; 1958, 369 § 4; 1973, 1114 § 351.)

SECT. 142 amended, 1935, 318 § 7; revised, 1973, 1114 § 208. (See 1935, 318 § 8; 1973, 1114 § 351.)

SECT. 143 revised, 1973, 1114 § 208. (See 1973, 1114 § 351.)

SECT. 144 amended, 1965, 123; 1971, 785 § 1B; revised, 1973, 1114 § 208. (See 1973, 1114 § 351.)

SECT. 145 amended, 1939, 451 § 64; 1953, 104; revised, 1973, 1114 § 208. (See 1973, 1114 § 351.)

SECT. 146, paragraph added, 1965, 491 § 2; section revised, 1973, 1114 § 208. (See 1973, 1114 § 351.)

SECT. 146A added, 1971, 843 § 17 (establishing those sections which apply to civil actions before the Boston housing court); amended, 1973, 591 § 16; revised, 1973, 1114 § 208. (See 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)

SECT. 147, form 8 repealed, 1938, 350 § 2; first paragraph revised, 1956, 313; form 32 revised, 1973, 925 § 75. (See 1973, 925 § 84.)

Chapter 231A. — Procedure for Declaratory Judgments.

New chapter inserted, 1945, 582 § 1. (See 1945, 582 § 5.)

SECTS. 6 and 7 revised, 1973, 1114 § 209. (See 1973, 1114 § 351.)

Chapter 231B. — Contribution among Joint Tortfeasors.

New chapter inserted, 1962, 730 § 1. (See 1962, 730 §§ 2, 3.)

Chapter 232. — Set-off and Tender.

SECT. 1 revised, 1973, 1114 § 210. (See 1973, 1114 § 351.)

SECT. 9 amended, 1971, 843 § 18; 1973, 591 § 17; revised, 1973, 1114 § 211. (See 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)

SECTS. 12-14 repealed, 1973, 1114 § 212. (See 1973, 1114 § 351.)

Chapter 232A. — Tender.

New chapter inserted, 1973, 1114 § 213. (See 1973, 1114 § 351.)

Chapter 233. — Witnesses and Evidence.

SECT. 1 revised, 1945, 250 § 2.

SECT. 3A added, 1933, 262 (authorizing the commissioner of banks to respond to summonses or subpoenas by an employee or other assistant in his department).

SECT. 8 amended, 1933, 269 § 3, 376 § 3; 1949, 292.

SECTS. 13A-13D added, 1937, 210 § 1 (making uniform the law securing the attendance of witnesses from without a state in criminal proceedings). (See 1937, 210 § 2.)

SECT. 19 revised, 1973, 964.

SECT. 20, second paragraph revised, 1951, 657 § 3; 1963, 765 § 3.

SECT. 20A added, 1962, 372 (providing that certain communications to priests, rabbis, ministers and Christian Science practitioners be privileged).

SECT. 20B added, 1968, 418 (protecting confidential communications between patients and psychotherapists).

SECTS. 20C-20I added, 1970, 408 (authorizing the granting of immunity to witnesses under certain conditions).

SECT. 21, paragraph Second revised, 1950, 426.

SECT. 21A added, 1947, 410 § 1 (making admissible evidence relating to the reputation of a person in a group with whom he habitually associates). (See 1947, 410 § 2.)

SECT. 22 amended, 1932, 97 § 1.

SECT. 23A added, 1945, 424 § 1 (relative to the admissibility in evidence of written statements obtained from persons sustaining personal injuries in accidents); amended, 1953, 242; revised, 1964, 537. (See 1945, 424 § 2.)

SECT. 23B added, 1958, 256 (relative to the admissibility in evidence against a defendant in a criminal trial of statements made by him while undergoing a psychiatric examination); amended, 1970, 888 § 27. (See 1970, 888 § 31.)

SECT. 24 revised, 1973, 1114 § 214. (See 1973, 1114 § 351.)

SECT. 26 amended, 1932, 71 § 1.

SECT. 29 amended, 1932, 71 § 2.

SECT. 30 amended, 1932, 71 § 3.

SECT. 32 amended, 1932, 71 § 4.

SECT. 33 amended, 1932, 71 § 5.

SECT. 34 amended, 1932, 71 § 6.

SECT. 45 amended, 1932, 71 § 7.

SECT. 46 amended, 1932, 71 § 8.

SECT. 47 amended, 1932, 71 § 9.

SECT. 48 amended, 1932, 71 § 10.

SECT. 49 amended, 1932, 71 § 11.

SECT. 65 amended, 1941, 363 § 1; 1943, 105 § 1; revised, 1943, 232 § 1. (See 1941, 363 § 2; 1943, 105 § 2, 232 § 2.)

SECT. 65A revised, 1973, 1114 § 215. (See 1973, 1114 § 351.)

SECT. 67 revised, 1973, 1114 § 216. (See 1973, 1114 § 351.)

SECT. 75, sentence added at end, 1943, 190 § 1. (See 1943, 190 § 2.)

SECT. 76A added, 1938, 213 § 1 (relative to the use of authenticated copies of certain papers and documents filed with the federal securities and exchange commission); revised, 1967, 194. (See 1938, 213 § 2.)

SECT. 76B added, 1954, 292 (relative to the use of printed copies of schedules on file with the interstate commerce commission as evidence).

SECT. 77 amended, 1957, 205.

SECT. 78 revised, 1954, 442 § 1. (See 1954, 442 § 2.)

SECT. 79 revised, 1941, 389 § 2; amended, 1943, 233 § 1; 1946, 473 § 1; 1948, 74; paragraph added at end, 1957, 206 § 1; section revised, 1959, 200. (See 1943, 233 § 2; 1946, 473 § 2; 1957, 206 § 2.)

SECT. 79A added, 1941, 662 § 2 (relative to the use in evidence of photographic and microphotographic records and copies); amended, 1948, 154.

SECT. 79B added, 1947, 385 § 1 (making admissible in evidence in civil cases certain publicly issued compilations of facts and statistics). (See 1947, 385 § 2.)

SECT. 79C added, 1949, 183 § 1 (making admissible in evidence in cases of contract or tort for malpractice certain statements of recognized experts contained in certain publications); revised, 1965, 425. (See 1949, 183 § 2.)

SECT. 79D added, 1949, 240 (making admissible in evidence certain copies of newspapers and documents made by the photographic or microphotographic process).

SECT. 79E added, 1952, 120 (relative to the admissibility in evidence of business and public records); amended, 1955 125; first sentence revised, 1962, 90; section revised, 1965, 661; first sentence revised, 1968, 372.

SECT. 79F added, 1952, 476 (relating to proof of the existence of a public way); revised, 1965, 303; 1967, 266.

SECT. 79G added, 1958, 323 (making certain bills for services of physicians, dentists and certain hospitals admissible in evidence in actions of tort for personal injuries).

SECT. 79H added, 1967, 265 § 1 (providing for admissibility of medical reports of deceased attending and examining physician in actions of tort for injury or death). (See 1967, 265 § 2.)

SECT. 79I added, 1971, 532 (making certain evidence in an action to recover from an insurer for theft of personal property from a motor vehicle or trailer prima facie evidence of forcible entry).

Chapter 234. — Juries.

SECT. 1 amended, 1935, 257 § 11; 1936, 25; revised, 1949, 347 § 1; 1969, 148 § 1; 1973, 582 §§ 1, 2; 925 § 76. (See 1935, 257 § 12; 1949, 347 § 5; 1973, 925 § 84.)

SECT. 1A added, 1949, 347 § 2 (relative to excusing certain persons from jury service). (See 1949, 347 § 5.)

SECT. 1B added, 1963, 172 (relative to the compensation of municipal employees while serving as jurors).

SECT. 3 revised, 1969, 683.

SECT. 4, first paragraph revised, 1949, 347 § 3; second sentence amended, 1969, 148 § 2; sentence inserted after third sentence, 1969, 283; last sentence stricken out and two sentences inserted, 1955, 38 § 1; first paragraph amended, 1973, 1059. (See 1949, 347 § 5.)

SECT. 5 amended, 1955, 38 § 2.

SECT. 11 amended, 1934, 150.

SECT. 15 repealed, 1936, 161 § 1. (See 1936, 161 § 3.)

SECT. 24 amended, 1941, 90; sentence added at end, 1956, 278.

SECTS. 24A-24B added, 1972, 367 (authorizing the use of certified mail as an alternative method of summoning jurors).

SECT. 24A amended, 1973, 397 § 1.

SECTS. 25 and 26 stricken out, and sections 25, 26, 26A, 26B inserted, 1945, 428 § 1 (providing for emergency jurors and for the waiver of a full jury). (See 1945, 428 § 3.)

SECT. 25, first sentence amended, 1955, 38 § 3; 1973, 397 § 2; third sentence amended, 1949, 347 § 4. (See 1949, 347 § 5.)

SECT. 26B amended, 1965, 355 § 1; 1967, 285. (See 1965, 355 § 2.)

SECT. 28 amended, 1973, 919.

SECT. 29 revised, 1945, 428 § 2; 1955, 485 § 1; first sentence amended, 1957, 335; 1972, 285; third sentence revised, 1963, 187. (See 1945, 428 § 3; 1955, 485 § 2.)

SECTS. 34A-34B added, 1972, 460 (further regulating the number of jurors required in civil actions).

Chapter 235. — Judgment and Execution.

SECT. 1 repealed, 1973, 1114 § 217. (See 1973, 1114 § 351.)

SECTS. 4 and 5 revised, 1973, 1114 § 218. (See 1973, 1114 § 351.)

SECT. 8 revised, 1973, 1114 § 219. (See 1973, 1114 § 351.)

SECT. 11 revised, 1973, 1114 § 220. (See 1973, 1114 § 351.)

SECT. 14 revised, 1965, 328.

SECT. 16 revised, 1973, 1114 § 221. (See 1973, 1114 § 351.)

SECT. 17, paragraph added at end, 1948, 113.

SECTS. 19-21 revised, 1973, 1114 § 222. (See 1973, 1114 § 351.)

SECT. 23A added, under caption, 1966, 638 (providing for the recognition by the courts of Massachusetts of money judgments of foreign states).

SECT. 24 revised, 1973, 1114 § 223. (See 1973, 1114 § 351.)

SECT. 34, clause Second amended, 1951, 35; section revised, 1970, 616; clause Fifteenth added, 1971, 349.

Chapter 236. — Levy of Executions on Land.

SECT. 5 revised, 1953, 338 § 4. (See 1953, 338 § 5.)

SECT. 18 revised, 1939, 32 § 4; amended, 1970, 119 § 4; revised, 1973, 487 § 4. (See 1939, 32 § 5; 1970, 119 § 5; 1973, 487 § 5.)

SECTS. 38-40 revised, 1973, 1114 § 224. (See 1973, 1114 § 351.)

SECT. 41, second sentence revised, 1973, 1114 § 225. (See 1973, 1114 § 351.)

SECT. 49A added, 1953, 455 § 1 (relative to the dissolution of certain levies on execution on real estate by operation of law). (See 1953, 455 § 2.)

SECT. 51 revised, 1973, 1114 § 226. (See 1973, 1114 § 351.)

SECT. 55 repealed, 1971, 423 § 20.

Chapter 237. — Writs of Entry.

SECTS. 1-18 revised, 1973, 1114 § 227. (See 1973, 1114 § 351.)

SECT. 19 repealed, 1973, 1114 § 228. (See 1973, 1114 § 351.)

SECTS. 20-22 revised, 1973, 1114 § 229. (See 1973, 1114 § 351.)

SECT. 23 amended, 1973, 1114 § 230. (See 1973, 1114 § 351.)

- SECT. 24 amended, 1973, 1114 § 231. (See 1973, 1114 § 351.)
SECTS. 25-31 revised, 1973, 1114 § 232. (See 1973, 1114 § 351.)
SECT. 32 amended, 1973, 1114 § 233. (See 1973, 1114 § 351.)
SECTS. 33-38 revised, 1973, 1114 § 234. (See 1973, 1114 § 351.)
SECT. 39 amended, 1973, 1114 § 235. (See 1973, 1114 § 351.)
SECT. 41 revised, 1973, 1114 § 236. (See 1973, 1114 § 351.)
SECTS. 43 and 44 revised, 1973, 1114 § 237. (See 1973, 1114 § 351.)

Chapter 238. — Writs of Dower.

- SECT. 1 amended, 1973, 1114 § 238. (See 1973, 1114 § 351.)
SECT. 8 revised, 1973, 1114 § 239. (See 1973, 1114 § 351.)
SECT. 10 revised, 1973, 1114 § 240. (See 1973, 1114 § 351.)

Chapter 239. — Summary Process for Possession of Land.

SECT. 1 amended, 1941, 242 § 1; first sentence amended, 1952, 151 § 1; 1953, 106.

SECT. 1A added, 1973, 778 § 3 (regulating evictions by lessors of residential land or tenements).

SECT. 2 amended, 1973, 488.

SECT. 2A amended, 1973, 858 § 4.

SECT. 8A, first sentence amended, 1973, 1007 § 3; paragraph inserted after second paragraph, 1973, 471.

SECT. 2 revised, 1960, 463 § 1. (See 1960, 463 § 2.)

SECT. 2A added, 1969, 701 § 2 (providing a defense for certain tenants in summary process actions); revised, 1972, 99 § 2.

SECT. 3 revised, 1960, 463 § 1. (See 1960, 463 § 2.)

SECT. 5 revised, 1946, 175 § 1; paragraph added at end, 1969, 366; revised, 1971, 347 § 1. (See 1946, 175 § 2.)

SECT. 6, two sentences added at end, 1952, 151 § 2.

SECT. 6A added, 1941, 242 § 2 (relative to conditions of bonds in actions of summary process for recovery of possession of land after tax title foreclosures).

SECT. 8A added, 1965, 888 (providing that violations of standards of fitness for human habitation shall constitute a defense in actions of summary process to recover possession of rented or leased premises); revised, 1967, 420 § 1; sentence added at end, 1969, 355.

SECTS. 9-13 affected, 1941, 700; 1946, 43; 1947, 78; 1948, 2; 1949, 87; 1950, 33, 301; 1951, 30; 1952, 25; 1954, 264; 1955, 226; 1956, 50; 1957, 51; 1958, 88; 1959, 72; 1960, 96; 1961, 241.

SECT. 9 amended, 1953, 485; revised, 1967, 26 § 1; 1972, 235 § 1. (See 1967, 26 § 2; 1972, 235 § 2.)

Chapter 240. — Proceedings for Settlement of Title to Land.

SECT. 6 revised, 1973, 1114 § 241. (See 1973, 1114 § 351.)

SECT. 7 amended, 1973, 1114 § 242. (See 1973, 1114 § 351.)

SECT. 8 amended, 1973, 1114 § 243. (See 1973, 1114 § 351.)

SECT. 10 revised, 1973, 1114 § 244. (See 1973, 1114 § 351.)

SECTS. 10A-10C added, 1961, 448 § 3 (providing proceedings in equity with respect to protecting land titles from uncertain and obsolete restrictions).

SECTS. 10A-10B revised, 1973, 1114 § 245. (See 1973, 1114 § 351.)

SECT. 14A added, 1934, 263 § 2 (providing for determination by the land court by declaratory judgment as to the validity and extent of municipal zoning ordinances, by-laws and regulations).

SECT. 29 revised, 1973, 1114 § 246. (See 1973, 1114 § 351.)

Chapter 241. — Partition of Land.

SECT. 34 revised, 1950, 64 § 2; 1954, 312 § 2; 1963, 168 § 4.

Chapter 243. — Actions for Private Nuisances.

SECT. 5 revised, 1973, 1114 § 247. (See 1973, 1114 § 351.)

Chapter 244. — Foreclosure and Redemption of Mortgages.

For legislation concerning judicial determination of rights to foreclose real estate mortgages in which soldiers or sailors may be interested, see 1941, 25; 1943, 57; 1945, 120.

SECT. 4 amended, 1973, 1114 § 248. (See 1973, 1114 § 351.)

SECT. 8 amended, 1973, 1114 § 249. (See 1973, 1114 § 351.)

SECT. 13 amended, 1971, 423 § 21.

SECT. 15, sentence added at end, 1946, 204.

SECT. 16 repealed, 1971, 423 § 22.

SECTS. 17A-17C added, 1945, 604 § 1 (relative to actions for deficiencies on mortgage notes following foreclosures, etc.). (See 1945, 604 § 2.)

SECTS. 26-29 revised, 1973, 1114 § 250. (See 1973, 1114 § 351.)

SECT. 32 revised, 1973, 1114 § 251. (See 1973, 1114 § 351.)

SECT. 36 amended, 1973, 1114 § 252. (See 1973, 1114 § 351.)

SECT. 40 amended, 1973, 1114 § 253. (See 1973, 1114 § 351.)

Chapter 245. — Informations by the Commonwealth.

SECT. 1 revised, 1973, 1114 § 254. (See 1973, 1114 § 351.)

SECT. 3 repealed, 1973, 1114 § 255. (See 1973, 1114 § 351.)

SECT. 4 amended, 1973, 1114 § 256. (See 1973, 1114 § 351.)

SECT. 5 amended, 1973, 1114 § 257. (See 1973, 1114 § 351.)

SECTS. 8-11 revised, 1973, 1114 § 258. (See 1973, 1114 § 351.)

Chapter 246. — Trustee Process.

SECT. 1 revised, 1938, 303 § 1; amended, 1943, 17 § 1; sentence added at end, 1961, 158. (See 1938, 303 § 2; 1943, 17 § 2.)

SECT. 1 amended, 1973, 1114 § 259. (See 1973, 1114 § 351.)

SECTS. 2-3 revised, 1973, 1114 § 260. (See 1973, 1114 § 351.)

SECT. 4A amended, 1973, 1114 § 261. (See 1973, 1114 § 351.)

SECT. 5 revised, 1973, 1114 § 262. (See 1973, 1114 § 351.)

SECT. 6 amended, 1973, 1114 § 263. (See 1973, 1114 § 352.)

SECTS. 8-10 revised, 1973, 1114 § 264. (See 1973, 1114 § 353.)

SECT. 14 amended, 1973, 1114 § 265. (See 1973, 1114 § 354.)

SECT. 15 revised, 1970, 116.

SECT. 19 amended, 1973, 1114 § 266. (See 1973, 1114 § 351.)

SECT. 20 revised, 1971, 378; 1972, 392.

SECT. 20A added, 1965, 356 (preventing the circumvention of the laws

relative to attachment of wages by attachments outside the common-wealth); amended, 1973, 1114 § 267. (See 1973, 1114 § 351.)

SECT. 26 revised, 1973, 1114 § 268. (See 1973, 1114 § 351.)

SECT. 27 amended, 1973, 1114 § 269. (See 1973, 1114 § 351.)

SECT. 28 revised, 1935, 410 § 1; 1941, 338 § 1; amended, 1947, 264 § 1; 1951, 78; first two sentences revised, 1956, 155; first sentence revised, 1959, 187 § 1; amended, 1969, 276 § 1; first two sentences revised, 1971, 475 § 1; 1972, 174 § 1. (See 1935, 410 §§ 2, 3; 1941, 338 § 2; 1947, 264 § 2; 1959, 187 § 3; 1969, 276 § 2; 1971, 475 § 2; 1972, 174 § 2.)

SECT. 28A added, 1972, 801 (exempting certain monies in certain bank accounts from trustee process).

SECT. 29 revised, 1973, 1114 § 270. (See 1973, 1114 § 351.)

SECT. 32, paragraph First revised, 1959, 187 § 2; 1973, 1114 § 271; paragraph Eighth added 1938, 343; revised, 1950, 260, 558; 1954, 467; 1960, 235; amended, 1973, 1114 § 272. (See 1959, 187 § 3; 1973, 1114 § 351.)

SECT. 34 amended, 1973, 1114 § 273. (See 1973, 1114 § 351.)

SECT. 38 revised, 1973, 1114 § 274. (See 1973, 1114 § 351.)

SECTS. 45-50 revised, 1973, 1114 § 275. (See 1973, 1114 § 351.)

SECT. 52 amended, 1973, 1114 § 276. (See 1973, 1114 § 351.)

SECT. 53 amended, 1973, 1114 § 277. (See 1973, 1114 § 351.)

SECT. 56 amended, 1973, 1114 § 278. (See 1973, 1114 § 351.)

SECT. 58 amended, 1973, 1114 § 279. (See 1973, 1114 § 351.)

SECT. 64 amended, 1973, 1114 § 280. (See 1973, 1114 § 351.)

SECT. 65 amended, 1973, 1114 § 281. (See 1973, 1114 § 351.)

SECTS. 71-73 revised, 1973, 1114 § 282. (See 1973, 1114 § 351.)

SECT. 77 revised, 1973, 1114 § 283. (See 1973, 1114 § 351.)

SECT. 78 amended, 1973, 1114 § 284. (See 1973, 1114 § 351.)

SECT. 79 amended, 1973, 1114 § 285. (See 1973, 1114 § 351.)

SECT. 80 amended, 1973, 1114 § 286. (See 1973, 1114 § 351.)

SECT. 81 revised, 1973, 1114 § 287. (See 1973, 1114 § 351.)

Chapter 249. — Audita Querela, Certiorari, Mandamus and Quo Warranto.

SECT. 1 amended, 1973, 1114 § 288. (See 1973, 1114 § 351.)

SECT. 4 amended, 1943, 374 § 1; sentence added at end, 1953, 586 § 1; three sentences added at end, 1963, 661 § 1; section revised, 1973, 1114 § 289. (See 1939, 257; 1941, 28, 180; 1943, 374 §§ 3, 4; 1953, 586 § 2; 1973, 1114 § 351.)

SECT. 4A added, 1963, 661 § 2 (relative to the service of certain writs upon boards or commissions); amended, 1973, 1114 § 290. (See 1973, 1114 § 351.)

SECT. 5 amended, 1938, 202; 1943, 374 § 2; 1949, 176; revised, 1973, 1114 § 291. (See 1939, 257; 1941, 28, 180; 1943, 374 § 4; 1973, 1114 § 351.)

SECTS. 6-9 revised, 1973, 1114 § 292. (See 1973, 1114 § 351.)

SECTS. 10-12 repealed, 1973, 1114 § 293. (See 1973, 1114 § 351.)

Chapter 250. — Writs of Error, Vacating Judgment, Writs of Review.

SECT. 1 revised, 1973, 1114 § 294. (See 1973, 1114 § 351.)

SECTS. 3-8 repealed, 1973, 1114 § 295. (See 1973, 1114 § 351.)

SECT. 14 revised, 1973, 1114 § 296. (See 1973, 1114 § 351.)

SECT. 15 revised, 1972, 434; 1973, 1114 § 296. (See 1973, 1114 § 351.)

SECT. 16 amended, 1933, 244 § 1. (See 1933, 244 § 2.)

SECT. 17, two sentences added, 1971, 347 § 2.

SECT. 20A added, 1970, 476 (requiring notice to cities and towns in certain actions of automobile tort where default or judgment has been entered).

SECTS. 21-22 revised, 1973, 1114 § 297. (See 1973, 1114 § 351.)

SECT. 24, sentence added at end, 1969, 290; stricken out and two sentences inserted, 1971, 347 § 3.

**Chapter 251. — Uniform Arbitration Act for Commercial Disputes
(former title, Arbitration).**

Chapter stricken out and new chapter 251 (with new title) inserted, 1960, 374 § 1. (See 1960, 374 § 3.)

SECT. 12, paragraph (b) revised, 1972, 200 § 1.

SECT. 13 amended, 1972, 200 § 2.

Chapter 252. — Improvement of Low Land and Swamps.

SECT. 1 revised, 1972, 36 § 1.

SECT. 2, first sentence revised, 1972, 36 § 2.

SECT. 4, first sentence revised, 1972, 36 § 3.

SECT. 5, second paragraph amended, 1964, 550 § 1.

SECT. 5A, sentence added at end, 1960, 199.

SECT. 5B, first sentence revised, 1965, 699; fourth sentence revised, 1964, 550 § 2.

SECT. 6A added, 1962, 283 (authorizing reclamation districts to provide insurance to indemnify its employees against liability for injuries or property damage); revised, 1971, 258.

SECT. 22 revised, 1948, 550 § 44.

SECT. 24 added, under caption, 1948, 391 § 1 (providing for the establishment of greenhead fly control projects); revised, 1954, 388 § 1; 1955, 433. (See 1948, 391 § 2; 1954, 388 § 2.)

Chapter 253. — Mills, Dams and Reservoirs.

SECT. 4 revised, 1973, 1114 § 298. (See 1973, 1114 § 351.)

SECTS. 5-6 repealed, 1973, 1114 § 299. (See 1973, 1114 § 351.)

SECTS. 7-9 revised, 1973, 1114 § 300. (See 1973, 1114 § 351.)

SECT. 10 amended, 1973, 1114 § 301. (See 1973, 1114 § 351.)

SECT. 11 revised, 1973, 1114 § 302. (See 1973, 1114 § 351.)

SECT. 12 amended, 1973, 1114 § 303. (See 1973, 1114 § 351.)

SECT. 13 amended, 1973, 1114 § 304. (See 1973, 1114 § 351.)

SECT. 14 amended, 1973, 1114 § 305. (See 1973, 1114 § 351.)

SECT. 18 revised, 1973, 1114 § 306. (See 1973, 1114 § 351.)

SECTS. 21-22 revised, 1973, 1114 § 307. (See 1973, 1114 § 351.)

SECT. 23 amended, 1973, 1114 § 308. (See 1973, 1114 § 351.)

SECT. 24 amended, 1973, 1114 § 309. (See 1973, 1114 § 351.)

SECT. 26 amended, 1973, 1114 § 310. (See 1973, 1114 § 351.)

SECT. 27 amended, 1973, 1114 § 311. (See 1973, 1114 § 351.)

- SECTS. 28-30 revised, 1973, 1114 § 312. (See 1973, 1114 § 351.)
SECT. 31 repealed, 1973, 1114 § 313. (See 1973, 1114 § 351.)
SECT. 32 revised, 1973, 1114 § 314. (See 1973, 1114 § 351.)
SECT. 33 amended, 1970, 595 § 1.
SECTS. 35-38 stricken out and sections 35-38 inserted, 1970, 595 § 2.
SECT. 43 amended, 1973, 1114 § 315. (See 1973, 1114 § 351.)
SECTS. 44-49 stricken out and sections 44-49 inserted, 1970, 595 § 3.
SECT. 50 revised, 1973, 1114 § 316. (See 1973, 1114 § 351.)
SECT. 61 amended, 1973, 1114 § 317. (See 1973, 1114 § 351.)

Chapter 254. — Liens on Buildings and Land.

- SECT. 2 amended, 1972, 774 § 6; 1973, 801 § 1. (See 1972, 774 § 12.)
SECT. 3 revised, 1972, 774 § 7. (See 1972, 774 § 12.)
SECT. 4, first paragraph amended, 1972, 774 § 8; third paragraph amended, 1973, 801 § 2; paragraph added 1959, 594 § 2. (See 1972, 774 § 12.)
SECT. 5 amended, 1954, 461 § 2; first sentence revised, 1963, 493 § 3; section revised, 1973, 1114 § 318. (See 1954, 461 §§ 3, 4; 1972, 774 § 12; 1973, 1114 § 351.)
SECT. 7 revised, 1973, 801 § 3.
SECT. 11 amended, 1973, 1114 § 319. (See 1973, 1114 § 351.)
SECT. 12 revised, 1972, 774 § 9; amended, 1973, 801 § 4. (See 1972, 774 § 12.)
SECT. 14 revised, 1972, 774 § 10; amended, 1973, 1114 § 320. (See 1972, 774 § 12; 1973, 1114 § 351.)
SECT. 15 amended, 1973, 1114 § 321. (See 1973, 1114 § 351.)
SECT. 16 repealed, 1973, 1114 § 322. (See 1973, 1114 § 351.)
SECT. 20 revised, 1959, 594 § 1.
SECTS. 23-24 revised, 1973, 1114 § 323. (See 1973, 1114 § 351.)
SECT. 26 revised, 1973, 1114 § 324. (See 1973, 1114 § 351.)
SECT. 30 added, 1953, 405 § 1 (providing for the recording of liens for labor and notices of contract by the registers of deeds).
SECT. 31 added, 1961, 530 (granting prior payment protection to sub-contractors and suppliers on construction work); amended, 1973, 1114 § 325. (See 1973, 1114 § 351.)
SECT. 32 added, 1972, 774 § 11 (providing that certain agreements to bar the filing of certain notices of contract or enforcement of certain liens are void and unenforceable); amended, 1973, 801 § 5. (See 1972, 774 § 12.)

Chapter 255. — Mortgages, Conditional Sales and Pledges of Personal Property, and Liens thereon.

- SECT. 1. See 1933, 142 (recording of federal crop loans to farmers). See also 1936, 264 subsection 20 (relative to trust receipt and pledge transactions); repealed, 1957, 765 § 2. (See 1957, 765 § 21.)
SECT. 2 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)
SECT. 3 amended, 1935, 86 § 2; revised, 1948, 550 § 45; 1949, 404 § 4; repealed, 1957, 765 § 2. (See 1957, 765 § 21.)
SECTS. 4-7 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECTS. 7A-7E added, 1935, 86 § 1 (relative to the mortgaging of crops and certain other classes of personal property).

SECTS. 7A-7C repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECTS. 7E-10 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 11 revised, 1939, 509 § 1; repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 12 revised, 1939, 509 § 1; 1943, 410 § 1; 1956, 158; 1957, 765 § 10; sentence added at end, 1958, 674 § 2; 1959, 580 § 20; section stricken out, 1966, 284 § 4. (See 1943, 410 § 2; 1957, 765 §§ 18, 21; 1966, 284 § 5.)

SECT. 12A added, 1950, 81 (providing that notice relative to finance charges be printed in certain contracts of sale); revised, 1957, 765 § 11; sentence added at end, 1959, 580 § 21; section stricken out, 1966, 284 § 4. (See 1957, 765 §§ 18, 21; 1966, 284 § 5.)

SECT. 12B added, 1955, 455 (relative to prepayment of contracts of conditional sales of personal property); revised, 1957, 765 § 12; amended, 1958, 674 § 3; revised, 1959, 593; section stricken out, 1966, 284 § 4. (See 1957, 765 §§ 18, 21; 1966, 284 § 5.)

SECT. 12C added, 1961, 595 (providing that promissory notes executed in connection with the sale of consumer goods on credit shall not be negotiable instruments).

SECT. 12D added, 1962, 309 (providing for rebates in certain instalment payment transactions); stricken out, 1966, 284 § 4. (See 1966, 284 § 5.)

SECT. 12E added, 1968, 394 § 1 (limiting liability of owner of credit card or other like credit device); revised, 1970, 665; 1971, 712. (See 1968, 394 § 2.)

SECT. 12F added, 1970, 457 (subjecting creditors in consumer transactions to certain defenses of the borrower).

SECT. 13 revised, 1939, 509 § 1; amended, 1941, 285; revised, 1957, 765 § 13; stricken out, 1966, 284 § 4. (See 1957, 765 §§ 18, 21; 1966, 284 § 5.)

SECT. 13A added, 1935, 348 § 1 (regulating conditional sales of motor vehicles); revised, 1939, 509 § 1; repealed, 1957, 765 § 2. (See 1935, 348 § 2; 1957, 765 § 21.)

SECT. 13B added, 1935, 396 (relative to certain contracts of conditional sale of household or personal effects); amended, 1957, 765 § 14; stricken out, 1966, 284 § 4. (See 1957, 765 §§ 18, 21; 1966, 284 § 5.)

SECTS. 13C and 13D added, 1937, 315 (relative to contracts of conditional sale of household furniture or other household or personal effects except jewelry).

SECT. 13C revised, 1938, 367.

SECTS. 13C and 13D stricken out, and new sections 13C-13G inserted, 1939, 509 § 2.

SECT. 13C revised, 1957, 765 § 15; stricken out, 1966, 284 § 4. (See 1957, 765 §§ 18, 21; 1966, 284 § 5.)

SECTS. 13D-13F repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 13G revised, 1957, 160, 765 § 16; stricken out, 1966, 284 § 4. (See 1957, 765 §§ 18, 21; 1966, 284 § 5.)

SECT. 13H added, 1941, 468 (relative to conditional sales of textile and other machinery, seats for theatres and other places of public assembly,

and parts, accessories, appliances and equipment therefor); repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECTS. 13I-13J added, 1967, 822 (relative to procedure for repossession and disposition of consumer goods subject to security interest).

SECT. 13I revised, 1973, 629 § 1; paragraph (d) revised, 1973, 1114 § 326. (See 1973, 629 § 6, 1114 § 351.)

SECT. 13J revised, 1973, 629 § 1. (See 1973, 629 § 6.)

SECT. 15 revised, 1948, 550 § 46.

SECT. 17 revised, 1973, 1114 § 327. (See 1973, 1114 § 351.)

SECTS. 18 and 19 repealed, 1973, 1114 § 328. (See 1973, 1114 § 351.)

SECT. 20 amended, 1973, 1114 § 329. (See 1973, 1114 § 351.)

SECT. 25 revised, 1972, 767.

SECT. 25A added, 1950, 326 § 9 (relative to liens on trailer coaches for certain charges); revised, 1964, 592 § 15.

SECT. 26 amended, 1950, 326 § 10; 1973, 1114 § 330. (See 1973, 1114 § 351.)

SECT. 27 amended, 1950, 326 § 11; 1973, 1114 § 331. (See 1973, 1114 § 351.)

SECTS. 28 and 29 revised, 1973, 1114 § 332. (See 1973, 1114 § 351.)

SECT. 31 revised, 1950, 326 § 12.

SECT. 31A, first sentence revised, 1968, 330.

SECT. 31B revised, 1970, 297.

SECT. 31D added, 1945, 607 (creating a lien in favor of certain persons performing work upon, or storing articles of clothing or household goods); revised, 1960, 285; third sentence revised, 1962, 642.

SECT. 31E added, 1948, 637 § 12 (creating a lien in favor of certain persons for proper charges due them for landing, parking, etc., of aircraft). (See 1948, 637 §§ 9, 13.)

SECT. 33 amended, 1973, 1114 § 333. (See 1973, 1114 § 351.)

SECT. 35 amended, 1938, 83 § 1. (See 1938, 83 § 2.)

SECT. 39A added, 1954, 585 (providing for the sale by garage owners of certain motor vehicles placed for storage and not claimed within a certain period); first paragraph, first sentence amended, 1968, 60; fifth paragraph amended, 1968, 190; 1973, 133.

SECT. 39B added, 1963, 242 § 5 (further regulating the procedure for recording or filing federal tax liens on real and personal property).

SECTS. 40-47 added, under caption, 1945, 285 (providing for the creation of liens upon merchandise without the necessity of custody or possession in the lienor).

SECT. 40 amended, 1946, 514 § 1; revised, 1947, 273 § 1.

SECT. 41, first paragraph amended, 1946, 514 § 2; section revised, 1947, 273 § 2.

SECT. 42 revised, 1947, 273 § 3; last sentence revised, 1950, 454 § 1; 1957, 698 § 19.

SECT. 43 revised, 1947, 273 § 4.

SECT. 44 revised, 1947, 273 § 5; amended, 1950, 454 § 2; third sentence revised, 1957, 698 § 20.

SECT. 45 amended, 1947, 273 § 6.

SECTS. 40-47 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

Chapter 255A. — Trust Receipts and Pledges without Possession in the Pledgee.

New chapter inserted, 1936, 264.

SECT. 13, subsection 3 amended, 1951, 445; 1957, 698 § 21.

Chapter repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

Chapter 255B. — Retail Instalment Sales of Motor Vehicles.

New chapter inserted, 1958, 674 § 1

SECT. 1, definition of "Annual finance charge formula", inserted, 1966, 284 § 1A; revised, 1968, 354 § 2; stricken out and definitions of "Amount financed" and "annual percentage rate" inserted, 1969, 517 § 3; definition of "Cash sale price" stricken out and definition of "Cash price" inserted, 1969, 517 § 4; definition of "Finance charge" revised, 1969, 517 § 5; definition of "Official fees" inserted, 1969, 517 § 7; definition of "Principal balance" inserted, 1966, 284 § 1B; stricken out; 1969, 517 § 6; definition of "motor vehicles" amended, 1967, 464 § 1; definition of "Recording Charges" stricken out, 1969, 517 § 7; definition of "Retail buyer" or "buyer" revised, 1970, 187; definition of "Retail instalment contract" or "Contract" amended, 1971, 340; definition of "Retail installment sale" or "sale" revised, 1970, 96. (See 1966, 284 § 5; 1968, 354 § 5.)

SECT. 2, second sentence revised, 1973, 1149 § 24; sixth sentence revised, 1969, 792 § 1. (See 1973, 1149 § 33.)

SECT. 3, first sentence stricken out and two sentences inserted, 1969, 517 § 8; first sentence amended, 1969, 792 § 2; sentence inserted after second sentence, 1969, 792 § 3; revised, 1973, 1149 § 25. (See 1973, 1149 § 33.)

SECT. 5 amended, 1973, 1149 § 26. (See 1973, 1149 § 33.)

SECT. 9, first paragraph amended, 1969, 517 § 9; third paragraph amended, 1966, 284 § 1C; clause (13) revised, 1967, 464 § 2; paragraph stricken out and three paragraphs inserted, 1969, 517 § 10. (See 1966, 284 § 5.)

SECT. 10 revised, 1967, 823; eighth sentence stricken out and two sentences inserted, 1968, 216.

SECT. 14, second paragraph revised, 1969, 517 § 11.

SECT. 14A added, 1966, 284 § 1D (prohibiting false, misleading or deceptive statements in any advertisement by a seller or sales franchise company of its finance charges); last sentence revised, 1966, 587 § 6; stricken out, 1969, 517 § 12. (See 1966, 284 § 5, 587 § 7.)

SECT. 16 amended, 1966, 284 § 2. (See 1966, 284 § 5.)

SECT. 17 revised, 1962, 293; amended, 1969, 517 § 13.

SECT. 19A added, 1971, 343 (providing that the holder of a motor vehicle retail installment contract shall be subject to all defenses which the retail buyer may have against the retail seller).

SECT. 20 amended, 1969, 517 § 14.

SECT. 20A added, 1960, 173 (requiring the filing of an affidavit executed by the purchaser of a repossessed motor vehicle in suits brought for a deficiency under a mortgage or conditional sale contract).

SECT. 20A stricken out and sections 20A and 20B inserted, 1966, 284 § 3. (See 1966, 284 § 5.)

SECT. 20A, subsection C amended, 1969, 517 § 15; subsection F added, 1967, 464 § 3; revised, 1973, 629 § 2. (See 1973, 629 § 6.)

SECT. 20B revised, 1973, 629 § 3. (See 1973, 629 § 6.)

SECT. 25 added, 1969, 517 § 16 (relative to conflicts between this chapter and chapter 140C).

Chapter 255C. — Insurance Premium Finance Agencies.

New chapter inserted, 1964, 727 § 1. (See 1964, 727 §§ 2, 3.)

SECT. 1, definition 6 added, 1966, 587 § 2; revised, 1968, 354 § 3; 1969, 517 § 17; definition of "Person" amended, 1973, 20 § 1. (See 1966, 587 § 7; 1968, 354 § 5.)

SECT. 2, first sentence amended, 1973, 20 § 2.

SECT. 3, first paragraph revised, 1969, 793 § 1; amended, 1973, 1149 § 27; fifth paragraph revised, 1969, 793 § 2. (See 1973, 1149 § 33.)

SECT. 5, paragraph inserted after second paragraph, 1966, 423 § 2.

SECT. 6, first paragraph, sentence added at end, 1969, 793 § 3; revised, 1972, 684 § 123; 1973, 1149 § 28. (See 1972, 684 § 136; 1973, 1149 § 33.)

SECT. 7 revised, 1969, 517 § 18.

SECT. 11 amended, 1967, 612; revised, 1969, 793 § 4.

SECT. 13, paragraph added, 1966, 587 § 3; section revised, 1969, 517 § 19. (See 1966, 587 § 7.)

SECT. 14 revised, 1967, 256.

SECT. 14A added, 1971, 148 (limiting the charges for group credit life insurance issued in connection with insurance premium finance agreements).

SECT. 20, fourth sentence revised, 1967, 370.

SECT. 21, two sentences added, 1966, 133; section amended, 1969, 517 § 20.

SECT. 22, first paragraph amended, 1973, 512.

SECT. 23 added, 1969, 517 § 21 (relative to conflicts between this chapter and chapter 140C).

Chapter 255D. — Retail Installment Sales and Services.

New chapter inserted, 1966, 284 § 1. (See 1966, 284 § 5.)

SECT. 1, definition of "Annual finance charge formula" revised, 1968, 354 § 4; stricken out and definitions of "Amount financed" and "annual percentage rate" inserted, 1969, 517 § 22; definition of "Cash sale price" stricken out and definition of "Cash price" inserted, 1969, 517 § 23; definition of "Deferred payment price" inserted after definition of "Commissioner," 1969, 517 § 24; definition of "Finance charge" revised, 1969, 517 § 25; definition of "Gift certificate" inserted, 1973, 924 § 1; definition of "foods" revised, 1973, 924 § 1; definition of "Installment buyer" or "buyer" revised, 1973, 924 § 2; definition of "Installment seller" or "seller" revised, 1973, 924 § 2; definition of "Merchandise certificate" or "coupon" inserted, 1973, 924 § 2; definition of "Official fees" revised, 1969, 517 § 26; definitions of "Principal balance" stricken out, 1969, 517 § 27;

definition of "Retail installment sale agreement" amended, 1970, 91; revised, 1971, 341 § 1; 1973, 924 § 3; definition of "Revolving credit agreement" amended, 1971, 341 § 2; revised, 1973, 924 § 4; definition of "Services" revised, 1967, 775 § 1; definitions of "Time balance" and "Time sale price" stricken out, 1969, 517 § 27. (See 1938, 354 § 5.)

SECT. 2, sixth sentence stricken out and two sentences inserted, 1969, 794 § 1; sixth sentence revised, 1973, 1149 § 29. (See 1973, 1149 § 33.)

SECT. 3, first sentence stricken out and two sentences inserted, 1969, 517 § 28; first sentence amended, 1969, 794 § 2; sentence inserted after second sentence 1969, 794 § 3; revised, 1973, 1149 § 30. (See 1973, 1149 § 33.)

SECT. 5 amended, 1973, 1149 § 31. (See 1973, 1149 § 33.)

SECT. 9, subsection A amended, 1969, 517 § 29; subsection B amended, 1969, 517 § 30; 1970, 163; subsection C, clause (11) revised, 1967, 775 § 2; paragraph added at end, 1968, 543 § 1; revised, 1969, 517 § 31; subsection D, first paragraph amended, 1969, 517 § 32; clause (6) revised, 1969, 517 § 32; last paragraph revised, 1967, 775 § 3; subsection E amended, 1969, 517 § 33; subsection F amended, 1967, 775 § 4.

SECT. 10, clause (1) amended, 1969, 517 § 34; clause (4) amended, 1969, 517 § 35; clause (9) revised, 1968, 543 § 2.

SECT. 11, subsection B amended, 1969, 517 § 36; subsection C revised, 1968, 543 § 3; amended, 1969, 517 § 37.

SECTS. 11A and 11B added, 1973, 924 § 5 (regulating retail installment sales and services in connection with merchandise certificates and coupons).

SECT. 13, subsection B amended, 1969, 517 § 38; subsection C revised, 1967, 775 § 5; subsection D added, 1969, 378.

SECT. 14, subsection A, clause (2) revised, 1969, 517 § 39; subsection B revised, 1969, 517 § 40.

SECT. 15, first paragraph revised, 1968, 543 § 4.

SECT. 16, subsection B, clause (6) revised, 1969, 517 § 41.

SECT. 17, subsection B, clause (1) amended, 1969, 517 § 42; clause (2) revised, 1967, 775 § 6; amended, 1969, 517 § 43; clause (3) amended, 1967, 775 § 7.

SECT. 18, subsection A amended, 1969, 517 § 44; subsection B revised, 1969, 517 § 45.

SECT. 21, subsection C, two sentences inserted after first sentence, 1967, 775 § 8; second sentence revised, 1968, 543 § 6; clause (3) amended, 1969, 517 § 46; section revised, 1973, 629 § 4. (See 1973, 629 § 6.)

SECT. 22 revised, 1973, 629 § 5. (See 1973, 629 § 6.)

SECT. 22A added, 1968, 715 (relating to loan transactions made in avoidance of laws pertaining to retail installment sales).

SECT. 23, second sentence stricken out, 1969, 517 § 47; last sentence revised, 1966, 587 § 4; amended, 1967, 775 § 9. (See 1966, 587 § 7.)

SECT. 25A added, 1970, 202 (providing that a holder of a retail installment sale agreement shall be subject to certain defenses).

SECT. 26, subsection A, second sentence revised, 1967, 416 § 1; subsection C, first sentence stricken out and two sentences inserted, 1967, 416 § 2; second sentence amended, 1969, 517 § 48.

SECT. 27, subsection A, last sentence revised, 1967, 775 § 10; subsection revised, 1969, 517 § 49; clause (2) revised, 1970, 822 § 1; subsection B amended, 1969, 517 § 50; clause (6), second paragraph revised, 1967, 775 § 11; clause revised, 1969, 517 § 51; subsection C, paragraph 1, sentence inserted after first sentence, 1970, 822 § 2; clause (e) revised, 1967, 775 § 12; paragraph 3 revised, 1970, 822 § 3; 1972, 783 § 3; amended, 1973, 273 § 4; subsection D revised, 1969, 517 § 52; clause (6), second sentence stricken out, 1970, 822 § 4; clause (7) revised, 1970, 822 § 5; subsection E added, 1966, 587 § 5; revised, 1969, 517 § 53; 1972, 229 § 10; subsection F added, 1969, 788; revised, 1972, 229 § 11; section revised, 1973, 802 § 5. (See 1966, 587 § 7; 1970, 822 § 6.)

SECT. 29, subsection A amended, 1969, 517 § 54; subsection B amended, 1967, 775 § 13; subsection C revised, 1967, 775 § 14; 1973, 1114 § 334. (See 1973, 1114 § 351.)

SECT. 31, paragraph added at end, 1968, 543 § 5; section revised, 1969, 517 § 55.

SECT. 32 added, 1968, 543 § 7 (clarifying notice requirements relating to retail installment sales and services).

Chapter 256. — Recognizances for Debts.

SECT. 6 revised, 1973, 1114 § 335. (See 1973, 1114 § 351.)

SECT. 8 revised, 1973, 1114 § 336. (See 1973, 1114 § 351.)

Chapter 258. — Claims against the Commonwealth.

SECT. 1 revised, 1973, 1114 § 337. (See 1973, 1114 § 351.)

SECTS. 1A-1C added, 1956, 709 § 1 (providing for jurisdiction of certain claims against the commonwealth with relation to the General Edward Lawrence Logan Airport). (See 1956, 709 § 2.)

SECT. 1B, first sentence amended, 1973, 1114 § 338. (See 1973, 1114 § 351.)

SECT. 2 revised, 1973, 1114 § 339. (See 1973, 1114 § 351.)

SECT. 3 revised, 1932, 180 § 41; 1951, 518.

SECT. 3A added, 1964, 548 § 4 (providing for the payment of judgments against the commonwealth in eminent domain cases). (See 1964, 548 § 5.)

SECT. 4A added, 1945, 552 (to prevent the running of interest on claims against the commonwealth after an offer of judgment).

SECT. 5 repealed, 1943, 566 § 2.

Chapter 258A. — Compensation of Victims of Violent Crimes.

New chapter inserted, 1967, 852 § 1. (See 1967, 852 § 4.)

Chapter 259. — Prevention of Frauds and Perjuries.

SECT. 5 revised, 1965, 560 § 1. (See 1965, 560 § 3.)

SECT. 5A added, 1965, 560 § 2 (providing that agreements to revoke or not to revoke, not to make or to change or not to change, a will, codicil, bequest or devise shall be in writing). (See 1965, 560 § 3.)

Chapter 260. — Limitation of Actions.

SECT. 1, Fifth clause amended, 1970, 888 § 28. (See 1970, 888 § 31.)

SECT. 2 revised, 1948, 274 § 1. (See 1948, 274 § 3.)

SECT. 2A added, 1948, 274 § 2 (further limiting the time within which actions of replevin, and certain actions of contract and tort, may be commenced); amended, 1973, 777 § 1. (See 1948, 274 § 3; 1973, 777 § 4.)

SECT. 2B added, 1968, 612 (further limiting time within which certain tort actions may be commenced); amended, 1973, 777 § 2. (See 1973, 777 § 4.)

SECT. 3A added, 1943, 566 § 1 (limiting the time within which petitions founded upon claims against the commonwealth may be brought).

SECT. 4 amended, 1933, 318 § 5; 1934, 291 § 4; 1937, 385 § 9; first paragraph amended, 1955, 235 § 1; revised, 1960, 271; 1965, 302; amended, 1968, 94 § 1; 1973, 777 § 3; paragraph added at end, 1943, 409 § 4. (See 1933, 318 § 9; 1934, 291 § 6; 1937, 385 § 10; 1955, 235 § 2; 1968, 94 § 2; 1973, 777 § 4.)

SECT. 4A added, 1947, 333 § 1 (limiting the time within which certain actions to recover back wages may be commenced). (See 1947, 333 § 2.)

SECT. 4B added, 1949, 531 (relative to the commencement of actions arising out of motor vehicle hit and run accidents, so called); amended, 1954, 107.

SECT. 10, sentence added at end, 1937, 406 § 2.

SECT. 25 amended, 1959, 269 § 1. (See 1959, 269 § 3.)

SECT. 26 amended, 1959, 269 § 2. (See 1959, 269 § 3.)

SECT. 31A added, 1956, 258 § 2 (limiting the time for bringing proceedings to enforce certain possibilities of reverter to which a fee simple or fee simple determinable is subject); amended, 1961, 448 § 5; third paragraph amended, 1968, 496.

SECT. 32 revised, 1973, 1114 § 340. (See 1973, 1114 § 351.)

SECTS. 33-35 added, under caption, 1957, 370 (providing for a limitation of mortgage foreclosures and to protect land titles against obsolete mortgages).

SECT. 36 added, under caption, 1973, 1114 § 341 (providing for limitation of counterclaims). (See 1973, 1114 § 351.)

Chapter 261. — Costs in Civil Actions.

SECT. 4 amended, 1937, 44 § 1; revised, 1973, 1114 § 342. (See 1937, 44 § 2; 1943, 296 §§ 3, 6; 1973, 1114 § 351.)

SECT. 8 amended, 1971, 843 § 19; 1973, 591 § 18. (See 1971, 843 § 27; 1973, 591 § 22.)

SECT. 10 amended, 1973, 1114 § 343. (See 1973, 1114 § 351.)

SECT. 12 repealed, 1973, 1114 § 344. (See 1973, 1114 § 351.)

SECT. 13 revised, 1973, 1114 § 345. (See 1973, 1114 § 351.)

SECT. 23 revised, 1973, 1114 § 346. (See 1973, 1114 § 351.)

SECT. 25 repealed, 1973, 1114 § 347. (See 1973, 1114 § 351.)

SECT. 25A revised, 1957, 497; amended, 1965, 410.

Chapter 262. — Fees of Certain Officers.

SECT. 1, sixth paragraph amended, 1948, 295; revised, 1949, 129; amended, 1951, 40; revised, 1961, 343 § 1; stricken out, 1967, 350 § 2.

SECT. 2 revised, 1939, 345 § 1; third paragraph amended, 1950, 119 § 1; section revised, 1954, 328 § 2; paragraph inserted after third paragraph, 1954, 556 § 5; paragraph added at end, 1961, 149; section revised, 1971, 858 § 1. (See 1939, 345 § 3; 1954, 328 § 4, 556 §§ 8, 10.)

SECT. 3 revised, 1961, 343 § 2.

SECT. 4 amended, 1954, 328 § 3; sixth paragraph revised, 1950, 119 § 2; 1953, 632; amended, 1954, 582; revised, 1973, 342; seventh paragraph amended, 1937, 188; seventh to tenth paragraphs stricken out, 1939, 345 § 2; paragraph in lines 30-31 revised, 1954, 624. (See 1939, 345 § 3; 1954, 328 § 4.)

SECT. 5 amended, 1933, 201.

SECT. 8 revised, 1947, 135, paragraph added at end, 1954, 556 § 6; section revised, 1964, 594 § 1; subdivision A, clause (1) amended, 1973, 372; clause (17) amended, 1973, 195 § 1; clause (34) amended, 1973, 195 § 2; clause (36) amended, 1973, 195 § 3; clause (39) amended, 1973, 195 § 4.

SECT. 8A added, 1964, 594 § 2 (providing that each deputy sheriff file annually with the county treasurer an account of all fees and moneys received by him for the service of civil process); amended, 1966, 116.

SECT. 21 amended, 1959, 581.

SECT. 23 amended, 1953, 96.

SECT. 24 amended, 1953, 89; 1955, 244; revised, 1959, 307; 1970, 46.

SECT. 25 amended, 1933, 162; 1934, 141; 1945, 236 § 1; 1949, 335; 1955, 328; revised, 1960, 435; first sentence revised, 1966, 613; 1967, 678. (See 1945, 236 § 2.)

SECT. 28 repealed, 1971, 1076 § 14. (See 1971, 1076 § 22.)

SECT. 29 amended, 1949, 697; paragraph added at end, 1962, 514; revised, 1964, 458; first paragraph amended, 1973, 911.

SECT. 32 revised, 1935, 280.

SECT. 34 amended, 1933, 21; revised, 1948, 550 § 1; clauses (5)-(10), (26), (37)-(41), (70), (71), (73) and (77) stricken out, 1949, 297 § 1; clause (13) revised, 1957, 17 § 1; clause (13A) added, 1961, 215 § 1; clauses (17)-(19) stricken out, 1949, 404 § 3; clause (21) revised, 1952, 32 § 2; clause (24) amended, 1970, 443 § 35; clause (30) revised, 1957, 17 § 2; clause (30A) added, 1961, 215 § 2; clause (42) revised, 1960, 17; 1973, 76; clause (44) revised, 1957, 17 § 3; clause (44A) added, 1961, 215 § 3; clauses (47) and (48) revised, 1949, 404 § 1; clauses (47)-(53) repealed, 1957, 765 § 2 (see 1957, 765 § 21); clause (56) amended, 1951, 58; repealed, 1957, 765 § 2 (see 1957, 765 § 21); clause (65) stricken out, 1973, 1050 § 5 (see 1973, 1050 § 7); clause (69) revised, 1953, 164 § 3; clause (79) revised, 1949, 404 § 2.

SECT. 34A added, 1938, 380 (authorizing the charging of certain fees by city and town clerks or registrars for the expense of the examination or copying by them of records of births, marriages and deaths); revised, 1948, 550 § 47.

SECT. 36 revised, 1952, 301; amended, 1959, 357; revised, 1967, 297; amended, 1972, 684 § 131. (See 1972, 684 § 136.)

SECT. 38, second paragraph amended, 1937, 97; two paragraphs inserted after paragraph in line 23, 1945, 569 § 2; section revised, 1946, 353 § 1;

second paragraph amended, 1951, 179; paragraph inserted after third paragraph, 1950, 539 § 2; section revised, 1953, 348 § 1; 1957, 332 § 1; 1960, 421 § 3; 1971, 880 § 1. (See 1971, 880 § 4.)

SECT. 39, paragraph in lines 15, 16 amended, 1945, 522; paragraph added at end, 1939, 13; section revised, 1946, 353 § 2; 1950, 589; 1953, 348 § 2; sixth paragraph amended, 1956, 568 § 1; eighth paragraph amended, 1956, 568 § 2; last paragraph amended, 1957, 332 § 2; section revised, 1960, 421 § 4; 1971, 880 § 2; 1972, 684 § 134; amended, 1973, 1105. (See 1971, 880 § 4; 1972, 684 § 136.)

SECT. 40 revised, 1934, 324 § 1; paragraph inserted after second paragraph, 1951, 657 § 4; stricken out, 1954, 556 § 4; two paragraphs added at end, 1954, 562 § 6; section revised, 1955, 418 § 1; second and third paragraphs revised, 1967, 651 § 1; second paragraph revised, 1971, 267; paragraph inserted after fourth paragraph, 1956, 7 § 2; eighth paragraph revised, 1955, 744 § 1; 1956, 632 § 1; 1958, 500; 1967, 651 § 2; eleventh paragraph stricken out, 1956, 632 § 2; section revised, 1971, 880 § 3; 1972, 684 § 135. (See 1934, 324 § 2; 1954, 556 § 10; 1955, 418 § 3, 744 § 2; 1971, 880 § 4; 1972, 684 § 136.)

SECT. 43, sentence added at end, 1969, 294.

SECT. 44 revised, 1953, 308.

SECT. 46A added, 1938, 232 (to provide for furnishing without charge copies of records relating to soldiers, sailors and marines in certain cases); revised, 1943, 484; 1945, 218; 1954, 627 § 34. (See 1954, 627 §§ 65, 67.)

SECT. 47 amended, 1958, 48 § 3.

SECT. 50 amended, 1958, 48 § 4.

SECT. 51 revised, 1951, 605; amended, 1958, 48 § 5.

SECT. 53 amended, 1936, 251; fourth sentence revised, 1947, 181; amended, 1948, 340.

SECT. 53 stricken out and new sections 53 and 53A inserted, 1949, 455 (relative to the payment of witness fees to certain police officers in criminal cases).

SECT. 53 revised, 1952, 364; amended, 1958, 48 § 6; revised, 1958, 422.

SECT. 53A amended, 1958, 48 § 7; revised, 1961, 217; 1963, 753; first sentence revised, 1969, 859 § 22.

SECT. 53B added, 1952, 235 (providing for payment of witness fees to state police officers); revised, 1954, 393; 1957, 605; 1959, 567; first sentence revised, 1969, 859 § 23.

SECT. 53C added, 1955, 223 § 1 (granting compensatory time off to certain police officers in certain criminal cases); revised, 1967, 286; 1970, 664. (See 1955, 223 § 2.)

SECT. 54 repealed, 1970, 546.

SECT. 56 amended, 1958, 48 § 8.

SECT. 57 amended, 1958, 48 § 9.

SECT. 58 amended, 1958, 48 § 10.

SECT. 59 amended, 1958, 48 § 11.

SECT. 62 amended, 1958, 48 § 12.

Chapter 263. — Rights of Persons Accused of Crime.

SECT. 1A added, 1964, 443 (providing for the fingerprinting and photo-

graphing of persons arrested for the commission of a felony); sentence added, 1972, 217.

SECT. 4 amended, 1953, 319 § 28; 1971, 843 § 20; 1973, 591 § 19. (See 1953, 319 §§ 39, 40; 1971, 843 § 27; 1973, 591 § 22.)

SECT. 4A added, 1934, 358 (expediting the arraignment of persons charged with crimes not punishable by death by permitting them to waive indictment proceedings).

SECT. 5A added, 1958, 401 (providing that a person held in custody, charged with operating a motor vehicle while under the influence of intoxicating liquor, shall have the right to an immediate medical examination); revised, 1960, 237.

SECT. 6 amended, 1933, 246 § 1; 1971, 843 § 21; 1973, 591 § 20. (See 1933, 246 § 2; 1971, 843 § 27; 1973, 591 § 22.)

SECT. 8A amended, 1953, 319 § 29; revised, 1971, 843 § 22; amended, 1973, 591 § 21. (See 1953, 319 §§ 39, 40; 1971, 843 § 27; 1973, 591 § 22.)

Chapter 264. — Crimes against Governments.

SECT. 5 revised, 1932, 298; amended, 1933, 153 § 3; 1934, 56; revised, 1941, 117 § 1; first sentence revised, 1971, 74; third sentence revised, 1959, 59 § 4; sentence added, 1971, 655. (See 1941, 117 § 2.)

SECT. 10 repealed, 1962, 285 § 1.

SECT. 10A revised, 1933, 276.

SECT. 11 revised, 1948, 160 § 1; 1954, 584 § 1.

SECT. 12 repealed, 1954, 584 § 2.

SECTS. 13-15 added, 1949, 619 (barring certain persons from the public service and requiring an oath of allegiance by certain public employees).

SECT. 13 repealed, 1951, 805 § 1. (See 1951, 805 §§ 6, 7.)

SECT. 14, paragraph added, 1967, 89.

SECT. 14A added, 1954, 677 (enabling cities and towns to participate in the United States educational exchange program).

SECT. 15 amended, 1951, 805 § 2. (See 1951, 805 §§ 6, 7.)

SECTS. 16-23 added, 1951, 805 § 3 (relative to subversive organizations).

SECT. 18 amended, 1952, 380.

SECT. 19 revised, 1954, 584 § 4.

SECT. 21 revised, 1954, 584 § 3.

SECT. 23 revised, 1954, 584 § 5.

Chapter 265. — Crimes against the Person.

SECT. 2 revised, 1951, 203; last sentence revised, 1955, 770 § 78; 1956, 731 § 12. (See 1955, 770 §§ 117, 123.)

SECT. 6 repealed, 1962, 285 § 2.

SECT. 7 repealed, 1962, 285 § 2.

SECT. 8 repealed, 1962, 285 § 2.

SECT. 13 revised, 1971, 426.

SECT. 13A added, 1943, 259 § 1 (providing a penalty for the crimes of assault and assault and battery); paragraph added at end, 1945, 230. (See 1943, 259 § 2.)

SECT. 13B added, 1953, 299 (providing a separate penalty for indecent assault on a child); amended, 1958, 189.

SECT. 13C added, 1967, 226 (establishing penalty for committing an assault and battery to collect a loan).

SECT. 13D added, 1969, 359 (providing penalty for assault and battery on a police officer or firefighter on duty); revised, 1973, 839.

SECT. 13E added, 1971, 531 (providing a penalty for assault and battery during an attempted larceny from an aged or infirm person and for stealing a handbag from the person of a female); repealed, 1971, 1011 § 2.

SECT. 13F added, 1973, 468 (providing a penalty for indecent assault and battery on a mentally retarded person.)

SECT. 13F added, 1973, 618 (providing a penalty for the commission of a felony for fire).

SECT. 15B added, 1955, 112 (providing a penalty for assault by means of a dangerous weapon).

SECT. 17 revised, 1943, 250 § 1; 1952, 406 § 1. (See 1943, 250 § 2; 1952, 406 § 2.)

SECT. 18A added, 1956, 408 (increasing the penalty for certain armed assaults in dwelling houses); revised, 1969, 473.

SECT. 22A added, 1955, 763 § 2 (providing a mandatory prison sentence for persons convicted of rape); amended, 1973, 925 § 77. (See 1973, 925 § 84.)

SECT. 23 revised, 1966, 291.

SECT. 24B added, 1955, 763 § 3 (providing a mandatory prison sentence for persons convicted of assault with intent to commit rape); amended, 1973, 925 § 78. (See 1973, 925 § 84.)

SECT. 25 revised, 1932, 211; 1953, 294.

SECT. 26 amended, 1934, 1; revised, 1971, 900.

SECT. 31 repealed, 1962, 285 § 2.

SECT. 33 repealed, 1962, 285 § 2.

SECT. 34 added, 1957, 76 (prohibiting the marking of the body of a person under eighteen years of age by means of tattooing); revised, 1962, 214.

SECT. 35 added, 1968, 139 (imposing penalty for throwing or dropping objects from bridges or overpasses onto public ways and certain other places); amended, 1973, 432.

Chapter 266. — Crimes against Property.

SECT. 1 revised, 1932, 192 § 1; amended, 1948, 43 § 1.

SECT. 2 revised, 1932, 192 § 2; amended, 1948, 43 § 2.

SECTS. 3 and 4 repealed, 1932, 192 § 3.

SECT. 5 revised, 1932, 192 § 4.

SECT. 5A added, 1932, 192 § 5 (defining and providing penalties for attempts to commit arson).

SECT. 6 repealed, 1932, 192 § 3.

SECT. 7 revised, 1958, 526 § 1.

SECT. 8 revised, 1932, 192 § 6; 1948, 370 § 1; 1958, 526 § 2.

SECT. 10 revised, 1932, 192 § 7.

SECT. 13A added, 1963, 690 § 4 (requiring the manager of a hotel to notify the fire department forthwith of any fire therein); first paragraph amended, 1972, 802 § 61. (See 1963, 690 § 5; 1972, 802 § 77.)

SECT. 14, sentence added, 1966, 330.

SECT. 16 revised, 1943, 343 § 1. (See 1943, 343 § 2.)

SECT. 16A added, 1945, 229 (providing a penalty for breaking and entering a building, ship or vessel with intent to commit a misdemeanor); revised, 1966, 408.

SECT. 22 amended, 1935, 365; revised, 1950, 30.

SECT. 25 amended, 1943, 518 § 1. (See 1943, 518 § 2.)

SECT. 26 repealed, 1945, 282 § 1. (See 1945, 282 § 5.)

SECT. 27A revised, 1959, 160 § 1.

SECT. 28 revised, 1959, 160 § 2; first sentence revised, 1967, 849; 1972, 78; two sentences added, 1966, 191 § 2; second sentence amended, 1967, 662; last sentence revised, 1971, 123.

SECT. 29A added, 1971, 119 (requiring police to notify owners of stolen motor vehicles when recovered); revised, 1973, 213.

SECT. 30 revised, 1945, 282 § 2; paragraph (1) amended, 1968, 737 § 10; paragraph (2) revised, 1966, 153 § 1; paragraph (4) added, 1967, 817 § 1. (See 1945, 282 § 5.)

SECT. 33 revised, 1945, 282 § 3; amended, 1967, 236. (See 1945, 282 § 5.)

SECT. 36 repealed, 1945, 282 § 1. (See 1945, 282 § 5.)

SECT. 37 revised, 1937, 99; amended, 1955, 133.

SECT. 37A added, 1960, 456 (providing that the use of a revoked or forged credit card or the unauthorized use of the credit card of another shall constitute larceny); revised, 1969, 51; revised and sections 37B-37C added, 1969, 832.

SECT. 37B, paragraph added, 1971, 90 § 1.

SECT. 37C, paragraph added, 1971, 90 § 2.

SECT. 37D added, 1973, 1156 (imposing penalties for publishing credit card numbering or coding systems).

SECTS. 44-46 repealed, 1945, 282 § 1. (See 1945, 282 § 5.)

SECT. 47 amended, 1945, 282 § 4; revised, 1966, 153 § 2. (See 1945, 282 § 5.)

SECT. 49 revised, 1966, 269 § 1.

SECT. 52 amended, 1934, 270 § 3.

SECT. 53A revised, 1956, 297.

SECT. 54 revised, 1958, 58. (See 1933, 59 § 3.)

SECT. 60 revised, 1971, 681; amended, 1973, 624.

SECT. 60A added, 1967, 817 § 2 (providing that the unlawful taking of a trade secret constitutes larceny).

SECT. 69A added, 1970, 128 (prohibiting the fraudulent use of a labor union seal, trademark or insignia).

SECT. 70 amended, 1933, 245 § 4; 1939, 144 § 2; 1941, 217 § 3; 1946, 209 § 3; 409 § 4; revised, 1947, 468 § 4; amended, 1948, 445 § 2; 1949, 118 § 4; revised, 1950, 27 § 3; amended, 1950, 240, 354 § 3, 492 § 3; 1955, 271 § 2; revised, 1957, 117; amended, 1959, 59 § 5; 1960, 626 § 5.

SECT. 71A added, 1950, 718 (prohibiting the unauthorized use of names or imitations thereof of certain organizations).

SECTS. 75A and 75B added, 1932, 11 (penalizing the fraudulent operation of slot machines, coin-box telephones and other coin receptacles, and

the manufacture and sale of devices intended to be used in such operation); revised, 1954, 145.

SECT. 87 amended, 1971, 210.

SECT. 89 revised, 1943, 549 § 7.

SECT. 91 amended, 1958, 217 § 1; paragraph added at end, 1963, 222.

SECT. 91A added, 1953, 250 (further regulating advertising relative to the sale or offering for sale of merchandise, commodities or service); amended, 1958, 217 § 2.

SECT. 91B added, 1958, 217 § 3 (providing for the issuance of an injunction for violation of the laws relative to deceptive advertising of merchandise for sale).

SECT. 92A added, 1956, 216 (relative to the sale of motor vehicles which have been submerged in water); amended, 1957, 261; revised, 1959, 235; 1968, 40; 1973, 141.

SECT. 94 amended, 1939, 451 § 65.

SECT. 98 revised, 1960, 169.

SECT. 98A added, 1966, 280 (relative to the penalty for destroying public park or playground equipment).

SECT. 100 revised, 1961, 316.

SECT. 101 amended, 1957, 688 § 21.

SECT. 102 revised, 1957, 688 § 22; 1970, 406.

SECT. 102A amended, 1970, 422.

SECT. 102B added, 1969, 431 (making the possession or control of certain devices which when ignited and thrown will explode a criminal offense).

SECT. 104A added, 1960, 610 (providing a penalty for the destruction, injury or removal of goal posts on football fields).

SECT. 116 repealed, 1962, 172.

SECT. 116A added, 1935, 116 (providing for the protection of wild azaleas, wild orchids and cardinal flowers).

SECT. 119 revised, 1948, 660 § 25; amended, 1949, 761 § 14. (See 1948, 660 § 26.)

SECT. 120, first sentence amended, 1969, 463 § 2.

SECT. 120A added, 1955, 269 (relative to the burden of proof in certain prosecutions for trespass).

SECT. 120B added, 1971, 1039 (permitting certain property owners to enter on land of others without being guilty of trespass).

SECT. 120C added, 1972, 158 (permitting entry on certain land for the purpose of making surveys).

SECT. 121A added, 1973, 573 (imposing criminal penalties for certain trespasses involving motor vehicles and other powered devices).

SECT. 123 revised, 1941, 344 § 27; amended, 1958, 613 § 8E; revised, 1959, 213; 1960, 315; 1969, 362.

SECT. 126 revised, 1965, 482.

SECT. 129 revised, 1955, 770 § 79. (See 1955, 770 §§ 117, 123.)

SECT. 130 revised, 1955, 770 § 80. (See 1955, 770 §§ 117, 123.)

SECT. 134 repealed, 1962, 285 § 3.

SECT. 136 repealed, 1962, 285 § 3.

SECT. 138A added, 1969, 56 (providing criminal penalty for wilful

damaging of machinery and equipment used for transmission of water for agricultural purposes); amended, 1971, 30.

SECT. 139 revised, 1961, 73 § 4.

SECT. 140 added, 1966, 269 § 2 (making the sale of certain master keys which fit more than one motor vehicle a crime); amended, 1968, 90.

SECT. 141 added, 1966, 468 (penalizing the turning back or readjusting of the speedometer or odometer of motor vehicles for the purpose of misrepresenting to purchasers the number of miles traveled by such vehicles); stricken out and sections 141-141A added, 1973, 456 (providing a civil remedy and increasing the criminal penalty against persons tampering with automobile odometers).

SECT. 142 added, 1971, 36 (requiring scrap copper wire dealers to keep records of purchases).

SECT. 143 added, 1973, 979 (imposing a penalty for the unauthorized reproduction and transfer of sound recordings).

Chapter 268. — Crimes against Public Justice.

SECT. 1A amended, 1947, 106.

SECT. 6A added, 1964, 444 (penalizing the making of false written reports by public officers or employees).

SECT. 6B added, 1969, 293 (providing criminal penalty for false statements by process servers regarding service of process).

SECT. 7 repealed, 1962, 779 § 3. (See 1962, 779 § 4.)

SECT. 8 repealed, 1962, 779 § 3. (See 1962, 779 § 4.)

SECT. 8A repealed, 1962, 779 § 3. (See 1962, 779 § 4.)

SECT. 8B added, 1961, 342 (providing a penalty for compelling or coercing any person to refuse an appointment or promotion in the classified civil service).

SECT. 9 repealed, 1962, 779 § 3. (See 1962, 779 § 4.)

SECT. 9A added, 1962, 633 (prohibiting the sale of tickets to, or the solicitation of contributions for, testimonial dinners and like functions for certain public officers and employees).

SECTS. 10-12 repealed, 1962, 779 § 3. (See 1962, 779 § 4.)

SECT. 13A added, 1950, 109 (prohibiting the picketing of courts and certain other places).

SECT. 13B added, 1969, 460 (providing criminal penalty for intimidation of persons giving information to public agencies conducting criminal investigations); revised, 1970, 177.

SECT. 13C added, 1971, 524 (making it a criminal offense to disrupt court proceedings).

SECT. 14A added, 1936, 168 (imposing a penalty for depriving employees of their employment because of jury service).

SECT. 15 amended, 1955, 770 § 81. (See 1955, 770 §§ 117, 123.)

SECT. 16 revised, 1934, 344; last sentence stricken out, 1941, 344 § 28; section amended, 1943, 19 § 1; 1955, 770 § 82; revised, 1973, 1062 § 1. (See 1955, 770 §§ 117, 123.)

SECT. 16A added, 1943, 19 § 2 (relative to the penalty for escapes or attempted escapes from the reformatory for women); amended, 1955, 770 § 83; repealed, 1973, 1062 § 2. (See 1955, 770 §§ 90, 117, 123.)

SECT. 26 amended, 1934, 328 § 24; 1955, 770 § 84; revised, 1957, 777 § 33. (See 1955, 770 §§ 117, 123.)

SECT. 27 amended, 1934, 328 § 25.

SECT. 28 amended, 1955, 770 § 85; revised, 1957, 777 § 34; 1965, 407. (See 1955, 770 §§ 117, 123.)

SECT. 29 amended, 1934, 328 § 26; 1955, 770 § 86. (See 1955, 770 §§ 117, 123.)

SECT. 30 amended, 1955, 770 § 87. (See 1955, 770 §§ 117, 123.)

SECT. 31 amended, 1955, 770 § 88; revised, 1957, 777 § 35; 1962, 747. (See 1955, 770 §§ 117, 123.)

SECT. 32 amended, 1970 278.

SECT. 32A added, 1966, 289 (prohibiting interference with fire fighting operation); revised, 1968, 82.

SECT. 33 amended, 1935, 440 § 44; 1941, 71; 1945, 400 § 7; 1971, 150.

SECT. 37 amended, 1955, 770 § 89; repealed, 1962, 779 § 3. (See 1955, 770 §§ 117, 123; 1962, 779 § 4.)

SECT. 38 repealed, 1962, 779 § 3. (See 1962, 779 § 4.)

Chapter 268A. — Conduct of Public Officials and Employees (former title, Code of Ethics).

New chapter inserted, 1961, 610 § 1.

Chapter stricken out and new chapter 268A (with new title) inserted, 1962, 779 § 1. (See 1962, 779 §§ 2, 4.)

The following references are to chapter 268A, as so inserted:

SECT. 1, definition of "County employee" revised, 1969, 350 § 1; definition of "Municipal employee" revised, 1966, 734 § 2; definition of "Special municipal employee" revised, 1965, 351; definition of "State employee" revised, 1969, 350 § 2.

SECT. 2, clause (d) revised, 1964, 287.

SECT. 7, paragraph added, 1968, 446.

SECT. 8A added, 1964, 314 (prohibiting members of state commissions or boards from being appointed by the other members thereof to certain positions).

SECT. 15A added, 1967, 887 § 1 (prohibiting members of county commissions to be appointed to other positions by other members of said commissions).

SECT. 19, paragraph (b) revised, 1965, 395.

SECT. 21A added, 1967, 887 § 2 (prohibiting members of municipal commissions to be appointed to other positions by other members of said commissions).

SECT. 21B added, 1973, 870 (prohibiting mayors, city managers or town managers from demanding undated resignations from prospective employees).

SECT. 22 revised, 1964, 408.

SECT. 23A added, 1964, 389 (providing that no trustee of a public institution of higher education operated by the commonwealth shall be eligible

to hold a position with said institution for a certain period of time after terminating his services as such trustee); revised, 1973, 775.

SECT. 25 added, 1972, 257 (authorizing the temporary suspension of certain public employees indicted for misconduct in office).

Chapter 269. — Crimes against Public Peace.

SECT. 1 revised, 1965, 647 § 1; amended, 1966, 158.

SECT. 2 revised, 1965, 647 § 1A.

SECT. 6 amended, 1965, 647 § 2.

SECT. 8 amended, 1965, 647 § 3.

SECT. 10 amended, 1935, 290; 1936, 227 § 1; 1937, 250 § 1; first sentence amended, 1955, 160; section revised, 1956, 172; 1957, 688 § 23; first paragraph, first sentence amended, 1968, 737 §§ 11, 13; 1969, 799 § 14; paragraph revised, 1973, 588; paragraph added, 1968, 737 § 12; revised, 1969, 799 § 16; amended, 1971, 456 § 5; three paragraphs added, 1968, 737 § 14; fourth paragraph stricken out, 1969, 799 § 15; fourth paragraph amended, 1972, 312 § 5; paragraph added, 1969, 441; 1971, 456 § 6. (See 1936, 227 § 2; 1937, 250 § 2; 1968, 737 § 18.)

SECT. 10A amended, 1957, 688 § 24.

SECT. 10B added, 1934, 359 § 2 (further regulating the sale, rental and leasing of rifles and shotguns); repealed, 1957, 688 § 25.

SECT. 10C added, 1969, 342 (providing criminal penalty for use of chemical mace or similar device or instrument in the commission of a crime); revised, 1973, 892 § 9.

SECT. 11 revised, 1957, 688 § 26.

SECTS. 11A-11D added, under caption, 1937, 199 (relative to certain firearms, the serial or identification numbers of which have been removed, defaced, altered, obliterated or mutilated).

SECT. 11B, sentence added at end, 1957, 688 § 27.

SECT. 11C, amended and sentence added at end, 1957, 688 § 28.

SECT. 11D repealed, 1957, 688 § 29.

SECT. 11E added, 1968, 737 § 15 (further regulating the sale of firearms); revised, 1969, 799 § 17. (See 1969, 799 § 18.)

SECT. 12 revised, 1951, 219; 1952, 286; amended, 1957, 688 § 30; 1956, 280.

SECTS. 12A and 12B added, 1951, 263 (regulating the sale and use of air rifles or so-called BB guns).

SECT. 12A revised, 1959, 296 § 9.

SECT. 12B revised, 1957, 688 § 31; third sentence revised, 1968, 737 § 16.

SECT. 12C added, 1951, 296 (prohibiting the sale or possession of certain knives having a spring release); repealed, 1957, 688 § 32.

SECT. 12D added, 1957, 688 § 33 (imposing a penalty upon persons carrying a rifle or shotgun in a public way without a valid license to do so); second sentence revised, 1968, 737 § 17.

SECT. 12E added, 1971, 223 (prohibiting the discharge of a firearm within a certain distance of a building); revised, 1972, 261.

SECT. 13 revised, 1968, 122; amended, 1970, 391; revised, 1971, 408.

SECT. 14 added, 1957, 210 (imposing a penalty upon persons making

false reports relative to the location of explosives or other dangerous substances); revised, 1958, 322; 1971, 784 § 2.

SECT. 14A added, 1964, 668 (making it a criminal offense to use the telephone to make annoying calls); revised, 1965, 521.

SECT. 15 added, 1965, 29 (prohibiting the sale of stink bombs).

Chapter 270. — Crimes against Public Health.

SECT. 1A added, 1970, 471 § 1 (regulating the sale of eyeglasses and sunglasses); revised, 1973, 598. (See 1970, 471 § 1A.)

SECT. 2, first sentence amended, 1949, 658; section repealed, 1960, 727 § 1. (See 1960, 727 § 3.)

SECT. 2A repealed, 1960, 727 § 1. (See 1960, 727 § 3.)

SECT. 2B added, 1946, 517 § 1 (regulating the labelling of preparations containing DDT and certain other preparations dangerous to public health); repealed, 1960, 727 § 1. (See 1960, 727 § 3.)

SECT. 3A added, 1951, 444 (relative to the placing of poison or poisoned food for the control of rats, mice or other rodents).

SECT. 5 amended, 1934, 328 § 27.

SECT. 16 added, 1949, 416 (imposing a penalty on persons who dispose of garbage or refuse on highways or private property without permission), amended, 1967, 116; first sentence revised, 1970, 134 § 1; 1971, 79; 1972, 191; two paragraphs added at end, 1970, 134 § 2; third paragraph amended, 1973, 835 § 1.

SECT. 16A added, 1971, 358 (providing an alternative noncriminal disposition of violations of the anti-litter laws); amended, 1973, 1107.

SECT. 17 added, 1962, 367 (prohibiting the disposal of household garbage and refuse in trash barrels placed on highways for the convenience of the traveling public); amended, 1963, 144.

SECT. 17A added, 1971, 474 (prohibiting the importation of certain rubbish, garbage or other waste and the disposal thereof in dumping facilities).

SECT. 18 added, 1966, 318 (regulating the sale, possession and use of substances having the property of releasing toxic vapors).

SECT. 19 added, 1967, 154 (regulating sale of certain glue and cement to minors); first paragraph, sentence added at end, 1970, 533 § 1. (See 1970, 533 § 2.)

SECT. 20 added, 1971, 304 (prohibiting the burning of refuse, rubbish or demolition debris within certain marine or shoreline boundaries).

Chapter 271. — Crimes against Public Policy.

SECT. 1A added, 1948, 299 (providing that, for the purpose of the enforcement of laws relative to gaming and certain other crimes the words "house", "building" and "place" shall include certain ships and vessels).

SECT. 5A added, 1951, 483 (prohibiting the manufacture, sale, transportation or use of certain slot machines as gambling devices); revised, 1964, 557 § 7.

SECT. 6A added, 1938, 144 (making certain endless chain transactions subject to the laws relative to lotteries).

SECT. 6B added, 1953, 243 (making the game commonly known as skilo,

and similar games, subject to the laws relative to lotteries); revised, 1971, 486 § 1.

SECT. 6C added, 1968, 602 (prohibiting giving of chances or offering of prizes by gasoline stations); amended, 1972, 473.

SECT. 7 revised, 1968, 115.

SECT. 7A added, 1969, 810 (authorizing certain organizations to conduct raffles and bazaars).

SECT. 10 revised, 1957, 390 § 1; 1965, 549 § 1; 1967, 189. (See 1957, 390 § 2; 1965, 549 § 2.)

SECT. 10A added, 1967, 119 (providing for arrest of violators of gaming and gambling laws without a warrant); revised, 1967, 372.

SECT. 16A added, 1970, 650 (providing the punishment of organizers of criminal gambling syndicates).

SECT. 17 revised, 1968, 116.

SECT. 17A added, 1958, 246 (making it a criminal offense to use the telephone for certain gaming purposes); revised, 1962, 440.

SECT. 17B added, 1966, 352 (permitting the attorney general and the district attorneys in certain circumstances to demand telephone company records).

SECT. 22A revised, 1934, 371; paragraphs added at end, 1936, 222, 283; section revised, 1943, 267.

SECT. 22B added, 1971, 486 § 2 (authorizing the game of beano to be conducted under a license); revised, 1973, 729 § 3.

SECT. 23 amended, 1934, 235 § 3, 303 § 1; 1953, 319 § 30. (See 1953, 319 §§ 39, 40.)

SECTS. 31, 33, 34 affected by 1935, 454 § 8, 471 § 2.

SECT. 31A added, 1964, 330 (prohibiting the transmission of certain racing results or information knowing it is to be used for unlawful purposes).

SECT. 39A added, 1947, 405 (imposing a penalty on persons who offer or accept bribes in certain athletic contests and sporting events).

SECT. 40 revised, 1954, 323.

SECT. 43 added, 1941, 630 § 4 (imposing a penalty for the misuse of information relative to recipients of general public assistance, old age assistance, aid to dependent children and aid to the blind); amended, 1945, 240 § 3; 1963, 432 § 15; 1966, 535 § 14; 1967, 658 § 78.

SECT. 44 added, 1950, 166 § 1 (making certain settlements and releases obtained from injured persons confined in hospitals invalid). (See 1950, 166 § 2.)

SECT. 45 added, 1952, 346 (prohibiting the charging of fees solely for the registration of prospective tenants of dwellings).

SECT. 46 added, 1953, 187 (regulating the disposal of containers used for refrigerative purposes); revised, 1954, 191 § 1; 1958, 604; amended, 1959, 107; revised, 1959, 431 § 1. (See 1954, 191 § 2.)

SECT. 47 added, 1958, 347 (relative to reinstallation of telephones used in connection with gambling); amended, 1973, 793 § 5.

SECT. 48 added, 1962, 91 (regulating advertisements and contracts of schools or persons offering civil service courses).

SECT. 49 added, 1970, 826 (reestablishing the crime of usury); paragraph (e) revised, 1971, 368.

SECT. 50 added, 1973, 874 (regulating the sale of certain themes or papers and prohibiting the taking of certain examinations for another).

Chapter 272. — Crimes against Chastity, Morality, Decency and Good Order.

SECT. 5 revised, 1948, 137.

SECT. 9 amended, 1959, 313 § 9.

SECT. 12 amended, 1969, 59 § 3.

SECT. 15 amended, 1969, 301.

SECT. 20 amended, 1966, 265 § 2.

SECT. 21 amended, 1966, 265 § 3.

SECT. 21A added, 1966, 265 § 1 (authorizing registered physicians or pharmacists to furnish drugs or articles for the prevention of pregnancy or conception).

SECT. 21B added, 1973, 521 § 2 (providing that certain hospitals shall not be required to admit patients for certain purposes).

SECT. 25 revised, 1933, 376 § 4.

SECT. 26 amended, 1939, 451 § 66; 1962, 224.

SECT. 28 amended, 1934, 231; 1943, 239.

SECT. 28 stricken out, and new sections 28-28H inserted, 1945, 278 § 1, (relative to obscene books and other obscene matter) (See 1945, 278 § 2.)

SECT. 28, sentence added at end, 1948, 328; section revised, 1959, 492 § 1; 1966, 418 § 1.

SECT. 28A revised, 1959, 492 § 2.

SECT. 28B revised, 1959, 492 § 2; amended, 1960, 311.

SECT. 30 stricken out and sections 30 and 30A inserted, 1956, 724 § 1. (See 1956, 724 § 2.)

SECT. 30B added, 1961, 407 (providing for the forfeiture of obscene publications, prints, figures and records, and of other articles).

SECT. 30C added, 1965, 233 (prohibiting certain tie-in sales in connection with the sale of books, periodicals and phonograph records).

SECT. 31 amended, 1967, 364 § 1; last sentence revised, 1970, 348 § 1; amended, 1972, 802 § 62. (See 1972, 802 § 77.)

SECT. 32 amended, 1967, 364 § 2; last sentence revised, 1970, 348 § 2; amended, 1972, 802 § 63. (See 1972, 802 § 77.)

SECT. 33 revised, 1971, 55.

SECT. 35A added, 1955, 763 § 4 (providing a mandatory prison sentence for certain persons convicted of committing an unnatural act); amended, 1973, 925 § 79. (See 1973, 925 § 84.)

SECT. 36A added, 1963, 203 (prohibiting profane, obscene or impure language or slanderous statements from being directed at a participant or an official in a sporting event).

SECT. 37 repealed, 1962, 285 § 4.

SECT. 38 revised, 1970, 477.

SECT. 40 revised, 1969, 463 § 1.

SECT. 40A added, 1962, 317 (prohibiting the sale, delivery or possession

of alcoholic beverages in public school buildings or on any premises used for public school purposes).

SECT. 43A added, 1947, 358 (providing a penalty for smoking in public conveyances); revised, 1968, 310.

SECTS. 44-50 repealed, 1971, 1076 § 11. (See 1971, 1076 § 22.)

SECT. 45 amended, 1946, 274; revised, 1947, 409; 1959, 313 § 10.

SECT. 47 amended, 1959, 313 § 11.

SECT. 48 revised, 1956, 715 § 20; amended, 1970, 888 § 29. (See 1970, 888 § 31.)

SECTS. 51 and 52 stricken out, 1957, 660 § 2. (See 1957, 660 §§ 6, 7.)

SECT. 53 revised, 1943, 377; amended, 1956, 715 § 21; revised, 1959, 304 § 1; amended, 1973, 1073 § 20.

SECT. 62 amended, 1956, 715 § 22.

SECT. 63, first sentence revised, 1966, 343.

SECT. 64 amended, 1951, 119 § 1; 1956, 715 § 23; revised, 1957, 315.

SECT. 66 amended, 1939, 451 § 67; 1951, 119 § 2; revised, 1969, 782.

SECT. 67 amended, 1959, 313 § 12.

SECT. 68 revised, 1967, 367.

SECT. 69 amended, 1959, 313 § 13.

SECT. 73 revised, 1958, 352; 1966, 312; amended, 1972, 552 § 2.

SECT. 73A added, 1973, 448 (authorizing the removal of gravestones and memorials for repair or reproduction).

SECT. 75 amended, 1971, 407.

SECT. 77 amended, 1968, 59; revised, 1972, 46.

SECT. 78A added, 1969, 223 (regulating the sale of foals under five months).

SECTS. 79A and 79B added, 1934, 234 § 1 (relative to the cutting of the muscles or tendons of horses' tails and to the showing or exhibiting of horses whose tails have been so cut or have been docked). (See 1934, 234 § 2.)

SECT. 79B revised, 1946, 131.

SECT. 80 repealed, 1934, 234 § 1. (See 1934, 234 § 2.)

SECT. 80A revised, 1962, 106.

SECT. 80C added, 1945, 272 (penalizing the unauthorized taking of cats, dogs or birds for certain purposes); sentence added at end, 1957, 298 § 6.

SECT. 80D added, 1947, 168 (regulating the sale at retail of certain living baby chicks, ducklings and other fowl); revised, 1973, 88.

SECT. 84 amended, 1951, 34 § 1.

SECT. 85 repealed, 1951, 34 § 2.

SECT. 85A added, 1945, 276 § 1 (relative to killing, etc., of dogs and other domesticated animals and certain birds); first sentence amended, 1951, 185.

SECT. 90 amended, 1959, 313 § 14.

SECT. 91 amended, 1959, 313 § 15.

SECT. 92A added, 1933, 117 (preventing advertisements tending to discriminate against persons of any religious sect, creed, class, denomination or nationality by places of public accommodation, resort or amusement); second paragraph revised, 1953, 437; section revised, 1971, 418 § 1.

SECT. 97 repealed, 1962, 285 § 4.

SECT. 97A added, 1934, 164 (prohibiting the use of documents drawn to imitate judicial process).

SECT. 98 amended, 1934, 138; revised, 1950, 479 § 3; first sentence amended, 1963, 613 § 5; revised, 1971, 418 § 2.

SECT. 98A added, 1938, 155 § 1 (entitling blind persons accompanied by "seeing eye" dogs, so called, to certain accommodations, advantages, etc.).

SECT. 98B added, 1941, 170 (to prevent discrimination in employment on public works and projects and in the dispensing of public welfare because of race, color, religion or nationality).

SECT. 98C added, 1943, 223 (penalizing the libel of groups of persons because of race, color or religion).

SECT. 99 revised, 1959, 449 § 1; 1968, 738 § 1.

SECT. 99A added, 1956, 48 § 1 (prohibiting wire tapping of juries or jury rooms).

SECT. 100 amended, 1956, 48 § 3; revised, 1959, 449 § 2; repealed, 1968, 738 § 4.

SECT. 101 amended, 1956, 48 § 4; repealed, 1968, 738 § 5.

SECT. 102 amended, 1956, 48 § 2; repealed, 1968, 738 § 6.

SECT. 103 added, 1936, 417 (prohibiting marathon dances, other marathons or walkathons, so called).

Chapter 273. — Desertion, Non-support and Illegitimacy.

SECT. 1 amended, 1939, 177 § 1; first sentence revised, 1954, 539; amended, 1957, 49; sentence inserted after first sentence, 1971, 276; sentence inserted after first sentence, 1971, 762. (See 1939, 177 § 2.)

SECT. 2 amended, 1933, 224; revised, 1943, 87 § 1; amended, 1953, 319 § 31; revised, 1958, 200; 1969, 859 § 24; 1972, 731 § 20. (See 1943, 87 § 2; 1953, 319 §§ 39, 40.)

SECT. 4 amended, 1959, 313 § 16.

SECT. 8, sentence added at end, 1953, 505; revised, 1960, 791.

SECT. 9 repealed, 1938, 219 § 1.

SECT. 10 revised, 1938, 219 § 2.

SECT. 12A added, 1954, 232 (providing for blood grouping tests to aid in the determination of paternity).

SECT. 14, sentence added at end, 1943, 13.

SECT. 17 revised, 1953, 163.

SECTS. 20-22. See 1937, 440 § 2; 1941, 597 § 1, 729 § 2; 1943, 489 § 2; 1945, 683 § 2.

SECT. 20, first sentence amended, 1973, 925 § 80. (See 1973, 925 § 84.)

SECT. 23 added, 1959, 402 (providing a penalty for the failure by a father or mother to support a needy disabled son or daughter).

Chapter 273A. — Uniform Reciprocal Enforcement Act (former title, Enforcement of the Duty to Support Dependents).

New chapter inserted, 1951, 657 § 1.

Chapter stricken out and new chapter 273A (with new title) inserted, 1954, 556 § 1. (See 1954, 556 §§ 7-10.)

For prior changes see Table of Changes contained in Acts and Resolves of 1953.

The following references are to chapter 273A, as so inserted:

SECT. 6 revised, 1958, 239 § 1; sentence added, 1965, 17 § 1.

SECT. 9, sentence added at end, 1957, 74; same sentence stricken out, 1965, 17 § 2; sentence added at end, 1960, 42.

SECT. 10 revised, 1958, 239 § 2.

SECT. 12 revised, 1958, 239 § 3.

SECT. 15, first and second paragraphs revised, 1957, 110 § 1; 1965, 20 § 1.

SECT. 15A added, 1957, 110 § 2 (excusing petitioners in proceedings under the uniform reciprocal enforcement of support act from payment of entry fees and costs in certain cases); revised, 1965, 20 § 2.

Chapter 274. — Felonies, Accessories and Attempts to Commit Crimes.

SECT. 2 revised, 1968, 206 § 1; 1973, 529 § 1.

SECT. 3 revised, 1968, 206 § 2; 1973, 529 § 2.

SECT. 4 revised, 1943, 488 § 1. (See 1943, 488 §§ 2, 3.)

SECT. 7 added, 1968, 721 § 1 (relating to punishment for certain criminal conspiracies).

Chapter 275. — Proceedings to Prevent Crimes.

SECT. 1 amended, 1959, 313 § 17.

SECT. 8 amended, 1959, 313 § 18.

SECT. 15 repealed, 1932, 180 § 42.

Chapter 276. — Search Warrants, Rewards, Fugitives from Justice, Arrest, Examination, Commitment and Bail. Probation Officers and Board of Probation.

SECT. 1, first paragraph amended, 1934, 303 § 2; 1963, 96 § 1; clause Sixth amended, 1943, 508 § 5; clause Eleventh amended, 1934, 235 § 1; clause Sixteenth added, 1947, 93; section revised, 1964, 557 § 1.

SECT. 1A added, 1955, 272 § 1 (providing for the issuance of search warrants for books, records and material belonging to subversive organizations). (See 1955, 272 § 2.)

SECT. 2 amended, 1959, 313 § 19; revised, 1963, 96 § 2, 1964, 557 § 2.

SECTS. 2A, 2B and 2C added, 1964, 557 § 3 (relative to the issuance and form of search warrants).

SECT. 2B, jurat clause of affidavit revised, 1965, 384.

SECT. 2C amended, 1967, 802 § 4.

SECT. 3 amended, 1934, 340 § 15; 1957, 660 § 3; revised, 1964, 557 § 4; amended, 1965, 325; paragraph (a) revised, 1967, 347 § 12; section revised, 1971, 1071 § 7. (See 1934, 340 § 18; 1957, 660 §§ 6, 7; 1971, 1071 § 9.)

SECT. 3A added, 1934, 247 (concerning the service of search warrants); amended, 1962, 328; revised, 1964, 557 § 5.

SECT. 7 amended, 1934, 235 § 2; 1957, 660 § 4; revised, 1964, 557 § 6. (See 1957, 660 §§ 6, 7.)

SECT. 8 amended, 1959, 313 § 20.

SECT. 9 amended, 1947, 359; 1964, 111.

SECT. 10, paragraph added, 1971, 57.

SECTS. 10A-10D added, under caption, 1937, 208 § 1 (making uniform the law as to extraterritorial arrest on fresh pursuit and authorizing this commonwealth to co-operate with other states in connection therewith). (See 1937, 208 § 2.)

SECTS. 11-20 and caption "FUGITIVES FROM JUSTICE" stricken out and new sections 11-20R inserted, under caption "PROCEDURE ON INTERSTATE RENDITION", 1937, 304 § 1. (See 1937, 304 §§ 2, 3.)

SECT. 21 amended, 1953, 319 § 32. (See 1953, 319 §§ 39, 40.)

SECT. 22 amended, 1959, 313 § 21.

SECT. 24 revised, 1973, 566.

SECT. 25 revised, 1967, 338; 1968, 698.

SECT. 28 amended, 1949, 184.

SECT. 33A added, 1945, 205 (providing that certain persons held in custody shall be permitted to communicate by telephone with relatives and others); amended, 1946, 277; sentence added at end, 1958, 113; section revised, 1960, 269; last sentence revised, 1963, 212.

SECT. 34 amended, 1959, 313 § 22.

SECT. 37A added, 1932, 180 § 43 (relative to the assignment of counsel to appear, on behalf of a person accused of a capital crime, at his preliminary examination); amended, 1959, 313 § 23. [For prior legislation, see G. L. chapter 277 §§ 48, 49, repealed by 1932, 180 § 44.]

SECT. 44 amended, 1959, 313 § 24.

SECT. 47 revised, 1967, 380.

SECT. 52A added, 1943, 131 (providing that persons held in jail for trial may be removed in certain cases to a jail in another county); second and third sentences stricken out and three sentences inserted, 1971, 592 § 1; first sentence amended, 1973, 514.

SECT. 57, first paragraph amended, 1953, 319 § 33; 1964, 67; 1965, 280; sentence added at end of second paragraph, 1943, 330; same paragraph revised, 1945, 235; paragraph added at end, 1939, 299 § 4. (See 1953, 319 §§ 39, 40.)

SECT. 58 revised, 1970, 499 § 1; 1971, 473 § 1. (See 1970, 499 § 4.)

SECT. 61 amended, 1959, 313 § 25.

SECT. 61B, eighth sentence revised, 1972, 294.

SECT. 65, second sentence stricken out and two sentences inserted, 1970, 499 § 2; section revised, 1971, 473 § 2. (See 1970, 499 § 4.)

SECT. 68, second sentence revised, 1962, 356; 1964, 316; 1970, 499 § 3. (See 1970, 499 § 4.)

SECT. 79 amended, 1959, 313 § 26.

SECT. 80 amended, 1959, 313 § 27.

SECT. 82A added, 1965, 396 (providing a criminal penalty for failure to appear in court after release on bail or recognizance).

SECT. 83 revised, 1936, 360; amended, 1937, 186; revised, 1947, 566 § 1; sentence inserted before last sentence, 1947, 639; section revised, 1949,

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SECT. 83A added, 1941, 677 § 1 (providing that certain district courts may join in the appointment of probation officers to act exclusively in juvenile cases therein); first paragraph amended, 1947, 566 § 2; revised, 1947, 655 § 1; amended, 1951, 563 § 1; stricken out and two paragraphs inserted, 1956, 731 § 14; first paragraph, sentence added at end, 1968, 691; second paragraph, first sentence revised, 1969, 88; paragraph added at end, 1951, 563 § 2. (See 1947, 655 § 3; 1956, 731 §§ 29-33.)

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SECT. 100B added, 1972, 404 (providing for the sealing of certain delinquency records in the office of the commission of probation).

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SECT. 101A added, 1947, 364 § 1 (providing for uniform forms of blanks and records for use by district court probation offices); revised, 1956, 731 § 24. (See 1956, 731 §§ 29-33.)

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SECT. 38 amended, 1957, 660 § 5; revised, 1971, 1071 § 8. (See 1957, 660 §§ 6, 7; 1971, 1071 § 9.)

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SECT. 72A added, 1963, 486 (providing that certain prisoners shall be brought into court for trial or indictments pending against them if they make application therefor); revised, 1965, 343.

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SECT. 33E amended, 1939, 341; second paragraph amended, 1962, 453.

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SECT. 16 amended, 1953, 319 § 38. (See 1953, 319 §§ 39, 40.)

The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY, BOSTON, January 13, 1975.

I hereby certify that the acts and resolves contained in this volume are true copies of the originals on file in this department.

I further certify that the table of changes in the General Laws and the index have been prepared under the direction of the Committees on Rules of the two branches of the General Court, in accordance with the provisions of section 51 of chapter 3 of the General Laws.

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

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